

Legislative Council

Wednesday, 10 November 1993

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

MOTION - URGENCY

Ground Waters Contamination

Debate resumed from 4 November.

HON DOUG WENN (South West) [2.37 pm]: I refer members briefly to the points I made last Thursday on this motion moved by Hon Jim Scott. When I referred to the problems in the country areas, particularly the south west, I was pointing out how the south west has been able to learn from its water problem and that we in the metropolitan area could take advantage of that knowledge. I covered in considerable depth most of the points in the motion. I referred to chemical contamination, although I did not cover the problems with industrial solvents. However, throughout Western Australia pesticides and herbicides are a problem. Not only farmers should be accused outright of being responsible for water contamination through the use of these chemicals. As I said earlier, people who move into new housing developments want to grow you beaut new lawns very quickly and in order to do that they cover them with chemicals. In sandy areas those chemicals are absorbed very quickly into the water system. Chemical contamination is a huge problem. In the past, some companies - thankfully not many - as part of cost cutting measures have emptied their chemical waste, highly illegally, into areas where that was not permitted. Subsequently, they have been found out and fined fairly heavily. Unfortunately it is still happening in many areas. Not too long ago a regulation was introduced to require tyre companies to dispose of their surplus used tyres on rubbish tips. I have friends in the industry who have told me the companies have asked farmers if they could dispose of tyres on their properties. They dig a hole in which they place the tyres and then cover them with soil. Obviously that will contaminate the soil and eventually the ground water. I have also been told that in the metropolitan area people have illegally dumped tyres and the chemicals produced from the breaking down process leak into the ground water.

Hon W.N. Stretch: How long does it takes for a tyre to break down?

Hon DOUG WENN: I do not know, but if other chemicals are used in the breaking down process they could break down very quickly. I am not an industrial chemist and I am unable to give the member the details. Because of the chemical reaction a tyre beneath the soil would break down more quickly than a tyre on the surface. Tyres have been used in the ocean to attract fish and when they are eventually covered in seaweed they last a long time.

Hon W.N. Stretch: That is good usage.

Hon DOUG WENN: It is, and we should encourage this use of old tyres. Irrespective of what people say, the fishing industry is heading into huge problems and the tyres could be used to the fishermen's advantage.

We are all aware of the damage caused by dishwashing detergents, but, thankfully, biodegradable washing detergents are being manufactured and they break down very quickly. However, the use of washing detergents is causing a problem, especially in the metropolitan area.

I am not aware of any major problems in the country from the leakage of petroleum from underground storage tanks. This is probably because the people involved have been sensible enough to place the tanks in a position where, if they were to leak, they would not have a great effect on the surrounding area. Unfortunately, problems with leaking petroleum tanks have been encountered in the metropolitan area, particularly in the northern suburbs. I do not know how the problem can be resolved. Perhaps it will

resolve itself in time with new engineering techniques. Members will be aware that a solar vehicle race is being held from the tip of the most northern part of Australia to Melbourne or Sydney. Obviously there are many arguments for and against the designing of machinery that does not run on petroleum. Of course, the petroleum industries will argue against it.

Paragraph (b) of the motion refers to nutrients from intense horticulture, urban gardens and sewerage which cause a significant threat to Western Australian ground waters. I hope the House will look seriously at the motion I have on the Notice Paper for the establishment of a select committee to inquire into and report on waste minimisation, storage and disposal in this State. It is at the bottom of the Notice Paper and I do hope that we are given the opportunity to debate it in the near future. Previous select committee inquiries have made farmers aware that they must implement measures to ensure that ground water is not contaminated.

The Peel Inlet and the Swan River present a huge problem because of the misuse of agricultural nutrients. However, people are being educated on new methods of using fertilisers which will prevent nutrients from agricultural pursuits contaminating the waterways. Many people are presenting a threat to the Western Australian ground waters by using fertiliser on their lawns so that they will grow very quickly. It is a problem even though an individual will say that he used fertiliser on only a small patch of lawn. What he does not realise is that there are thousands of other people in close proximity to him who are doing exactly the same thing.

This State is falling further behind in implementing sewerage schemes throughout this State. The cost of providing sewerage schemes to new suburban areas is massive. I referred last week to the cost of land in Nannup if a sewerage scheme were implemented in that town. Naturally, this would bring more people into the town and they would be happy to contribute to the Nannup townsite. However, if connection to a sewerage scheme were available to people in that town the cost of a block of land would increase from \$7 000 to nearly \$20 000. When the Opposition was in Government it was looking very seriously at the implementation of biotech tanks. I have seen them operating in Greenbushes and they do provide the answer to this State's sewage problem. A large part of the Perth metropolitan area is serviced by sewerage schemes, but we need to allocate more funds so that the waste water from the sewage plants can be recycled. In many countries the waste water is recycled into drinking water and there is no reason why it cannot be done in this State. We are approaching the summer months and I think it will be a very hot summer, albeit we had huge rains the other day. In Bunbury yesterday it was raining very heavily at 6.00 am. By the time I reached Mandurah at 10.00 am on my way to Perth it was still raining, but by the time I arrived at Rockingham the rain had virtually fizzled out. I know that the metropolitan area has not received very much rain and that rain, like we had yesterday, would be lost because it would run out into the ocean.

The problem with unlined urban landfills is a real problem throughout this State. My motion to establish a select committee refers to the investigation of unlined urban landfills. Last year there was some controversy about an urban landfill site somewhere in the northern suburbs. It was established in a place that was not fully protected and this is because there is a lack of input from both the State Government and local authorities. The south west has huge problems with landfill sites. Collie is situated on a water basin and the local authority is experiencing difficulty finding a suitable location for a landfill site. The Bunbury and Harvey local authorities had a similar problem, but they combined their resources and found an appropriate site for a rubbish tip. The south west towns, including those I have mentioned, and Margaret River and Augusta are seriously considering the suitability of waste disposal sites and they want to solve that problem to prevent the contamination of the ground water.

When I moved my motion for the establishment of a select committee I read to the House letters from concerned people in the towns I have mentioned about urban landfill sites. I agree with Hon Jim Scott that the planning processes are irresponsible. I do not know whether they are incompetent, but they are certainly irresponsible in regard to the number

of landfill sites that have been made available. There are many planning authorities in this State, and I hope that the Department of Planning and Urban Development will leave it to local councils and shires to assess what is appropriate for their areas. That does not always work, and I have no hesitation in saying that we had the same problem when we were in Government. It is now time to take control of that issue and to ensure that authorities implement appropriate planning processes.

One of the problems with water supply in the Perth metropolitan area is that we have not allowed for the population growth in this area, which has increased beyond our expectations. I note the point made by Hon Jim Scott that the Government wishes to achieve decentralisation. That process commenced under the previous Government, and I am not sure whether it will continue. We experienced the problem in the south west where we decentralised so quickly that we lost control for a while, but we have now been able to come up with the appropriate answers. Planners in the Perth metropolitan area should read the *Hansard* debates of this House in regard to this issue and they may be able to take advantage of the findings that have come forward from those country areas which have been hit with problems which are equally as serious as those which are being experienced in the metropolitan area, although perhaps not on the same scale.

I do not know how we can ensure that we have adequate monitoring by monitoring bodies, because there will always be individuals who will try to beat the system in order to cut costs. I do not know how we can prevent people from dumping solvents illegally. Government can only provide a certain degree of monitoring because we are talking about not just the metropolitan area but the whole State. Perhaps Hon Jim Scott can explain to me how he believes we can take control of that monitoring.

In regard to the lack of consideration given to the public voice, people in the south west have had a huge input into waste management. Private enterprise is now taking part in the disposal of waste, which goes through a filtering system in factories in Picton, just out of Bunbury. We still have a problem in many areas where the final waste sewage product is being pumped into the ocean. We must look at the technology available so that sewage can become a treatable resource.

We have a problem not only with the condition of the water in the metropolitan area but also with the amount of water available. I know that some members even on my side of the House have a problem with the proposal by Ernie Bridge to pipe water from the Kimberley. That is a great idea. California has taken the initiative of putting a pipeline across the desert, and that has become a \$1b a year industry. I know there are problems with the management of that pipeline, and that has been put as an argument against it many times in the past, but for the sake of this State, Hon Ernie Bridge's pipe dream, as we call it, should not be put aside. It should be looked at seriously, because it has the potential to enhance greatly those areas of Western Australia which are not being utilised. Ninety-nine per cent of Australians want to live on the five mile strip along the coast. This is a great country, of which we can be very proud, and we should try to enhance its potential. In our immigration policies we should convince people that there are areas in which to live other than along the coast.

I thank Hon Jim Scott for moving this important motion. He referred to the threat to ground water in the metropolitan area, but that threat goes beyond the metropolitan area. The south west, which is represented by Hon Barry House, Hon Bob Thomas, Hon Bill Stretch and me, is an area of which we are very proud. The people in that area have handled their waste management fairly well, but they still need help. They have good quality ground water and they know how to control it. People in the metropolitan area should have a good look at what is happening in country areas and at what the farmers are doing. They are becoming good environmentalists because they understand that a shortage of usable land results in a reduction in profits. I support the motion.

HON BOB THOMAS (South West) [2.58 pm]: I congratulate Hon Jim Scott for bringing this matter to the attention of the House, because recently some publicity has surrounded the effect of various solvents and nutrients getting into Perth's ground water. We know that 40 per cent of Perth's water supply comes from artesian bores, and that the

urban industrial and horticultural land use practices in which we have engaged over the last 150 years have had some impact, as has the way in which we have disposed of our society's waste products. However, Hon Jim Scott should not be too pessimistic about this issue, because we engaged in this debate in Albany several years ago, with some positive outcomes.

Members who have been here some time would know that I have spoken on numerous occasions about the way that Albany has upgraded its sewage treatment plant. The King Point primary treatment sewage plant, which is near the mouth of Princess Royal Harbour, has reached its optimum capacity and will need replacing in the next 10 years. When I first went to Albany in 1989 rapid decisions had to be made about how to replace that treatment plant. Serious health and pollution problems arose with Princess Royal Harbour, and the treatment plant was contributing 10 per cent of the nutrient inflow to the harbour causing an algal build up which was killing off the sea grass. We had urban run off and industrial effluent being pumped into the harbour by various licensed operators: Metro Meat Ltd and Southern Processors Ltd were two of most infamous licence holders, although most of the discharge came from CSBP & Farmers Ltd, and some agricultural run off was involved.

The ensuing debate was primarily regarding the issue of cleaning up the harbour and replacing the King Point treatment plant, and finding an alternative solution to the problem of effluent disposal. This had to be cost effective in disposing of the effluent. Some serious decisions had to be made in this regard. As a first for the Water Authority, we engaged in community consultation in a certain manner before the authority made a decision on its course of action: Hon Ernie Bridge, to his credit, appointed Professor Des O'Connor to head up the community committee, comprising Doug Stoney and Annette Knight among others. The committee consulted the community on a number of occasions, holding public meetings to canvass a range of options on sewage treatment and disposal.

At about the third public meeting the committee presented a number of proposals for the community to consider. One proposal was for a tertiary treatment of the effluent and recharging our aquifers with the treated effluent. Members would be aware that Albany is very dependent on the artesian bores for drinking water. We do not have a valley which can be dammed to obtain fresh water, and we have no major rivers from which we can pump water supplies. Most of our water comes from the artesian aquifers on the south coast around Frenchman's Bay and Little Grove.

Another option was a secondary treatment of the effluent using one of the three ocean discharge possibilities. The first option - which was regarded as the most favourable to the Water Authority - was shore line discharge at Sand Patch. It would involve siting a treatment plant on the sand dunes and running a pipe down the Sand Patch cliffs to the shore line and pumping the effluent to maybe 10 or 20 metres into the surf. The Water Authority believed the natural tides, currents and wave actions would disperse the secondary treated effluent. However, the option received huge opposition.

The second ocean discharge option was to take a pipe from the treatment plant at Oyster Harbour, across the harbour and out to Ledge Beach for disposal. This was unacceptable to the community as it involved pumping effluent into relatively closed waters into which the effluent would not have dispersed rapidly. Another option was to pipe the effluent 11 km along the shore to the Two People's Bay area, and then a kilometre offshore to the reef line for disposal. This again was highly unacceptable to the community. Another contentious issue which the committee discussed was to increase the capacity of the secondary treatment plant at Timewell Road, and then discharge the effluent into Five Mile Creek, a fresh water body which edges onto Lake Powell. The theory was that the water body already had a high level of nutrient. The secondary treatment plant at Timewell Road could pump the effluent into the water body, and the nutrient level to be pumped into Five Mile Creek was lower than that running into Lake Powell; this would reduce the average level of nutrients in the lake.

People in the surrounding areas such as Grassmere and Elleker were outraged at the

proposal, due to pathogens and other nasties in the effluent. Also, the potato farmers felt that they would lose control over water levels and reticulation, and this would affect their crops. Therefore, the community agreed that another option was required which had not been canvassed by the committee. A number of us canvassed the idea that we needed a land-based disposal system. I recall attending public meetings on a Sunday afternoon at Emu Point with many users of the Sand Patch area. Many people attending the meeting were people such as members of the surfing fraternity, ornithologists and bush walkers. We agreed that the most cost effective land based disposal system would be to utilise the increased capacity at Timewell Road, and pumping the effluent to be used for reticulation.

We conducted a letter writing campaign and I am proud to say that this resulted in about 1 000 letters being received at the Minister's office. The Minister's staff quickly changed their attitude on that option. I had discussed the idea with them before, but the department had not been prepared to canvass a land-based disposal system. When we indicated the level of community support for the option, we were able to convince those at Mr Bridge's office that it was a viable option. Consequently, we were able to change the thinking at the Water Authority. I am absolutely convinced that the engineers at the Water Authority had concluded that the best solution was to maintain the status quo; namely, a secondary treatment plant pumping effluent into the ocean.

The cheapest way to do that was shoreline discharge at Sand Patch. Albany's problem was addressed on a community basis. We came up with leading edge technology. We are piloting a sewage treatment and disposal method which has not been done elsewhere in Western Australia. Other land based disposal projects are in place in areas which have a much higher evaporation rate than Albany and which do not have the same problem with inland fresh water courses, but in Albany the precipitation rate is much higher than the evaporation rate for six and probably eight months of the year; as a result these sorts of land based sewage disposal proposals have not been viable. We were able to show the Minister and eventually the Water Authority that a land based disposal system was possible in our area because the soils in various parts of our region are highly calcified; they are often referred to as Karri loam. These soils, because they are nutrient deficient and calcified, soak up nutrients which are pumped into them.

The Environmental Protection Authority examined this proposal and found that if we were to contour these sites properly and use an integrated method of running the effluent through pastures where the nutrients could be soaked up from the effluent, then run it into dams which used to reticulate or trickle irrigate blue gum plantations, we could effectively lock up those phosphorous nutrients within that area. Over the past couple of years about 500 ha of land was purchased around the airport in Albany. In May this year the Water Authority started ripping the area and planting about 150 ha of blue gums which will be the first crop irrigated from the secondary treated effluent which will be pumped up from Timewall Road. The trees are said to soak up about 10 per cent of nutrients and the soils the other 90 per cent.

Albany has suffered quite serious economic setbacks over the past 20 years or so. It lost its whaling station and recently the wool price collapse caused a downturn and \$100m was lost from the local economy. This sewage treatment plant offers the beginning of a new industry; that is, the blue gum hardwood paper pulp industry. Over the next seven years 350 ha of blue gums will be planted on that site. They will grow a lot faster than in a formal plantation on a farm in our region because of the added nutrients that are being reticulated onto these trees.

Hon Sam Piantadosi: Was that supported by all members in the South West Region?

Hon BOB THOMAS: I am not sure.

Hon Sam Piantadosi: They have been silent.

The PRESIDENT: The honourable member should take a leaf out of their books.

Hon BOB THOMAS: I have lost my train of thought thanks to that very helpful interjection from my colleague, Hon Sam Piantadosi. In my view there was overwhelming support from the community for that option.

Hon Sam Piantadosi: Not from the members opposite.

Hon BOB THOMAS: It adds another string to our economic bow. We are solving a waste product disposal problem while at the same time helping to create a new industry. I have told this House in the past that the establishment of a blue gum paper pulp industry in our region on CALM's figures alone will increase disposable income in our region by \$50m a year once CALM starts exporting half a million tonnes of woodchips by the year 2000. An extra \$50m a year of export income will come into the Albany region as a result of the woodchip industry. The sewage treatment option developed in Albany is the catalyst for the industry getting off the ground because CALM needed to get sufficient quantities and have enough contracts in place to be able to sign a contract with Oji Paper Company and Itochu Corporation, which are Japanese paper pulp companies.

If one has the proper consultative process and is prepared to do a bit of lateral thinking, as we have done in Albany, one could solve a lot of the problems in the metropolitan area. There needs to be an educational program in place, and perhaps Hon Jim Scott can give some consideration to establishing a select committee of this House or maybe a joint select committee of both Houses so we can start that process of raising public awareness and talking to the various players in this field, looking at options which may not be conventional but which may have some relevance and perhaps come up with some workable solution, in the same way we have done in Albany, which can be applied in the metropolitan area. I spend probably 30 per cent of my time in Perth and I use the water just like other metropolitan residents, so I have a vested interest in this, and no doubt some of the water I drink at my place in Victoria Park is ground water. Rather than sticking with the tried and true engineering solutions that the Water Authority has gone with in the past, perhaps Perth needs to broaden its horizons as we have done in Albany to look for some of those solutions. A good way for that to happen would be for a select committee of this House to start that process and perhaps generate some of the publicity and educational programs we need. I congratulate Hon Jim Scott for having brought this up and commend the motion to the House.

HON J.A. SCOTT (South Metropolitan) [3.18 pm]: I thank all members for their contributions: Hon Sam Piantadosi, Hon Max Evans from the Government side, Hon Doug Wenn and Hon Bob Thomas. All of these members showed the concern I hoped they would have that Perth's water supplies - as Hon Doug Wenn said, the water supplies of the whole State - are incredibly important to us.

Hon Sam Piantadosi: Not to some members.

Hon J.A. SCOTT: Everyone is aware that clean air and water and a productive earth are the basis of life on this planet and are things we cannot do without. I was glad Hon Bob Thomas brought up education not only of the public but also general education. That was one of the first points I raised. I believe that not only should we begin teaching our children how to protect our ground waters and how not to waste our water resources, but also we should be looking to our general community. This morning I had the opportunity to see the opening of a boardwalk at Booragoon Lake, which was built by the Melville City Council and funded by the Federal Government. A problem in that area was the effect of garden fertilisers and the run off into that lake system. One of the things people do not realise is the importance of the wetlands as a way of cleaning our ground water. Wetlands soak up a great deal of the nutrients put into the ground by agriculture, horticulture, gardens and even sewage. In the Eastern States artificial wetlands are used to clean up river systems.

In Perth, where we have lost 80 per cent of our wetlands, we should be mindful that we need to protect what we have left. We need an education process for business, builders, horticulturists and gardeners, and right throughout the whole of our society, because at some stage or another we all use water as part of our lives. We all waste water or dirty it in some way or use fertilisers in our gardens. We should be looking at local government programs of mulching, using organic fertilisers and slow release fertilisers for example. We also need to consider conservation of water through water saving, such as shower fittings and the recycling of grey water, which is bath water, for use in gardens. We need

to look at recycling our sewage as well; pumping it into the ocean is not the answer. Though it may be a temporary answer it is not a permanent one.

Hon Derrick Tomlinson: It could be by recycling the water into the sewage in some way.

Hon J.A. SCOTT: We have to look at some of the methods of disposal. The Health Department has had problems with illegal dumping from septic tanks. The regulations need to be tightened up, because we cannot have septic effluent dumped into the drains at the side of the road, so people can save themselves some money. In the past people have got out of that by saying that it was done by subcontractors. The licensing system will have to be looked at with a view to taking away the licence of the contractor responsible.

Hon Derrick Tomlinson: Have you got the proof of that?

Hon J.A. SCOTT: I have not seen it done, but I have been told by members of the Health Department who have looked into this matter that it has occurred. Licences are not taken away, because it is always alleged that it is the fault of the subcontractor. Another area we have to look at is winding down our landfill rubbish disposal sites, as a number of people have mentioned, especially the unlined landfill sites. The latest of our landfill sites, the Mindarie tip, should never have been built and, as I pointed out in my last point of this motion, had the public been listened to, it would never have been built there. It should have been lined if it were ever to be built there at all.

Several members interjected.

The PRESIDENT: Order! Honourable members can see that the honourable member is keeping his eye on the clock, so they should not interrupt him.

Hon J.A. SCOTT: We need to have the Environmental Protection Authority and the Water Authority in on the planning process at the macro level. A good example of this is the battle in North Fremantle over the Caltex fuel storage tanks the local population did not want. It was not necessary for the tanks to be in that location, but the EPA's assessment criteria were such that it could assess only whether it was safe for that area, instead of looking at whether it was the most suitable place in the city for the tanks. It is the integrated land use study basis we have to look at, such as the type I mentioned before that was carried out in the Shire of Jarrahdale-Serpentine, where the competing land uses were overlaid and the best possible use based on environmental, social and economic criteria was worked out for the whole shire. Another area, where I would slightly disagree with Hon Doug Wenn, is that instead of looking at bringing water into Perth, we need to look at taking people into other areas where there is water. That entails a hard look at regional development. A Bill is on the way to this House that will deal partly with that, and I hope it turns out to be successful. We need to look at controlling products which are sold in supermarkets and are damaging to our ground water supplies. Overall, the prime concern that Governments have to tackle is looking at a population limit for the city, which is a bit hard for some people here to face but must be faced at some stage. This coastal plain cannot sustain the sort of population people envisage 50 or 100 years hence in Perth. A joint look at limiting the population level of Perth and a pro-active decentralisation push is needed very urgently. This Parliament must give more than lip service to all these things. As well as agreeing with it, we need action. Dropping the waste disposal motion further and further down the Notice Paper is not the answer. This was put up by Hon Doug Wenn and should be taken very seriously and moved up the list very quickly. It is a very important motion which should be given serious consideration, as most Government members will realise. It is left for me only to thank members for their contributions and seek leave to withdraw this motion.

Motion, by leave, withdrawn.

MOTION - SELECT COMMITTEE OF PRIVILEGE APPOINTMENT

Minister for Transport, Breach of Privilege

Debate resumed from 9 November.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.30 pm]: I was not only astounded and disappointed on coming into the Parliament yesterday and hearing

the motion that was put before the members of this House, but also stunned, to say the least. I consider a motion calling for a Select Committee of Privilege to be a very serious motion and, as a consequence, I take very seriously not only the content of the motion, but also the comments that were made by Hon John Halden and Hon Nick Griffiths. I was extremely disappointed with the comments made by the members. When I heard the examples that were given to the House about matters on which I am supposed to have misled the Parliament, I was very concerned about what drives some members in this place to delve so deeply in trying to score political points. The motion seems to have been based predominantly on some political motivation rather than on any genuine attempt to get consistency, continuity or anything in response to the questions, whether they were questions asked at an Estimates Committee hearing, which committee has not even completed its considerations yet because it has not presented its report to the Parliament, and questions asked in this place.

The questions asked as part of the Estimates Committee hearings were asked in a very unusual manner inasmuch as they arrived at my office seeking answers to be given at the Estimates Committee hearings. Those questions were given immediately to the officers within the respective departments under my portfolios and placed extreme pressure on those officers to supply answers in time for the hearings. It may have been better for me to come to the Estimates Committee hearings and report that there had not been time to evaluate those questions. However, because I have always wanted to answer questions and give responses to genuine questions asked by members, I asked that the answers be supplied to me for presentation to the committee. They were brought to the Chamber and were genuine, accurate responses by the departments on the information they had but without knowing about the Government's intentions and budgetary decisions.

I was asked by Hon Tom Stephens on that day to table the questions. I tabled them directly from the departments. That is not an excuse. Getting away from anything you have said, Mr President, or anything anyone else has said about the fact that I am not totally responsible for them, I accept that I am responsible for and associated with those responses. I should make the point that those hearings were a far cry from previous Estimates Committee hearings, particularly in their first years when a public servant, a departmental officer or a CEO was not allowed by the Ministers in the former Government to answer any questions whatsoever. Members had to sit there and try to get answers out of the Ministers in the previous Government. When we got answers, we never knew whether the answer was given as a result of departmental operations, but we had to accept it. We always accepted and respected that any question relating to the Government's operations was rightly and properly answered by the Minister. However, we believed it was acceptable for a CEO or his representative to answer questions relating to fundamental aspects of the workings of a department. However, that did not happen but it has slowly changed.

Hon Reg Davies: You, as chairman of that Estimates Committee, changed that in the second year.

Hon E.J. CHARLTON: Yes, I sought to do it not to take advantage of or to try to catch out a CEO but to get the information which the members required as part of that hearing. What was the point of having these hearings if we could not obtain responses to our questions? This Government has continued down that path. It has even progressed to the stage where, this year, Hon Tom Stephens forwarded his questions to my office before the hearings and demanded that the answers be tabled at the hearings so that he could then take advantage of the responses on the day.

Hon John Halden: What did you have to hide?

Hon E.J. CHARLTON: Fortunately, I am not like Hon John Halden; I do not run around hiding anything. It would probably be more appropriate for us to debate another item on the Notice Paper rather than this one.

Hon John Halden: Any time, my friend, any time. Debate it now.

Hon E.J. CHARLTON: If I had the member's history, I would not be here.

Those are the events that led to those answers being tabled at the Estimates Committee hearings. I stand by those answers. If I had had the time and decided to be more businesslike, I would have added to the answers provided by the departments - not changed them - and would have provided the information on the Government's decisions made in recent weeks and about which announcements have been made. The Acts Amendment (Department of Transport) Bill, notice of which I gave to the House yesterday, will probably be second read later today. Information relating to changes to the operations of the Department of Marine and Harbours was included in the Governor's speech. Departmental officers were not privy to the information on that Budget allocation to the department; that is a fact of life.

Hon Tom Helm: Are you saying that they did not know the answers to the questions?

Hon E.J. CHARLTON: No; I am trying to give the House the facts so that members understand that the response which was given in my name and which I stand by was a response to questions that had been sent directly to the department for a detailed answer which was then directly tabled. Because I tabled it straightaway, without adding the further information, the member did not receive that advice. Members have received it progressively and they will receive further information as time goes by. It is a wonder that the member has the gall to raise this issue, let alone move for a Select Committee of Privilege to be established, bearing in mind the record of the previous Government, of which he was a member. In 1989-90 the then Government allocated to the Department of Marine and Harbours for recurrent expenditure an amount of \$21.613m. In that year 330 FTEs were employed by the department.

In 1990-91 \$22.252m was allocated to the Department of Marine and Harbours, and the number of FTEs dropped to 318. In 1991-92, \$21.94m was allocated, a decrease of \$500 000, and the number of FTEs was down to 307. In 1992-93, \$22.183m was allocated, with 297 FTEs. In 1993-94 this Government has allocated \$22m, and the number of FTEs is 303. That gives some indication of the changes that have taken place in the funding of the Department of Marine and Harbours. The question itself is totally without foundation in so far as the member suggested that all of a sudden the Department of Marine and Harbours had suffered a catastrophic funding cut which would result in problems with safety, coastal management and other processes. On that basis this whole issue is a fraud by the member in the first place.

The other point worth noting is that the questions were asked by Hon Tom Stephens, and then along came his lordship, Hon John Halden, with his usual tricks, trying to get some political mileage out of this matter. This is the same member who, on 25 May 1993, when talking about Mandurah to Fremantle passenger transport, said that bus tickets bought on a private bus route would be non-transferable to public transport, pensioners and student concessions would be restricted, bus services would be less frequent and travel on private buses would be more expensive. He made those statements to *The West Australian*, indicating that would happen as a consequence of what he terms the privatisation of the public transport system. No mention of that was ever announced by me or by anyone else in the Government. The member made those outlandish statements and carried on, as he always does. He constantly tries to grab a headline - he made his statement in the House early yesterday afternoon, having already reported it to the Press. The member is always way off line, totally inaccurate, and totally without credibility, and his statements are totally without foundation and have nothing to do with the truth. However, he has the hide to come into this House and move that a Select Committee of Privilege be established because the Parliament has been misled by answers provided in the Estimates Committee compared with answers given to specific questions asked at a later date. He also said on 1 June in a press statement, when talking about road funding and public transport, that when the McCarrey report was released charges would increase.

Point of Order

Hon JOHN HALDEN: My point of order is purely a question of relevance. The motion before the House refers to different answers to questions that I or Hon Tom Stephens

asked. The Minister is diverging from that point and if you, Mr President, concur with my point of order, perhaps you will encourage him to get back to the topic at hand.

The PRESIDENT: The honourable member has a point of order. The Minister is deviating from the text of the motion and I suggest that if I leave the Chair until the ringing of the bells, he will have time to contemplate where he will take up from.

Sitting suspended from 3.45 to 4.02 pm

Debate Resumed

Hon E.J. CHARLTON: Just prior to the afternoon tea suspension Hon John Halden had moved a point of order which the President upheld, which I acknowledge. I was simply reminding a few people that when Hon John Halden makes statements, he never lets accuracy get in the way of a good story. Obviously he does not like to be reminded of those sorts of things, and takes umbrage when they are mentioned.

Hon Tom Helm: Just try to address the issue.

Hon E.J. CHARLTON: Hon John Halden likes to be on the front foot, making a few statements, but does not like to be reminded of a few facts.

The differences that I have outlined, between my responses to the questions of Hon Tom Stephens and the answers I have given to similar questions without notice, are not because of any cutbacks in funding. In relative terms the situation has been a longstanding one of a shortfall in funding for the Department of Marine and Harbours to do the job that it has wanted to do. In fact, some time ago the previous Government signalled the amalgamation of the Department of Marine and Harbours and the Department of Transport. As was fairly consistent with the previous Government, it made a lot of noise about the changes it proposed but it never saw them through. The previous Government was totally reliant upon political consequences when it made a decision. It never took into account the economic climate or the safety and well-being of the community when it made decisions. Having made public the decision that it would amalgamate the Department of Marine and Harbours and the Department of Transport, the decision was not proceeded with.

Hon Tom Helm: What has this to do with misleading the Parliament?

Hon E.J. CHARLTON: The questions from Hon Tom Stephens, to which I referred earlier, were raised in a most unusual manner and not even the members of the Estimates Committee were aware of these questions being directed in the way in which they were. Since the Budget estimates were handed down - I pointed this out to the Estimates Committee at that time and I have pointed it out since - the Department of Marine and Harbours, upon which this motion is centred, will soon no longer exist.

Hon Tom Helm: Is this a ministerial statement? Address the questions, will you?

Hon E.J. CHARLTON: These interjections demonstrate that this is supposed to be a very serious issue about having a committee of privilege but when I report on the changes that have taken place in the marine and harbours area, another uninformed member goes into hysterical laughter because something has touched his mirth.

Hon Tom Helm: I would just like you to address the issues.

Hon E.J. CHARLTON: Since the Budget estimates have been handed down, those budgetary aspects will be taken care of as part of the implementation of the amalgamation of the Department of Marine and Harbours and the Department of Transport, of which I gave notice yesterday and which was referred to in the Governor's speech. As part of the 1993-94 Budget it is estimated that there will be minimum savings of \$200 000 as a consequence of those new efficiencies coming from the amalgamation. The transfer of stevedoring activities at Broome and Wyndham - I have said this on other occasions and I certainly responded to this in the Estimates Committee - that will come as a consequence of the amalgamation will result in further estimated savings of \$250 000. The timing of those savings will depend upon how quickly this legislation passes through the House. As I have already intimated to members opposite, as this

proposal was originally instigated by the previous Government, I expect support for the amalgamation to be a formality.

Hon Tom Helm: You support the privilege committee and we will support the amalgamation.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon E.J. CHARLTON: As soon as this action is completed, the savings and efficiencies will occur.

Hon Tom Helm: Just say you agree, and sit down.

Hon E.J. CHARLTON: As a matter of fact, I was scheduled to meet with a number of people in the Department of Marine and Harbours a couple of weeks ago. However, that meeting was postponed and I was rescheduled to meet with them today - and I have met with them.

Hon John Halden: I bet you did.

Hon E.J. CHARLTON: Why is that?

Hon John Halden: To find a way out of this.

Hon E.J. CHARLTON: There the member goes again. This is an irresponsible, outlandish member of Parliament who stoops to the lowest level whenever he wants to have another dabble. This is the bloke with whom we are dealing now.

As part of those discussions that were arranged by the CEO of the Department of Marine and Harbours some weeks ago, I met with a number of people from the Department of Transport and the Department of Marine and Harbours. We discussed how things were progressing with the implementation of changes in line with the legislation that was agreed to by Cabinet and the Government some weeks ago. The encouragement that they have received from those changes that were announced is very significant. That is why the answers that I have given in the last few days and the answers which I will continue giving in response to questions will be in line with those efficiency gains that will take place.

The same member who moved this motion made an outlandish statement recently that 100 people would lose their jobs at Mews Road. There are not even 100 people down there. Those people will now be part of a business unit and will have an opportunity to get fulfilment out of their work rather than have to work in the dead end jobs that existed under the previous Government. Today, their attitude is very different from what it was some time ago when they did not know their future. That demonstrates that the answers that I gave to questions last week -

Hon John Halden: It demonstrates nothing. It demonstrates that this is a farce.

Hon E.J. CHARLTON: Hon John Halden is a farce. He is a joke. The sooner his group of supporters who want to play the little games that he plays wake up to him or let him destroy himself, the better it will be. The disappointing thing is that, when the member destroys himself, he always takes others with him.

Withdrawal of Remark

Hon JOHN HALDEN: I ask that that comment be withdrawn.

The DEPUTY PRESIDENT (Hon Barry House): The member takes offence at the remark. I ask the Minister to withdraw.

Hon E.J. CHARLTON: I have no problems withdrawing it. Obviously, some of the statements that I make touch a nerve. Although other members would have no problem with that, it seems to touch the member's nerve. I am happy to withdraw. It demonstrates what I was saying.

Debate Resumed

Hon E.J. CHARLTON: I turn to the so-called inconsistencies between the answers given to Hon Tom Stephens and those to Hon John Halden. It is simply a consequence of

fulfilling the changes that will be there for everyone to see when the second reading of the legislation takes place relating to the amalgamation of the Department of Marine and Harbours and the Department of Transport. The Bill will provide the ability to set up trust accounts, which will give an opportunity for industry, local authorities and the community at large to fund a number of projects around the coastline of Western Australia. I alluded to that in the answer to one of the questions recently, but obviously the member did not accept that. He called it peripheral comment.

Hon John Halden: I called it drivel.

Hon E.J. CHARLTON: One of the three key points of the legislation will be the opportunity for the funds of the Department of Marine and Harbours to be used in a way that will be complemented by industries around the coastline of Western Australia. As I said earlier, the figures that I quoted about allocations made by the current Government, in comparison with the funding allocations of the previous Government, demonstrate that no reduction can be substantiated as a consequence of that funding. The department has been saying - rightly so - that the job that it wants to do cannot be done on those sorts of allocations. It could not be done in previous years and it cannot be done this year. As a consequence of that, this Government, unlike its predecessor, has decided to do something positive about it. Those positive changes are the ones to which I have been referring and also which are incorporated in the answers that I have given when I said, "No. Absolutely not!" and other comments that were quoted yesterday by the mover of the motion. I will not go through the questions and answers.

Hon John Halden: I didn't think you would.

Hon E.J. CHARLTON: I am quite happy to do so if the member would like me to.

Hon John Halden: I would love you to.

Hon E.J. CHARLTON: I have tabulated a comparison of the questions that I was asked by Hon Tom Stephens and the answers that were given, and the questions that the mover of the motion asked and my replies. My replies are the update of what will now take place as a consequence of the change of allocation of funds and the implementation of the amalgamation of the Department of Transport and the Department of Marine and Harbours.

Hon John Halden: You have some proof of that, have you? Are you going to show us the administrative instruction that says that?

Hon E.J. CHARLTON: They are not administrative instructions.

Hon John Halden: Are you going to table the instructions from the CEO to show that this is fact and not another fantasy?

Hon E.J. CHARLTON: I have put them both on the same page opposite each other so that, when I refer to the allegations that the member made, I have the corresponding question and answer and also the updated ones. The member can have this document. He read it out yesterday. It is in *Hansard*. I do not have a worry in the world about that.

Hon John Halden: How do you explain the difference?

Hon E.J. CHARLTON: The member does not want to hear.

Hon John Halden: I have been waiting for half an hour.

Hon E.J. CHARLTON: I was waiting yesterday for the member to demonstrate the need for a Select Committee of Privilege. I have heard debates about committees of privilege before when members opposite were sitting on this side of the House. I will not go through those issues that raised questions of privilege.

Hon John Halden: You are not going to go through the issues.

Hon E.J. CHARLTON: I am talking of the issues in which the former Government was involved. This pales into insignificance compared with them. Totally opposing the member's motion would not give any credence to the claim that I have misled the House or been inconsistent. The questions put by Hon Tom Stephens and picked up by

Hon John Halden for his own political benefit are the proper basis on which my answers have been given and will continue to be given.

Hon John Halden: I thought you were going to go through this item by item to explain your behaviour.

Hon E.J. CHARLTON: If the member wants to examine marine facilities and marine safety, question 619 referred to marine facilities; questions 632, 633 and 634 referred to marine safety and coastal management; question 635 referred to coastal management; question 636 referred to marine facilities; question 637 referred to coastal management; and question 638 referred to marine safety. If the member wants me to go through all those, I will, but I will table them.

Hon John Halden: I want you simply to say yes or no.

Hon E.J. CHARLTON: I will not go through all of it; I will simply put it into a couple of sentences. In the Estimates Committee, the questions were asked and the questions were answered. Incorporated now are the proposed changes of -

Hon John Halden: You didn't know about those 14 days before.

Hon E.J. CHARLTON: I explained that to the member. He does not want to accept that because he is not interested in facts. He is interested in bedevilment, which obviously some of his colleagues do not support him on, as is revealed from yesterday's *Hansard*.

Hon John Halden: What does that mean?

Hon E.J. CHARLTON: The facts are that the answers that were given because of the funding allocations were genuine responses to those questions, which I did not take the liberty to add to at the time I tabled them during the Estimates Committee hearing. This is a very important point which members opposite might not want to accept but, as I outlined at the beginning of my comments today, I provided the answers which came directly from the department and I take responsibility for them. I did not have the opportunity to add to them because the member demanded I make them available to him so that he could get on with his other questions in the Estimates Committee hearings. I have since added to those responses what will be the consequence of the changes.

The second point is that the concerns being expressed by the community and by the Department of Marine and Harbours are totally consistent with those they have been expressing over the past three or four years. The allocation made in the Budget will demonstrate that. In addition to that, I have said that the answers to the questions I was asked during the Estimates Committee and in question time here were totally consistent because, as a result of the changes we are making, none of the operations of Marine and Harbours, whether they be coastal management, marine facilities or marine safety will suffer. We are not making those changes to give us good feelings. That allocation of funding will enable us to carry out those changes. Those specific funds will go much further and be used differently by the people who will be involved in addition to Marine and Harbours personnel.

For example - I said this in answer to one of the questions, as one of the additional replies - the people in Dongara requested that the Marine and Harbours employee be taken out of Dongara and they would manage that themselves. We have agreed to that. The person at Point Samson is no longer to be stationed there; a local person has been appointed. The same is happening in the servicing of Esperance whereby a person from Albany will visit on a regular basis which will bring about significant cost reductions. They are the changes; but only the beginning. The amalgamation of the operations and personnel at Mews Road, in Marine House and DOT already -

Hon John Halden: They did not know about this at Budget time.

Hon ERIC CHARLTON: Hon John Halden does not want to hear what I said. I have said it twice; I will not say it again because he is not interested. All he wants me to say is that I gave one set of answers in the Estimates Committee and a different set of answers during question time and admit I was wrong so that he can run off to the Press and say that I admitted I got it wrong. Hon John Halden is not interested in how the Department

of Marine and Harbours will operate in future and the changes that will occur as a result of the amalgamation.

In conclusion, I totally reject the assertions made by Hon John Halden and his offside, Hon Nick Griffiths, who compared me with John Profumo. He talked about things like that in relation to the reasons Committees of Privilege are set up. The reason behind this motion is nothing more than to try to grab headlines as members opposite have continually been doing over recent times. I oppose the motion and I know everybody on this side of the House will. It is about time Hon John Halden showed some positive thinking and tried to do something constructive for a few people, rather than trying to knock a few people over.

HON KIM CHANCE (Agricultural) [4.27 pm]: This is not a minor matter. It is not a matter about a Minister giving an answer to a question which later appears to be inaccurate after the passage of time or after the analysis of some changed conditions.

Hon John Halden: Hear, hear!

Hon KIM CHANCE: The purpose of the motion goes to the very centre of accountable and proper Government. It is not a question of singling out one Minister, in particular this Minister, for whom members on this side of the House have some affection. It is most certainly neither a partisan nor personal matter. In fact, all the Minister had to do when he became aware that this matter was being raised was - he got very close to analysing what we asked of him - to explain, or at least acknowledge, to the House, that there was inconsistency between answers he gave in the Estimates Committee and answers he gave in question time. I have the seven questions in front of me and nobody can deny that there is inconsistency between them. There may well be a very good reason for the inconsistency.

Hon John Halden: We have not got that yet.

Hon KIM CHANCE: I can see the Minister has tried to give us some kind of a reason, but he has not spelt out precisely why those answers were inconsistent with each other. He has indicated that the amalgamation of departments may be a reason for the different later information. However, he has not told us why. Even if that were the case, when the Minister became aware that the answers given in the Estimates Committee were not correct he should have advised us of that when he answered the particular questions which were inconsistent with those given in the Estimates Committee.

The Minister said that Hon John Halden has been unreasonable in this matter. I do not think Hon John Halden could have been more reasonable, yet still have upheld the values for which this House should aim. I was deeply disappointed that, by interjection, the Minister raised a matter which I can only presume referred to an earlier Committee of Privilege which involved Hon John Halden. I believe that was uncalled for. Having been raised, one or two things should be noted with respect to that item on the Notice Paper. The fact is Hon John Halden did become the subject of a Committee of Privilege, a report of which has been tabled which said that Hon John Halden had made no breach of privilege, but which has not yet been considered by this House. It is time interjections of that nature from the Government side ceased, at least until the House has had the opportunity, if it ever does, of discussing the report of that Committee of Privilege.

When a serious matter such as this has been raised, I believe the House deserves rather more from the Minister than to receive what amounts to a simple dissertation on the benefits of the amalgamation of two departments - a matter which seems to be, at the very best, peripheral to the issue and, at the very worst, a means of clouding the issue. The question of ministerial answers is fundamental to whether the Executive of Government is open to reasonable examination to the processes of the Parliament and indeed the right Parliament has to receive answers which are correct and full. This is not, as I have said earlier, a partisan question. In fact I would like to quote from page 1093 of the Legislative Council *Hansard* of Thursday 9 April. The speaker was Hon Peter Foss and he was speaking to his motion which was very similar to this motion. He said in part -

It is not a partisan motion. It is not dealing with any minor matter relating to the conduct of the House; it relates to the fundamental aspects of our democracy.

Hon Peter Foss' motion was in respect of Ministers' proper use of parliamentary questions. The motion reads -

That this House considers that under the system of responsible government a Minister owes a political duty to Parliament to answer proper parliamentary questions which relate to information which the Minister has or which the Minister has the authority to obtain and that the attainment of the aims of accountability is dependent upon the proper operation of Parliament and upon the proper use of parliamentary questions in particular.

In speaking to that motion Hon Peter Foss also said -

This is another motion in the series of motions that the Opposition intends to move to enable some of the basic principles for the conduct of the business in this Parliament to be debated among the members here.

Further on he said -

However, over a period it is possible for the basic understandings of the democratic workings of this House to be lost and for a new set of customs to grow up and a new set of ideas to come about as to what is the basis of our democracy.

There is no room in that statement for future Ministers to alter the concept of openness and accountability. Indeed, he showed remarkable foresight because he said -

As the Opposition intends to be in Government after the next election -

He was right there. To continue -

- it is a mark of good faith and intention on our part that we do not just attack the Government and accuse it of not carrying out its duties properly.

Hon Peter Foss said the following about what was to become the new Government. To continue -

We are committing ourselves in this House to saying what we believe is the proper behaviour. We do so with the full knowledge and intent that if the behaviour described in the motion is not matched by our behaviour in Government, it can be thrown in our faces. That is a dangerous thing for a politician to do; it could be thought to be unwise -

In some ways, that is a correct assumption. He went on to say -

Nevertheless, it is important that if we are to have any hope that this House will continue to operate properly and to be a democratic and responsible Chamber, parties within it must be prepared to commit themselves to the principles outlined in the motion.

Point of Order

Hon TOM HELM: Mr Deputy President, I draw your attention to the state of the House. The Minister in question is not present.

The DEPUTY PRESIDENT (Hon Barry House): A quorum is present. The member knows that from time to time all members have business outside the House on a temporary basis and it is unfair to mention that at this stage.

Debate Resumed

Hon KIM CHANCE: The now Minister for Health spelt out the requirements of a Minister answering a question very clearly when he said on page 1094 of the 1992 *Hansard* -

We know that under our Standing Orders the Minister has a discretion as to whether he answers those questions; he is not compelled by Standing Orders to do so. However, that does not mean that whether or not questions are answered is

constitutionally a matter of no interest. Constitutionally it is a matter of great importance that a Minister does answer questions, and that he does so properly.

Hon Peter Foss: I endorse those remarks completely and believe that this Government, as opposed to the last Government, is carrying that out.

Hon Tom Stephens: You didn't watch what went on in the other place today.

Several members interjected.

Hon KIM CHANCE: I can only concur with Hon Tom Stephens' comment.

I believe that the Minister for Health believes implicitly in what I quoted and that he did so when he made that particular speech. I have no difficulty with his statement. However, for him to say that in respect of this motion suggests to me that perhaps he has missed some of the substantive matter.

Hon Peter Foss: I am very pleased with what I said in 1992. I believe it and I will give you a demonstration of the difference between then and now.

Hon KIM CHANCE: A little more than a month after Hon Peter Foss made those comments which I have quoted he moved a motion on standing orders draft amendments. I found his speech on page 2027 of *Hansard* to be inspiring and the content of it has stayed with me.

Hon Peter Foss: They have always been good speeches and you are about to get another one.

Hon KIM CHANCE: I do not know why Hon Peter Foss' speech impressed me so much because it was not one of his better delivered speeches. His speech defined the meanings of "responsible" and "fault". He said -

The greatest single misapprehension among some members in this House is the difference between the meaning of the words "responsible" and "fault". It is unarguably the case in this House that if a Minister gives an answer to a question, the Minister takes responsibility for it. If the answer is wrong, the Minister is responsible for its being wrong even though the wrong answer may not be the Minister's fault.

Hon Peter Foss: Quite right.

Hon KIM CHANCE: Indeed. To continue -

Those two concepts must be quite clearly distinguished. Perhaps the idea of people's taking responsibility for the actions of others generally has been lost sight of in Western Australian society.

He then went into his earlier professional practice.

Hon Peter Foss: Which is very relevant.

Hon KIM CHANCE: I am sure it is, but I am trying to save a bit of time. Hon Peter Foss said on page 2028 of *Hansard* -

We must be clear about the difference between responsibility and fault if people are to act responsibly. If one is given a responsible job - I am using phrases which are well known - one is expected to act responsibly. That means that every time something goes wrong a person should not say that it was not his fault. One takes responsibility, which includes fixing up matters when they go wrong. Fault becomes relevant in this House when misleading answers are given to questions.

That is a particularly relevant point. To continue -

In other words, if the Minister knew that an answer was misleading and gave that misleading answer notwithstanding, that fault would be a matter of concern in the actions the House should take about that matter.

Hon Peter Foss: You should have paused before the word "notwithstanding", not after it.

Hon KIM CHANCE: There is no comma before "notwithstanding".

Hon Peter Foss: I know, but you paused there.

Hon John Halden: Don't do that again!

Hon Peter Foss: It doesn't make much sense if you put the comma in the wrong place.

Hon KIM CHANCE: The comma is after the word "notwithstanding" and not before it.

Hon Peter Foss states in the next paragraph -

I refer to the beginning of the matter. Is the Minister responsible for a wrong answer he gives on the basis of either what his own staff tell him or what another Minister tells him? The answer is that he is responsible.

Hon Peter Foss: I am glad you listened to this. No-one on your side of the House followed it up.

Hon KIM CHANCE: It made the concept of responsibility much clearer in my mind.

Hon Peter Foss continues -

Once he finds out that he has given a wrong answer, the Minister has a responsibility to inform the House of the fact that a mistake occurred in the answer and to correct it.

That is fundamental to the motion before the House. He continues -

It does not matter whether that wrong answer may have come from a Minister in the other House. He should also apologise for the error. It may not be the Minister's fault that it occurred, but it is the Minister's responsibility. In this House the Minister has the responsibility of communicating the regret of the Government and all persons involved in his giving a misleading answer.

Hon Peter Foss: That was a good speech, wasn't it?

Hon KIM CHANCE: Yes. It was an excellent speech.

Hon Peter Foss: I never saw your Government pay even lip service to that.

Hon KIM CHANCE: That is not a matter concerned with this motion and it would be out of order for me to comment on it. Hon Peter Foss then continued to develop this point at considerable length.

Hon Peter Foss: I actually gave some examples. That was the good part. Those examples are probably worth repeating, and if you don't mention them, I may have to. I would hate to think you left them out because they illustrated how your Government behaved.

Hon KIM CHANCE: The Minister is welcome to go through my notes.

The DEPUTY PRESIDENT (Hon Barry House): Order! The Minister indicated a while ago that he felt a speech coming on, so he will have the opportunity then.

Hon Peter Foss: I would not want the member to mislead the House.

Hon KIM CHANCE: I will not do so. The short excerpts that I have read from Hon Peter Foss' speech of 12 May 1992 illustrate reasonably concisely the point that he was making, without detracting from the overall thrust of his argument. I have never believed in lecturing members of this place, and, quite apart from the erudite commentary by Hon Peter Foss, that is the reason I chose to use the *Hansard* record of his words rather than try to develop my own.

Hon Peter Foss: I am flattered.

Hon KIM CHANCE: However, I am certain that, apart from Hon Peter Foss, no other member of this House would regard as a minor matter the requirement for accuracy on the part of a Minister who answers a question in this House. The Minister for Transport has, on more than one occasion, been required to correct or qualify answers given earlier to the House. In regard to at least one of those answers which required correction, which referred to the proper accounting of Transperth's debt, the Minister for Transport used an incorrect debt figure. The Minister was told, both inside and outside the House, that the

figure he had used was incorrect, yet he continued to stand by that figure - not just in here, which is probably the greater offence, but also in the public domain.

If the Minister was mistaken, that would be one thing, but if the Minister was mistaken, was advised of the correct answer, and still persisted with that mistake, one has to wonder whether the use of that incorrect figure was not a mistaken use but rather a deliberate and malicious use of an incorrect figure. In fact, the Minister used that figure to make a forceful attack on radio on the former Labor Government by claiming that Transperth's debt had increased massively as a result of the actions of that Government. The Minister had to concede finally that the debt that he referred to as Transperth's debt was actually in the Westrail accounts and that were we to go to the proper accounts to look at the Westrail debt, we would find over the term of the Labor Government an increase not only in debt but also in the value of assets, as we quite properly should, because that is what public accounts are for.

I have said all that I need to on this matter. None of this should have been necessary. It certainly gives me no pleasure at all to speak on this motion. All the Minister had to do was acknowledge that he was wrong. The points made by the Hon Peter Foss when he was in Opposition set out clearly how the matter should have been dealt with.

Hon Tom Helm: Did the Minister say he was sorry?

Hon KIM CHANCE: No, but anyone who listened to Hon Peter Foss make that speech, or who had the need to refer to it later, as I did, could not fail to be impressed with what is a Minister's duty. No-one expects a Minister to be right every time. Everyone acknowledges that a Minister is human. Everyone acknowledges that the information provided by a Minister to this House does not come directly from that Minister - and even if it does, it may be wrong - but passes through a number of hands and comes from a number of sources before the Minister takes responsibility for it in this House. However, if that information is wrong and if the Minister becomes aware that it is wrong, the Minister has a clear responsibility to correct it. The House has the right to expect in those circumstances that the Minister will at least acknowledge that it is wrong and will explain to the House why it is wrong. I do not think the standing orders of the House are so severe that a heavy penalty is prescribed for a Minister merely making a mistake and correcting it. In fact, there is no penalty at all. It is unfortunate when a Minister makes a mistake, but there is nothing wrong with it. It is wrong only when the Minister persists to justify information which has been proved incorrect.

HON PETER FOSS (East Metropolitan - Minister for Health) [4.49 pm]: I am pleased to have the opportunity to deal with this matter, and I am sure we will have future opportunities to deal with it, because the two matters raised by Hon Kim Chance arose under two circumstances.

The first one was a motion moved by me which was a general statement of the constitutional principles, and as mentioned by Hon Kim Chance it was a motion moved with the specific point of saying in Opposition what we understood to be the case so that when in Government we would be able to say, "Those are the principles; we understand them and stand by them." I believe those principles, and still stand by them. That applies to every single member of Government. The other was to do with a particular instance because we had a set of circumstances under which the former Government had not just, in the manner that I outlined, made a mistake and had failed to correct it, but had provided a series of instances where people were blatantly defying the House and giving false information to it.

The instance that I cited in the first debate was very interesting. It involved the former Premier. I asked Hon Joe Berinson to tell us whether a certain Mr -

Point of Order

Hon KIM CHANCE: The Minister is not speaking to the motion. I concede that he is trying to develop an argument but he is using this opportunity to attack a former Government. The motion has nothing to do with the former Government.

The DEPUTY PRESIDENT (Hon Barry House): That is not a point of order at present

because, as the member has admitted, the Minister is developing a line of argument. However, the Minister is aware that his comments need to be relevant to the question before the House. He cannot take that licence too far.

Debate Resumed

Hon PETER FOSS: If I might indicate some of the lines of my argument, Mr Deputy President, you may recall that in addressing the motion Hon Nick Griffiths not only referred to the present instance but also cited every instance in which there had been a motion for a suggestion there should be a select committee that had occurred in the last 10 or 12 years and indicated he thought they were less serious than the current situation. I wish to show that we have had far more serious instances in which there has not been a suggestion of a select committee. I will give two circumstances to indicate how in those instances there were quite significant instances of the House being misleading - not just unintentional but intentional - which led to a breach of the privilege of the House but no suggestion was made that there be a select committee.

Points of Order

Hon GRAHAM EDWARDS: Mr President, I ask you to listen to the Minister's argument - I am sure you have been; I have been trying to do that myself. I have been giving the Minister time to develop his argument, but he is making assertions that are not related to the matter of privilege under debate. His comments are not relevant to the motion. Indeed, if there was a problem at the time he is speaking about, he had the opportunity to do something about it then. We are dealing with a matter of privilege now that relates to a Minister of this Government.

The PRESIDENT: The point of order may or may not have some foundation. Hon Peter Foss may have his nose out of joint when I say that I have not been listening to what he has been saying. That may upset him, but the reason I have not been listening is that I have only this minute taken the Chair from my deputy. I will bear in the mind what the Leader of the Opposition has said. I suggest to the Minister that within the confines of the debate that has occurred so far and the wording of this motion, he should not stray too far. In the interests of finishing the motion he would not want to stray too far.

Hon SAM PIANTADOSI: The Minister has strayed from the motion. On three occasions he has referred to a select committee. We are not debating a select committee; it is a committee of privilege. Mr President, perhaps you should ask the Minister to return to the motion.

The PRESIDENT: We both must have been outside.

Hon SAM PIANTADOSI: I was here.

The PRESIDENT: The Leader of the Opposition has just raised the same point of order. I responded to him by saying that because I was busy doing something else and my deputy was in the Chair I was not in a position to know what Hon Peter Foss has been saying. My remarks apply to the point of order raised now. I do not know what Hon Peter Foss has been saying. Perhaps he was straying in that way; but if he was, Hon Sam Piantadosi had a responsibility to raise a point of order at that time, and not wait until now.

Hon SAM PIANTADOSI: I did not get the chance, Mr President, because you have just taken the Chair - and at that time my leader raised a point of order. This is the first opportunity I have had.

The PRESIDENT: Let us return to this serious debate. It is a very serious motion before the Chair and it deserves to be debated with a sense of dignity and decorum.

Debate Resumed

Hon PETER FOSS: For your benefit, Mr President, I will outline the points I intend to make: First, in addressing the motion, Hon Nick Griffiths cited a number of examples when Select Committees of Privilege were appointed by this House to inquire into matters of privilege. He indicated that there should be a committee of privilege because

he said this was a far more serious incident than the previous ones. I will show there are a number of other instances which I believe far outweigh what is being alleged against the Minister for Transport in which the House did not decide to move for a committee of privilege. Second, Hon Kim Chance quoted a number of my previous speeches, which I greatly endorse, but I wish to set the context in which the speeches were made and to indicate their proper application in the present instance. They are the two lines I wish to follow - one in response to Hon Nick Griffiths and the other in response to Hon Kim Chance.

Point of Order

Hon TOM STEPHENS: Mr President, I ask you to rule that the line of argument that the Minister proposes to adopt, as outlined in point one of his presentation, would be in breach of the standing orders. He is endeavouring to say that a motion that deals with establishing a select committee of this House can countenance debate on any number of situations - presumably over the life of the Parliament - when no such motion was before the House, but any of the material related to the Minister's proposed line of argument might be admissible to this debate even though it did not pertain to a motion to establish a Select Committee of Privilege. Hon Nick Griffiths' comments were very narrowly confined to situations where there was before this House a motion to form a Select Committee of Privilege. Hon Peter Foss is trying to extend the opportunity for the debate to canvass any range of circumstances that might have existed over the previous decade, when no such motion for the establishment of a Select Committee of Privilege was before the House.

The PRESIDENT: Order! There is no point of order.

[Questions without notice taken.]

Debate Resumed

Hon PETER FOSS: Prior to question time, I was outlining to the House, in response to both Hon Kim Chance's and Hon Nick Griffiths' contributions, some previous examples directly related to the debates quoted by Hon Kim Chance in which we did not move to appoint a Select Committee of Privilege and where I believe that the nature of the dealing with questions asked in the House was quite reprehensible and led to the debate that was referred to. I intend to speak of two items. The first is contained in debate on 9 April 1992, which followed a series of attempts by me to find out from the then Leader of the House about the doings of Mr Cunningham who, during the period to which I was directing the questions, had been on the staff of the then Premier, Hon Brian Burke. The questions sought to find out whether Mr Cunningham, while employed by the Public Service and paid by the State, had been working for a Labor Party polling group during an election. I obtained over a period a number of answers to those questions, which one can only say were totally and utterly evasive. I raised during a question in that period the fact that the answers had been provided to the then Leader of the House by the later Premier, Dr Carmen Lawrence. I tackled the then Leader of the House on the basis that he had allowed evasive answers to be tabled in the House.

Hon Tom Stephens: What page?

Hon PETER FOSS: The debate commences at page 1093 of *Hansard* and proceeds through to page 1101.

Hon A.J.G. MacTiernan: That is very interesting, particularly in light of those answers we have been given in response to queries about the member for Wanneroo.

Hon PETER FOSS: There is a clear and distinct difference because, strictly speaking, in that instance the Premier was going out of his way to answer questions when I do not think it falls within any of the matters for which he is responsible. Strictly speaking, the Premier could have taken the attitude that it has nothing to do with him because it is not covered by any of his portfolios. More importantly, he has provided a considerable amount of information. I also say that about the Minister for Transport, Hon Eric Charlton, who has been going out of his way to make certain that without any delay, and as openly and as frankly as possible, he has disclosed such information as is available to

him through his department. Similarly, the Premier and the Leader of the House, on his behalf in this House, have been providing extensive information about the member for Wanneroo. That can be contrasted with the former Premier when asked a question within her responsibility - that is, the Public Service - dealing with Mr Cunningham who at the relevant time was a member of the Public Service. This was a matter directly within the responsibility of the then Premier.

Hon Tom Stephens: He was a member of this Parliament.

Hon PETER FOSS: At the time to which the questions were being directed he was a member of the Public Service. The question was asked in 1991 but it referred to the 1986 election.

Hon Tom Stephens: You have changed your story.

Hon PETER FOSS: No, I have not. The questions were asked in 1991. The then Premier, Dr Carmen Lawrence, was asked questions about Ted Cunningham, a former staff member of the former Premier, Brian Burke. Mr Cunningham later became a member of another place. The questions were related directly to the responsibility of the then Premier, asking her whether Mr Cunningham, while employed and paid by the State, was actually working with the Labor Party polling group. If members look at this series of questions, they will see the evasion. The then Premier was not even prepared to walk across the Chamber and ask Mr Cunningham whether he had been working with that group. The answers given were evasive in the extreme. I asked -

- (1) At any time in the three months prior to the 1986 general election, were any employees of the Premier's department working at Surf House in West Perth?
- (2) If the answer is yes -
 - (a) who were such employees;
 - (b) what were they doing at Surf House; and
 - (c) what were the total hours worked by each such person at Surf House during that period?

Point of Order

Hon TOM STEPHENS: Now that you, Mr President, have had the opportunity of listening to more of the contribution by Hon Peter Foss, I wonder whether you will reconsider the point of order raised previously that Hon Peter Foss is straying a long way from the motion currently before the House.

The PRESIDENT: The response is the same, only from the point of view that he is responding in a way similar to that in which other members have responded. Even though I will not uphold this point of order, I will advise the Minister that his comments are getting dangerously close to becoming irrelevant in regard to this motion before the Chair. Just because other members strayed from the subject matter and did not appear to be pulled up for it, that is no reason for the Minister to disregard the need to be relevant. If the Minister is making a point in regard to this material, he should do so pretty quickly.

Debate Resumed

Hon PETER FOSS: I can understand why members opposite are so sensitive because having taken such a high -

Point of Order

Hon TOM STEPHENS: I address my comment to you, Mr President. The member is now reflecting on me when all I want is for you to uphold the standing orders. It is not a matter of my sensitivities on this question; it is simply that you, Mr President, have a responsibility to uphold the standing orders of the House.

The PRESIDENT: I will do so. I think the member is indeed being oversensitive not to the subject matter that Hon Peter Foss is talking about, but because he automatically assumes that the Minister is talking about him.

Debate Resumed

Hon PETER FOSS: The point I make is a clear one; that is, there is a world of difference between the way in which the Minister for Transport has approached his duties to this House and the open and frank way in which he has given information, and the previous -

Hon A.J.G. MacTiernan: It would be handy if he were right.

Hon PETER FOSS: I was listening very carefully to the Minister for Transport's explanation and I thought it was excellent. He indicated clearly that with further actions to be taken by the Government, further matters could be added to what was stated. It was not a matter of its being inconsistent, but that a fuller explanation could have been given. The Minister properly tabled the document and took responsibility for so doing in a way that I never saw happen under the previous Government, particularly during the debate cited by Hon Kim Chance.

The difference between Hon Eric Charlton and Hon Joe Berinson was that during the course of this debate, Hon Joe Berinson tried to say that as the Minister representing somebody else, he did not even see the document. Hon Eric Charlton plainly said he took responsibility for that document and did not shirk from that in any way. He said he understood how it took place and gave a full explanation, and very properly he has also said what further information was necessary. There is a difference between that and the way in which I never in the end received any explanation from the former Government as to whether Mr Cunningham was working for the ALP during the 1986 election. If members opposite really believe that we should be dealing with questions of misinformation, perhaps we should establish a select committee to find out whether in 1986 -

Point of Order

Hon GRAHAM EDWARDS: Point of order, Mr President.

The PRESIDENT: The Minister is now definitely straying from the point, if that is the member's point of order.

Hon GRAHAM EDWARDS: I think it is Standing Order No 100, and I draw your attention to it, Mr President.

The PRESIDENT: I know which standing order it is.

Debate Resumed

Hon PETER FOSS: I am entirely supportive of Hon Eric Charlton. I have always been a great admirer of his frankness, clarity and honesty. He showed that same honesty today when explaining in great detail his answers. I have always found that we can depend on Hon Eric Charlton to do that.

The other example is where this House did not set up a select committee - and which causes this allegation, before the rebuttal by Hon Eric Charlton, to fade from existence - in respect of the concern we had over the Bell shares. It became clear from the findings of the royal commission that Hon Joe Berinson was the Minister who took the purchase of the Bell shares to Cabinet. Yet he told the Parliament, in answer to a question from me, that his role in the purchase of the Bell shares was no more than any other Cabinet Minister's role. That was defended strongly by the former Government, yet I have never heard an explanation at any stage as to how one could reconcile the two statements. How one can suggest in this instance we should have a select committee when the situation has been so adequately explained by Hon Eric Charlton -

Hon John Halden: Do you think it was adequate? You have breached every undertaking in this House.

Hon PETER FOSS: I have yet to hear from anyone how we can reconcile the two statements. I ask members opposite to look at the *Hansard*. They will see that Hon Joe Berinson's statement was that his position was similar to that of any other member of Cabinet, and yet his admission to the royal commission was that he was the one who took it to Cabinet. Members opposite may regard the two matters as totally inconsistent -

Points of Order

Hon GRAHAM EDWARDS: Mr President, I draw your attention again to Standing Order No 100. I contend that the Minister for Health is defying the Chair and is in no way addressing the matter of privilege - a matter which you indicated is serious.

Hon TOM STEPHENS: Mr President, you should consider that point of order in conjunction with Standing Order No 116 relating to the actions the President should take if a member or Minister wilfully persists in not conforming with the standing orders.

The PRESIDENT: Standing Order No 116 is not breached until I have warned the member - whoever the member may be - that he or she has committed an offence. That point of order does not apply.

The Leader of the Opposition has some justification for raising the question of Standing Order No 100. It concerns me that all members from time to time, when they are speaking on issues, stray from the strict parameters of the matter before the Chair. Many members do that frequently. Whether it is myself or someone else up here, the Chair is always reluctant to impose some sanction on a member for doing that. It has been my practice to endeavour to let the member go, in the hope that he will return quickly to the real point of the question before the Chair. But, in doing that, the Chair runs the risk when a subsequent speaker addressing the same matter strays from the subject matter in an endeavour to counter what a previous member has said when the previous member has moved away from the point. The Chair then finds itself between the devil and the deep blue sea because one cannot go back to the first member and ask him to cease discussing a particular subject, because that speech has finished. As I have said before, I find myself a bit like King Solomon - perhaps we need to chop the baby in half to solve the problem.

Hon TOM STEPHENS: We will settle for that.

The PRESIDENT: It depends who the baby is.

The Leader of the Opposition referred to a comment I made earlier regarding the seriousness of this matter. Because it is serious, it is current, it is about a member of this Chamber who is not present, and because it relates to a Minister of the Crown, all members who speak on the motion should endeavour to totally confine their remarks to the defence or otherwise of the Minister for Transport. It does this House no good at all to have anybody found guilty of a breach of privilege or a failure to conform with the rules of the House. Due to the seriousness of the matter before the Chair, it deserves to have members direct their total attention to the words in the motion. The Minister for Health is probably more capable than most people of waging an argument without straying from the point. I do not think the Minister needs to compare the present situation with a situation that prevailed in the past, or to use that as his big gun in defence of the Minister for Transport.

Debate Resumed

Hon PETER FOSS: Mr President, I accept that. The point I am trying to make, however, is that the Minister for Transport has a long record of honesty and integrity.

Hon John Halden: As did Joe Berinson.

Hon PETER FOSS: Hon Eric Charlton is well known for his forthrightness and his outright disclosure. Put against him is a suggestion of inconsistency in his answers. The Minister has adequately and properly shown why the Opposition is mistaken in its view that there was an inconsistency in his argument. Furthermore, Mr President, this House must always react in a temperate manner. As I said in my earlier speech regarding the responsibilities of Ministers, if a Minister gets something wrong he is responsible. It may not be his fault, but he is responsible.

Hon John Halden: That is right.

Hon PETER FOSS: But it is the degree to which a Minister is at fault to which the House responds. First, Hon Eric Charlton has adequately answered the matter. He has

given a full and complete answer but, more importantly, the response by the Opposition is totally intemperate, because if on every single instance where a responsible Minister was at fault we had the sort of response that we had from the Opposition, we may spend an awful lot of time debating motions such as this. For instance, we had a correction by Hon Eric Charlton today of a single figure in a dollar amount.

Hon John Halden: We accept that.

Hon PETER FOSS: I am pleased that the member accepts that. The Minister gave an excellent explanation today of the reasons for the answers given to the committee, to which we are not allowed to refer, and to the House. What is the response from members opposite? I now indicate the temperance Government members displayed when in Opposition compared with the intemperance exhibited at the moment by members opposite.

The motion should be dismissed due to the intemperate behaviour of the Opposition in moving the motion. In the past this House had to put up with Hon Joe Berinson, on behalf of Ministers in another place, and as the responsible Minister in this Chamber, giving evasive answers regarding Mr Cunningham's employment in the Public Service.

Several members interjected.

Hon PETER FOSS: Hon Joe Berinson gave the excuse that the answer was given on behalf of somebody else, and that he had not even read it!

Several members interjected.

The PRESIDENT: Order! I call Hon Tom Butler to order. A moment ago one of his colleagues referred to the standing order which the member should read carefully, otherwise his colleague may jump up and accuse me of not applying that standing order to the member.

Hon PETER FOSS: We also have the example with Hon Joe Berinson regarding Bell shares.

This motion should be rejected for three reasons: First, Hon Eric Charlton has in no way misled the House. Second, even if members opposite believed the answers to be misleading, having heard the explanation of Hon Eric Charlton, that position could be maintained no further.

Hon John Halden: We believe it more so.

Hon PETER FOSS: He has made the matter extremely clear. Third, the Opposition has shown great intemperance in moving this motion, which is nothing more than a cheap political trick.

Hon T.G. Butler: That is something you would never do!

Hon PETER FOSS: I have never moved for a privilege committee, although maybe I should have done so on the basis of what has transpired today. If I had done - and as the House follows precedents - maybe we would look at things differently. However, ample precedence is available to follow in the light of the Minister's reasonable response, and even if a reasonable response had not been provided by Hon Eric Charlton.

This Opposition motion indicates its intemperate response with a cheap political trick against the Minister. The Minister has my complete confidence, and I hope the House does not allow this motion to proceed any further.

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.54 pm]: I vigorously oppose the motion. Had members opposite listened to what the Minister for Transport said in answering the case against him, they would recognise that his explanation was unambiguous; he did not try to evade the issue at all. Also, the Minister spoke as a person who is well respected in this House as a straight shooter as he does not run away from any problems.

Hon Bob Thomas: Even when he gives contradictory answers.

Hon GEORGE CASH: The Minister for Transport accepted full responsibility for the

answers he gave. That is something new. If members think back to the previous Government, most Ministers in that Government refused to accept responsibility for many of the answers they gave in this House. However, the Minister for Transport was more than happy to stand by the answers he gave.

Hon John Halden: He is stupid then, isn't he?

Hon GEORGE CASH: The answers he gave to the Estimates Committee some time ago, and the answers of what is said to be a similar set of questions asked last Wednesday or Thursday, were regarding changed circumstances. That was the very point that the Opposition has failed to recognise. That is why the Minister was able to indicate he was prepared to stand by the answers he gave.

Hon Bob Thomas: We must be mind readers to know that the circumstances have changed.

Hon GEORGE CASH: In the member's case, he will need to be more than a mind reader; that is, he will need to put some grey matter into some of the things which are said in this House.

Hon Bob Thomas: That shows you don't have an argument.

Hon GEORGE CASH: The most important point which the Opposition has failed to understand is that circumstances have changed. If that had been recognised, they would understand the frivolity of this motion.

Hon John Halden: It will not work.

Hon GEORGE CASH: Hon Nick Griffiths attempted at one stage to argue that this privilege committee motion somehow had some relationship to an answer given in the House of Commons some 30 years ago by a former Minister, Mr John Profumo. The member failed to tell the House that one of the reasons that the House of Commons found John Profumo to be in contempt of the House was that he admitted to the House that the information he had previously provided to the House was wrong and, in fact, untrue; he admitted to the House that he had lied. Under those circumstances the House of Commons had no alternative but to find him in contempt. We all know the facts as they transpired in that case.

The Minister for Transport did not come into this Chamber and say anything like that. He is prepared to stand by the answers he gave.

Hon John Halden: So what?

Hon GEORGE CASH: So what!

Hon John Halden: I do not believe him for one second.

Hon GEORGE CASH: The member will be able to demonstrate his view in due course by the way he votes.

Hon John Halden: I will demonstrate it through my remarks.

Hon GEORGE CASH: For the member to state that he does not believe someone in this House does not make it a fact that -

Hon Kim Chance: Just the numbers.

Hon GEORGE CASH: That is not the case either.

Hon Nick Griffiths said that a privilege committee had been established in this House in October 1983 regarding certain advertisements that had appeared in a newspaper which constituted a contempt of the House. The reason that the House in a bipartisan manner agreed to that committee - I recall this through reference to *Hansard* - was that it was necessary to seek information and evidence from people outside this House.

The member referred to June 1988 when a privilege committee was established by this House regarding certain materials being supplied to the chairman of a committee of this House which were intended to influence, or indeed intimidate, that member. The House agreed to that committee as it clearly saw the need to take evidence from people outside

this place. This involved persons, for instance, who were alleged to have supplied the material, and who were not members of this House. Indeed, it was necessary to establish a committee of privilege to enable the House to question that person. Some members will recall that incident and what flowed from it.

Sitting suspended from 6.00 to 7.30 pm

Hon GEORGE CASH: Prior to the dinner suspension I was dealing with the select committee of privilege that was established by this House on 26 September 1991 to determine whether certain statements published in a newspaper constituted an attack on one of the members of this House, that member being Hon Sam Piantadosi.

The question that the select committee was invited to consider was whether the publication was in fact a contempt of the House. Again, that select committee was established by the House because there was a need to seek evidence from outside. For instance, Hon Sam Piantadosi could not furnish the House with all the particulars for it to be able to make a decision on that matter. In that regard, it was similar to the earlier committees to which I referred.

Again in October 1992, the House established a select committee of privilege to determine whether there was evidence indicating that Hon Reg Davies' electorate office or home were the subject of telephone tapping or whether the member was under surveillance. As much as the House listened very intently to Hon Reg Davies and took very seriously what was said, again it was necessary to establish that select committee because the House needed to take evidence from persons outside this House to determine whether a case could be established about matters that had been raised.

One of the things that is clear about this motion is that we are talking about the actions of one of the members of this House; that is, the Minister for Transport. Being a member of this House, he is able to relay to the House his position on matters that have been raised. As I said in my opening comments, the Minister for Transport has done that by stating his case in an unambiguous, very clear-cut way. By the manner in which he stated his case, it was clear that he was not trying to evade the issue of whether there was consistency or inconsistency in answers to this House.

The Minister indicated clearly to the House that there had been changes to the funding of the Department of Marine and Harbours. He stated clearly - I use my words, not his - that, although the department may have faced some difficulties had he not stepped into the breach, he had indicated certain changes that the department should consider and, as a result of that, the second series of questions and answers referred to the changed circumstances that the Minister pointed out to us.

One could go on and on about this motion, but there is no need, as Hon Doug Wenn would understand. The Minister stated his case. The House is in a position to judge the facts as they have been presented by the Minister. I believe the Minister for Transport to be a person of the highest integrity.

Hon John Halden: You made this speech the last time we caught him.

Hon GEORGE CASH: That in itself might demonstrate a situation in which Hon John Halden has some sort of fixation on chasing or pursuing a particular member.

Hon John Halden: We don't have to chase him; he keeps falling over.

Hon GEORGE CASH: One of the reasons why we should reject this motion is that it is politically inspired; but, more than that, it is a motion that is designed to grab a political headline. In that regard, it is exactly the same as the earlier motion moved in this House by Hon John Halden against the Minister for Transport. On that occasion, the House judged the Minister for Transport to be absolutely correct in the manner in which he answered questions. This motion should be rejected out of hand as nothing more than another political stunt by Hon John Halden who, I might say, in due course will no doubt be the Leader of the Opposition.

Hon Graham Edwards: I keep telling you that you will get that job first.

Hon GEORGE CASH: I had the job for four years, and I do not want it back in a hurry.

Hon Graham Edwards: Inevitably it is coming back to you. It is a boomerang job for you.

Hon GEORGE CASH: I say to Hon Graham Edwards that, if that were to occur in eight, 10 or 12 years - whenever we might lose Government - I could nominate at least 16 other members on this side of the House who could make a better Leader of the Opposition than me and, more than that, will be more entitled to it at that stage than me. I have no problems about that.

I point out again to the House the levity that now exists. Is it not interesting that on such a serious motion the Opposition is ready to burst into laughter at any time? It knows that the motion moved by Hon John Halden is nothing more than a joke.

HON TOM STEPHENS (Mining and Pastoral) [7.35 pm]: Nothing could be further from the truth than that which Hon George Cash has just said in this debate. It is extremely important that members of this House take the opportunity of reading the motion currently before the House. Hon John Halden has moved a motion that would have a Select Committee of Privilege, consisting of five members, any three of whom constitute a quorum, appointed to inquire into and report, not later than Thursday, 25 November 1993, on whether the Minister for Transport has breached the privilege of this House by giving inconsistent answers to similar questions relating to the 1993-94 budget for the Department of Marine and Harbours, put to him before the Estimates Committee and again on Wednesday and Thursday, 3 and 4 November in the House. He has moved also that the committee have power to send for persons, papers and records and to require the attendance of any member of this House.

This is an extremely serious motion. Hon John Halden did not simply rise in his place frivolously with this serious motion. He rises in the House after he has had the opportunity of putting his case to his parliamentary colleagues on that side of the House pointing out the discrepancies between this Minister's answers to the Estimates Committee and the answers given to the House during question time. He put those discrepancies to his parliamentary colleagues on that side of the House, and sought our support as he stands in this place to express his amazement and dismay about the situation with which the House is faced as a result of the answers given by Hon Eric Charlton.

In response to this serious motion, we are left with defences, I note not from the back bench opposite but from two of Hon Eric Charlton's ministerial colleagues on the front bench; silence so far from the back bench, but two ministerial colleagues have expressed their support for the deputy leader of the Government in this House. So far, he has only extracted support from his ministerial colleagues -

Hon P.R. Lightfoot: I support him unequivocally.

Hon TOM STEPHENS: I urge the member to consider seriously anything that he has to say that would support the Minister or the Government.

Hon P.R. Lightfoot: You invited the support. I am telling you that I support him completely.

Hon TOM STEPHENS: The member can do that in a speech that will have the opportunity of being 45 minutes in length. He can then see if he can convince this House - certainly the members opposite - of the value of his support for his Minister.

Hon P.R. Lightfoot: How can you convince an intellectual vacuum?

Hon TOM STEPHENS: We are waiting to see whether members on his side of the House can convince the intellectual vacuum on his side of the House that their colleague on the front bench is deserving of support.

The PRESIDENT: Order! I ask the member to come to order. I am not going to allow this debate to degenerate into a slanging match, as it seems to be heading that way at the moment. Let us understand that we will listen to what each member has to say in silence.

Hon TOM STEPHENS: The summary of the Government's support of this Minister seems to be something like: He is a good bloke; therefore, on that basis, we should somehow not proceed with this motion. I do not believe that is a defence. I accept that he is a good bloke. Most of us like him; but we want him to answer questions consistently and honestly. If he does not, he should expect motions such as this that would put before a privilege committee those answers and subject them to whatever inquiry is necessary to find out how the answers have these discrepancies which would lead us to believe that the Minister is misleading the House either deliberately or accidentally. I do not know what the answer to that question is. The House needs to find out. That can be done by agreeing to this motion. The other argument put up by the Government is that previously in circumstances like this the House did not do it. What an extraordinary argument! I neither accept that is the case nor believe that in any time in the House we have seen such dramatic discrepancies between answers given -

Hon John Halden: It is impossible.

Hon TOM STEPHENS: As the deputy leader of the Opposition says, it is impossible to give such diametrically opposed answers to the same questions.

Hon W.N. Stretch interjected.

Hon TOM STEPHENS: Indeed; Hon Bill Stretch would know all about that. A mirror would help him observe the accuracy of his own observations, but he would not be able to see in it. The point is that members on this side of the House are seeing only too clearly the standards being applied in this place by this Government in its short life in office.

Hon P.R. Lightfoot interjected.

Hon TOM STEPHENS: Indeed I did, and who gave the lead item in *The Australian*?
Hon Ross Lightfoot.

Several members interjected.

Hon TOM STEPHENS: Yes, I did see the news tonight.

The PRESIDENT: Order! The time has reached when I must do something. The member on his feet took four or five points of order earlier in the day because his feelings were hurt at the suggestion that a member was not sticking to the terms of the motion. I will not suggest that he is committing the same offence, but he is getting awfully close to it. I do not see much merit in embarking on a slanging match across the Chamber. Perhaps there are times when frustration overcomes a member and he must make some sort of a one-off outburst to rid himself of that frustration. However, when one member does it and every other member takes that as a lead, it is automatic that they must also interject and carry on. One way to overcome that is if the member on his feet addresses the Chair and ceases to make comments about other members in the Chamber irrespective of his views on their attitudes to something or other.

I keep saying the same old thing; that is, members do not have to like what people say here. Members do not even have to believe it, but they must listen to it. One of the fantastic things about our system is that a minority must be heard. While I am sitting here, the minority will be heard and I can assure Hon Tom Stephens that even he will be heard. I would like to see that happen right now.

Hon TOM STEPHENS: Thank you, Mr President. The additional argument that the Government has proffered in defence of its Minister seems to go something along the lines that because other Ministers do not answer questions and, therefore, do not have their answers in conflict with one another, we should not be too upset when one Minister who is absolutely frank answers questions in a totally different way so that they are in conflict with one another.

This House is faced with the extraordinary proposition that this Government would spell out to the House its defence of this Minister on the basis that he does answer questions. That is remarkable considering the record of Ministers opposite in the short time they have been on the front bench. Invariably the Opposition's questions have not been

answered and no information has been proffered. However, the Minister for Transport is exceptional in that respect because he answers questions and he does proffer information. The difficulty is that the information he gives is contradictory and that is what Hon John Halden's speech spelled out to the House.

Hon John Halden made available to members on this side of the House a list of the questions which the Minister for Transport has been asked in question time and in the Estimates Committee and the responses he has given. Each of the seven items which appear on this list quite clearly demonstrates that the Minister's answers are in conflict with each other. That fills me with great concern, particularly as Hon George Cash, the Leader of the Government in this place, defends his view that this House should not have a Select Committee of Privilege to investigate this matter on the basis that, unlike on a previous occasion when a motion was moved to establish a Select Committee of Privilege, the Opposition does not need outside information to help it to clarify the position with which it is faced.

I put it to the House that on this occasion the Opposition is in need of outside information. It needs to get from the officers of the Government departments and agencies for which this Minister has responsibility, clear information about the answers that have been delivered by the Minister for Transport in this place during questions on notice and the Estimates Committee hearings. Only then will it be possible for members on this side of the House to decide how the Minister has misled the Parliament. His actions may be forgivable; they may be entirely understandable. Perhaps nothing is required from the Minister other than a simple apology on the basis of the information given to the Select Committee of Privilege. The outside information provided by officers from Government departments and agencies would help the select committee establish the facts and make a recommendation to the House.

Members of this House who had the privilege to take part in the Estimates Committee hearings will recall the process that was adopted by the Ministers who appeared before it. Some Ministers opposite took the opportunity to delay giving answers to questions raised during the debate. It would appear that subsequently they sanitised the answers and removed from them anything that could fall into the category of information for the Opposition.

Hon N.F. Moore: What do you mean by "sanitised the answers"?

Hon TOM STEPHENS: Ministers opposite succeeded in sanitising the answers given to questions asked during the Estimates Committee hearings.

Hon N.F. Moore: Do you mean they changed the *Hansard* transcript?

Hon TOM STEPHENS: The Minister for Education was instrumental in making sure that questions which should have been answered in the Estimates Committee were taken on notice. He made sure that the final document which was eventually tabled and made available to the Opposition was effectively sanitised and devoid of any information. As a result, the Minister for Education is not facing this sort of motion.

Hon N.F. Moore: Are you suggesting that I did something to the *Hansard* transcript?

Hon TOM STEPHENS: I am not suggesting that at all. I am indicating that the answers the Minister for Education eventually tabled in this House -

Hon N.F. Moore: The answers were provided in the House.

Hon TOM STEPHENS: The Minister knows that is not the case.

Hon N.F. Moore: The questions were taken on notice.

Hon TOM STEPHENS: The Minister for Education knows that he will not have to face a motion like this because he is one of the Ministers who ensures that the response he gives to questions put to him are devoid of information that could in any way be in conflict with other answers. However, Hon Eric Charlton is exceptional because he answers questions. In that way he runs the risk, as has been the case in the seven instances highlighted by Hon John Halden, of having provided answers to questions

which are in conflict with other answers he has given. Therefore, he is facing this motion, which is a type of censure motion. It provides the opportunity, one would think, for the Minister to rush to his own defence, to rush to make an apology, to rush to make an explanation or, at least, to agree to the motion to establish a select committee to determine whether the Opposition has it wrong.

On the basis of the two pages that have been given to me by Hon John Halden, I have before me a *prima facie* case which suggests that this issue must be presented to a Select Committee of Privilege. In the face of that *prima facie* evidence I cannot understand members opposite not wanting to have the evidence tested before a select committee. I have had the experience of serving on a couple of Select Committees of Privilege. Members who serve on these committees are faced with an onerous responsibility and those who have served have taken their responsibility very seriously. I cannot recall whether the reports of the Select Committees of Privilege have in any way done anything else other than address the facts that have been presented to the committees. The House has then been in a position to make its determination based on those reports. The same would be the case with this proposed select committee.

If this Minister has nothing to fear from his answers being subjected to the scrutiny of a select committee, he will go along with Hon John Halden's motion. If this Minister has something to fear from having the answers he has given to the Estimates Committee and to questions without notice in this House scrutinised by the proposed select committee he will not go along with this motion. The officers from the Department of Marine and Harbours and the Department of Transport could provide the proposed select committee with the outside information to which Hon George Cash has referred. Their evidence would help the members of the committee make a determination - and I am sure we would find that this Minister was in deep bother.

Hon George Cash: I suppose you want John Profumo over here too.

Hon TOM STEPHENS: I do not think that Hon Eric Charlton and John Profumo have very much in common, but if the Leader of the House is telling me that somehow the Profumo and Charlton scandals have something in common, I would be delighted to hear more from him. I have always thought that Hon Eric Charlton was above all of that. In the face of my confidence about the Minister's integrity in that regard, the House should at least stick to the issue that Hon John Halden has put before it. If the Leader of the House wants to introduce other issues to the Select Committee of Privilege, let him do so, but I am not aware of any transgressions in that regard that need to be shoved before a select committee. I agree with those members on both sides of the House who say that Hon Eric Charlton is a good bloke.

Hon Peter Foss: He is a man of integrity.

Hon TOM STEPHENS: I have to confess that I think he is a good bloke, and I like him.

Hon George Cash: You said that about me once, and I asked you to apologise!

Hon TOM STEPHENS: It does not matter that I like him. It does not matter that he is a good bloke. He must start to answer questions truthfully and consistently in the House. I happen to like the National Party members of this Government. They have all proved to be basically good blokes. I agree with some of the comments that appear in today's *The West Australian* about the Leader of the Government in the other House. The comments made by the deputy leader of the National Party in that place apply also to some of the Liberal Ministers in this place. I must confess that I have never liked Liberals, I still do not, and I cannot imagine that I ever will.

Hon Derrick Tomlinson: You certainly don't like me.

Hon TOM STEPHENS: I never have. However, some National Party coalition members are very likeable, and Hon Eric Charlton falls into that category. In the face of that, I will not desist from my responsibility to support a legitimate motion before this Chamber, moved by Hon John Halden, that the inconsistent answers given by Hon Eric Charlton to the Estimates Committee and to questions without notice in this House be referred to a Select Committee of Privilege for closer scrutiny, together with the outside information

about which Hon George Cash has spoken. I recall only too well the process during the Estimates Committee whereby Hon Eric Charlton tabled the set of answers to the questions that have now got him into this spot of bother.

Hon Peter Foss: He is not in any bother.

Hon TOM STEPHENS: He is in a spot of bother. If Hon Peter Foss were so convinced that the Minister for Transport was not in the spot of bother that I suggest he is in, he would agree with me to send this matter to a Select Committee of Privilege so that those answers could be evaluated, judged and assessed, and a proper report come back pronto to the House. We could then see whose assessment was correct - that of the Minister for Health, the know-all on the other side of the House, who wants to predetermine all questions, or that of those on this side who have had put before them *prima facie* evidence that those answers should be referred to a Select Committee of Privilege.

Hon Peter Foss: You don't even know what it means.

Hon TOM STEPHENS: Mr President, I did not hear the interjection.

The PRESIDENT: Order! That is good. That is a step in the right direction.

Hon TOM STEPHENS: I would like to hear it.

The PRESIDENT: I would not. Order! Honourable member, get on with it.

Hon TOM STEPHENS: Members of the Government who were present in the Chamber during the Estimates Committee when the Minister for Transport tabled that set of answers to questions that is now inconsistent with the answers given to questions without notice were shaking their heads, slumping down in their seats and saying, "Not again! He should not have done that. He should have shown the canny foresight demonstrated by the Minister for Education, who would never table answers to questions until they were deprived of any information contained within them."

Point of Order

Hon PETER FOSS: I have heard this slanderous attack on the Minister for Education. I do not know that anything in this motion says anything about the Minister for Education. All it says is terrible things about the Minister for Transport.

The PRESIDENT: Order! There is no point of order.

Debate Resumed

Hon TOM STEPHENS: I have come basically to the crunch of my argument.

Hon Barry House: Crunch or crux?

Hon TOM STEPHENS: The crucial part of the argument is that the five arguments put in defence of the Minister for Transport by his two ministerial colleagues fall away to nothing. Their defence is of no substance against the tightly argued case of Hon John Halden, supported by the erudite argument of Hon Nick Griffiths, and backed up by the argument of Hon Kim Chance, which was based on none other than a speech made to this House last year by Hon Peter Foss. Hon Peter Foss' argument put before the House last year should compel him now, on the basis of his logic, as a Minister of the Crown to lead his colleagues to rush to support this motion.

Hon Peter Foss: Why did you not move to have a Select Committee of Privilege into Hon Joe Berinson?

Hon T.G. Butler: There was no need for one. That was only in your tiny mind.

Hon TOM STEPHENS: The extraordinary thing about the Minister for Health is that he does not appear to have listened to his own argument. He certainly does not appear to have listened to any of the arguments that were delivered by members opposite during this debate. Did not the Minister listen to the comments made earlier by Hon Nick Griffiths, where he spelt out the fact that on all the occasions in recent years where a motion has been moved in this place to establish a Select Committee of Privilege, that motion has been agreed to? I have found myself in the situation of having to serve on

select committees to which the House has agreed. The exception to the processes of the House will be found if members opposite are persuaded by a new found argument rather than by the argument which Hon Peter Foss delivered to the House in 1992 and prior to that. That was a compelling argument, and it should lead members opposite into adopting a course of action totally different from that upon which they seem to be embarking.

Hon Peter Foss: That is where your peculiar behaviour causes us problems.

Hon TOM STEPHENS: Not at all. I have listened carefully to the arguments put to the House both in 1992 and by Hon Kim Chance today in regard to why we should be convinced by the logic of Hon Peter Foss at that time.

Hon Peter Foss: You used to say that Hon Joe Berinson was telling the truth. Do you agree now that he was not telling the truth?

Hon TOM STEPHENS: Never has this House been better served than by Hon Joe Berinson, who is a man of the most extraordinary integrity. The Minister for Health does not deserve to lick his bootstraps.

Hon Peter Foss: Did he lie about the Bell shares?

Hon T.G. Butler: He didn't, and you know it.

The PRESIDENT: Order! The Minister for Health and Hon Tom Butler are about to come under the auspices of Standing Order No 116 (a), (b), (d) and (e); I can inflict the whole lot of them! Also, Hon Tom Stephens will be chastised by his leader for his flagrant breach of Standing Order No 100. I suggest that if a member wants to use the next 18 minutes and 15 seconds allotted to him, he had better cease doing that.

Hon TOM STEPHENS: I will not need the next 18 minutes and 7 seconds, Mr President, as I have extensively presented why the House should not be persuaded by the Government argument in defence of the Minister. I have indicated why the House should be convinced by Opposition argument during this debate. The arguments presented by Opposition members, and by Hon Peter Foss on previous occasions when debating such matters, are compelling reasons for the Minister to face a Select Committee of Privilege to have his answers subject to scrutiny.

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [8.12 pm]: Some aspects of this debate cause me some concern. The attitude of the Minister in question has been of concern to the Opposition for some time, as, indeed, has the general standard of answers we have been receiving. The Minister for Transport in particular appears to have been cavalier in his approach to question time. I am not surprised, given his attitude, that the issue of conflicting information has arisen, as clearly indicated by Hon John Halden.

This motion has been reasonably moved and argued by the Opposition. The Minister should have supported the motion if he has nothing to hide. He should have said, "I am prepared to accept the scrutiny of the House, and I will cooperate and subject myself to the will of the committee." If I had been the Minister caught in a similar situation, I would have said that in the knowledge that the committee of privilege would be opposed to me in relation to its numbers. However, this committee in no way will comprise more Opposition members than Government; it will comprise a Government majority.

Hon John Halden: It was set up that way.

Hon GRAHAM EDWARDS: Knowing that to be the case, why did the Minister and the Government not support the motion? Surely, if the Minister has done nothing wrong, and if no conflict of information has occurred, he has nothing to hide.

I was attracted to the Government's problem when Hon Peter Foss spoke. Until then I thought it was a fairly clear cut matter; although I did not agree with the Minister, I noted that his arguments were clearly put. However, when the Minister for Health started to drag some camouflage over the arguments and endeavoured to bury the debate in trying to protect the Minister by blaming Hon Joe Berinson or Mr Ted Cunningham - a member

in another place - I thought that the Government must be trying to hide something. For the life of me I could not understand Hon Peter Foss's attitude in denigrating someone like Hon Joe Berinson when he is not here to defend himself. Hon Peter Foss belittled himself and ensured that Opposition members took more notice of the debate; indeed, he enthused members on this side of the House to speak.

The Minister for Transport started off by getting stuck into the actions of the previous Government in dealing with the Estimates Committee. He seemed to want to lay the problems at the feet of the current Opposition. However, one of the reasons for the motion being before the Chair is that the Estimates Committee is designed to provide information to the Parliament and the Opposition and scrutiny of the Government. Given the guillotine motion moved by the Government today, heaven knows we need every instrument in the armoury to scrutinise this Government.

The Minister referred to the early days of the Estimates Committee and the time when no-one was sure how the procedure would evolve. At that time uncertainty resided in both sides of the House. In the early days of the Estimates Committee - the first one certainly - Ministers in answering questions would receive the information from chief executive officers and then relay it to members. It quickly became evident that that system was far from efficient and not worthwhile. The system has evolved to the procedure used this year, which was similar to that of last year; namely, members put questions to chief executive officers who, in the main, answered questions directly.

The Minister knew the system from last year, and he should have known that that would have been the procedure this year. There is no excuse or blame that can be directed to Hon Tom Stephens regarding the conflict of information provided by the Minister. The Minister used another excuse, claiming that the Opposition had placed tremendous pressure on the Minister's staff. I know a number of people who work for the Minister for Transport, and they are very conscientious people; I would have them in my office any day. It is a matter of carelessness by the Minister. It appears that he does not take question time seriously or understand that the Opposition is intent on soliciting information from the Government about it and its agencies' activities. That is not something for which we should be criticised as surely that is the appropriate, indeed responsible, role for any Opposition to take.

I do not know why the Minister has not supported the motion, given that the Committee will comprise a majority of Government members. It is a committee of which he should have no fear. If the Minister has done nothing wrong, as he suggests, he should have no problem with officers from his department giving evidence to that committee, enabling us to sort out the matter. If the Minister had accepted the fact that there was a *prima facie* case of conflict in the advice that he has provided, surely he could have said, "I accept that, and I unreservedly apologise to the House." The attitude of the Opposition would have been not to pursue the matter. As has been said, the Minister is a particularly popular Minister most of the time.

Hon Tom Helm: Misguided maybe.

Hon GRAHAM EDWARDS: I think he is given more respect from those on this side of the House than those on the other side.

Hon John Halden: That does not say a great deal.

Hon GRAHAM EDWARDS: I do not want to go down that same path. I am sure that my colleagues on this side of the House would have accepted that. I know that Hon John Halden would have, because he is not an unreasonable person - but he is hell-bent on doing his job, and doing it properly. The Government must come to terms with that. If it does not, it will suffer more of this type of motion in the future.

I believe the case has been well and truly put by Hon John Halden and other members on this side of the House. The problem is one that excited more interest from those on this side of the House simply because of the Government's attitude to the motion. It appears to us that the Government is trying to run away from something that perhaps it should be facing up to. I urge the Government, particularly those members on the front bench who

have spoken, to rethink the strategy they have adopted. I also encourage some of the members on the back bench to give some defence of the Minister.

HON TOM HELM (Mining and Pastoral) [8.22 pm]: I support the motion, but with a bit of confusion. I wonder why we were privileged to listen to the Leader of the House in this debate. It is unusual for him to contribute to a debate of this kind, one that can, and will, be easily dealt with by the strength of the numbers. I refer to the comments of my leader about the way in which the Minister confirmed his earlier remarks that there was a change of policy; there was advice from the department which was different from that given previously which is why the answers were in conflict. We would have been quite happy to accept the Minister saying that he gave wrong answers and we could have gone on to deal with the business on the Notice Paper. Instead, we heard from the Leader of the House, who is a good debater - he always has plenty to say and he can handle his own Bills pretty well. He usually lets his experienced frontbenchers speak for themselves. Yet his comments did not address the issue at all. I was pleased that my leader allowed Opposition backbenchers to make a few comments.

I was quite confused trying to understand the response from the Minister for Transport. I could not see the relevance of what he said to the matter before the House. We then had comments from Hon Peter Foss, about whom I shall speak a little later, who did not demonstrate to the House any occasion when Ministers of the previous Labor Government gave conflicting answers over a couple of days. I am complaining that the answers of the Minister were not those for which Hon Peter Foss was looking. He never once said that the previous Labor Government Ministers were guilty of giving conflicting answers. He did not at any time give an example of a committee of privilege being appointed by a Labor Government to address matters of this nature. Neither the Leader of the House nor Hon Peter Foss addressed the motion. That was demonstrated by the number of points of order that were made upon which you, Mr President, had to adjudicate, and Government members had to be brought to order and back to the matter at hand.

When I spoke with Hon John Halden about the content of this motion I asked: How can the Minister answer this? The facts are there. The questions were answered in two diametrically opposed ways. When asked whether such and such an event would happen, the Minister constantly replied no, definitely not. I do not know how the Minister can say that his answer meant anything else. To give Government members credit, none of them addressed the motion at all. They went all around the place but did not get to the point.

We must analyse what they were saying. Their answer was simply that the Minister had faced an Estimates Committee for the first time. I guess that reflects something else about the mob on the other side. Let us compare their performance in Opposition with the way in which we are performing in Opposition. In their 10 years in Opposition, they never learnt how to behave as an Opposition. It is unlikely that they will ever learn how to behave as a Government. Let us look at the performance of some Government members on the front bench both in the other place and in this place. We must say that, with few exceptions, there is little or no chance that they will be able to present themselves for re-election as a Government. They have no chance.

Hon B.K. Donaldson: The polls are showing otherwise.

Hon TOM HELM: Are they? On which polls is the member basing that comment?

Hon B.K. Donaldson: Have a look at them.

Hon TOM HELM: Are they the polls in the *Farmers' Weekly*?

Hon Graham Edwards: Have you taken one in Geraldton lately?

Hon TOM HELM: If Hon Bruce Donaldson is telling me that the people of the State will support his bunch of Yankees, he must have stars in his eyes.

Hon B.K. Donaldson: Read the polls.

Hon TOM HELM: In the seven years that I was a Government member, the Opposition

very rarely asked enough questions to last the whole of question time. Very rarely did the then Opposition ask more than 10 questions. We were given questions by Government members, but rarely did we need to use them.

Hon Reg Davies: Did you have your own?

Hon TOM HELM: We did not need to. We can see that Government members cannot get questions together. During the Estimates Committee the same thing happened. The Government members did not know what questions to ask or how to ask them. As a consequence, when one of the Government crowd rocked up to the Estimates Committee - Hon Tom Stephens must have worried the life out of the Government crowd - that person could not answer a question. Let us look at the Notice Paper to see the number of times that Government Ministers have said that they could not answer questions.

How many times did the Labor Government say that to that mob? How many times did it get an answer like that? It did not get an answer like that once, for one of two reasons: Either the questions they asked were easy to answer or we were very keen to answer the questions because they were innocuous. The Government has among it a Minister who has to go before the Estimates Committee, and who allows the departmental representative to answer the question for him. Anyone is entitled to make a mistake. He got the CEO to answer the question, and then somewhere down the track when he was asked the same question again there was a different answer. Fair enough, the Minister told us that he did it because of budgetary constraints, philosophical changes or different reasons. When in Government one is entitled to do that, and that is fine. Then the Minister for Transport got caught out by Hon John Halden, who said, "Hey, hey, what is this you are doing? You are really getting close to abusing your privilege as a Minister and member of this place." What did we get? The Leader of the House got up to defend the indefensible. When he had the opportunity, he could not say those tiny words, "I made a mistake." We would have copped it sweet and that would have been the end of it.

Hon W.N. Stretch: It would not have been the end of it.

Hon TOM HELM: What else could anyone do? We were concerned about how the Minister would respond to a Select Committee of Privilege inquiring into two different answers to the same question.

Hon John Halden: It was seven times.

Hon TOM HELM: Yes, not once but seven times. We were not concerned, but we were saying to ourselves, "How is he going to get out of this one?" We debated this and said, "What if he gets up and says he is sorry?" We decided if that happened, that's it - finished. That would be the end of the matter. However, we got the best debater on the other side talking about a political question. No-one ever said that Hon Peter Foss did not make those comments and that *Hansard* misquoted him.

It was a simple question: How did the Minister for Transport think he had not broken privilege by answering those questions in two different ways. That is all we asked. The Leader of the House got up to defend Hon Peter Foss. Hon Tom Stephens is right, the Minister for Transport is a nice fellow and one of the best of that crowd. Then the would be Attorney General, Hon Peter Foss, quoted something Hon Kim Chance had quoted to him. It was wonderful, but had little to do with questions Hon Peter Foss asked of the previous Labor Government which he considered had not been answered fully. There was nothing about two different answers or contradictory statements, it was about answers that he did not agree with. He is entitled to do that, and I am sure there is a time and place when the House would be thrilled to listen to Hon Peter Foss.

Hon Doug Wenn: Go on, be fair.

Hon TOM HELM: I think you have pointed out before, Mr President, that there are occasions when we would be enlightened by listening to Hon Peter Foss talk about questions that were not fully answered. We have had only three speakers from the Government; but members opposite are not a very good bunch anyway. They quoted various things, but none of them addressed those seven questions that prompted those

14 different answers. We have to look for the reasons as to why that should be the case. When members opposite were in Opposition they did not know what to do. I am not sure we know what to do because we have not been here very long.

Hon W.N. Stretch: You will get used to it.

Hon TOM HELM: After 10 years they did not learn a thing, and we have been here how long? It seems like years but it is only a few months. However, we are excellent. Anyone on this side of the House can get up and make a contribution, and the crowd opposite are knocked off their feet.

The PRESIDENT: Order! I ask the honourable member to stick to the point. This debate has been going on and on and on. As I mentioned before a very serious accusation has been made, and the debate deserves to be conducted without deviating into the frailties of other members in the place; in other words, what you do is talk about this particular motion and nothing else.

Hon TOM HELM: Mr President, I thank you for that advice. We have tried to look at the reasons why this has happened. I suggest that the inexperience of the people on the other side of the Chamber has led them to make those mistakes. That caused us to move a motion to appoint a privilege committee. Hon Peter Foss is the one who should convince the House that it should agree to this motion to set up a privilege committee.

When Hon Peter Foss referred to the speech that Hon Kim Chance quoted he talked about his responsibilities as a partner in a law firm and referred to *Hansard* of Thursday, 9 April 1992, wherein he said if his legal firm had an articled clerk who wrote a letter on behalf of the firm, it is not the articled clerk who is held responsible for any mistake in that letter. The letter went out in the name of the firm and the mistake belonged to him or his partner. Hon Peter Foss went on to say that the person who was offended by that letter could sue the firm and that he had an obligation to pay the price. I would suggest the House is saying that the price it is asking is a privilege committee to see if privilege has been breached.

By virtue of the numbers in this House the privilege committee would not be partisan, but it would not be opposed to the position of the Minister; so he would get a fair hearing. There are no two ways about that. Who knows what the committee would come up with? We would not have a problem accepting the words, "Sorry, I made a mistake." Our leader said we would accept that. Hon Peter Foss, unprompted from our side, said that is the sort of thing he would be expected to do if his articled clerk made a mistake, and that there is no way he could hold the articled clerk responsible; therefore, he himself would pay the price. There is a price to be paid in this matter, I would suggest, because we cannot go any further. Maybe we can convince the people on the Treasury benches that we have a good argument. Over dinner I spoke with Hon Reg Davies and Hon Jim Scott. In their rooms they had listened to Hon George Cash, Hon Derrick Tomlinson and Hon Peter Foss and they could not understand what the debate was about. They did not understand the thrust of it because, as you pointed out a number of times, Mr President, those speakers strayed too far from the issue. Our point is that the very least that we can expect from the Minister is an apology for inadvertently misleading the House and the very most we can expect is that which is on the Notice Paper, that a Select Committee of Privilege be established to look into the matter and determine whether privilege has been breached. I support the motion.

HON JOHN HALDEN (South Metropolitan) [8.42 pm]: In responding, I think it is appropriate to make a few comments about what the Minister for Transport said in his defence. I do not think I will waste the time of the House by commenting on what the Leader of the House said or what the Minister for Health said because it was all about blind alleys and poor excuses. The Minister for Transport confirmed the belief that I had yesterday that he stood by the answers he gave to the Estimates Committee. I believed that then and I believe it now. However, he then said that his departmental officers were not privy to the information on that budget allocation to the department. "That is a fact of life" he said. The departmental officers developed the budget and of course they knew what was in it! The Minister should not come into this House with such drivel. That is

the sort of mistake that has got this Minister into the sort of trouble he is in today. The officers who attended the Estimates Committee knew what was in the budget. They negotiated with Treasury and they were the heads of department to make up that budget, and to suggest otherwise is again an inaccurate statement to this House. Have members ever heard anything more outrageous than to suggest that the most senior departmental officers do not know what is in their departmental budget? That is absolute claptrap.

The Minister for Transport then gave us the recurrent funding figures for the Department of Transport. He also gave us figures for the full time equivalents. That was very nice of the Minister! The difficulty with that was that it had nothing to do with the issue. It was yet again more red herrings. He actually gave us the figure that his Government had cut recurrent funding by. Of course it cut recurrent funding in its first year of Government. We know that. That is why it has the problems that the departmental executives reported to the Estimates Committee.

Part of his defence related to the amalgamation of the Department of Marine and Harbours and the Department of Transport. This glorious amalgamation will resolve the problems of the tabled documents of the Minister for Transport! The departmental executives have known about this amalgamation for at least a year! The Minister himself said some time ago that the previous Government signalled the amalgamation of the two departments. That story is at least a year old. Of course, the officers knew that and they took that into account in this year's budget. However, this year's budget was trimmed. In fact, the budget documents for the Department of Marine and Harbours reveal that actual expenditure last year was \$51.5m and the estimate for this year is \$49.5m. The Minister said there would be savings. I want to quote as accurately as I can.

Hon E.J. Charlton: You are being dishonest and inaccurate in saying that. You are talking about capital expenditure. You are talking about the Dawesville Cut and everything else. That is typical of your attitude.

The PRESIDENT: Order!

Hon JOHN HALDEN: The Minister cannot even get the recurrent figures right. We should not go into it because I do not want to make it worse for him. The Minister said that as part of this glorious amalgamation there will be a minimal saving of \$200 000 as a result of new efficiencies and that as a result of the amalgamation there will be a further estimated saving of \$250 000, making a total saving of \$450 000. However, that was planned in this year's budget because it has been known about for so long. These two departments have the same chief executive officer, yet the Minister said the officers did not know about this! He expects us to believe that they did not know about these savings when they have a common chief executive officer and a common structure in which they work together. How outrageous! The Minister goes from one statement of fantasy to the next. He said we would make these savings after a \$2m cut. There may well be savings; I do not doubt that. The realities are that the \$2m cut is why those matters that were raised by the tabled document were in there. That is the reason - there is no other reason.

The Minister for Transport and others said that my motivation in this matter was to constantly grab headlines and that I had made a statement in this House early yesterday afternoon having already recorded it for the Press. That could also be construed as a matter of privilege. I challenge the Minister to prove that, because I happen to have some familiarity with privilege and what is meant by it. I challenge him to say which Press person I went to, because I went to none. That was an outrageous statement for the Minister to make and one that I call upon him to prove at any stage. He cannot prove it. The Minister was yet again running off at the mouth in a vain effort to get away from the issues.

The Minister also said that no reduction could be substantiated as a consequence of funding in this year's budget. How many times do we have to hear inaccurate statements from this Minister? The budget in its totality was cut from \$51.5m to \$49.5m. Even on the figures given to us by the Minister, the recurrent budget was cut from \$22.18m to \$22m. He goes on and on with his foot in his mouth. He has no idea of the truth. Even when we introduce a matter of privilege into this House, the Minister cannot get it right

in defending himself. How long do we have to go on with this sort of assault on this House? He is condemned yet again out of his own mouth. It is an outrage that the Minister is not being brought into line.

The Minister then went on to say in effect that his replies to questions without notice are the update of what will now take place as a consequence of the change of allocation of funds and the implementation of the amalgamation of the two departments. The situation in regard to that is quite clear. Everybody knew at the time of the budget because it was being planned for the next year. The Minister said the Government would bring in the legislation for the amalgamation of this department, the Department of Marine and Harbours, which he announced in the Governor's speech; they constructed a budget for that amalgamation of this department. However, he expects us to believe that in 14 days from the date of the Estimates Committee to the date I asked the first question without notice that all of a sudden there was a policy change. A change in expenditure appeared out of the blue. I asked the Minister to show us the proof. If this matter of privilege were so important to the Minister, and he would not use some other blunt instrument, he would have presented to this House the instructions and correspondence to the chief executive officer indicating a change of policy and expenditure. The Minister has said it was not done by administrative instruction. The reason he said that is that it was never done at all. Budgets do not work that way.

Hon E.J. Charlton: You would not know anything about budgets.

Hon JOHN HALDEN: I know more about the Minister's budgets than he does and thank God for that.

Hon E.J. Charlton: What you get is from your union mates, and then you make up the rest.

Hon JOHN HALDEN: The realities are that even if the Minister did by way of instruction change the budget, would he have changed the budget in seven areas in 14 days? Incidentally, would he have changed them in exactly the same areas in which he has misled the House? That is too coincidental for even the most naive of us to believe. There has been no change, and that is clear because the Minister chose not to present any evidence whatsoever to support his statements, even when asked to do so by me. It was a concocted effort to try to prove his innocence in regard to this matter.

Hon E.J. Charlton: You have totally disregarded the first comments I made. I said that the written answers to Hon Tom Stephens' questions did not have the information because I had not added to them. You have paid no regard to that and it is absolutely central to everything I have said tonight. You have talked about everything else to suit yourself but not that.

Hon JOHN HALDEN: That is a relevant comment. The Minister said he tabled some documents prepared by his department.

Hon Sam Piantadosi: Perhaps he had not read them.

Hon JOHN HALDEN: Perhaps so. I do not know, but he then said he was not responsible.

Hon E.J. Charlton: I said I was responsible. I said that earlier also, but because of your ulterior motives -

Hon JOHN HALDEN: If the Minister is responsible for those documents and their contents, surely he must be responsible for the answers he gave 14 or 15 days later.

Hon E.J. Charlton: I am.

Hon JOHN HALDEN: No, the Minister is not. They totally and completely contradicted those earlier answers. During the Minister's speech I asked on three occasions whether he would go through the issues I raised, point by point, to disprove them. There was no answer. Did we hear an answer from the Minister for Health or the Leader of the Government with regard to the seven specific points I raised? No. Why not? It is self-evident; there is no answer. The Minister has misled the House. It is for a privilege

committee to determine whether that was accidental or deliberate. I have my own fixed view about such an issue. I say once more that the Minister gave as his reason for misleading the House the amalgamation of the two departments. I indicate how unbelievable that is yet again, because the Department of Marine and Harbours had its budget cut by \$2m and the total budget of the Department of Transport is \$7.411m. That is basically \$5.25m for staffing costs. It has no room to manoeuvre in terms of financial contributions to the Department of Marine and Harbours for amalgamation. It is a small financial item in the context of budgets. This Minister again provides an answer to the House that is unbelievable.

In drafting this motion I framed it to avoid accusing the Minister of deliberating misleading the House. However, on the basis of the very lame explanation given in this House today, which has holes that would not catch a truck as it fell through, we are expected to believe there is no reason for the establishment of a privilege committee. That is unbelievable. At the end of the day it would be for a privilege committee of this House - and not me because I have just presented the facts as I see them - to decide the issue. Of course, the information I have presented may not be the facts, although on the face of it they look awfully compelling, and no member opposite has disputed them. It is quite clear from the Government speakers that the Government will use the brutality of its numbers to defeat this motion. I am not sure that has ever happened before, but should it happen, it is quite clear that the concept of ministerial responsibility has been thrown out of the window because this Minister will not be accountable for anything and neither will other Ministers. It is not appropriate for me to judge this Minister as guilty, but it is appropriate for a privilege committee to consider the matters.

Hon Sam Piantadosi: Not even members of your own party support you.

Hon JOHN HALDEN: I do not want to go into that. The brutality of numbers that will be used here, assuming they are, will set a precedent and send a clear message: That this Government which claimed the high moral ground not 12 months ago has no moral fibre at all, by not allowing a clear case of misleading the House to be considered by a privilege committee - a committee that the coalition parties would dominate on the motion presented to this House. What does the Government have to fear? The very issue in this motion. The Minister has misled the House.

There is another very clear scenario in regard to this matter, and I intend to make it clear and put the matter on the record. It is regrettable, but there is no other explanation I can give, that the National Party has the ability to hold the Liberal Party in this House to ransom. There is no doubt that the tail is wagging the dog; what a tail - one tale after another! The National Party is prepared to use its junior status in the coalition to stand over the Liberal Party.

Hon N.F. Moore: Nice try.

Hon JOHN HALDEN: It is a better try than that from members opposite. Hon Norman Moore knows that, as do all the other Liberal Party coalition members. Whatever the rights or wrongs of the Australian Labor Party when formerly in Government, it always accepted the fact, without exception, that a matter of privilege should go to a committee and be decided on its merits. Tonight we shall see the moral high grounders of 12 months ago destroy that. If they were so confident of this Minister's innocence, they would send it to the committee. But they are not because they know what would happen the moment the matter reached the committee. The facts speak for themselves.

Hon N.F. Moore: Let the facts speak for themselves. There is no need for a committee.

Hon JOHN HALDEN: One can only feel sorry for the Liberal Party that finds itself blackmailed by a party which both the Labor Party and the Liberal Party members in private conversation would prefer at any time to see extinguished, because basically it is a rural rump - a rump in this House which gets fewer votes than the Green party and has three times as many representatives.

Hon Peter Foss: It is very relevant to the party.

Hon JOHN HALDEN: We see here a clear example of how the National Party has

demonstrated its nuisance value. It is capable of undermining the practices and understandings that have developed in the Legislative Council over the last century - in particular in regard to matters of privilege. This matter amply demonstrates not only that Government members are irresponsible but also that the National Party is morally corrupt.

Point of Order

Hon E.J. CHARLTON: The last comment by the member about the National Party being morally corrupt is unparliamentary and offensive to me. I ask that it be withdrawn.

The PRESIDENT: The member will withdraw the remark.

Hon JOHN HALDEN: Of course I withdraw, Mr President.

Debate Resumed

Hon JOHN HALDEN: The National Party is morally bankrupt. No doubt, the National Party is leading the Government to the same situation. It is unfortunate that privilege in this House, and matters of privilege, have been brought to nothing else but party politics and the brutal use of numbers. That is absolutely clear.

Hon N.F. Moore: That is what you do every day of your life. You are the most brutal numbers man I know. That is why you do not run roughshod over this House - you do not have the numbers.

Hon JOHN HALDEN: If the Minister for Health is so confident he should vote with us.

The PRESIDENT: If members do not come to order they will not vote at all, because one must be here to vote.

Hon JOHN HALDEN: I hope that some time in the future we will have a chance to correct electoral malapportionment in this State. Members then will be able to remove the irritant in this House.

I conclude on the very issue that I raised in this House yesterday. Seven answers were presented and tabled by the Minister for Transport. Tonight, that Minister said that he stands by the answers tabled for the Estimates Committee. He gave a reason why in 14 to 15 days the budget of the Department of Marine and Harbours could change in seven specific areas - the matter that I raised in the privilege motion.

Hon E.J. Charlton: I did not say that at all. I totally reject that statement. They are your words, not mine.

Hon JOHN HALDEN: Of course they are my words! I would not use the Minister's words - they are wrong. In seven areas that budget changed -

Hon E.J. Charlton: You have only five fingers on that hand!

Hon JOHN HALDEN: They changed because of a presumed amalgamation and budgetary savings that of course departmental officers did not know about. Senior departmental officers did not know about their own budget! Are we expected to believe that?

Hon Doug Wenn: Maybe he did it all on his own.

Hon JOHN HALDEN: The seven answers are completely contradictory. The explanation given is unbelievable. After further consideration, that information is likely to incur my wrath enough to want to move a similar motion because the information is equally inaccurate and misleading.

"No. Definitely no! Absolutely no!" has never meant yes to me, nor should it to this House. That is what the Minister said in this place on one occasion, and on six others he said exactly the same and would have us believe exactly the same. If there is nothing to hide, the course open to the Government is to go to a Select Committee of Privilege, and the Minister will be found not guilty. If there is something to hide, the Government will do the ignoble thing and use its numbers to protect the Minister who on so many occasions has tripped up in this place.

Division

Question put and a division taken with the following result -

Ayes (12)		
Hon T.G. Butler	Hon Graham Edwards	Hon Sam Piantadosi
Hon Kim Chance	Hon N.D. Griffiths	Hon Tom Stephens
Hon J.A. Cowdell	Hon John Halden	Hon Doug Wenn
Hon Cheryl Davenport	Hon A.J.G. MacTiernan	Hon Tom Helm (<i>Teller</i>)
Noes (15)		
Hon George Cash	Hon Peter Foss	Hon M.D. Nixon
Hon E.J. Charlton	Hon Barry House	Hon R.G. Pike
Hon M.J. Criddle	Hon P.R. Lightfoot	Hon B.M. Scott
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Muriel Patterson (<i>Teller</i>)

Pairs	
Hon Bob Thomas	Hon P.H. Lockyer
Hon Mark Nevill	Hon W.N. Stretch

Question thus negatived; motion defeated.

DISABILITY SERVICES BILL*Second Reading*

Debate resumed from 23 September.

Referral of Clauses 4 and 13 to Standing Committee on Legislation

HON GEORGE CASH (North Metropolitan - Leader of the House) [9.09 pm]: I move, without notice -

That clauses 4 and 13 of the Disability Services Bill 1993 be forthwith referred to the Standing Committee on Legislation for consideration and report no later than Tuesday, 30 November 1993.

The Disability Services Bill has been listed on the Notice Paper for some weeks; however, owing to pressure of parliamentary business, it has not as yet been possible to deal with the Bill. Two clauses of the Bill have presented concern to some members of this House. The Government has agreed that, while the Bill remains on the Notice Paper not dealt with, so to speak, it would be in the interests of the House to refer, in particular, clauses 4 and 13 to the Legislation Committee for consideration. Clause 4 deals with an Act that does not create entitlement and clause 13 deals with the power to fix fees in respect of the Bill. I need say no more at this stage because the purpose of my moving the motion is to enable the Legislation Committee to give consideration to clauses 4 and 13 and to report back to the House in due course in accordance with the date set out in the motion.

HON CHERYL DAVENPORT (South Metropolitan) [9.11 pm]: I thank the Leader of the House for moving this motion and I indicate, in seconding it, that the Opposition agrees with the motion. We recognise the current workload that the Legislative Council must get through before Christmas. We are also aware that this piece of legislation is important in establishing the new Disability Services Commission. Towards the end of last week I approached Hon Derrick Tomlinson to ask him whether he had had some contact with the various disability sector support groups. I asked him whether he would look at the legislation to see whether he could agree with me that there would be some benefit in the Standing Committee on Legislation considering clauses 4 and 13 with the idea of reporting back to the House by the end of November. I thank the member and the Government for agreeing to do that.

It is fair to outline in a little more detail the reasons that these two clauses are creating

some difficulty within the community. Quite a number of the problems that have arisen have occurred since the Bill went through the other place and came to this House. Of course, the Opposition supports the Bill, in principle, and acknowledges that the legislation is an attempt to build on and improve the Disability Services Act 1992, which was proclaimed earlier this year. The Bill was subject to quite rigorous debate in the other place, where my colleague the member for Kenwick was able to convince the Government of several other important amendments which should be effected. However, these two clauses gave the Opposition some concern at that time and that concern has become more relevant as time has progressed.

Since the Bill was passed in the Assembly in September, I have had personal representations from several groups and have received a number of letters from various disability sector organisations. Their concerns, too, are centred on clauses 4 and 13. Most members here would agree with the intent of the 1975 United Nations Declaration of the Rights of Disabled People, which Australia has ratified. That declaration makes it quite clear that people with disabilities have the right to become as self-reliant as possible; to live with their own families; to participate in all social, creative or recreational activities; and to access the assistance or service they may need to make those aims possible. Clause 4 of the Bill is entitled "Act does not create entitlement" and states -

This Act is not to be taken as providing a person with a disability, or any other person, with a legally enforceable entitlement to a service.

The Minister in the other place, while debating this clause, was advised by the departmental officer that the Chairman of the Authority of Intellectually Handicapped Persons Board, Mr Ray Young, believed the Opposition's amendment - which was to delete the clause - was a political ploy. I want to assure this House that that is not the case. The Opposition believes that this clause negates the rights that the legislation sets out to enshrine in law for those people with disabilities throughout Western Australia who need to access services.

Clause 13 is entitled "Power to fix fees etc." and states -

- (1) The Commission may, with the approval of the Minister -
 - (a) fix the fees and charges to be paid to the Commission for using or residing in premises owned by or under the control or management of the Commission;
 - (b) fix the fees and charges to be paid to the Commission for services provided by the Commission;
 - (c) determine the people or classes of people who are liable to pay the fees or charges so fixed in full or in part, or who may be exempted from such payment.

In fact, subclause (a) exists in the Authority for Intellectually Handicapped Persons Act. I am advised that it has not been utilised to any great degree. Subclauses (b) and (c), in the view of the Opposition, create tremendous problems for consumers. They give the Minister the capacity to approve the new commission fixing fees and charges. Those clauses need to be looked at a little further.

I now refer to the representations I mentioned earlier. The first is a letter from the People With Disabilities (WA) Inc. which asked that the Legislative Council look at the two major concerns that it had; namely, with clauses 4 and 13 of the proposed Bill. The second representation was from Parent Advocacy in Education (W.A.). It was an open letter which all members of the Legislative Council should have received. In part, it states -

The Disability Services Bill 1993 has passed through the lower House and will be addressed in the Legislative Council for debate. We believe debate was necessary in the Legislative Assembly and many important issues and concerns were raised by all members, of all parties.

We are communicating to you as we still have strong concerns regarding the inclusion of Clause 4 and Clause 13(b) and (c) in the Disability Services Bill 1993.

It goes on to state the concerns that the organisation has about those clauses. The third representation is a letter from a private citizen whom I will not name but who obviously has a child who has need of services. In part, the letter states -

I would like to particularly draw your attention to Clause 4 and Clause 13 (b and c).

Clause 4 denies entitlement of services to disabled people, whereas the 1992 Disability Service Bill gave entitlement to services.

For most families disability is not an option of choice. I believe the community, by its definition, has a responsibility for sharing in this support.

It also goes on to mention clause 13 (b) and (c). I have another letter from People Actively Committed Together (Inc) which states -

PACT INC is a project funded by Lotteries Family Support Fund Program and on the 1st September transferred to the Authority for Intellectually Handicapped Person/Bureau for Disability Services. This Organisation uses Brokerage Dollars to purchase services and supports for families caring for a person with disability.

The families of PACT INC have requested that I advocate their concerns in relation to the Disability Services Bill 1993.

The letter lists both clauses 4 and 13.

The final letter which I will read into the record is an important part of the reason the Legislation Committee should look at this. This letter is from the Northern Region Advisory Council, whose members act as advisers to the Authority for Intellectually Handicapped Persons. It states

The North Metropolitan Advisory Council represents thirteen hundred persons having intellectual disability, autism and multiple disability. ...

First, Clause 4 states that the Act per se does not represent an entitlement to services. For most families having a person with disability was not their choice, and we believe the community has a responsibility for sharing in the support. Hence, we believe this clause should be re-framed to reflect some reasonable entitlement to services by people with a disability and their families.

Second, Clauses 13(b) and (c) establishes the power to set charges and fees by the Commission for services in general. Councillors were not aware that these clauses were included in the Act and we are concerned that they permit too much discretion by the Commission.

For example, at the same meeting the revised Board and Lodging Charges proposed (and since introduced) by the Authority for Intellectually Handicapped Person (AIHP) were tabled. Substantial increases to many consumers is the outcome.

This board meeting has taken place since the passage of the Bill through the other place. It continues -

Several councillors questioned the equity of the charges across different levels of disability - for example, the most disabled consumers with the highest living costs are being charged the most (66% or 75% of their pension) - the most able consumers receiving support, earning additional income, are being charged the least (0% or 25%).

A second issue is that the Councillors believe that the administrative costs associated with the collection of Board and Lodging Charges could exceed the fees collected ... Councillors wish you to note that the AIHP charges only for public sector owned and operated accommodation services, and Clauses 13 (b)

and (c) will open the way for charging for all services provided by the Commission.

We would prefer that Clauses 13 (b) and (c) be removed and that changes to charges go through the normal parliamentary process where they can be amended or even disallowed. This will safeguard the rights of some of most vulnerable citizens.

I concur with the sentiment of these organisations that have approached the Opposition. Since 1990, when the Legislation Committee first came into being, to 1993 the number of referrals that it received allowed it to do some very good work, and in the main come back with unanimous reports to the House. I have no doubt that if we are able to talk with those organisations and with the AIHP, we would be able to conclude the business by 30 November and report back to the Parliament and be able to conclude the second reading after that. I second the motion.

HON DERRICK TOMLINSON (East Metropolitan) [9.25 pm]: I will be brief in supporting the referral to the Standing Committee on Legislation. I believe clauses 4 and 13 are capable of the readings that Hon Cheryl Davenport has just read to us from the submissions made from people affected by them. I do not believe those readings are the intention of Government. I believe the intention of Government has a much narrower meaning than those more extreme interpretations. However, the people affected by this legislation do read it that way. It is proper that the Legislation Committee give those people the opportunity to make their submissions to members of Parliament and for those submissions to be heard and considered. It is also proper that the Legislation Committee should give the drafters of the Bill the opportunity to respond to those submissions so that we can make a proper and informed judgment as to whether the Government's intention is properly expressed or whether the readings that have caused some concern with affected members of the community are reasonable readings, and if so whether any amendments to the Bill should be made. That was one of the reasons for the formation of the Legislation Committee in the first place.

I am grateful that Hon Cheryl Davenport is offering that the committee will continue as it did in the last Parliament; that is, to work in a cooperative manner. We so often brought forward unanimous reports which were not always the position that we started out with as Opposition and Government members. We would take this referral forward in exactly the same spirit. I stress however that the date of return, 30 November, is exceedingly important. This Bill has been on the Notice Paper too long. The consequence is that the transition committee responsible for the implementation of the Disability Services Commission is in the embarrassing position of having what might be described as delicate policy matters that it is bound to refer to the commission, with no commission to refer them to, because the commission is to be established by the legislation which has been languishing in this House. For that reason the return date of 30 November is one which we must meet. When we do meet that return date of 30 November, like Hon Cheryl Davenport I hope the Council will see fit to give this piece of legislation a quick passage.

Question put and passed.

Debate (on second reading) adjourned, on motion by Hon Muriel Patterson.

ACTS AMENDMENT (DEPARTMENT OF TRANSPORT) BILL

Introduction and First Reading

Bill introduced, on motion by Hon E.J. Charlton (Minister for Transport), and read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [9.29 pm]: I move -
That the Bill be now read a second time.

As I indicated to the House when I tabled the report entitled "A plan for the new Department of Transport", the Government has decided to amalgamate the Department of Marine and Harbours and the Department of Transport.

Since becoming Minister for Transport, I have become even more convinced that an efficient and effective transport system is essential to the economic and social development of Western Australia. To ensure that this occurs, it is imperative that the State be equipped with the necessary expertise to coordinate the development and implementation of transport policy. We can no longer afford the luxury of two separate agencies in the portfolio providing partial, and sometimes conflicting, sources of advice on these matters to the Minister for Transport. Amalgamation of the two departments will ensure that the Minister is equipped with a single overarching agency to assist Government in all aspects of transport policy development and implementation.

The Bill contains three major policy initiatives. Firstly, it enables the formal amalgamation of the two departments to occur, by removing reference to the Department of Marine and Harbours from the Marine and Harbours Act. The Marine and Harbours Act, together with the Transport Co-ordination Act, can then be administered by a single department. To assist the amalgamation, the Bill amends the provisions of the Marine and Harbours Act relating to ministerial delegations to bring them closer in line to those which apply under the Transport Co-ordination Act. The Bill also amends section 62 of the Transport Co-ordination Act to enable the amalgamated department to operate a single accounting system utilising the existing transport coordination fund. It is intended that, in line with Government policy, the amalgamated department will report its financial outcomes on accrual accounting lines.

The second major initiative contained in the Bill relates to the establishment of special purpose trust funds for the development and maintenance of particular port and harbour facilities. I firmly believe that given the opportunity, together with a legislative framework which will protect their investment, local industry will be more than prepared to contribute to the maintenance and development of particular port and harbour facilities. Such investment will not only enhance the profitability of their own business operations, but will benefit the community as a whole.

Clause 22 will provide the assurance to industry that funds which it contributes will be used only for purposes for which they were originally intended. This Government will then actively pursue the participation of industry in the maintenance and development of infrastructure which is essential to ensure commercial viability of our maritime industries.

The third major initiative concerns the formation of business units. As foreshadowed in the report "A plan for the new Department of Transport", the department's construction and maintenance workshop, together with its consulting engineering and hydrographic survey and cartography branches will be formed into business units. These business units will provide products and services to internal and external customers on a user choice and a full user pays basis. To ensure that they compete on a level playing field, the normal overheads of private organisations will be factored into the business units pricing structures. The units will operate initially for a two year period during which their long term commercial viability will be assessed.

Clause 21 of the Bill gives the business units the ability to compete with the private sector for the provision of products and services under terms and conditions as are agreed by the parties. Nevertheless, I should stress that fees and charges for traditional marine and harbours services including berthage and wharfage fees will continue to be prescribed by regulation.

Clause 22 will enable the business units a measure of financial independence by allowing them to operate under trust accounts which will be established under terms and conditions agreed to by myself and the Treasurer. These trust accounts will be subject to the normal requirements of the Financial Administration and Audit Act, but to ensure that the business units have the ability to forward plan, these trust funds will be exempted from the general power of the Treasurer to transfer excess funds to the consolidated fund.

However, the approval to operate these trust accounts will contain specific directions as to the level of any dividend which is to be paid to the consolidated fund, and may in addition limit the amount of revenue which can be retained.

The Bill also makes the necessary administrative amendments to enable the transfer of responsibility for the administration of Acts currently administered by the Department of Marine and Harbours to the Department of Transport. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

SITTINGS OF THE HOUSE - EXTENDED AFTER 11.00 PM

Wednesday, 10 November

HON PETER FOSS (East Metropolitan - Minister for Health) [9.37 pm]: I move -

That the House continue to sit and transact business beyond 11.00 pm.

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [9.37 pm]: In recent times the Government has moved the same motion as that moved by the Minister for Health. The Opposition has not previously opposed this move. Indeed, it has been exceedingly cooperative in the way it has agreed to sit beyond the normal hours. I remind members opposite that it was very rare indeed during the term of the last Government that the same cooperation was extended; it was only towards the last week or so of the session that the then Opposition let this House sit beyond 11.00 pm.

I would not have made any comment tonight except that today, when speaking on the ABC, the Leader of the House accused the Opposition in this place of filibustering on legislation and slowing down the business of the House. The reason we have been sitting beyond 11.00 pm is not because the Opposition is being uncooperative or because it is filibustering. The Opposition has taken a very responsible approach to the legislation we have had put before us. We are sitting beyond 11.00 pm because of the bad management of the Government. I do not lay that blame entirely at the feet of the Government in this place. One must look only at the way in which the Government in the other place has shovelled legislation into this place. I was a fireman in the railways in this State for many years and I shovelled coal with more care than this Government has shovelled legislation into this House of Review. We are being forced to sit beyond 11 o'clock because we are dealing with poorly drafted, bad legislation which is wrong in principle and in practice. One can say whatever one likes outside this place, but we in this House know the true reasons that we are being forced to sit beyond 11.00 pm.

HON TOM STEPHENS (Mining and Pastoral) [9.38 pm]: I join with the Leader of the Opposition in expressing opposition to this motion tonight. It is only the restraint of the Leader of the Opposition upon me which has prevented my speaking before on this motion which has been moved on a number of occasions following the last State election.

Hon George Cash: Why haven't you?

Hon TOM STEPHENS: Because in the past, the Leader of the Opposition has used his good counsel and succeeded in urging me not to rise.

Hon George Cash: Are you going to break the rule this time?

Hon TOM STEPHENS: No; now I have the opportunity of joining with him in an argument that I wanted to put on a number of occasions -

Hon George Cash: I did not say only "filibustering", I also said that the Opposition was obstructing.

Hon TOM STEPHENS: I reject both claims made by the Leader of the Government.

Hon Peter Foss interjected.

Hon Graham Edwards: You may have the numbers, Mr Foss, but you will need a bit of cooperation if you want to get through the legislation in this House and don't you forget it.

Hon TOM STEPHENS: No truer words were said. This Government will soon learn how true those words are. The back bench will understand the truth of the statement by the Leader of the Opposition. This Government has thought itself smug as it sat on the other side of the House with its numbers and thought that somehow it could steamroll its legislation through the House irrespective of what the Opposition said or did. However, it is finding out the opposite is the case and it must learn new ways of behaving in this place.

Hon Peter Foss: You have just admitted you are filibustering and obstructing.

Hon TOM STEPHENS: Mr President, you know only too well that you have the power to prevent any filibustering and you would be the first person to sit down members if they were in breach of the standing orders of this place. You have the power to keep this place on the right path. Tedious repetition would be met with short shrift by you, Mr President. I have been very impressed with the debates on legislation in this place which have been waged by members on this side of the House. Despite the length of the debates, members on this side of the House have ensured that there has been no tedious repetition of the arguments. The arguments have focused on new perspectives and have outlined why this Government should desist from the course of action it has taken on the various initiatives which it has presented to this place.

Another reason I object to the motion moved by the Minister for Health that the House should continue to sit beyond 11 o'clock tonight is that it is extraordinary hypocrisy on the part of this Government. This motion has been repeatedly moved this session, and it is contrary to the line which the Government adopted when it was in Opposition; that is, it denied the then Government the opportunity of expediting its legislative program by extending the sitting hours, except on a very small number of occasions, and most of those occasions were at the end of the session. Hon Peter Foss stood in this House -

Hon Peter Foss: Quite right, but we did not filibuster. We did not need to do that.

Hon TOM STEPHENS: - and debated for hours as though he was trying to kill the then Leader of the Government by putting him through that ordeal. He, supported by members opposite, did not succeed in the way in which he dealt with Hon Joe Berinson. The new Liberal Party members like Hon Bruce Donaldson, Hon Barbara Scott, Hon Murray Criddle and Hon Murray Nixon might wonder what the Opposition is doing.

Hon B.K. Donaldson: I do wonder sometimes too!

Hon TOM STEPHENS: If the member had been in this place previously he would understand that the Opposition learnt a lot from the Government when it was in Opposition. The Government taught the now Opposition about the role of the House of Review. It also taught it how to closely scrutinise legislation - word by word, line by line and clause by clause. Government members will learn more about that process in the short time it is in Government. The Government's legislation deserves the scrutiny and the opposition it has had so far.

The PRESIDENT: Order! I would like the member to talk about why the House should or should not sit beyond 11.00 pm.

Hon TOM STEPHENS: Tonight on television the Leader of the House in the other place, Hon Colin Barnett, told the people of Western Australia that this Parliament should not sit beyond 11.00 pm. On the same night the Minister for Health has moved a motion for this House to sit beyond 11.00 pm.

Hon George Cash: We have not started work yet.

Hon TOM STEPHENS: The Minister for Health appears to not understand the impact that this motion will have on the health of his ministerial colleagues. It has already caused the Minister for Transport to slip up time and again in answering questions. He cannot get one answer correct. It appears that he is heading for premature dementia -

Hon E.J. Charlton: There is no way in the world I will respond to your questions like I have in the past, just to help you out.

Hon TOM STEPHENS: The Minister for Transport is now saying that he will not answer questions in this House. It appears that he will adopt the same standards as his ministerial colleagues and we will not get any information -

Hon E.J. Charlton: No, you will not.

Hon TOM STEPHENS: There we have it and we know where we stand. There will be no more answers from the Minister for Transport and on that basis he will probably never slip up. I repeat that it was the Minister for Health who moved this motion. I do not recall this motion ever previously being moved by the Minister for Health.

Hon George Cash: He has.

Hon E.J. Charlton: You were not here.

Hon TOM STEPHENS: Previously I did not have the freedom to speak on this motion and express my opinion.

Hon E.J. Charlton: I do not think he will let you do it again either!

The PRESIDENT: Order! It does not matter to me who moved it, as long as the member on his feet talks about it.

Hon TOM STEPHENS: It sure matters to me, Mr President. This Minister for Health has responsibility for health issues in this State.

Hon Peter Foss: That is very observant of you.

Hon TOM STEPHENS: In part, his responsibilities should extend to his ministerial colleagues.

Hon George Cash: We support the Minister.

Hon TOM STEPHENS: Apparently he does not recognise the stresses that motions like this will have on them.

Hon Peter Foss: I do.

Hon TOM STEPHENS: I know that some of his ministerial colleagues have appointments as early as 7.30 in the morning. Perhaps he wants to ensure, by this motion, that they have the opportunity to go straight from this House to their first appointments.

Hon Peter Foss: I do not think so.

Hon George Cash: We plan things.

Hon TOM STEPHENS: In addition, this House has established a series of committees and they are now controlled by the Government, which is muzzling their activities. Those committees cannot find the opportunity to meet. I am on only one standing committee - the Standing Committee on Government Agencies - and it has not been able to meet for weeks because this House, week in and week out, is sitting until unreasonable hours on a Wednesday and by Thursday morning members are not in any fit shape to front up to a meeting at nine o'clock.

The effect of this motion is to muzzle the activities of this House as a House of Review because it muzzles the committee system. Hon Cheryl Davenport has only just supported a motion moved by this Government to refer a couple of clauses from the last Bill which was before the House to another committee of this place. When will that committee have the opportunity to meet if this Minister for Health continues to move motions to extend the sittings of this place beyond 11.00 pm? While this Government was in Opposition it demanded that this place should operate as a House of Review. It used to oppose any motion that was moved to sit beyond 11.00 pm.

Hon Peter Foss: We did not vote against things - we did not need to obstruct like you do.

Hon TOM STEPHENS: I reject that comment and it is a reflection on the Chair. I hope that very soon the Government's backbenchers will beg the Leader of the Government in this place to cooperate with the Opposition in this place.

Hon E.J. Charlton: Did we get any cooperation from you, with over six days to deal with the industrial relations Bills?

Hon TOM STEPHENS: All of my colleagues on this side of the House are reasonable people. Were this Government prepared to cooperate with this Opposition, it would find that we have ways of ensuring the expeditious treatment of the Government's legislation, but that includes a range of responses and courtesies on the part of the Government that should be displayed to the Opposition. The Government would then have the opportunity of avoiding draconian measures such as the Minister for Health's motion that this House sit beyond 11.00 pm. If the Government has no regard for the health of its ministerial and backbench members, or for the health of the Opposition, it should have some regard for the staff. The Hansard reporters are worn to a frazzle -

Hon P.H. Lockyer: This is one of your worst performances.

Hon TOM STEPHENS: Hon Phil Lockyer is not the arbiter of taste in this place.

Hon P.H. Lockyer: I will make a speech on that shortly.

Hon TOM STEPHENS: I will look forward to that. What I look forward to most is seeing Hon Phil Lockyer in court, and I will be surrounded by a few others by the end of the day. Every time that Hon Phil Lockyer interjects, it makes me more determined that I will have my day with him. This House should not sit beyond 11.00 pm, either tonight or on any subsequent occasion. This Government should heed the admonition of Hon Colin Barnett and the advice that he gave to the community tonight on ABC television, where he said that the Parliament should not sit beyond 11.00 pm. Hon Colin Barnett is now sitting behind the Chair to watch this motion moved by the Minister for Health and to watch the hypocrisy of this Government.

The PRESIDENT: Order! The member is trying my patience. He knows that it is out of order to refer to a member of another place while he is sitting in this Chamber, and he should ignore his existence. If the member talks about whether we should sit after 11.00 pm, I will be happy to listen to him.

Hon TOM STEPHENS: I do not believe we should sit beyond 11.00 pm, and I urge members opposite to vote against this motion and to heed the admonition of Hon Colin Barnett on ABC television tonight, where he told the people of Western Australia that the Parliament should not sit beyond 11.00 pm because that is not in the best interests of legislation. We should accept the advice of Hon Colin Barnett and we should accept my advice, which is to not sit beyond 11.00 pm. You will forgive me, Mr President, if tonight I address myself to this question with some enthusiasm, because this is my first opportunity to speak on this motion in the face of the restraint imposed upon me by my leader.

Hon George Cash: Make a telephone call to tell everyone where you are tonight!

Hon TOM STEPHENS: Hon George Cash has made a good point. The sitting of the House beyond 11.00 pm has an impact not only upon members, the Hansard staff, the Clerks, the assistants, and the extended network of attendants and dining room staff, but also upon our families. I have a young family, and I know that my wife would appreciate my assistance with the children when they wake up in the morning. Hon George Cash reminded me that I recently had the misfortune of forgetting to tell my wife that we would be sitting all night, and when she awoke at 5.45 am and found that I was not in bed -

Hon P.H. Lockyer: She thought it was Christmas!

Hon TOM STEPHENS: That was not bad! It has even got me smiling. However, I will not resile from my determination to oppose this motion. My wife is as distressed as are, no doubt, the partners of other members of Parliament to find that we are not home at a reasonable time of the morning. Hon Cheryl Davenport has the primary responsibility for the care of her child. When a motion such as this comes before the House night after night, she has to make alternative arrangements for the care of her child. It is a disgrace that this motion was moved.

Hon George Cash: Stop filibustering.

Hon TOM STEPHENS: Not at all. Members opposite introduced the motion.

Hon Graham Edwards: We may talk until 11.00 pm and give you something to think about.

The PRESIDENT: Order! I will name the next member who interjects. I am fed up to the back teeth with Ministers of the Crown who think that there is a different set of rules for them than there is for other members. I will not tolerate any more interjections. If the member gets on with telling us why he does not want to sit after 11.00 pm, and forgets about all the other extraneous things that he is garbling on about, then perhaps in the next 25 minutes and 21 seconds someone may agree with him.

Hon TOM STEPHENS: The final reason for my not wanting to support the motion is that the Government has the opportunity to approach this process in a different way by learning to cooperate. As the President can confirm, even on a motion such as this, 14 speakers could speak for 45 minutes each and each could come up with fresh material, and the Government could do nothing about it. When Des Dans was Leader of the Opposition in this place, time and time again he used to tell the Court Government of the day that the way to proceed in regard to legislation was to show some courtesy and some respect for the role of the Opposition and of the Parliament. The Government could cooperate with the Opposition and give us the opportunity to give the legislative program the scrutiny that it deserves. That cannot be done by forcing us night after night to sit beyond 11.00 pm, as this Minister for Health would have us do tonight. I hope my comments tonight will be an opportunity for Government members to learn that there are other ways of doing things. All the Government has to do is convince its frontbench members to adopt a different behaviour pattern and to drop the arrogance and the misbehaviour that they have displayed in this State, and they will find that there is a way in which this House can operate effectively as a House of Review. I oppose the motion.

HON SAM PIANTADOSI (North Metropolitan) [9.59 pm]: I oppose the motion. Hon Tom Stephens referred to time management and to the late resumption of the Parliament. We must remember that the Legislative Council resumed in June, and we have lost a great deal of time. I recall that for the first four weeks we were struggling to debate Bills, and we adjourned the House early many days because no business was coming from the other place. I sympathise with Hon Tom Stephens as I too have a young family. I too would like to finalise business at a reasonable hour. Observing the condition of members over the last couple of weeks, including myself, is the Government fit at 3.00 am or 5.00 am to give the necessary thought to legislation?

Other opportunities are available for the Government. We could start earlier. That possibility was canvassed several times by us when in Government, but no agreement was forthcoming. That proposal has been considered on about four occasions during the past 10 years. You are probably aware, Mr President, of many other occasions. We would still sit for the same number of hours, but the sitting times would be more reasonable.

It must be remembered that we make commitments to our electorates, and Ministers have similar problems with their appointments. It seems that we will finish at the death knock of Christmas again this year. That is one time that constituents, as they wind up for the year, conduct celebrations at which they want the presence of members of Parliament. Repeatedly we must cancel appointments and not meet with constituents and clubs and associations at the one time of the year they would like our presence. I am sure that over the past 30 years you, Mr President, have experienced that on a number of occasions.

It is a matter of properly managing the business of the House. The Government must put forward proposals for different sitting times. Instead of sitting at 2.30 pm, why not sit at 10.00 am on Wednesday and Thursday? It looks like the motion to sit beyond 11.00 pm will apply for the duration of the session - I heard this suggested today - and that is outrageous. The Minister for Health seems to have taken charge of running the business of this House. Can he confer with his colleagues and produce a better proposition? We

could conclude our business at 11.00 pm by starting at 10.00 am. The Legislative Assembly seems to have its act together a little better by starting earlier in the day and concluding at a reasonable hour. Why can that not be achieved in this Chamber? Does the Government have the ability to arrange its timetable in a better manner than it has done so far?

The Government accused us of filibustering earlier today. I remember at the beginning of the year the need for the Government to keep debate alive because insufficient business was coming from the other place. Members opposite cannot eat their cake and have it too. They must admit that we have problems because at the beginning of the year we lost a lot of time. Once again I assume that the Assembly will be in recess and this House will still be conducting business.

Hon Peter Foss: I hope not.

Hon SAM PIANTADOSI: On how many occasions has it happened?

Hon Peter Foss: We try to avoid it.

Hon Derrick Tomlinson: It happened during your years in Government.

Hon SAM PIANTADOSI: I will be glad to hear what Hon Derrick Tomlinson has to say.

Hon Derrick Tomlinson: Sit down and I will tell you.

Hon SAM PIANTADOSI: For the first three or four weeks of the session little legislation was introduced, yet for the first time ever we have five Ministers in this House. A great deal of legislation could have been introduced owing to the increased ministerial representation. That would have overcome many of the problems experienced in previous years when this House contained only three Ministers. The number of Ministers has just about doubled, but not the workload. With better management the Government could have introduced legislation into this House. The legislation would have passed to the Assembly for its consideration just as legislation comes here from the Assembly. We would be in a better position to conclude the business of the Parliament at the same time.

Hon Peter Foss: Hear, hear!

Hon SAM PIANTADOSI: I am confident that the Legislative Assembly will go into recess on time, but this House will probably sit until 23 December. I looked at the problem early in the piece, and to ensure that I am able to meet with my constituents I have paired myself for the last two weeks of the Parliament if it sits until that date. Therefore, I will not be affected by these sittings, although I feel for my friends on this side of the House. I also feel for Government backbenchers, but they can have a say in these matters by twisting the arm of the front bench. Therefore, if they suffer it will be partly their fault.

History indicates that many opportunities have been available - a great one is before us now - to reconsider how we conduct our affairs. I see no difficulty in my suggestion of improved sitting hours; Government members would appreciate an early start and a reasonable finish time. Rather than pointing the finger and accusing us of filibustering, the Government should accept the suggestion.

I notice the backbencher who accused us of filibustering, and who said he would participate in this debate, has disappeared. I was prepared to have a wager on that happening, and I have been proved correct again. We hope the Government will get its act together and get on with the business of the House so that, for the reasons expressed by the Leader of the Opposition and Hon Tom Stephens, we will all enjoy time with our families.

HON JOHN HALDEN (South Metropolitan) [10.10 pm]: I had no intention of participating in this debate until I heard the words of Hon Graham Edwards, which were then confirmed to me by Hon Cheryl Davenport, about comments made by the Leader of the House in regard to filibustering and obstructive tactics by the Opposition. That was the precursor to tonight's guillotine motion - a very nice and wonderful tactic - but before

one runs around accusing the Opposition of those things one should make sure that everything in one's own backyard is in order. As the person responsible for the Opposition's handling of industrial relations legislation, I can say that if the other House had behaved in a reasonable way and performed its duties as laid down for that House, members in this Chamber would not be in this position and would not have spent as much time debating that Bill as we have. When Bills are guillotined - in one case a Bill did not even see the commencement of the Committee stage - I do not know what the Government expects of us. But if it thinks we will not use the opportunity to debate the clauses of that Bill extensively, bearing in mind the contentious nature of that legislation, it is wrong. It would be derelict of us not to do that. If the Government thinks it is an appropriate tactic to guillotine legislation in the Legislative Assembly and then to expect this House of Review to meekly lie down and not attempt to debate, alter and scrutinise that Bill clause by clause, it is wrong.

There have been occasions in those debates where I have attempted, with your assistance, Mr Deputy President (Hon Barry House), to quicken the pace of those pieces of legislation, but we now have a situation where the Government is asking us to sit for the fourth night in seven sitting nights until any hour of tomorrow morning - probably some time much later than four or five o'clock in the morning. I recall the efforts of the then Opposition when we attempted to move to sit after 12 o'clock on occasions and to have one extra hour. We were lectured by Hon Peter Foss about how one cannot make sensible law after 11 o'clock at night and what impact it would have on one's health and family life.

Hon Kim Chance: He was right there. He was right again.

Hon Peter Foss: I accept that is still correct, but you are trying to stop us making any law at all.

Hon JOHN HALDEN: The Minister has said by way of interjection that the Opposition is stopping this Government making any law. My understanding is that this House has passed 12 pieces of legislation already.

Hon Graham Edwards: With the cooperation of the Opposition there are three or four pieces of legislation we can point to that have gone through more quickly than they should. In normal circumstances we would have spent more time on them.

Hon JOHN HALDEN: I can think of one piece of legislation for which I am responsible where I said to the Minister for Transport we could quickly deal with that matter, but it has been the Government's decision not to deal with that.

Hon N.F. Moore: You are all heart.

Hon JOHN HALDEN: That has been said about me before, and I am glad the Minister for Education has said it again. The comments of Hon Peter Foss probably less than 12 months ago are no less relevant now than they were then.

Hon Peter Foss: Quite right.

Hon JOHN HALDEN: It is very difficult to consider legislation at six o'clock in the morning, as we have done three out of the last seven sitting days. It is very complex legislation and the comments were true about the sort of legislation one makes when one is in that state of tiredness. The common criticism by the public of these motions as they occur is, why are our legislators sitting at six o'clock in the morning?

Hon Cheryl Davenport: The public do not expect it.

[Quorum formed.]

Hon JOHN HALDEN: The public do not accept that legislators have the ability to make good laws at six o'clock in the morning. It does not even require great intellect or knowledge about any particular matter to concur with that viewpoint. Again, we saw the Government when in Opposition lecture us and rarely allow us the privilege of sitting beyond 11 o'clock - no matter what the legislation was or how important it was - except at the end of sessions. It seems that if it is good enough for the very same people who

lectured us day in day out - because that is what they did - it is not appropriate now for those people to continue with this process of just providing us with more opportunity to sit in this House at any hour of the day or night.

Hon Sam Piantadosi made a very reasoned contribution: The Government has problems with the management of its business - that is not a reflection on this House, but more particularly of the other House, where clearly there is an enormous bottleneck occurring - and there is no doubt we will cop that shortly.

Hon Cheryl Davenport: We have it now.

Hon JOHN HALDEN: If the situation continues as one would expect and if one looks at the legislation that is likely to come to this place, and I refer specifically to the Mabo legislation, if the line is not drawn somewhere we will spend more and more time sitting here in the wee hours of the morning. If at the same time the Government thinks it is an appropriate tactic to wear the Opposition down by a process of attrition, I must say it will not work and it is a tactic that is to the detriment of this State. At the end of the day any responsible Opposition must draw a line and say enough is enough.

Returning to the issue of filibustering and obstruction, as I have said before most of the problems as I see them have resulted from the use of the guillotine in the other place and the Government's desire to rush legislation to this place. However, when one looks at legislation like the City of Perth Restructuring Bill and the Land (Titles and Traditional Usage) Bill, the Government did not allow for consultation with the community. That legislation was slammed into the Parliament; and the Opposition in the other place is expected to deal with it in a matter of days, as we will presumably be expected to do in this place.

Hon Graham Edwards: I used to be in the railways and I shovelled coal with more care than this mob shovels legislation.

Hon JOHN HALDEN: Hon Graham Edwards is being too harsh on himself. It is part of that non-consultative process that the Government believes it can use the same sort of process of bludgeoning the Opposition - that is what it is doing. At the end of the day one can only be bludgeoned so far before one says enough is enough. If this is the opportunity to say enough is enough, my colleagues and I will take that opportunity.

The other situation that appals me is that I can also remember being lectured chapter and verse by Hon Bob Pike, which, as you might recall, Mr Deputy President (Hon Barry House), from experience in your party room, is a most horrifying experience, basically because speeches by the member are 95 per cent drivel; one might be lucky to find one per cent substance. However, he persisted - to his credit - in developing, along with others, a committee system in this House.

If the Government is serious about relieving some of the pressure on the House, and if the other House is to behave in the way it is of guillotining and so on, let it use the committee system as a way of vetting the legislation.

Hon Peter Foss: We did try that, did we not?

Hon JOHN HALDEN: The Government did try that on one issue. In that case, the Opposition did not agree with it. But Hon Peter Foss forgets that earlier today, when we debated the behaviour of the Minister for Transport, the Government brutally used its numbers. It could have brutally used its numbers on this issue. If the Government were of such a mind to use the committee system that a Government member developed -

Hon Peter Foss: A fairly thin excuse.

Hon JOHN HALDEN: It is not. If we want to use the facilities available to this House which were proposed by a current member of the Government, and supported by the Opposition generally, it should use those facilities. But the Legislation Committee has this evening received its first piece of legislation to consider this year. It is amazing that all of the controversial legislation -

Hon Graham Edwards: We did try to send another piece of legislation to the committee,

and the Government used its numbers in this place to stop it going there. It was about mining legislation.

Hon JOHN HALDEN: The issue at the end of the day is proved by the fact that, if the Government believes in the committee system, it should use it regardless of what the Opposition thinks or of the morality of the issue. When it suits the Government's purpose, it uses its numbers. I suggest that it use them again to take advantage of the committee system. In all fairness, it would be an opportunity to assist the House in its handling of business, particularly at this difficult time for the Government.

The difficulty is of the Government's creation. At the end of the day, the Opposition does not have to be bludgeoned by sleep deprivation into supporting Government legislation. If the Government thinks that that is a tactic, it is a very crude and brutal tactic that should not be contemplated. If also the Government has these difficulties of its own making, I suggest to the Government, as I think Hon Sam Piantadosi or Hon Tom Stephens did, that it contemplate more innovative hours of sitting. If the Government wanted to sit more appropriate hours, Thursday is the day that is most obviously suited to new sitting arrangements.

Hon Graham Edwards: We have sat previously on a Thursday morning. It makes a bit more sense than the way in which the Government has been carrying on here.

Hon JOHN HALDEN: Yes.

Hon Peter Foss: We are suggesting that we sit on Thursday morning, aren't we?

Hon JOHN HALDEN: The Government might be. I hope that it uses that concept again.

Perhaps we also need to look at the amount of time that we have for dinner breaks. Some extra time could be gained with that measure. I do not mean that I am inviting the Government to suddenly become ridiculous, but it might want to increase the time available for the discussion of Bills in a more reasonable and orderly way by reducing meal times by half an hour.

Hon Graham Edwards: I must say to the Leader of the House that, if they put a reasonable proposition to the Opposition, in its cooperative way it would have a good look at it.

Hon N.F. Moore: Having more sitting hours would give you more time to talk. We are offering you more time after 11 o'clock and you are knocking it back.

Hon JOHN HALDEN: That is right, because we do not agree with the Government. The member has a good philosophy, but it is wrong.

Hon N.F. Moore interjected.

Hon JOHN HALDEN: I am trying to assist the Government. Because of its poor management, it has a problem. If the Government wants us to help, we are only too happy to help.

Hon N.F. Moore: Your garrulous members are the problem. They can't stop talking.

Hon JOHN HALDEN: The President has a saying: You don't have to like what we say, but you do have to sit there and listen to it.

Other opportunities are available to the Government. I do not believe that sleep deprivation is an appropriate consideration, particularly when it is used as regularly as it is currently being used. If the Government cannot manage its business, there is a remedy for that problem, too. It could take its chances with that at any time it might so wish. Facilities are available to the Government, and a number of those facilities are either not contemplated or not used. It is a shame that that has been the case, particularly in the last two or three weeks.

I have not discussed this with members, but even if the Government wanted to sit until midnight, that is not a problem for me. If the Government needs that extra time, I am happy to support it. The difficulty is that these extensions are not till midnight; they are by way of precedent until the early hours of the morning or later. Having started at 2.30

on a Wednesday afternoon, we have been here until 12.30 the following Thursday afternoon.

Hon Graham Edwards: We sat for 40 hours out of 48 hours. That is bad management.

Hon N.F. Moore: This is repetition. If you had new information, that would be helpful. You are saying the same thing over and over again. You are like a cracked record.

Hon JOHN HALDEN: I take objection to that. I am saying that another option is available. How could it be tedious repetition? The Government could look at the option of sitting until a reasonable hour of the night - midnight. That would provide more time for the House to consider matters. The Government cannot continue to expect compliance from an Opposition while it keeps ramming legislation at it. As well, if the Government is to go out into the community and use words such as "filibustering" and "obstructive" when they are not justified, the Opposition will not cooperate with it. I do not imagine that that will be a long term arrangement. At least, I hope not. But we have to make a point here.

Hon Peter Foss: This is a filibuster.

Hon Bob Thomas: That is a reflection on the Chair.

Hon JOHN HALDEN: The Minister would like to be in charge.

The DEPUTY PRESIDENT: Let us get on with the debate without the interjections.

Hon JOHN HALDEN: I am sorry. I apologise for the Minister for Health for being so rude. The situation is typified by the comments of the Leader of the Opposition. We see here bad management, poor legislation, poorly drafted legislation, wrong in practice and wrong in principle.

Hon N.F. Moore: Is Hon Bob Thomas next?

Hon JOHN HALDEN: Yes.

Hon N.F. Moore: You will have to keep on going for another 25 minutes. You'll be pressed not to repeat yourself in the next 25 minutes.

Hon JOHN HALDEN: Having said that the problem is bad management, poor legislation, poorly drafted legislation, wrong in practice and in principle, I do not propose to support the motion. I trust that other Opposition members will not, either.

HON CHERYL DAVENPORT (South Metropolitan) [10.30 pm]: I do not support this motion. I do not speak very often in a debate like this and I do not filibuster. I do not want to sit beyond 11 o'clock tonight because, earlier, the Leader of the House referred an item of business to the Standing Committee on Legislation and we have a meeting tomorrow morning at 10 o'clock.

Hon George Cash: No, you don't. You'll be still here at that time. We have not even started work yet.

Hon CHERYL DAVENPORT: Many of us started early this morning. Members opposite can hang on a little longer and listen to me. One of my main topics of debate in this House since I have been here is the lack of women representing the community in Parliament. The major reason that women do not want to represent the community in this place is the stupid sitting hours that we must endure. They were made by men and they still suit men.

Hon N.F. Moore: This does not suit me, I can assure you.

Hon CHERYL DAVENPORT: They continue to suit men. I am not saying that men do not enjoy their family lives. I know most of the men in this place do.

Hon N.F. Moore: I am glad you acknowledge that.

Hon CHERYL DAVENPORT: I do acknowledge that.

Hon N.F. Moore: Perhaps if you sat down and we got on with business we could get out of this place a little earlier.

Hon CHERYL DAVENPORT: I will have my say. As the President has often said in this place, members do not have to like what I say, but they have to listen. This weekend I am attending a two day conference in this city. The topic I will address is the traditional barriers to a non-traditional job. One of the objects of the exercise is to encourage women to enter Parliament. I really like the work that I do in this place and I enjoy the community representation. However, the bottom line is that, when I tell women about what I do, the sort of hours that I put in and the amount of time that I have to sit in this place, they look at me and say, "Why would we want to do that?"

Hon N.F. Moore: I don't think Garry Kelly would have said that.

Hon CHERYL DAVENPORT: We will not get into that. That is not relevant to the debate. I do not have any difficulty with that, Mr Moore. That was a fair and square ballot within the Labor Party and I won it.

The times that we sit have a huge impact on the family lives of everyone in this place, including members of the staff. I watch the Hansard reporters come in here hour after hour. Fifty per cent of them are women. They probably have young families and are deprived of their families by working these hours that we have put in over the past few weeks. That is beyond the pale. The support staff including the Clerks and their assistants are required to stay around this place to service us as we go through the legislation. I do not resile from the fact that the legislation that has been brought into this place over the past couple of months is very important to me because it affects the lifestyle of the people I represent in this place. It is time that we managed our business and looked at some reasonable, relevant sitting hours so that we are not all tired, grumpy and cynical with each other when we debate legislation. We should reform the running of this place.

I have known for the past two weeks that we are going to go on ad nauseam in this place, and I may not have participated in a lot of the debate. However, I am very passionate about being here because I care. I have had to send my son, who is 15 years old and very impressionable, to his father to look after. I have not got in care for him but have asked his father to take more responsibility because I am a single parent and I believe it is important that he has one of his parents around. We talk a lot in this place about kids growing up and getting on the wrong side of the tracks. Hon Peter Foss, Hon Derrick Tomlinson and I were on a committee that reviewed the Crime (Serious and Repeat Offenders) Sentencing Act 12 months ago. I do not want my son to end up like some of the kids that we met during that time. Frankly, it is about time this House got its act together. We should actually get together and negotiate some decent sitting times so that we are not all here on Christmas Day. If we continue as we are presently, we might well be! I emphatically oppose the motion.

HON BOB THOMAS (South West) [10.36 pm]: The Opposition has been very cooperative with the Government. We agreed without complaint to sit for the two weeks which were planned as a break - I think this would have been the first of those two weeks. We accepted that the Government had a legislative program and we cooperated. We are now sitting here with the Government trying to get these Bills passed through the House so that they can become law. Previously, when either of two Ministers has moved to extend the sittings of this House past 11.00 pm, there has been very little protest from this side of the House. In fact, the only protest has been by me when I have voted with a loud no against the motion because I believe that when this Government was in Opposition it trotted out every excuse under the sun to oppose our legislative program and sitting past 11.00 pm. Often, the moving of the motion is a hypocritical act by this Government and I have made that small protest.

I did not intend to speak on this motion. I know that some of my colleagues are passionate about it and I accept their argument. Hon Tom Stephens has already drawn the line and said, "Enough is enough." We must sit down and think about the hours we sit in this House because the way we are going about it now is all wrong and the blame for it can be laid squarely on the shoulders of the Government.

Hon Doug Wenn: The Leader of the House.

Hon BOB THOMAS: The Leader of the House and the Government. I remind members that the State election was held on 6 February this year. Regrettably for us, we lost that election, albeit by a small margin. We lost it by about 2 000 votes across five seats.

Hon N.F. Moore: You got 43 per cent of the vote.

Hon Peter Foss: There was a 14 per cent difference.

Hon BOB THOMAS: That point has very little to do with our sitting beyond 11.00 pm.

The DEPUTY PRESIDENT (Hon Barry House): Exactly.

Hon BOB THOMAS: As I said, we lost that election by a small margin of 2 000 votes across five seats on 6 February and we did not sit until 17 June when the Governor came to this House and opened the Parliament. Four and a half months after the election the Government called the Parliament together and embarked upon its legislative program. The Opposition cooperated with the Government and, because there was very little legislation in this House, the Opposition ensured the business was discussed by bringing forward Bills of its own plus we debated a large number of issues of concern to our electors. The Opposition provided most of the business in this House for the best part of the first month that Parliament sat. That is the first reason that the Government is responsible for the difficulties we are having with sitting hours. The second reason is that the Government in another place is not properly scrutinising the legislation. Members will have read in *The West Australian*, as I have, and seen in the electronic media that the Government in that place is gagging debates. It has introduced guillotines on a number of Bills before the House, and the ludicrous situation occurred on one occasion where 66 amendments were made to legislation without any scrutiny or debate whatsoever. They were passed in bulk without even being read into *Hansard*. That is not proper and adequate scrutiny of legislation. It is incumbent on this House to make sure that we properly review legislation before the Parliament. When a Bill comes into this place which has not been adequately scrutinised and analysed in another place, of course, the work load of this place increases. It happens that we have spent a lot of time in the past month or so discussing the three industrial relations Bills which were inadequately scrutinised and not properly analysed in another place. These Bills have a major impact on our constituents; that is, the working men and women of this State. The Government proposes to change the system which has developed over the last decade or so, and which has become accepted and relied upon by the work force of this State to provide a fair means of adjudicating industrial relations in this State. The Bills before the House propose radical changes to the way -

Hon P.R. Lightfoot: Are you wandering off a bit? Can you get back on the debate?

Hon BOB THOMAS: I will ignore the interjection from the member opposite who I believe sleeps with a loaded shotgun.

Hon P.R. Lightfoot: Only if I know you are going up the Great Northern Highway.

The DEPUTY PRESIDENT (Hon Barry House): Order! Let us return to the debate which is about the House adjourning at 11.00 pm.

Hon BOB THOMAS: It will come as no surprise to you, Mr Deputy President, that I do not think the House should adjourn any later than 11.00 pm. I do not believe we should sit after that time because we are dealing with Bills that have enormous ramification for the 800 000 people in the work force in Western Australia. The Government proposes to make significant and major changes to the way employers and employees relate to and deal with each other. Some of my colleagues are trying to encourage me to sit down, but I assure them that I have 36 minutes left in which to speak and I will sit down when I wish to. I feel very strongly about this matter because the Government has been mismanaging the business of this House, and it is time it reflected on the way it has managed the business, on the arrogance of some of its Ministers, and on the way the Minister for Health has handled these Bills. Any other Minister, including the Minister for Education, would have had these Bills through by now.

Hon Peter Foss: I talk too much.

Hon T.G. Butler: One would have hoped for a Minister less arrogant than the Minister for Health.

The DEPUTY PRESIDENT: Order!

Hon BOB THOMAS: The industrial relations Bills will have a major impact on the working men and women of this State, and we need to make sure we pay proper attention to the changes they will impose on the work force.

Hon N.F. Moore: We would like to sit beyond 11.00 pm to debate these Bills rather than debate them now.

The DEPUTY PRESIDENT: Order! The member is straying onto other subjects. The motion before the House is that the House sit beyond 11.00 pm, and the member should address that.

Hon BOB THOMAS: My remarks which preceded that comment were that I do not believe we should sit after 11.00 pm because we cannot provide proper analysis of these Bills at that hour of the night. For example, how can we properly analyse the components of a Bill which will have the effect of changing the balance of power in the employer-employee relationships in hundreds of thousands of workplaces in Western Australia? It must be done properly because it will affect thousands of people with those workplace agreements and it cannot be given proper scrutiny and attention in the early hours of the morning.

Hon George Cash: You should not talk so much.

Hon BOB THOMAS: I resent that comment because I am an elected member of the Parliament -

Hon Doug Wenn: What is this place about?

Hon George Cash: Which place?

The DEPUTY PRESIDENT: Order! The interjections are all out of order.

Hon BOB THOMAS: The Minimum Conditions of Employment Bill will also have an impact on many people within our society. If these changes are to be made to the industrial relations system in this State, and workplace agreements are to be in place, we must have some form of safety net. The Opposition, including me, does not believe that the minimum conditions Bill passed by this House provides an adequate safety net. Of course, we spent a lot of time going through the legislation clause by clause. That is why we have done what a conscientious Opposition should do; that is, properly scrutinise the legislation before the House. I do not believe we should sit until the early hours of the morning.

Hon N.F. Moore: You have said that seven times already.

Hon BOB THOMAS: I have not said it seven times.

Hon N.F. Moore: Perhaps five then.

The PRESIDENT: Order! I do not mind how many times the member says it, as long as he directs it to me.

Hon BOB THOMAS: There are a number of reasons that I do not think we should sit at that time of the night. A classic example occurred last week when at four o'clock on Thursday morning we had become quite agitated with each other and there were a number of heated interjections from Government and Opposition members. There was a terrible ambience in this place which resulted in Hon Tom Stephens losing his cool - one of the rare occasions he has done that sort of thing - and dissenting from a ruling by the Deputy Chairman. About one hour was wasted because of the acrimonious debate that followed, only to see it happen again immediately afterwards. That is what happens when we sit the extraordinary hours that the Government is trying to impose on the Parliament because of its mismanagement of business, both as a Government by not coming back early enough and because of the way it handles legislation in both Houses. We need to consider the effect of the long hours on support staff. I refer to Hansard staff for example.

Hon E.J. Charlton: We have heard about that before.

Hon BOB THOMAS: I observed a number of members of the Hansard staff looking extremely tired and physically worn out towards the end of the marathon sitting last Wednesday and Thursday. One need only read *Hansard* and note that a lot of what was said in this place - such as interjections and some of the preamble to some of the debate on some clauses - was not included in *Hansard*. At various times I saw Hansard reporters with their hands on the desk trying to rest because they were physically worn out.

Hon Doug Wenn: The last hour of debate was taped.

Hon BOB THOMAS: That is right. We are placing too much strain on the staff of this place when we sit extraordinary hours. We are also placing strain on members of Parliament, because no-one can tell me that we can function well at 4.00 am -

Hon P.R. Lightfoot: You don't function well at four o'clock in the afternoon.

Hon T.G. Butler: You don't function too well with a pen.

Hon Doug Wenn: What answers will we receive tomorrow?

The PRESIDENT: Order!

Hon BOB THOMAS: It is unreasonable for members of Parliament to be trying to do their research on their contribution to debates at 4.00 am. Obviously we become tired and we are not able to take in as much information as we can when we are fresh, but also many of the facilities in this place are not available late at night. The Parliamentary Library is not open at 4.00 am; our support staff are not available at that hour. We need to manage the business of this House in a better way so that we can make use of the facilities in this place.

Mr Deputy President, it is unusual for me to involve myself in this sort of debate -

Hon George Cash: Keep going for another six minutes.

Hon BOB THOMAS: I do not intend to speak for more than another one minute.

Hon George Cash: We will have to get somebody else.

The PRESIDENT: Order! The member will not speak for much longer, especially if he keeps calling me the Deputy President.

Hon BOB THOMAS: Mr President, I apologise for that demotion.

We must draw the line. We must tell this arrogant, inconsiderate Government that this is where we stop toeing the line and providing a cooperative approach to legislation.

Hon George Cash: You do all the talking. The Opposition did all the talking for 23 hours the other day.

Hon BOB THOMAS: I oppose the motion.

HON KIM CHANCE (Agricultural) [10.54 pm]: I also oppose the motion to sit beyond 11 o'clock. Some Government members have expressed surprise at that. I do not believe that Government members have the right to express such surprise.

Hon George Cash: Will tomorrow night suit you?

Hon KIM CHANCE: The question I want to address, as a member from a rural area - and there are a number of us here from rural areas and indeed remote areas - is that we probably have a greater interest in ensuring that there is some reasonable time management in this place; that there is adequate time to deal with legislation that comes forward without the need for the application of the guillotine. This House has never used either the gag or the guillotine. Without the need to curtail debate, we can manage time by allowing sufficient and proper time to deal with legislation as it comes forward. The problems that we face are brought upon us by not sitting in the first half of the year and sitting only when half the year had already gone.

Hon N.F. Moore: You should look at the tradition of the situation when Governments change. It happens all the time.

Hon KIM CHANCE: I thank the Minister for his advice, and indeed Hon Phil Lockyer. Perhaps that is true. This is the first time, as far as I am aware, that this House has had to sit through successive all-night sessions when it was still roughly only in the middle of the sitting weeks of the year. Earlier Governments may have had their first sitting late in the year; I am not aware of that, but I take the members' word for that. I am certainly not aware that we have had a situation where these circumstances have occurred before, and they are circumstances which should not occur for reasons that have been outlined very clearly by my colleagues. I have no reason to go over that ground again.

Speaking from the position of a member from the rural area, I note that the motion to sit beyond 11.00 pm was moved by a Minister whose electoral office is a couple of hundred yards north of here and who lives presumably close by in the metropolitan area.

Hon George Cash: How does tomorrow night suit you?

Hon KIM CHANCE: It will suit me better than tonight. I am happy with tomorrow night. I do not know how other members who have aeroplanes to catch to get back to, say, Port Hedland, think. Looking at the Government benches I cannot see any of the representatives of the remote areas of the State who actually live in their electorates, but certainly Hon Tom Helm must go back to the Mining and Pastoral area -

Hon P.H. Lockyer: Both of us live there. That is unparliamentary.

The PRESIDENT: Order! Would you mind telling us whether we should knock off at 11.00 pm or not?

Hon KIM CHANCE: I prefer that we do not sit beyond 11.00 pm. I was explaining the reasons. One of the reasons is that the effect on people who live in the country is rather more difficult, but the effect is greater than it would be on the Minister for Health who moved the motion to sit beyond 11.00 pm. I will tell the House why the situation is more difficult: My electorate contains some 85 000 electors. I represent my party in that electorate, and some 22 000 of the electors voted for the party that I represent. It is a very significant electorate with an area from north to south which is roughly the same distance as Perth to Port Hedland. I travel an average of 34 hours a week by one means of conveyance or another. In the past three weeks I have spent one day with my family.

Hon P.H. Lockyer: You are not Robinson Crusoe.

Hon KIM CHANCE: I have two school age children whom I have seen for less than half a day in the past three weeks.

Hon E.J. Charlton: Do they see more of you when you go home?

Hon KIM CHANCE: The Minister for Transport can be incredibly witty. His mental acuity is obviously not affected by the lateness of the hour.

The PRESIDENT: Order! The member has 30 seconds in which to tell us whether we should sit after 11.00 pm.

Hon KIM CHANCE: I will do my best to use 30 seconds well. My principal concern is that there is no hurry -

[Debate adjourned, pursuant to Standing Order No 61(b).]

House adjourned at 11.00 pm

QUESTIONS ON NOTICE

ROAD FUNDING - NATIONAL ARTERIAL ROAD PROJECTS

655. Hon JOHN HALDEN to the Minister for Transport:

In response to question on notice No 396 answered on Tuesday, 7 September 1993, can the Minister advise the House what is the amount that the Main Roads Department exceeded the Federal Government allocation for arterial road construction for the period 1 July to 31 December 1993?

Hon E.J. CHARLTON replied:

The details of the national arterial and the former national arterial projects in the 1993-94 program funded from national arterial and State funds, which includes the untied funds, are as follows -

	National Arterial Funds	State Funds
	\$000	
Albany Highway (Rural) - Reconstruction, widening and land acquisition		258
Albany Port Road - Reconstruction		226
Highway H2 (Perth-Bunbury) - Widening and dual carriageway		942
South Western Highway - Reconstruction at Newlands		115
Bunbury-Augusta Road - Land acquisition and design works (Ludlow Deviation)		294
Kalgoorlie-Meekatharra Road - Construct and primerseal	4 080	3 151
Albany Highway (Metropolitan) - Construction from four to six lanes Oats Street to William Street	2 252	9 145
Kwinana Freeway - Forrest Road to Thomas Road, dual carriageway	6 417	8 538
Roe Highway - Land acquisition and dual carriageway construction	4 800	8 976
Reid Highway - Dual carriageway, Wanneroo Road to Mirrabooka Avenue	3 464	6 868
Brand Highway - Construct and primerseal Beermullah deviation		3 274
Marble Bar Road - Construct, primerseal Carlindie section	1 735	
	(1) 22 748	(2) 41 788

Note: (1) National arterial funds include those brought forward from 1992-93.

(2) State funds include "untied" Federal funds of \$21.7m.

INDEPENDENT COMMISSION OF AUDIT - TOTAL BUDGET ALLOCATION

728. Hon TOM STEPHENS to the Leader of the House representing the Premier:

- (1) What was the total budget allocated to the independent commission of audit?
- (2) What is the breakdown of this budget?
- (3) What was the actual expenditure against each budget item by the commission of audit?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) I presume the member means the Independent Commission to Review Public Sector Finances - a budget of \$500 000 was allocated.

(2)-(3)	Budget Allocation	Actual Expenditure
Consumables	\$10 000	\$12 041.93
Commissioners' fees	200 000	200 000.00
Consultants' fees	290 000	263 484.76

JUVENILE JUSTICE ADVISORY COUNCIL - GUIDELINES RELEASE

764. Hon CHERYL DAVENPORT to the Minister for Health representing the Attorney General:

Following the answer to question on notice 325 -

- (1) When does the Minister intend to finalise and release the guidelines under which the Juvenile Justice Advisory Council will operate?
- (2) If there is to be no representation from the Departments of Community Development and Police, the Ministry of Education, the judiciary, or the Children's Court on the advisory council, how will the council treat issues that relate, affect or impact on juveniles that require input from these departments?
- (3) When will the Minister announce the other members of the Juvenile Justice Advisory Council?
- (4) Previously the former State Government Advisory Council on Juvenile Justice acted as a coordinating committee. How will coordination occur in relation to the proposed Juvenile Justice Advisory Council?
- (5) How many staff will service the Juvenile Justice Advisory Council?
- (6) If staff have been appointed, who are they?
- (7) If not, when will they be appointed?
- (8) What will be the council's budget for 1993-94?
- (9) Will deliberation of the council be reported to the public by an annual or six monthly report to the Parliament?
- (10) If not, how will the council report on its deliberations?

Hon PETER FOSS replied:

(1)-(4)

I refer the member to the Attorney General's media statement of 27 September 1993, a copy of which is tabled with this answer. [See paper No 796.]

- (5) Administrative support is provided by officers within the juvenile justice division of the Ministry of Justice in conjunction with a full time consultant to the council.
- (6) Dr Harry Blagg. Dr Blagg held a similar position with the State Government advisory committee on young offenders.
- (7) Not applicable.
- (8) \$228 000.
- (9)-(10)

The council will report to the Attorney General.

ROAD FUNDING - NATIONAL ARTERIAL ROAD PROJECTS

854. Hon JOHN HALDEN to the Minister for Transport:

Can the Minister detail what arterial road projects in Western Australia have been let where there has not been Federal funding supplied to meet these commitments?

Hon E.J. CHARLTON replied:

See answer to question 655.

AIRSTRIP, DENHAM - GOVERNMENT ASSISTANCE

919. Hon TOM STEPHENS to the Minister for Transport:

- (1) What assistance has been provided to the private developers of the new airstrip at Denham by the Court Government?
- (2) Were any Government funds or Government loans or guarantees made available to the proponents for this \$1m project?

Hon E.J. CHARLTON replied:

- (1) In relation to the Transport portfolio, I advise that advice has been provided to the developers on aviation policy matters.
- (2) In relation to the Transport portfolio, no.

STEPHENSON AND WARD INCINERATOR - ZONING COMPLIANCE

968. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:

- (1) Does the operation of the Stephenson and Ward incinerator in Welshpool comply with the general industry zoning of the area in which the incinerator is located?
- (2) If not, was special approval granted for the operation?
- (3) If special approval was not granted, what action will the Minister take to ensure that the City of Canning takes steps to have the incinerator comply with requirements under town planning scheme No 16 (district zoning scheme)?

Hon PETER FOSS replied:

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

ROAD TRAFFIC FORECASTS - METROPOLITAN REGION, RESPONSIBILITY

969. Hon J.A. SCOTT to the Minister for Transport:

- (1) Who has the prime responsibility for road traffic forecasts in the metropolitan region -
 - (a) Main Roads Department;
 - (b) Department of Planning and Urban Development; or
 - (c) another agency?
- (2) What role does the Main Roads Department have in the preparation and approval of these traffic forecasts?
- (3) What are the principal strategic issues that provide the basis for these forecasts and are a range of forecasts made for different strategic scenarios?
- (4) Has there ever been an independent audit of these forecasts made by the Auditor General or any other competent auditing body?
- (5) If so, have the reports on these audits been published?

- (6) If not, is there a possibility that the absence of such audits and a critical public review of them may, as a consequence, be inappropriate and over investment in major metropolitan roadworks may be occurring?
- (7) As these traffic forecasts are a major factor in determining where, how and why funds are spent on metropolitan roadworks, is it considered necessary that the Auditor General audit such forecasts and report them to Parliament?

Hon E.J. CHARLTON replied:

- (1) Main Roads in cooperation with the Department of Transport and the Department of Planning and Urban Development.
- (2) Main Roads maintains a traffic model which is used as a major planning tool in traffic forecasting.
- (3) Main Roads provides forecasts for the various land use scenarios developed by the Department of Planning and Urban Development.
- (4) An independent assessment of the performance of the Main Roads traffic forecasting model has been carried out by DJA - Dennis Johnston and Associates.
- (5) No, but a copy is tabled for the member's information. [See paper No 799.]
- (6) There is no evidence of this.
- (7) The Auditor General is free to check matters such as this as he thinks appropriate.

**METROPOLITAN REGION SCHEME - SWAN RIVER FREEWAY,
BURSWOOD-TONKIN HIGHWAY, DELETION; ALTERNATIVE ROUTES**

970. Hon J.A. SCOTT to the Minister for Transport:

- (1) When was the Swan River Freeway from Burswood to Tonkin Highway deleted from the metropolitan region scheme?
- (2) At the time of deletion what traffic forecasts existed for this freeway and what were they?
- (3) In view of the deletion what alternative traffic routes are being considered for the Swan River Freeway, and do these include -
 - (a) Guildford Road;
 - (b) Whatley Crescent, Maylands;
 - (c) Railway Parade; and
 - (d) Great Eastern Highway?
- (4) What are the traffic forecasts for these alternative routes and how do these compare with the present traffic density on these routes?
- (5) When is it proposed to make a public report on these alternative routes?

Hon E.J. CHARLTON replied:

- (1) 1989.

(2)-(5)

The eastern sector roads study was published in May 1989 a copy of which is available for viewing at Main Roads. This study was commissioned by the State Planning Commission, Main Roads and the City of Belmont to consider the impact of deleting the Swan River Drive from the metropolitan region scheme. The report details the alternative routes studied and presents the traffic forecasts requested by the member.

PAYROLL TAX - GOVERNMENT DEPARTMENTS OR AGENCIES

985. Hon TOM STEPHENS to the Leader of the House representing the Premier:

Which departments or agencies within his portfolio pay payroll tax and which are exempt?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

The R & I Bank Ltd of Western Australia and GoldCorp currently pay payroll tax. The following agencies do not currently pay payroll tax -

Executive Council
Governor's Establishment
Ministry of the Premier and Cabinet
Office of State Administration
Official Corruption Commission
Office of the Auditor General
Parliamentary Commissioner for Administrative Investigations
Salaries and Allowances Tribunal
Department of Infrastructure and Government Assets
Parliamentary Superannuation Board
R & I Holdings
Treasury Department
Western Australian Treasury Corporation
Western Australian Government Holdings
Public Sector Management Office
Public Sector Standards Commission
Public Service Commission
Office of the Director of Equal Opportunity in Public Employment

PERTH CITY COUNCIL - REPRESENTATIVES ON BOARDS OF STATUTORY AUTHORITIES OR GOVERNMENT AGENCIES

997. Hon TOM STEPHENS to the Minister for Transport:

- (1) Which statutory authority or agencies within his portfolio have on their boards representatives of the Perth City Council?
- (2) What number of representatives on these boards are from the PCC in each case?
- (3) Which of these representatives are there by virtue of statutory requirements?
- (4) What is the basis upon which the other representatives of the PCC are on these boards (ie Cabinet decision, Government agreement or other basis)?

Hon E.J. CHARLTON replied:

- (1) Taxi Control Board.
- (2) One.
- (3) It is a requirement of the Taxi-Car Control Act that one member shall be chosen to represent the interests of local authorities from a panel of names that is obtained by each local authority.
- (4) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - BUDGET FUNDS ALLOCATED TO NON-GOVERNMENT AGENCIES

1028. Hon TOM STEPHENS to the Minister for Health representing the Minister for Labour Relations:

What funds have been allocated from which departments and agencies within his portfolio in the 1993-94 Budget for non-government agencies?

Hon PETER FOSS replied:

The member's question is unclear; however, if he is referring to grants and subsidies then the following applies -

Department of Occupational Health, Safety and Welfare	\$494 750
Workers' Compensation and Rehabilitation Commission	\$209 897
Department of State Services	\$5 000
Office of Multicultural Interests	\$181 500

AIR FARES - INTRASTATE, REDUCTION STRATEGY

1031. Hon TOM STEPHENS to the Minister for Transport:

- (1) Noting that currently the return economy air fare to Kununurra is \$1 142 and to Broome \$934, what strategy does the Minister have in place that will assist in ensuring that these and other intrastate air fares in Western Australia can be reduced from their current record high levels?
- (2) Noting that the Prices Surveillance Authority has recorded a seven per cent increase in average interstate air fares and a drop in the availability of discount air fares in the June quarter -
 - (a) what has the Department of Transport's survey of intrastate air fares in Western Australia revealed for the same quarter; and
 - (b) what action has the Minister taken in response to the results of his department's survey of intrastate air fares?
- (3) In response to the excessively high air fare structure that is maintained by the monopoly airline operation on intrastate routes within Western Australia, what strategy does the Minister have in place that will attract competition onto these same routes and thereby assist in ensuring a downward movement in the current air fares charged for domestic air travel throughout Western Australia?

Hon E.J. CHARLTON replied:

- (1) Implicit in the aviation policy for the jet network in Western Australia is that competition, or contestability of the market, should be the primary influence on air fare levels.
- (2) The Department of Transport does not specifically survey intrastate air fares. For the jet network, airlines are required to lodge changes in fares and fare discounts to the department before implementation. Since the jet network was opened to competition in 1991, the Ansett economy fares have increased on average by 2.7 per cent. Generally, all discount fares have been maintained.
- (3) The Government continues to encourage, and offer advice and assistance to, prospective airlines to introduce competitive services on the jet network in Western Australia.

MOTOR VEHICLES - PRIVATE CAR DEPENDENCE, REDUCTION STEPS

1039. Hon J.A. SCOTT to the Minister for Transport:

What steps is the Minister taking to reduce private car dependence in Perth?

Hon E.J. CHARLTON replied:

The need to reduce private car dependence in Perth was a strong theme of the Government's transport and environment policies for the recent election. Actions have already been taken to double the financial allocation to Bikewest for bicycle programs, and to establish the basis for a more competitive and innovative approach to the provision of public transport. Consideration is currently being given to initiatives in respect

of car parking in central Perth, enhancing the role of the taxi industry, and other means of improving a non-car access within the centre of Perth. A task force of senior officers from the Department of Transport, Main Roads, Transperth and the Department of Planning and Urban Development is developing a metropolitan transport strategy, which will have a strong focus on the development of appropriate alternatives to the private car.

URBAN SPRAWL - REDUCTION STEPS

Optimum Population Target, City of Perth

1040. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:

- (1) What steps are being taken by the Minister to reduce urban sprawl?
- (2) Has an optimum population target for the City of Perth been established?
- (3) What planning steps are being undertaken to reduce private car dependence in Perth?

Hon PETER FOSS replied:

- (1) Perth is not sprawling, development is being confined to properly planned and serviced urban corridors in which comprehensive structure planning has been undertaken. The Minister for Planning has initiated a number of major amendments to the metropolitan region scheme to put these regional proposals in place and provide certainty to the community and landowners.
- (2) The population target for the new city of Perth is 20 000.
- (3) Within the corridor structure planning and the major amendments to the MRS, provision is being made for the reservation of land for rapid intercity public transport facilities.

PLANNING AND URBAN DEVELOPMENT, DEPARTMENT OF - EXECUTIVE DIRECTOR, NAME; CONTRACT EXPIRY DATE

State Planning Commission, Members; State Planning Policy

1043. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:

- (1) Who is the Executive Director of the Department of Planning and Urban Development?
- (2) When does his/her contract expire?
- (3) Who are the current members of the State Planning Commission?
- (4) When do their current terms of office expire?
- (5) Is the State Planning Commission required to develop a State planning policy?
- (6) Has this been done?
- (7) If not, why not?
- (8) Does the Minister intend to give a high priority to this matter?

Hon PETER FOSS replied:

- (1) Mr Terry Martin is the Executive Director of Planning. He is currently acting as Chief Executive of the Department of Planning and Urban Development.
- (2) 2 November 1995.
- (3) Mr S.P. Wilmott - Chairman; Mr S. Parks - Deputy Chairman; Mrs B. Connell; Mr J. D'Orazio; Mrs L. McComish.

- (4) 5 December 1993.
- (5) Yes.
- (6) Completion of a draft strategy is expected before the end of 1993.
- (7) Not applicable.
- (8) Yes.

METROPOLITAN REGION TOWN PLANNING SCHEME ACT - MINOR AMENDMENTS

1044. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:

- (1) On how many occasions has the Minister used the minor amendment provisions of the Metropolitan Region Town Planning Scheme Act since taking office?
- (2) Would the Minister provide a list of the minor amendments - section 33A - which he has approved for gazettal or for publication since coming to office?

Hon PETER FOSS replied:

- (1) None. The decision to use the provisions of either section 33 or section 33A of the Metropolitan Region Town Planning Scheme Act rests with the State Planning Commission.
- (2) This part of the member's question is unclear - see (1) above. Of the "minor" - section 33A - proposed amendments, advertised by the State Planning Commission, the attached list indicates those which the Minister for Planning has approved. [See paper No 797.]

METROPOLITAN REGION SCHEME - MAJOR AMENDMENTS
Perth Environment Plan; Beeliar, Jandakot Regional Parks Plan

1045. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:

- (1) What is the purpose of the Perth environment plan?
- (2) When is it expected to be completed?
- (3) Will there be any opportunity for public input?
- (4) What major amendments to the metropolitan region scheme has the Minister already released?
- (5) What additional major amendments are in preparation at present?
- (6) When will the planning process for the Beeliar and Jandakot regional parks be completed?
- (7) Does the Minister intend to introduce landscape protection zones into the metropolitan region scheme?
- (8) If not, why not?
- (9) If landscape protection zones are not introduced what alternative measures does the Minister propose to use to protect valuable landscape areas like the Swan River foreshore and the Darling Escarpment?

Hon PETER FOSS replied:

- (1) To gather and provide natural resource information for strategic and statutory planning purposes.
- (2) The project is ongoing.
- (3) Yes.

- (4) The foothills, south east corridor - Canning Vale-Southern River, the north west corridor - Alkimos-Eglinton, the south west corridor stage B - City of Rockingham, the Mundaring scheme No 924/33 and the Burswood Bridge and Road.
- (5) The south west corridor - stage A - and East Wanneroo are presently being prepared by the State Planning Commission.
- (6) Within six months.
- (7) No.
- (8) They are most appropriately contained in the town planning schemes of individual local authorities.
- (9) The reservation of land for parks and recreation under the metropolitan region scheme where such reservation is necessary and justified.

**EDUCATION, MINISTRY OF - RURAL EDUCATION REPORT BY HON
DERRICK TOMLINSON, ALLOCATION**

1046. Hon GRAHAM EDWARDS to the Minister for Education:

- (1) What staff and resources have been allocated to Hon Derrick Tomlinson MLC for the preparation of his report on rural education?
- (2) What is the Budget allocation for Hon Derrick Tomlinson's work on this report?
- (3) What funds have been expended up to 30 September 1993 on the preparation of this report?

Hon N.F. MOORE replied:

- (1) An executive officer and secretarial support staff have been provided by the Ministry of Education.
- (2) A Budget allocation of \$82 000 was approved by the Chief Executive Officer of the Ministry of Education, Mr Greg Black.
- (3) \$1 669.55 of the funds had been expended up to 30 September 1993.

WESTRAIL - "TURNOUT" DESCRIPTION

Voest Alpine, Defective Turnouts

1128. Hon JOHN HALDEN to the Minister for Transport:

- (1) Can the Minister describe what is known in Westrail parlance as a turnout?
- (2) Of the turnouts supplied from Queensland by Voest Alpine, how many were defective and in what way?
- (3) Who is completing the repairs to the defective turnouts?

Hon E.J. CHARLTON replied:

- (1) A turnout is the common name for the mechanism to switch trains from one track to an adjacent track.
- (2) Voest Alpine supplied eight crossings which are turnout components. Of the eight crossings, seven had design tolerance faults.
- (3) It is the responsibility of Voest Alpine to rectify defects in accordance with the contract.

WESTRAIL - HEEL BLOCKS AND BLADES MANUFACTURE CONTRACT

1129. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is it correct that a Western Australian firm was recently given a contract to manufacture heel blocks and blades?

- (2) When delivered were those items in conformity with specifications?
- (3) If not, who, given the closure of facilities at Midland, will correct the mistakes?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) No.
- (3) It is the responsibility of the supplier to rectify defects.

WESTRAIL - BRIDGE SPANS MANUFACTURE CONTRACT; DEFECTIVE UNITS

1130. Hon JOHN HALDEN to the Minister for Transport:

- (1) Is it correct that a Western Australian company manufactured bridge spans for Westrail?
- (2) Is it also correct that of those delivered more than half were defective?
- (3) What is the cost per unit of rectifying those defects?
- (4) What guarantees as to the safety of Westrail's plant and equipment can the Minister give when in light of his concessions it is obvious that work standards by contractors are not as high as those that prevailed at Midland Workshop before its dismemberment?

Hon E.J. CHARLTON replied:

- (1) Yes. Private companies have been contracted to provide bridge spans for a number of years.
- (2) Of seven spans provided from a recent contract, one had a small defective weld and four had a weld omitted. All faults were of a minor nature.
- (3) None to Westrail.
- (4) As was the case with the Midland Workshops, all manufactured equipment is inspected and faults are required to be rectified prior to acceptance. The problems identified to date are testament that the inspection and acceptance procedure developed by Westrail is effective.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL GREAT SOUTHERN HEALTH DISTRICT, HEALTH SERVICE NEEDS REVIEW

1147. Hon KIM CHANCE to the Minister for Health:

- (1) Has the Minister read a copy of the review of health service needs of the central great southern health district - great southern health region - prepared by consultants Silver Thomas Hanley and released in July 1993?
- (2) If so, is the Minister aware that the comments in the appendix of the report indicate that option 5, which would abolish acute care beds in the Gnowangerup and Kojonup Hospitals, is the option which most closely matches current Government policy?
- (3) If so, does the Minister endorse this part of the report?

Hon PETER FOSS replied:

- (1) No, but I am aware of the review. The regional director of the great southern health region has called for public comment on the report. The period for public comment on the options paper prepared by Silver Thomas Hanley concluded on 1 November and the submissions received are being analysed. Recommendations for the future direction of health services in the central great southern health district will be finalised during November 1993.
- (2) The facets of the Government's health policy referred to by the consultant are -

the allocation of health resources according to objectively determined community and clinical needs;

the integration and cooperation of the broad range of health and related care services;

cost effective provision and acquisition of Government funded health services; and

an appropriate balance between the resources allocated to treatment services and measures to improve the long term health status of the community.

I am unable to comment on the consultant's interpretation of Government policy.

- (3) It is inappropriate to endorse any part of the report until all stages of the review have been completed.

HEALTH DEPARTMENT OF WESTERN AUSTRALIA - CENTRAL GREAT SOUTHERN HEALTH DISTRICT, HEALTH SERVICE NEEDS REVIEW

1148. Hon KIM CHANCE to the Minister for Health:

- (1) Is the report prepared by consultant Silver Thomas Hanley dealing with the health need for the central great southern health district the first of a series for the entire great southern health region?
- (2) If so, when is it expected that the balance of the region will be the subject of a review of health needs?
- (3) Will the same consultants, Silver Thomas Hanley, be retained for the remaining review?

Hon PETER FOSS replied:

- (1) No.
- (2) Not applicable.
- (3) There is no ongoing contract for service between the great southern health region and Silver Thomas Hanley.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1180. Hon TOM STEPHENS to the Minister for Transport:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon E.J. CHARLTON replied:

(1)-(5)

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1183. Hon TOM STEPHENS to the Minister for Health:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon PETER FOSS replied:

- (1)-(5) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1194. Hon TOM STEPHENS to the Minister for Health representing the Minister for Labour Relations:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon PETER FOSS replied:

- (1)-(5) The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

AUDITOR GENERAL - ALCOHOL AND DRUG AUTHORITY, MANAGEMENT LETTER ADDRESSED TO CHIEF EXECUTIVE OFFICER

1195. Hon TOM STEPHENS to the Minister for Health:

Further to the Minister's answer to question on notice No 936 does "nil response" from the Alcohol and Drug Authority mean -

- (a) that the authority has not responded to my question; or
- (b) has the authority not received a management letter for 1992-93?

Hon PETER FOSS replied:

The authority has not received a management letter for 1992-93.

**AUDITOR GENERAL - GOVERNMENT DEPARTMENTS AND AGENCIES,
ARTS PORTFOLIO, MANAGEMENT LETTERS**

1198. Hon TOM STEPHENS to the Minister for the Arts:

- (1) Were any of the letters sent by the Auditor General to the departments and agencies in the Arts portfolio at the conclusion of their audit for 1992-93 "management letters"?
- (2) If so, to which departments and agencies were management letters sent?

Hon PETER FOSS replied:

- (1) Yes.
- (2) All agencies and departments within the Arts portfolio with the exception of the Art Gallery of Western Australia.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1204. Hon TOM STEPHENS to the Minister for Health:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon PETER FOSS replied:

(1)-(7)

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond; however, I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1215. Hon TOM STEPHENS to the Minister for Health representing the Minister for Labour Relations:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon PETER FOSS replied:

(1)-(7)

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond; however, I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

QUESTIONS WITHOUT NOTICE

SUPERDROME - BOARD, NEW APPOINTMENTS

676. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

Can the Minister assure the House that he has conformed to the Western Australian Sport Centre Trust legislation in the appointment of new board members to the management of the Superdrome?

Hon N.F. MOORE replied:

The advice I have received from the Crown Law Department indicates that the correct procedure has been followed.

SUPERDROME - BOARD, NEW APPOINTMENTS

677. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

Is the Minister prepared to table that advice?

Hon N.F. MOORE replied:

I am not because it is not normal procedure to table legal advice, as the Leader of the Opposition knows. I will provide some background, and Hon Graham Edwards would know the background because he was involved in it. The Superdrome board, with the exception of one member, expired on 31 December 1992. The Leader of the Opposition, as the former Minister responsible for it, reappointed the board for a six month period under extraordinary circumstances without a proper reappointment, but with the approval of the Premier. That appointment expired on 30 June 1993, when the board was then asked to remain in a temporary capacity until a new board was appointed. I sought Crown Law Department advice about that process. I have now made the appointment with the concurrence of the Cabinet and that has been announced.

SUPERDROME - BOARD, NEW APPOINTMENTS

678. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

Can the Minister advise which members of the Superdrome board he has replaced and with whom he has replaced them?

Hon N.F. MOORE replied:

I do not have the list with me, and as there are nine or 10 names it might be better if the member puts the question on notice in case I leave somebody off the list.

EDWARDES, COLIN - MINISTRY OF JUSTICE JOB DESCRIPTION

679. Hon A.J.G. MacTIERNAN to the Minister for Health representing the Attorney General:

- (1) Is there a job description for the position in the Ministry of Justice currently occupied by Mr Colin Edwards?
- (2) If so, could the Minister please provide a copy of that job description?

Hon PETER FOSS replied:

I thank the member for some notice of this question. The Attorney General has provided the following response -

(1)-(2) Yes.

Hon PETER FOSS: I seek leave to table the attached document in relation to this question.

Leave granted. [See paper No 795.]

SMITH, WAYDE - FINANCIAL REPORT, 92 DORCHESTER AVENUE,
WARWICK

680. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

Has the member for Wanneroo included in his report on his financial affairs to the Premier details of any property dealings involving 92 Dorchester Avenue, Warwick?

Hon GEORGE CASH replied:

The Premier has advised that the member for Wanneroo's report is in the process of being reviewed by Mr Stephen Mann.

EDUCATION, MINISTRY OF - MISCELLANEOUS WORKERS UNION,
OFFICIALS PREVENTED FROM ATTENDING MEETING

681. Hon JOHN HALDEN to the Minister for Education:

- (1) Can the Minister confirm whether security guards were used today to prevent officials from the Miscellaneous Workers Union from entering Ministry of Education premises to join discussions being held between ministry officials and union members?
- (2) If yes, on what basis were they prevented from attending?
- (3) In discussions of this nature does the Minister agree that the presence of union officials would be in the workers' interests?
- (4) Is the Minister aware that in calling this meeting the Ministry of Education has broken the law by breaching an order of the Western Australian Industrial Relations Commission which restrained the Minister from implementing changes in work practices prior to 16 November 1993?

The PRESIDENT: Order! Part of that question seemed to be asking for an opinion.

Hon N.F. MOORE replied:

- (1) I am not aware of the situation described by the member.
- (2) Not applicable.
- (3) I suggest the member is seeking an opinion on the relevance of unions in negotiations being undertaken.
- (4) This also calls for an opinion, but if it does not, I ask the member to put the question on notice and I will provide a proper response.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT
BILL - WORKERS TRAVELLING TO WORKPLACE ELIGIBILITY

682. Hon TOM HELM to the Minister for Health representing the Minister for Labour Relations:

I refer to contract workers who provide their own equipment, and who are required to transport this equipment to the worksite.

- (1) Are such workers covered for their journey by provisions of the Workers' Compensation and Rehabilitation Amendment Bill?

- (2) Are workers who travel on a company bus from their home to the worksite covered by the provisions of the Workers' Compensation and Rehabilitation Amendment Bill?
- (3) Would the widow or widower of a worker who is killed in an accident on the way to his or her workplace be eligible for compensation under the provisions of the Workers' Compensation and Rehabilitation Amendment Bill if the cause of the accident is being challenged by an insurance company?

The PRESIDENT: Order! I am very reluctant to interfere with question time, but members must stick to the rules. That is a hypothetical question and hypothetical questions are out of order. I suggest the member rephrase those questions.

**WORKERS' COMPENSATION AND REHABILITATION AMENDMENT
BILL - WORKERS TRAVELLING TO WORKPLACE ELIGIBILITY**

683. Hon TOM HELM to the Minister for Health representing the Minister for Labour Relations:

- (1) Is it true that a contract worker who provides his own equipment and who is required to transport that equipment to the worksite is covered by the provisions of the Workers' Compensation and Rehabilitation Amendment Bill?
- (2) Is it true that workers who travel on a company bus from their home to the worksite are covered by the provisions of the Workers' Compensation and Rehabilitation Amendment Bill?
- (3) Is it true that the widow or widower of a worker who was killed in an accident on his or her way to the workplace is eligible for compensation under the provisions of the Workers' Compensation and Rehabilitation Amendment Bill if the cause of the accident is being challenged by an insurance company?

Hon PETER FOSS replied:

The Minister for Labour Relations has provided the following reply -

- (1)-(3) The legislation provides that a worker is covered while acting under the employer's instructions. However, the situations posed by the honourable member are hypothetical and do not contain sufficient information to enable me to provide definitive answers.

**EDUCATION, MINISTRY OF - MISCELLANEOUS WORKERS UNION,
OFFICIALS PREVENTED FROM ATTENDING MEETING**

684. Hon JOHN HALDEN to the Minister for Education:

Is it normal practice for the Ministry of Education to use security guards to prevent union officials from entering Ministry of Education premises to join discussions being held between ministry officials and union members?

Hon N.F. MOORE replied:

Not to my knowledge, but I suggest if that situation did occur today there must be some circumstance which caused that to happen. I will seek a report immediately about the circumstance and I will advise the member.

**FERTILISER - TONNAGE HAULED, STANDARD GAUGE LINE TO
KALGOORLIE, MIDLAND LINE-GERALDTON**

685. Hon JOHN HALDEN to the Minister for Transport:

How many tonnes of fertiliser are carried on the standard gauge line to Kalgoorlie and the Midland line to Geraldton?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question. I assume the member is requesting the total fertiliser tonnage hauled over these lines rather than that hauled to particular destinations. For the 1992-93 season fertiliser was railed as follows: On the standard gauge line consigned to CSBP Merredin, 24 796 tonnes; consigned to CSBP Esperance, 17 494 tonnes; consigned to individual farmers, 12 080 tonnes, making a total of 54 370 tonnes. On the Geraldton line, consigned to CSBP Webberton, 13 859 tonnes and consigned to individual farmers, 8 340 tonnes, making a total of 22 199 tonnes.

SMITH, WAYDE - FINANCIAL REPORT, 92 DORCHESTER AVENUE, WARWICK

686. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Premier:

I am concerned that there might have been some clerical error in the reply to the question I asked earlier. I asked: Has the member for Wanneroo included in his report of his financial affairs any details of any property dealings to 92 Dorchester Avenue, Warwick? I have an answer to a different question attached here, which says that the member for Wanneroo's report is in the process of being verified by Mr Stephen Mann. Could I ask the Leader of the House to verify that this is the answer he intended to give to this question, which is simply, has the member for Wanneroo included details of that particular property in his report?

The PRESIDENT: That is out of order.

Hon A.J.G. MacTIERNAN: I quite genuinely believe -

The PRESIDENT: Wait a minute. I have to contemplate the situation. I had thought that, given all the years I have been here, nothing new could possibly occur, but every day lately something new has occurred.

Hon John Halden: We are of exactly the same opinion, Mr President.

The PRESIDENT: Order! I expect that if the Leader of the House has a look through his papers and discovers he has answers to several questions and a spare set of answers for which there is no question, he ought to volunteer to give it to the member. If he does not, it comes back to the old situation: A member can ask a question, and although the Minister does not have to answer it, if he does answer it he does not necessarily have to give the member the answer he or she wants. The Leader of the House does not appear to be jumping up to take a lead in this. All I suggest to the member is that after question time she asks what he is driving at.

EAST STREET JETTY - UNSAFE, SWAN RIVER TRUST'S OPINION

687. Hon SAM PIANTADOSI to the Minister for Transport:

- (1) Can the Minister confirm that the heavy haulage lift jetty at East Street has been deemed unsafe by the Swan River Trust?
- (2) If so, can the Minister confirm the date that the jetty was deemed unsafe by the Swan River Trust?

Hon E.J. CHARLTON replied:

(1)-(2) The Swan River Trust has nothing to do with my area of responsibility.

MINERS - AUDIOMETRIC TESTS, NOISE INDUCED HEARING LOSS

688. Hon MARK NEVILL to the Minister for Mines:

Is the Government committed to a compulsory reference or baseline audiometric test for miners at risk of noise induced hearing loss?

Hon GEORGE CASH replied:

I would like to be able to give the member a yes or no answer; however, there have been some changes in that area, and I would like to seek some advice on that matter to see whether a decision has been made. I ask that the member put that question on notice.

MINERS - AUDIOMETRIC TESTS, NOISE INDUCED HEARING LOSS

689. Hon MARK NEVILL to the Minister for Mines:

Can the Minister assure the House that these tests have been undertaken for all miners at risk of noise induced hearing loss?

Hon GEORGE CASH replied:

Given the fact I said I wanted to take some advice about the general nature of the question, quite clearly that advice would extend to the question just asked.

SCHOOLS - CLEANERS AND GARDENERS
Industrial Relations Commissioner Fielding's Decision

690. Hon JOHN HALDEN to the Minister for Education:

Does the Minister intend to abide by the last decision of Industrial Relations Commissioner Gavin Fielding regarding school cleaners and gardeners and not introduce changes in the work practices of those two groups of people prior to 16 November?

Hon N.F. MOORE replied:

This matter is being negotiated between the Ministry of Education and the Miscellaneous Workers Union. Of course, we abide by the decision of the Industrial Relations Commission. I am not personally involved in those negotiations being conducted by the ministry. I say very clearly, we have cleaners and gardeners in our schools who are 30 per cent less productive than those in the private sector. They are employed as day labour employees in the Ministry of Education. I have said through the ministry that we will be very pleased for them to retain their positions in the day labour work force, but there is a necessity for them to increase their productivity. The question of a pay rise became part of the deal, and I quite rightly said that a pay rise was not part of the question, as we were simply looking at ways of raising the productivity of the day labour work force to that of the private sector. If members look at questions on notice for today, they will see that that is verified, in that most contractors are required to be 35 per cent more productive than the day labour work force before they are engaged. Once we get to a situation where the productivity levels of the day labour work force match those of the private sector, I will be very pleased.

That is the road down which we are heading, but for some reason or other this has developed into some sort of dispute. That is regrettable as no dispute was intended. I decided to look at the retention of the day labour work force, when pressure was on me to go to contractors immediately. It is a pity that there are those who seek to inflame the situation and by that very act make my decision one I might need to reconsider.

The PRESIDENT: Order! I just want to say about that question that standing orders provide quite clearly that a member cannot ask the same question twice in the same session. I do not know whether the question has been the same, but if I have heard it once I have heard the same answer a dozen times.

Hon John Halden: So have we.

Hon N.F. MOORE: One would think the member would have learnt by now.

The PRESIDENT: Order! I reckon I could recite the answer. It starts to suggest to me that maybe the question must be the same.

Several members interjected.

Hon John Halden: I have only asked two.

The PRESIDENT: Order! We will not have any question time at all if members do not come to order. I am trying to point out for members' own benefit that there happen to be some rules attached to the method of asking questions. The last person in this system who will put any obstacles in the way of question time in the Parliament is me, provided members obey the rules, and the rules are that the same question cannot be asked twice.

SCHOOLS - CLEANERS AND GARDENERS *Industrial Relations Commissioner Fielding's Decision*

691. Hon JOHN HALDEN to the Minister for Education:

I do not want to ignore your ruling, Mr President, but I ask the Minister for Education as a supplementary question: Will the Minister for Education inquire into the actions of the Ministry of Education and, if the decision by commissioner Fielding has been breached, will he report back to the House as soon as is practicable?

Hon N.F. MOORE replied:

I have already indicated to the member that I will find out what happened today and advise him.

Hon John Halden: It is yes or no.

Hon N.F. MOORE: The member obviously has a very poor retentive capacity because one has to tell him 15 000 times about 30 per cent productivity levels before he understands. Everybody else in the House knows all about the 30 per cent productivity levels except Hon John Halden. Resulting from a question he asked earlier, I said I would inquire into the situation that occurred this afternoon and advise him.

EAST STREET JETTY - WHITE DOLPHIN CRUISES, ROTTNEST QUICK CAT OPERATIONS

692. Hon SAM PIANTADOSI to the Minister for Transport:

- (1) Will the Minister confirm that White Dolphin Cruises and Rottnest Quick Kat operate from the heavy haulage lift jetty at East Street?
- (2) What was the date of the commencement of operations by the above companies?

Hon E.J. CHARLTON replied:

- (1) I did not get the first part of the question. However, I understand - the member can correct me if I am not answering it correctly - that White Dolphin Cruises and Rottnest Quick Kat are not to use the East Street jetty. However, there was a repair -

Hon Sam Piantadosi: I am referring to the heavy haulage lift jetty at East Street.

Hon E.J. CHARLTON: They are to use the heavy haulage lift jetty.

- (2) I cannot be certain about the exact date, but I will find out for the member.

SCHOOLS - CLEANERS *Cleaning Standards Monitoring*

693. Hon KIM CHANCE to the Minister for Education:

In his reply to question on notice 1224, which dealt with the productivity

comparison between private and public sector cleaners, the Minister said that cleaning standards are regularly monitored to ensure that the standard is maintained at the same level of day labour at schools.

- (1) Are the results of the regular monitoring available to the Minister?
- (2) If so, has the monitoring indicated that cleaning quality is of equal standard in schools cleaned by contractors and schools cleaned by day labour?

Hon N.F. MOORE replied:

- (1)-(2) The advice provided to me is that standards are comparable. It depends on which schools one goes to as to whether the people want day labour or contract cleaners. I do not know whether the monitoring system includes records of whether a piece of paper was left behind by some child or other at that school or whether the record is that particular. However, I will find out from the ministry how it monitors this work and advise the member accordingly. The ministry has a number of schools being cleaned by private contractors and there is no problem with that.

APPEALS - FORREST CENTRE CAR BAYS

694. Hon A.J.G. MacTIERNAN to the Minister for Health representing the Minister for Planning:

In respect of the Minister for Planning's approval on appeal of an application for a change of use of 146 existing car bays at the Forrest Centre, 221 St Georges Terrace, Perth, from short term public parking to long term public parking, I ask -

- (1) Who was the appellant?
- (2) Was the appellant the registered proprietor of the site?
- (3) If not, who was the registered proprietor and what was the appellant's interest in the site?

Hon PETER FOSS replied:

The Minister for Planning has provided the following reply -

- (1) The appellant was Ian James Hocking of Hocking Planning and Architecture Pty Ltd.
- (2) No.
- (3) The registered proprietor was the State Government Insurance Commission. The appellant was the proprietor's consultant, architect and town planner with no interest in the site.

DISABILITY SERVICES COMMISSION - CHIEF EXECUTIVE OFFICER APPOINTMENT

695. Hon TOM STEPHENS to the Minister for Health representing the Minister for Disability Services:

- (1) Has the selection panel recommended to the Minister an appointment of the new chief executive officer for the Disability Services Commission?
- (2) If yes, who is it?
- (3) If not, when is an appointment anticipated?

Hon PETER FOSS replied:

The Minister for Disability Services has provided the following answer -

- (1) The Public Service Commissioner has provided the Minister with his recommendation in this regard, as is, I understand, usual practice.

- (2) It is not appropriate to release the name until the Governor in Executive Council has made an appointment as required by the Public Service Act.
- (3) At the time of proclamation, subject to the successful passage of the Disability Services Bill.

LIGHTFOOT, ROSS - ABORIGINAL CIVILISATION COMMENTS

696. Hon TOM STEPHENS to the Leader of the House:

I draw the attention of the Leader of the House to the remarks of North Metropolitan member of the Legislative Council Ross Lightfoot reported nationally in *The Australian* and in the *News Chronicle* today -

Mr Yunupingu, like the former prime minister Mr Hawke, speaks of Aboriginal people as "civilised" or "Aboriginal civilisation". This is not only distorted, but about as wrong as you could possibly get. Aborigines were never civilised. Even in their primitive state today, they are only the bottom colour of the civilisation spectrum.

- (1) When will the leader condemn these remarks as ignorant, extremist and divisive?
- (2) If not, when will the leader take strong action against the member for his regular outbursts in this vein?

The PRESIDENT: Order! That question is out of order because it is not within the ministerial portfolio responsibility of the Leader of the House.

Point of Order

Hon TOM STEPHENS: Standing Order No 126 deals with questions which may be put to a Minister relating to public affairs with which he is connected. The title "Leader of the House" gives Hon George Cash responsibility for Government members under that standing order. That title and the standing order seem to me to leave the Leader of the House with the responsibility for answering that question.

The PRESIDENT: Order! What the member is confused about - I understand his confusion - is that Hon George Cash is the Leader of the Government in this House. Each member in this House is a member in his or her own right. Therefore, the Minister is not responsible for what an individual member says or does. In that context, it does not come within the responsibility of the Leader of the House to look after Government affairs.

Questions without Notice Resumed

LIGHTFOOT, ROSS - ABORIGINAL CIVILISATION COMMENTS

697. Hon TOM STEPHENS to the Leader of the House:

Will the Leader of the House take some action in regard to Hon Ross Lightfoot's comments made in *The Australian*; and, if not, why not?

Hon GEORGE CASH replied:

I am not aware of the comments to which the member refers.

LIGHTFOOT, ROSS - ABORIGINAL CIVILISATION COMMENTS

698. Hon TOM STEPHENS to the Leader of the House:

- (1) Will the Leader of the House become familiar with the comments of Hon Ross Lightfoot printed in the letters to the editor section on page 8 of today's *The Australian*?

- (2) Having then apprised himself of the fact that those comments are identical to those that I read to him earlier, will he, in his capacity of Leader of the Government, take some action against that member?

Hon GEORGE CASH replied:

- (1)-(2) I will give the matter some consideration.

MIDLAND WORKSHOPS - DOG SPIKES MANUFACTURE

699. Hon E.J. CHARLTON - by leave:

I correct an answer given to question on notice 886(1), on page 5383 of *Hansard*. The figure of 515 500 should be 525 500.
