Legislative Council

Wednesday, 11 September 1991

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

PETITION - DUCK SHOOTING

Prohibition Legislation Support

Hon Reg Davies presented a petition bearing the signatures of 1 330 citizens of Western Australia urging the Parliament not to declare duck shooting seasons and to legislate for the prohibition of any future duck shooting in this State.

[See paper No 668.]

MOTION - ESTIMATES AND FINANCIAL OPERATIONS COMMITTEE

Appointments

On motion without notice by Hon J.M. Berinson (Leader of the House), resolved -

That -

(a) Hon D.J. Wordsworth be appointed a member of the Estimates and Financial Operations Committee in place of Hon Max Evans for the duration of his temporary absence on parliamentary business overseas;

(b) Hons Tom Helm, Garry Kelly, Barry House, Margaret McAleer and N.F. Moore be appointed as additional members to the Estimates and Financial Operations Committee for the purposes of considering the Estimates of Revenue and Expenditure for 1991-92; and

(c) Hon Tom Butler be appointed as an additional member for Thursday, 19 September 1991 and thereafter Hon John Halden be appointed as an additional member to the Estimates and Financial Operations Committee for the purposes of considering the Estimates of Revenue and Expenditure for 1991-92.

STANDING COMMITEE ON LEGISLATION

Acts Amendment (Evidence) Bill - Report Tabling

On motion by Hon Garry Kelly, resolved -

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

[See paper No 669.]

MOTION - EMERGENCY PROVISIONS (AMMONIA UNLOADING) REGULATIONS

Disallowance

HON TOM HELM (Mining and Pastoral) [2.38 pm]: I move -

That the Emergency Provisions (Ammonia Unloading) Regulations 1991 published in the *Government Gazette* on 3 May 1991, and tabled in this House on 9 May 1991 under the Health Act 1911 be, and are hereby, disallowed.

This matter is something of an embarrassment. In 1988 the Government was dealing with the potential danger of an atomic powered satellite dropping from the sky. Emergency regulations under the Health Act allow an emergency to be declared which transgresses all civil liberties and gives a phenomenal amount of power to any declared person; for example, an inspector, policeman, fireman or doctor. However, at that time, although the Government said provisions should be available to override Parliament in such an emergency, it was wrong to have used regulations for the purpose. However, we allow those regulations to be used. We brought them to the attention of the House in a report which covered the period from December 1987 to November 1988. The report states on page 3 -

> The committee cannot say that the regulations make an unexpected use of the power conferred by s.15 of the *Health Act 1911*, ie, they are within the powers conferred by the Act on the Executive Director (Public Health). In light of what we say later on, whether the regulations should have been made on the Minister's recommendation rather than the Executive Director's is not important. Either way, the regulations were made by the Governor in Council and subject to disallowance.

We were suggesting that, because of the world in which we live - I do not know whether it is getting more or less dangerous - the Government must have the ability to do things that would normally not be allowed. In other words, people should be able to be subjected to search and seizure with the flimsiest of excuses or with no excuse at all. We advised the House then that circumstances may exist for that to be allowed, but we did not think the regulations were appropriate and that legislation should be formulated. We advised both Houses of the Parliament on that matter but nothing happened. We advised the Government in 1988 that we did not think it was appropriate that these regulations be used and nothing happened. The same party is in Government today and we, as members of that Government, have chosen to ignore the committee's advice. The report was printed and tabled so that every member had a chance to read it. However, no-one chose to do anything about it, including the Government.

We have a reached a situation where there is a need to unload ammonia with all of the inherent dangers involved in doing that. It may be thought by some observers that the emergency regulations under the Health Act are appropriate because of the dangers to people's health if gas escapes. However, ammonia can explode and therefore those regulations may not be appropriate. I suggest, though, that it is more appropriate to apply the regulations to that situation than to a satellite falling from the sky. If the elected representatives do not have the ability to scrutinise the powers of the Executive, particularly when our democratic system and the reasons for which we are here are put to one side temporarily - I include the right of appeal against somebody telling me what to do, including locking up my wife, my children and my possessions for whatever purpose he declares - we must do something about it. Members opposite think what I am saying is funny. The reason I am here this afternoon is to try to get the attention of the House, by joking or by other methods, so that members understand the seriousness of the situation.

These emergency powers were declared under the Health Act and they actually reduced one person's business by about 80 per cent because the power to shut down part of the shop were conferred on somebody. On behalf of the committee, I suggest the House disallow the regulations and move towards setting up an Act of Parliament or something into which we can get out teeth.

The other reason we need to do that is that we have received advice on two separate occasions from legal counsel informing us that the ability to gazette regulations that take away citizens' civil rights is not healthy. We were not elected to Parliament to do that and it is not a reason for which the Westminster system was established. Counsel's conclusion contained in the report of 27 October 1988 was as follows -

> In summary, then, there are reasonable grounds, depending on how drastically the Committee views the potential emergency, upon which the Committee could conclude that:
>
> > The discretionary powers unduly trespass on traditional and fundamental freedoms of freedom of the person and property from arbitrary detention and seizure and of freedom of movement, and of the right to fair compensation for compulsory acquisition of property in that
> >
> > (a) there are insufficient safeguards to the exercise of the powers in the absence of direct ministerial responsibility for their exercise;

That means that no-one has the right to claim compensation or to question the authority of someone who is authorised under these regulations to trespass upon traditional and fundamental freedoms. What would happen if someone wanted to walk in his front yard and he was told he could not? That person would have no right of complaint to a Minister or appeal to a court. I am trying to get these matters into perspective because of their importance. The committee wants the House to understand the importance of these matters.

This is not an attack on the Government or on any of the Ministers for their inactivity. The attack could be aimed at each member of Parliament as the elected representatives because we have done nothing. We have allowed the Government of this State to be taken over by whoever the health regulations allow following gazettal. I suggest, therefore, that the regulations should be disallowed.

The report of the counsel in October 1988 continues -

(b) not all the persons who might become "authorised officers" are appropriate and sufficiently experienced in the exercise of police powers;

(c) given the limited scope for judicial review of decisions made under the regulations, and in the absence of any other system of ministerial appeal, the provisions in the regulations relating to redress for interference with personal freedoms and restricting the rights to compensation, are inadequate.

Further, it is open to the Committee to conclude, in my view, that rather than taking the form of regulations, the provisions should be enacted.

That was in 1987. The committee's full report was brought down in 1984 and it was printed and tabled in 1988. I make it clear to the House that we do not argue that the discharge of ammonia or the danger from an atomic powered satellite falling from the sky calls for drastic action. The committee makes no comment about the dangers inherent in those circumstances. However, the committee is suggesting that an Act of Parliament be enacted which will allow the Executive to put those regulations in place at the snap of a finger in certain circumstances.

Hon Reg Davies: An emergency powers Act.

Hon TOM HELM: That is right. While we as parliamentarians sit back and allow health regulations to be used, that will continue.

The PRESIDENT: Order! There are six or seven quite audible conversations going on in the Chamber. All of them, with the exception of Hon Tom Helm, must cease.

Hon TOM HELM: Thank you, Mr President. I could not hear them, I suppose, because of my industrial deafness.

I must emphasise the point again. I was a member and am now the Chairman of the Joint Standing Committee on Delegated Legislation. This goes to the fundamentals of the reason I was elected to Parliament. We try to prevent the excesses of any dictatorial Government - or of a non-Westminster system - as experienced in other places. Members will be aware that I was at sea for 10 years and, having visited many other countries, I have some knowledge of other Government systems. The ability to gazette these regulations means that the worst excesses of any dictatorial Government - whether of left or right persuasion - could be exercised on any pretext under the provisions of this Act. Thank goodness in Australia we do not have madmen in Parliament.

Hon Sam Piantadosi: I don't know!

Hon TOM HELM: Perhaps with a few exceptions. So far we have not had that problem, but that is only by the grace of God. Surely, we were not elected as members of Parliament to govern this State entirely by the grace of God. We have a responsibility to ensure that these matters are dealt with in a proper fashion. I refer again to advice received from another legal counsel concerning the use of the Health Act and the Emergency Provisions (Ammonia Unloading) Regulations that may be gazetted under the Act, which allow authorised persons to do certain things. Our advice from this legal counsel is similar, and in his opinion this should be done under an Act of Parliament dealing with specific circumstances.

I return to the regulations and the reasons that the executive officers, staff and directors of the Health Department need these powers in relation to the unloading of ammonia. A further danger of unloading ammonia is that it will be carried out on a regular basis. The committee was advised that there could be as many as nine shipments of ammonia into the Port of Fremantle each year, although that figure has been modified because safer ways were found of unloading it by using larger tanks. The committee asked the executive director for an explanatory memorandum, and Dr Richard Lugg, the medical consultant of the environmental health legislation review, stated -

Rationale of the Regulations

In making the Regulations, I was of course cognisant of the action taken by Dr Armstrong. I had however the benefit of familiarity with the operation of the 1989 regulations during the two shipments of ammonia in that year, and was also aware of certain developments that had occurred during 1990, when a moratorium on shipments of ammonia had been in place. One of these was the construction of a large 30,000 tonne storage tank at the premises of the Kwinana Nitrogen Company to receive increased volumes of imported ammonia. I was also aware that a further risk assessment of the ammonia import facility had been carried out by Technica Ltd of London for the Environmental Protection Authority, and had been released in February 91.

The report continues -

I therefore carefully reviewed both the Technica report and the Environmental Protection Authority's preliminary interpretation of it.

At this point mention is made of some bulletins and the risk contours. The document includes some figures, and continues -

corresponding to a calculated risk of 10 chances in a million of an individual positioned at a point on the contour line being killed (ie the Authority's suggested criterion for sporting complexes and active open spaces);

These emergency provisions were put in place on the basis of criteria that apply to sporting complexes and public open spaces. When these people appeared before the committee they were asked why the regulations were needed, and they found it difficult to justify that need without reference to those criteria. That is the problem with these regulations. If we, as members of Parliament, with the assistance of research officers and technical advice, have difficulty understanding the need for these regulations, what chance has the ordinary man in the street of understanding the need for them? We are elected to represent the community and to put in place checks and balances for the Executive so that it cannot do just what it likes. We are told that these regulations are important and yet, with the best will in the world, the people concerned had difficulty explaining to the committee the reasons for them. Certainly the ordinary man in the street would have a great deal of difficulty understanding the situation.

This was also a reason for modifying the regulations. The businessman affected by the introduction of these emergency powers lost approximately 80 per cent of his business because at the time of unloading, the sides and front of the building were cordoned off, limiting access to his business. Therefore, the areas were modified to allow for less interference with his business. At the snap of a finger the regulations were modified by a person who was sympathetic to the views of the committee, but the result was a severe impact on that businessman's livelihood. We should disallow these regulations and encourage the Executive of the Government to introduce an emergency powers Act or an Act to allow the Parliament to scrutinise the reasons for emergency powers. The situation in Kwinana made me aware of the vulnerable position in which we and the Executive will be placed if these regulations are allowed. From 1988 to 1991 it has been open to Executive Council, Parliamentary Counsel, the Government and members of Parliament to introduce a Bill to avoid the use of regulations in this form. The introduction of such a Bill would have allowed members to scrutinise any provisions in this area. The legislation committee may be usefully engaged in scrutinising legislation which would allow the Executive, the Government and certain Ministers to take away our fundamental rights. There may be reasons for this happening.

In its deliberations the committee went to great lengths to sympathise with the public servants who wanted to use those regulations and the rights conferred in them. When those public servants appeared before the committee I guess they thought they were part of an inquisition, rather than an informal inquiry into the reasons for the regulations, even though they had supplied substantial documentation explaining why the regulations were important. I guess in the first instance they did not feel as much at ease as they could have felt, because some of the questions were quite detailed. However, we went to great lengths to explain to those civil servants that it was not our job to know the scale of the dangers, nor to know to

whom to give the authority to stop people at any time or at any place to which they wanted to go in the course of their lawful business. It was not our place to tell those public servants what they could confiscate or where they could search, nor to tell them how best to do their job, and the public servants were not obliged to explain to us why they needed to have those powers. We also asked those public servants, as we had done in 1988 after we had received their advice, whether there was any other Act of Parliament that they could use which would meet our concerns. We told them that it would be better for the parliamentary system and for democracy if they had an Act of Parliament to which they could turn and from which they could take their authority. We have been dealing with this matter for three years, and I want members to understand the reason why we are doing what we are doing.

Hon Derrick Tomlinson: We understand that.

Hon TOM HELM: Three years ago I said it in five minutes. The member was not here then. Members can understand that the public servants felt somewhat threatened and that their authority was being undermined, because in the past they had been able to gazette regulations without question and without parliamentary scrutiny. We told them that regulations which had not been submitted to the scrutiny of this House but had been gazetted were ultra vires. The committee was also empowered by the House to look at any regulations that would encroach upon people's civil rights and liberties. That put the committee in a difficult position because the regulations clearly existed, and the reason they were gazetted in the first place was to encroach upon people's civil rights and liberties. The Act provided specifically that the regulations could be moved; nevertheless, the committee believed it was inappropriate to use that Act, even though it clearly gave the public servants that power. The committee really did two things: First, we advised the public servants of our disquiet, as we did in 1988. We advised them then that we did not regard that as a suitable way of carrying out our parliamentary responsibilities. Secondly, we asked them how they thought we should proceed. We recognised the need for some extraordinary powers to be given to people, but we did not believe that because those powers may be given to people at any given time, they should be given through legislation.

When we look at how other Parliaments have operated when confronted with a situation where they are threatened by missiles, or the unloading of ammonia or any other dangerous cargo, we see in almost every case that the Parliaments of different political persuasions have agreed that they should be given the ability to put into place those regulations that are required at that time. Page 7 of the opinion of counsel obtained by the committee states under the heading "Trespass on Established Rights" -

> Taking the English constitutional tradition as some kind of guide, it must be admitted that, strictly speaking, there is no single statute which, as a practical matter, entrenches any right or freedom that may be pertinent to a resolution of the questions for the Committee. There are, of course, enactments such as the Statute of 25 Edward III Statute 5, Chapter 4 (1350) providing that a man could only be put out of his property if duly brought to answer by course of law and that of 42 Edward III, Chapter 3 (1368) ensuring due process of law. Reference can also be made to the Bill of Rights 1689. Whilst they may have no particular operation in the present context, they nevertheless have considerable symbolic importance as ensuring the primacy of law in regulating executive prerogatives.
>
> A second source of reference is the attitude of courts at common law. The distaste of English courts for invasions of property, for example, is exemplified by the statement of Lord Camden in the famous case of Entick v. Carrington (1765) 19 St. Tr. 1030, at 1066 where he said:
>
> > "By the laws of England every invasion of property, be it ever so minute, is a trespass."
>
> The courts have occupied an important role in redressing grievances of citizens, standing between the citizen and the government, and protecting the citizen against excessive administrative action. (A. V. Dicey, An Introduction to the Study of the Law of the Constitution (10th Ed., 1959) Ch. 10). An important contribution of the common law has been the recognition, unless clearly excluded by statute, of the rules of natural justice and of procedural fairness (Kioa v. Minister for Immigration (1985) 62 A. L. R. 321).

Unless one were a member of this committee one would not understand the responsibility that we have. This is by far the most important matter we have handled in respect of the Constitution and the ordinary rights of the citizens of this State. That is the reason this matter has been the subject of two legal opinions and of a report, and will be the subject of another report to be tabled next week. In this task the committee has taken on not just a Minister and a Minister's department but the whole of Government; and in doing that it has taken on also both Houses of Parliament because all of us have that responsibility. When we think about it, the reason that Australia fought in the Second World War was to defend the way of life that we had established against a way of life which someone was trying to impose upon us. The Second World War was fought to defend the right of an individual, no matter who he is, to stake his claim, to be able to do the things he has been doing as of right, and to not have that interfered with unless he has the ability to appeal against that interference. What happened in this State this year was that the Health Department was able to move a regulation and insert it in the *Government Gazette*, which is published every Friday. That gave virtually any Tom, Dick or Harry who might be authorised by the Director of the Health Department or a qualified person the ability to do exactly what he wanted.

Hon Peter Foss: It is as bad as chicken inspectors.

Hon TOM HELM: I must explain to our eminent lawyer that the difference between this case and a chicken inspector, a meat inspector, a customs inspector or any other inspector is that to do some of the things they need to do, they must have warrants. They cannot do everything.

Hon Derrick Tomlinson: Chicken inspectors can.

The PRESIDENT: Order!

Hon TOM HELM: Even when there are no chickens? If chicken inspectors can do everything, that is another problem, and if they can do it by regulation, which I doubt -

Hon Peter Foss: No, the regulations say they cannot.

Hon TOM HELM: These regulations allow people to do that, just by the mere publishing of the regulations. I do not apologise for taking up the time of the House with this matter because nothing could be more important to the House

Hon Peter Foss interjected.

Hon TOM HELM: I will go through it again, because some of these lawyers are very slow; they would not make good riggers. The Joint Standing Committee on Delegated Legislation is very careful and sensitive about what it does because the regulations are not ultra vires. The only Act of Parliament that is clear on the matter is the Health Act, because those people who wanted the regulations proclaimed examined the Explosives and Dangerous Goods Act, the Mines Regulation Act, the Environmental Protection Act and any other Act they thought relevant, because ammonia not only can gas someone but also can blow up and catch fire. From the Act relating to State Emergency Services and other Acts it can be determined that the regulations being proclaimed under those Acts can be ultra vires but under the Health Act they cannot. The only way in which the committee can deal with this matter is by saying the regulations trespass upon people's civil liberties and civil rights. That is why we are doing what we are doing, and that is why we must be very careful. We need the support of the House and we need the regulations to be disallowed, but obviously we still need commerce to take place; that is, we need the ammonia to be unloaded.

It was explained to us by the public servants that it is not in the best interests of the crew of that ship for them to be stuck in Gage Roads waiting to come alongside while this Parliament decides whether the regulations should allow the ship to come alongside. We must consider that as well, so we are dealing not just with the civil liberties of the people of Western Australia but with the rights of the crews of those ships. One ship is due in soon and another before the end of the year, and they will be coming in on a regular basis. If we do not allow them to come alongside and discharge their ammonia, those crews will be riding at anchor with a time bomb.

We said we would not interfere, and we do not wish or choose to do so. We do not have the authority, the will or the expertise to interfere with those regulations or the enactment of them in order that these emergency powers are given to somebody to ensure that there must

be exclusion zones, that we must put a boundary around some areas of land, some houses, shops, offices and stores. We must be able to do that without bringing it under the scrutiny of the Parliament, without having to go to court to explain the position, and without giving those people whose rights have been trespassed upon the opportunity to go to court to appeal against the effects of those actions against them. There must be an ability for that to happen, but we do not believe it should happen by regulation.

One cannot fault the Environmental Protection Authority or the Health Department, or anybody who has been involved in this operation, on the amount of paperwork they have done - I think it has been done on recyclable paper, too. The thick report which I am holding is a preliminary interpretation of the report by Technica Ltd, called "Risk assessment of ammonia import facility, Kwinana". It is just the preliminary assessment of the dangers, and they have gone to great lengths to explain that. However, there is an even greater danger. People have died in order to put us where we are - to protect the institution of the Parliament - and the Joint Standing Committee on Delegated Legislation takes its responsibility very heavily because of that. It was not something that was bought or given easily, it was a responsibility given to us by members of this Chamber perhaps in a light-hearted way; but the members of the committee do not take their role in a light-hearted way. We feel it is as important as defending basic civil liberties, and every member of the committee feels the same way.

I do not know how much further we can go in explaining to the House how important it is that this regulation be disallowed and that the members of this House put their minds to passing an Act of Parliament that is unilaterally acceptable to every party, including the Independents, which will enable the Government to have emergency powers given the separate circumstances that may arise. When the Emergency Provisions (Satellite Debris) Regulations were published in 1988, they took effect on 30 September and were needed for only 28 days. The scientists told us that an area from the Northern Territory across Western Australia might be affected by the falling debris of an atomic powered satellite - I think it was a Russian one called *Cosmos 1900*. Those powers were in force for 28 days even though the satellite did not crash. The regulations allowed the powers to be in place for a month although they were never needed. If that satellite had fallen on Western Australia the regulations would have enabled the Executive Director, Public Health to stop people, search them, and do all the things he or his advisers, whoever they might have been, thought necessary, in any area of the State from east of Kununurra right down to Albany. The committee allowed those regulations then, and did not bring them to the attention of the House except by way of advice.

What we are doing now is something more than giving advice. The second shipment of ammonia is coming in, and we are asking that these regulations be disallowed. The matter of the satellite was even more serious, and they had 28 days in which they could do almost anything they wanted because of the dangers to health. The committee's report to the House on the Emergency Provisions (Satellite Debris) Regulations 1988 said in part -

> The mischief was that radioactive debris, scattered down a corridor 1 000 kms long and 40 kms wide, posed an active danger to health if handled by unsuspecting persons, particularly children.

The advice we gave the House then was that -

> It is immaterial in this context for us to consider whether the emergency, had it occurred, could have been dealt with under existing laws, including use of the prerogative powers. The appropriate authorities chose the path provided by the health legislation and it is not for us to impeach that method. We are left with the impression that the potential for encroachment on personal and property rights is significant but not disproportionate. Accordingly, your committee cannot say that there was an undue trespass.

That is to say that under the terms of reference under which the committee operates the regulations were not ultra vires the Act. The report continues -

> We note that no attempt was made to oust the jurisdiction of the Supreme Court to review decisions made under the regulations or the validity of the regulations themselves. Obviously, judicial review in a civil emergency situation will tend to be

> after the event. The committee is satisfied that judicial intervention is in no way hampered. The question whether the regulations make rights "unduly" dependent on administrative rather than judicial decisions does not arise; the regulations do not purport to create "rights". The committee expresses no opinion as to the actual extent of that particular test . . .

Hon Reg Davies: Why don't you read Dicey's book as well? I thought you might want to fill in some more time.

Hon TOM HELM: No, I would not want to do that. I want the House to know how important this matter is. I am so concerned I feel I should read out the whole report from the beginning; however, I will not do that as I went through it in 1988. It is now 1991 and it is about time that we were able to bring ourselves to disallow the regulation. That would deal with the negative aspect. On the positive side we must establish an Act of Parliament under which we can operate emergency powers. I ask the House to disallow the regulation.

Debate adjourned, on motion by Hon Fred McKenzie.

STANDING ORDERS SUSPENSION - BELL GROUP SHARES

State Government Insurance Commission Purchase - Attorney General, Legal Opinion Tabling

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.23 pm]: I move -

> That so much of Standing Orders be suspended so far as will enable the following motion to be moved on Wednesday, 11 September and the debate thereon concluded at that day's sitting without adjournment -
>
> (1) That the Attorney General do within three sitting days and in any event on or before the closing day table in the House copies of without amendment or omission -
>
> (a) the legal opinion given to the State Government Insurance Commission regarding the legality of the purchase by it of Bell shares as referred to by him in his evidence to the Royal Commission;
>
> (b) any and all other legal opinions regarding the purchase of the Bell shares obtained by the Government or any Government corporation or instrumentality at any time prior to or after the purchase; and
>
> (c) any and all written papers requesting or commenting upon or supplementing those legal opinions.
>
> (2) In this order "closing day" means the day upon which -
>
> (a) the House passes a motion to adjourn for a period in excess of 18 days; or
>
> (b) the House is prorogued.
>
> (3) Where the Attorney General is unable or believes he will be unable to comply with this order by tabling the papers by reason of the House not sitting or being prorogued, he shall in substitution therefore deliver them to the Clerk who shall forthwith publish them under authority of this order.

This motion seeks to suspend Standing Orders to enable a subsequent motion to be moved today and debated to its conclusion without adjournment. This matter must be discussed today because of the matter of accountability to the Parliament. As I have said before, the Parliament must be paramount in respect of matters it wishes to bring before it.

Members would be aware that the Attorney General was required to give evidence to the Royal Commission last week. As a result of reading the transcripts of that evidence, it is my view and the view of my colleagues that certain legal opinions regarding the purchase of shares by the State Government Insurance Commission should be tabled in this House. This would allow the House to gain a better understanding of just what the State Government Insurance Commission has been up to; more importantly, the House would gain a better understanding of the reasons that the Attorney General sought, as was suggested in his evidence, not to avail himself of the legal opinion which was made available to him.

Hon J.M. Berinson: I did not seek not to avail myself - I did not avail myself. That is quite different. Have you read the transcript, Mr Cash?

Hon GEORGE CASH: Yes, I have part of the transcript with me so that when I quote from it we will be able to refer to specific pages so that no misunderstanding can occur regarding the words used.

Hon J.M. Berinson: If you have read the transcript, I am quite happy.

Hon GEORGE CASH: Yes, I have. The Attorney General is the principal law officer in Western Australia.

Hon Tom Stephens: And he is a highly principled man.

Hon GEORGE CASH: As I have said before, the Attorney General is the guardian of public interests in this State. However, it is evident that a serious matter of incompetence or ineptness occurred in the Attorney General's handling of this matter on behalf of the Government. This involved the purchase of shares in the Bell Group by the SGIC and the involvement of the Attorney General. This is a serious matter; so serious that the Opposition has decided not to proceed with other important motions listed on the Notice Paper. This motion will enable this matter to be brought forward and debated to its conclusion. That is the seriousness with which we regard this motion and the events surrounding the legal opinions given to the SGIC and the failure of the Attorney General to address those opinions.

It is a matter of urgent public importance. Any argument by the Attorney General that the Opposition is taking business out of the hands of the Government is clearly offset by the fact that the Opposition has gone out of its way to not proceed with its other motions to enable this motion to be moved. The cost of the Bell Group shares purchased by the SGIC was $160 million. Added to that, the SGIC entered an underwriting agreement involving $150 million-worth of debentures in the Bell Group. The question that must be answered by the Attorney General, and that will be answered with the tabling of the legal opinions, is that -

The PRESIDENT: Order! Before proceeding further, I take it that the honourable member is addressing his comments to the first part of his motion on the Notice Paper to suspend Standing Orders. He should not be addressing the rest of his motion as he must follow certain procedures. I indicate this because of time constraints.

Hon GEORGE CASH: I recognise that two motions are involved. At this stage I have not referred to paragraphs (1) and (2) of the main motion, and I am referring to the motion to suspend Standing Orders. Such a suspension would allow this important motion to be moved and taken to its conclusion. It is an important matter involving evidence given to the Royal Commission in Perth last week. Part of the evidence given by the Attorney General to the Royal Commission indicated that he had failed to inform himself properly of the legality of certain dealings involving the State Government Insurance Commission. More than that, he indicated to two other Ministers who were keen to peruse the legal opinion that was available -

Hon J.M. Berinson: Hon George Cash has misunderstood the transcript if that is what he has taken from it.

Hon GEORGE CASH: Time is against me -

The PRESIDENT: Order! Talking about time, one hour has elapsed since the time set down for this session and leave of the House is required to continue this debate. Is leave granted?

Several Government members: No.

Opposition members: Shame, shame.

Hon P.G. Pendal: It is a deliberate filibuster.

Hon J.M. Berinson: Hon George Cash could have finished up 20 seconds ago and we could have moved on.

Hon George Cash: Rubbish, the Leader of the House told me he was not going to proceed.

The PRESIDENT: Order!

Hon J.M. Berinson: Hon George Cash was not so indignant behind the Chair.

The PRESIDENT: Order! The Leader of the Government in this House must come to order when I call.

Hon George Cash: I do not know what the Attorney General has to hide, but we will find out shortly.

The PRESIDENT: Order!

Hon R.G. Pike: He is the Scarlet Pimpernel of Western Australian politics.

Hon J.M. Berinson: Mr Pike, are you still sitting on those telephone books?

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

HUMAN REPRODUCTIVE TECHNOLOGY BILL

Third Reading

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [3.35 pm]: I move -

That the Bill be now read a third time.

The Health Minister in the other place has paid tribute to the very many people who were responsible for the development of this legislation and I want to endorse his tribute and add to it just a little with comments about some of the individuals who have been of great assistance to me as I tried to understand the complexities of the legislation before this House, and therefore before me, as it was my task to present it to the House. Enormous assistance was provided to me and to the Government by parliamentary draftsman Mr Jan Sheriff, who devoted a large amount of his time and interest to the development of the legislation. Naturally enough I want to pay tribute to him for that. I was also the beneficiary of the advice and assistance of Liza Newby from the Health Department, who is the department's principal consultant on the legislation, and I am appreciative of her support. The House will have noticed that the legislation was accompanied by the presence in this House of Dr Sandra Webb, who is the coordinator of reproductive technology at the Health Department. Dr Webb was the member of the working party into reproductive technology who was largely responsible for the drafting of the legislation that is now about to proceed through the House. In the process of Dr Webb's many years of detailed and careful work in the area of reproductive technology she has been awarded a doctorate from the University of Cambridge.

The PRESIDENT: Order! I have let Hon Tom Stephens go on longer than I should have. The third reading of the Bill is a stage for debating nothing other than to promote a reason why the Bill should or should not be read a third time. Whether the author of the Bill has a doctorate in one thing or another does not come into that category. If the honourable member wants to speak he must confine his comments to reasons why the Bill should be supported or why the Bill should not be supported.

Hon TOM STEPHENS: Thank you, Mr President. I am appreciative of your guidance and I hope that the members recognise that one of the reasons they can lend their support to the passage of the third reading of this Bill is the recognition of the quality of the legislation which reflects the quality of the work that has been put into its drafting by the persons to whom I was paying tribute. I will not test Mr President's patience by doing anything more than paying tribute finally to the work of the ministerial officer, Mr Francis Sullivan, who in his work in assisting the Minister ensured that the legislation was in a form that would attract the support of both sides of the House. In that context it was under the leadership of the Minister for Health that this legislation has arrived in a form that satisfied the needs and the wider interests of the community. Therefore, I pay tribute to that Minister, who has delivered to this Parliament legislation that is of sufficient quality to have attracted comprehensive support from members of all sides of the House. It is a Bill that is quite complex and in many cases I felt quite inadequate as I tried to argue its various aspects, particularly its complex medical, scientific and detailed provisions. Despite my inadequacies the arguments prepared by others, that I delivered, were sufficiently compelling to see the passage of the legislation through the House. I thank members for supporting the Bill and commend the Bill to the House.

Question put and passed.

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

JUSTICES AMENDMENT BILL

Second Reading

Debate resumed from 20 August.

HON DERRICK TOMLINSON (East Metropolitan) [3.39 pm]: In the period I have been a member of this House there have been expressions of support for the notion that the Statutes of Western Australia should be electronically stored for ease of amendment and retrieval. This came to my mind as a very urgent need when I started researching this Bill. The Minister's second reading speech contained a reference to "INREP", and being a newly identified Johnny-come-lately, the acronym did not mean a great deal to me. However, the Attorney General used it constantly in his second reading speech and I was rather intrigued to hear that the President of the Children's Court, Judge Jackson, had been consulted and fully supported these provisions. Being a person who has considerable respect for Judge Jackson in spite of the publicity that he has had, I was convinced this must be something that is worthy of support. However, my academic experience always compels me to find out what it is I am about to support before I support it, so I wanted to know what INREP was. I consulted a member of the Government party and he looked blankly at me. I then presumed it must be somewhere in the Justices Act since we are looking at an amendment to that Act. I got the Justices Act and I spent some considerable time and energy finding the references to INREP and eventually discovered that they are contained in the Justices Amendment Act No 27 of 1988 and in the amendments now before us. The work and development orders are contained in the Acts Amendment (Community Corrections Centres) Act No 38 of 1988. It probably is a worthwhile discipline for a new member of Parliament to be compelled to wade his way through years of legislation before understanding what he is being required to decide upon.

Hon J.M. Berinson: What is the date of the last reprint?

Hon DERRICK TOMLINSON: It is 9 November 1984 and there have been many amendments since then. I am not trying to be facetious in bringing this matter to the attention of the Attorney General. Not only should the Justices Act be reprinted but also, to facilitate the modernisation of the procedures of the courts in Western Australia, the hard copy of Acts should be converted to electronic data storage and retrieval. That will mean that amendments to the appropriate Acts can be made easily and will be readily accessible to users in the Parliament and the legal profession. Legal professionals are constantly expending the unnecessary resources of their junior counsel in undertaking that research. The Budget for 1991-92 provides that the savings from the Corporate Affairs Department will be incorporated into the Crown Law Department. A substantial allocation has been made to upgrade the computer systems of the courts. I hope that in carrying out that upgrading thought is given to the need to make the court systems compatible with the systems used by the Crown Law Department, Parliamentary Counsel and Government Print so that electronic data storage and retrieval can be accessed by all of those users.

Hon J.M. Berinson: I am computer illiterate but my understanding is that Parliamentary Counsel and Government Print systems are compatible.

Hon DERRICK TOMLINSON: Unfortunately, the systems used by Parliamentary Counsel and Government Print are not compatible with the systems used by the Crown Law Department at this stage. Those two systems cannot talk to one another because they speak a different language.

Hon J.M. Berinson: But Parliamentary Counsel is part of Crown Law.

Hon DERRICK TOMLINSON: The computers in this place which can talk to the computers in Government Print cannot talk to the computers elsewhere because they speak a different language.

Hon Peter Foss: I understand there is a move to use Oracle, which is presently being used by Parliamentary Counsel and is to be extended to various courts.

Hon DERRICK TOMLINSON: I hope the Attorney General will expedite the matter and bring it to his department's attention. I hope he will make the appropriate inquiries and obtain the proper advice so a compatible system can be used throughout the various departments in order to avoid the unnecessary confusion caused by the elaboration of amendments on pieces of paper.

INREP is the infringement notice registration enforcement procedure and is simply a means, as is indicated in the Attorney General's second reading speech, of circumventing the courts in gathering penalties from uncontested infringements.

Sitting suspended from 3.45 to 4.00 pm

Hon DERRICK TOMLINSON: Under the INREP procedure infringement notices issued are registered. If the person against whom the notice is issued does not respond within 28 days a courtesy note is sent to that person advising that they should pay the penalty plus a charge which currently stands at $7 to cover the cost of the registration and reminder notice, or alternatively to allow them to indicate that they will be contesting the charge in court. If no action is taken, after a further 28 days the prosecuting agency refers the matter to the registrar again and a further notice is issued. The case is then referred to a court, by which time another $30 has been added to the penalty. That does not end the matter as the offender may then apply for time to pay, or an extension of the time in which to respond, or may arrange to pay by instalments or by doing community service. This is proving to be a worthwhile scheme as it is getting out of the courts unnecessary procedures which can be dealt with simply. It is also enabling a satisfactory recovery of fines. At the moment it is available to adult offenders only. The amendment before us seeks to extend the INREP procedure to juveniles. A juvenile is referred to in the Bill as an alleged offender who has attained the age of 16 years but not attained the age of 18 years at the date of the alleged offence. The amendment would extend the INREP scheme downwards to 16 and 17 year olds but would not embrace the full range of juvenile offenders aged between 11 and 17 years. The reason for this is fairly simple: Seventeen year olds can hold a driving licence and therefore can commit offences against the Traffic Code or against local government authorities; such things as parking offences and so on. Likewise, 16 year olds may apply for and hold a learner's permit and therefore be subject to the same laws as adult drivers. The principle is a sound one.

I was particularly attracted to the Attorney General's proposal that the INREP scheme applied to juvenile offenders will assist in keeping them out of the court system. I was interested to know just how many such juveniles might be affected. I refer to a statistical report published in June 1991 - the first statistical report of the University of Western Australia's crime research centre. The title is "The Crime and Justice Statistics of Western Australia: A First Report". While it is uncommon for the Attorney General to be complimented on the initiatives that he takes, in this case I genuinely commend him, and the members of Cabinet who supported the proposal, for the initiative the Government took in providing for the crime research centre at the University of Western Australia. This set of statistics is comprehensive and it will lead to a better informed debate upon the subjects of crime and criminality as more such statistics are collated. It is not merely the collation of statistical material which the crime centre will be pursuing; in the short time it has operated, its publications have achieved considerable acclaim.

In the report of June 1991, there is reference to the Children's Court and children's panel appearances from 1 January to 30 June 1990. Members should bear in mind that we are simply talking about a snapshot portrayal of statistics. These are the statistics available only for that six months' period. They should not be used to derive any general trends or make any strong predictions about future trends. However, the snapshot is useful, particularly the statement on page 65 of the report, where the major offences of persons appearing before the Children's Court are summarised. I quote -

> The most frequent offences with which individuals were charged were break and enter and theft offences (43.1%), -

That accords with the popular public perception. What follows, however, is an interesting point -

> - followed by driving and motor vehicle offences (21.9%), good order offences

(16.4% - mostly breach of court orders and drunk/disorderly), offences against the person (7.5% - mostly assault), damage offences (2.8% - mostly wilful damage) and drug offences (5.5% - mostly use or possess).

The snapshot of juvenile offenders gives some heart to the debate about young people in Western Australia. In fact the minority of offences heard by the Children's Court relate to crimes of a grave order; offences against the person, damage offences and drug offences. The majority of the offences, some 65 per cent of them, are break and enter and theft offences, many of which are minor in nature. The significant point in this debate is that motor vehicle and driving offences account for 21.9 per cent. So one in five of the cases before the Children's Court relates to a motor vehicle offence.

To understand the extent of those offences, in table 4.2 of the report distinct persons, male, by race, age and offence, are detailed. Without considering the race factor, in the category of motor vehicle offences the four subcategories provided are driving under the influence, dangerous and reckless driving, driving licence offences, and other motor vehicle offences. Looking at 16 and 17 year olds, in the first category of driving offences, in the first six months of 1990, a total of 153 persons appeared before the Children's Court on such charges. For dangerous and reckless driving, 123 such persons aged 16 and 17 appeared. For driving licence offences, 417 persons appeared, and for other motor vehicle offences, 320. The total is 1 013 such offences in the six month period. Taking the dangerous step of extending that and doubling it for a full year, a little over 2 000 such offences appeared before the Children's Court, and they represent about 20 per cent of the offences heard by the court in that period.

Hon J.M. Berinson: Before you flick over from that page, that seems too little. I thought you were saying before that that is the number of offenders rather than the number of offences.

Hon DERRICK TOMLINSON: Distinct persons, males. I am very sorry, I should have flicked over the page, because there are also females.

Hon J.M. Berinson: That is not the point I was making. I gathered from some of your comments that you were referring to the number of offences. There must be many more offences than that.

Hon DERRICK TOMLINSON: The Attorney General is perfectly correct; this is distinct persons, many of whom would be charged with more than one offence. It is often the case that a person charged with dangerous or reckless driving, or with a driving licence offence, faces two or three charges laid at the same time. I thank the Attorney General for that correction. The total number of persons appearing before the Children's Court was 1 013 for the first half of the year.

Let us assume that driving under the influence offences would not be dealt with under the INREP scheme. That is 153 offenders. There were 123 dangerous and reckless driving offenders. Some of those might not be dealt with under the INREP scheme. There were 419 driving licence offenders, and one would assume that the majority of those would be dealt with under the INREP scheme. There were 320 other motor vehicle offences. Let us assume that only half of those 16 and 17 year old offenders were dealt with under the INREP scheme rather than referred directly to the Children's Court; 500 offenders would not be brought before the court on these traffic infringements. That would represent quite a considerable saving in the time and resources of the Children's Court. It would also be convenient to the young offenders, who would not be required to give up their time to appear before the Children's Court. While I am not an advocate of avoiding the Children's Court - because I think the evidence of the effect of the Children's Court on young offenders suggests that there is a salutary value in bringing young people before the courts on appropriate charges - with these traffic infringements it is not necessary to bring offenders before the court to compel them or teach them to change their ways. Therefore, on that snapshot statistical evidence, I wholeheartedly endorse the Attorney General's proposition that the extension of the INREP procedure to juvenile offenders, or 16 and 17 year olds, will assist in keeping more juveniles out of the court system; it will help to unclutter the system and allow the court to concentrate its energy and mind upon the more serious matters of juvenile crime for which it has a major societal responsibility.

The amendment to the Justices Act that is before us makes good sense. Therefore, the Opposition has no hesitation in supporting the Bill.

HON J.N. CALDWELL (Agricultural) [4.21 pm]: I support the Justices Amendment Bill. Amendments to the Act were proclaimed on 1 January 1989 to establish an alternative method of enforcing unpaid and uncontested infringement notices; that is, the INREP system. As Hon Derrick Tomlinson has already stated the legislation covers 16 and 17 year olds. That is an excellent move because in society today younger people commit an enormous amount of crime. It is only right and proper that we should have a system to make young people obey the orders of the court quickly and in many cases without going to gaol.

I have a couple of queries for the Attorney General. In his second reading speech the Attorney General stated that one advantage of the proposal is that it will enable juveniles to make arrangements for time to pay at an earlier stage. That seems an unusual term. Most juveniles would not have the capacity to pay earlier, even if they wanted to. What does that terminology mean? The Attorney also referred to other amendments to the INREP legislation, one of which is a provision to enable adult offenders to perform community work in lieu of imprisonment on INREP registry orders. My understanding of the situation is that offenders have always been able to undertake community work. What is the difference between the new provisions and the old system? People have always had the opportunity to undertake community work in lieu of imprisonment and fines and, in many cases, people have performed those duties admirably.

The National Party supports the Bill.

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.25 pm]: I thank Hon Derrick Tomlinson and Hon J.N. Caldwell for their support of the Bill. Hon Derrick Tomlinson's remarks in particular summarise some of the more important features of the Bill very adequately. If I could perhaps start in reverse order and refer to Hon John Caldwell's question, the difference to be drawn in respect of reference to an arrangement being possible for juveniles to pay earlier might be explained best by saying this does not, as I understand it, refer to an ability to pay earlier but to the ability to make arrangements earlier. The current position is that it is only after a court ordered fine that arrangements can be made, whereas under the INREP system it can be clearly possible to do that without the need to go to court.

The reference to community service orders requires me to draw attention to a distinction which may not seem to involve a very great difference but in fact applies to two quite separate parts of the non-custodial penalty system. As the member indicated, community service orders have been in place for quite a time but they also constitute an order which can be applied only by a court; it is in fact another sentencing option for the court in addition to imprisonment or fine or probation or whatever. Community service orders are another alternative that the courts can turn to. What has been referred to here is something rather different, and that is the system that the Parliament agreed to a couple of years ago which led to the establishment of community correction centres. These applied what are called work and development orders. The actual work that may be done could well be very similar to the actual work under a community service order, although that does not necessarily follow. The essential difference though is that a work and development order does not require a court to pass judgment; in fact it is not open to a court to order a work and development order; that comes from the ability to transfer a fine, where the offender is unable to pay, into an alternative non-custodial sentence instead of being converted into imprisonment in default of payment of a fine, as was the earlier decision.

In the course of his early comments, Hon Derrick Tomlinson referred to the current state of the Justices Act and the accumulation of amendments since the Act was last reprinted in 1984. I took the opportunity to discuss this with Parliamentary Counsel during the short break. Of course, Parliamentary Counsel was well aware that I had been anxious for some time to have the Justices Act reprinted. When I said that Hon Derrick Tomlinson was also concerned about it they said, "We should get on with the job then."

Hon Derrick Tomlinson: That is always the way.

Hon J.M. BERINSON: The member can claim credit in his autobiography for the fact that I am able to tell the House that we anticipate a reprint of the Justices Act in about six weeks.

Hon Derrick Tomlinson: My power is amazing!

Hon J.M. BERINSON: I am very impressed, especially given the enormous amount of work involved in the reprint. I took the opportunity to become involved with some technical factors, which I relate to the House very hesitantly - I am not always sure what some terms mean. Nevertheless, I am advised that all but 62 of the State Acts are now on a database. Of those 62 exceptions, 12 are agreement Acts which it was thought did not require any sort of priority. The other 50 Acts are very old Acts.

The member also inquired about the matter of compatibility. Again I had better not go too far with the detail; suffice to say, as I understand the position, Parliamentary Counsel and Government Print are compatible to the point that the Parliamentary Counsel's disk can be provided to Government Print, which can then produce the hard copy without further keying in of text. I am also told that the Legislative Council can gain access to the whole of the database. If we do not have access yet, the material is produced in a form that allows access to it. At this stage the developments achieved by Parliamentary Counsel can provide the Legislative Council with the database in the form we can apparently store and access. I am told that further intensive work is taking place at the Crown Law Department to take these developments further. Perhaps when we have reached the stage that makes a report appropriate, it may help the House if I were to ask the under secretary to provide us with a comprehensive report of the position.

From my observations of the work done by the department and the courts, it is clear that we have come a very long way over the last three years. A master plan will ensure that the work proceeds in an orderly way. That system has been assisted greatly by the court modernisation fund, which applies relatively small amounts of money to each court process for this work. However, this is a significant amount of money overall.

It has been fairly stated that the subject matter in this Bill is not contentious. It is a matter of an efficient system and this should improve the situation measurably. I thank the House for its support.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

CRIMINAL INJURIES COMPENSATION AMENDMENT BILL

Second Reading

Debate resumed from 29 August.

HON DERRICK TOMLINSON (East Metropolitan) [4.36 pm]: The Criminal Injuries Compensation Act provides that when a person has suffered an injury or a loss as a consequence of an offence an application can be made for compensation. The Bill before the Chamber proposes two amendments to the principal Act. The first amendment is to give additional discretionary power to the Attorney General to permit claims to be made in what are known as "special circumstances". The second amendment clarifies the procedures for the recovery by the Crown of compensation from convicted offenders. The latter amendment is contained in the proposed new section 38A as defined in clause 4.

The Liberal Party has no problem with this part of the legislation. The discretionary power for the Attorney General under the special circumstances extends the provisions already contained in sections 8 to 15 of the Act. The principle of the Criminal Injuries Compensation Act is to allow an application for compensation to be made when an offence is proved by the court; in other words, where the person has been convicted. It would not be appropriate to allow a person to be compensated for an offence which has not occurred, and under normal circumstances the offence has not occurred until it has been demonstrated in a court of law to have occurred. Of course, circumstances arise in which that convention is not maintained, yet an undeniable offence has occurred.

Sections 8 to 15 of the principal Act provide for compensation where the victim of an offence is eligible to apply for compensation but the offence is not proved in a court of law. I will run through the circumstances involved. These relate to cases in which the accused is acquitted on account of unsoundness of mind, being incapable of understanding the proceedings through unsoundness of mind, and when the accused dies before a verdict is given by the court. This applies also when the complaint or indictment is withdrawn because a nolle prosequi is entered.

Hon R.G. Pike interjected.

Hon DERRICK TOMLINSON: I thank Hon Bob Pike for coaching me in the Latin pronunciation of nolle prosequi.

Hon P.G. Pendal: That is what we used to call Hon Joe Berinson.

Hon DERRICK TOMLINSON: I always take advice from senior counsel in matters of that kind.

The Act allows application for compensation where no person is charged and yet where there is clearly an offence; and where an alleged offender is acquitted and the victim claims the offence was committed by another person.

I refer to the important provision, section 15 of the Act, under which the Attorney General certifies the person charged has not been convicted on account of the proceedings being commenced out of time or for other technical reasons not going to the merits of the case. The purpose of clause 3 is to extend section 15 of the Act to include cases where, in the words of the second reading speech -

> . . . it is quite apparent that an offence has occurred, but because of the differing standards of proof in each proceeding, the jury is not satisfied that the person charged was the offender, while the assessor thinks he or she probably was.

That is the nub of proposed section 15(1)(a), which reads -

> . . . it appears to the Attorney General that -
>
> (a) that person is not eligible to apply for an award of compensation for that injury or loss and the circumstances of that case are such that it would be unjust if that person were not so eligible;

In other words, the circumstances of the case are such that it would be unjust if the victim were not eligible to apply for criminal injury compensation. One can appreciate the principles of justice being applied to the victim of crime here. One can also appreciate the argument that because of the differing standards of proof in each proceeding the assessor may be given some discretion in determining that the victim may be eligible to apply for criminal injuries compensation even though a conviction has not been recorded. In that case, if no conviction is recorded the State would not be able to recover that compensation from the alleged offender because the Act and proposed new section 38A restricts recovery from an offender by the Crown to cases where a person is convicted. Therefore, in proposed section 15 the criminal injuries compensation would be a claim against the State rather than the alleged offender. Again, the principle of justice that is being argued is not difficult to accept so far.

However, a principle of justice contained in the Bill causes some concern and I hope the Attorney General will be able to respond to my point. My concern is that by being just to a victim the law may cause an injustice against an alleged offender. He may have been found not guilty but, because of the decision of the criminal injuries compensation assessor and the Attorney General, guilt is imputed. One of the principles the lay person understands about our legal system is that innocence is always assumed; it is not the responsibility of the accused to prove innocence. On the contrary, it is the responsibility of the prosecution to prove guilt beyond reasonable doubt. If the court did not find the accused guilty beyond reasonable doubt, the outcome is not merely that the person is not guilty as the foreman of the jury might intone, but it also confirms the original presumption of innocence. In this amendment to the Criminal Compensation Act we are confronted with the fact that that innocent person, by virtue of a decision of the assessor or the Attorney General that a claim for criminal injuries compensation may proceed, suffers the imputation of guilt.

The second reading speech makes reference to some of the difficult cases. For example, to explain the proposition I read earlier, it makes reference to cases of assault and sexual assault where the standards of proof are sometimes particularly difficult. To illustrate my point, the standard of proof is particularly difficult in cases of sexual assault where the two requirements are, firstly, that an offence has occurred and, secondly, the accused person committed the offence. The strongest proof that the accused is guilty is that of identification; that in fact the victim can say that the accused did it.

Hon Tom Stephens: Don't point at me.

Hon DERRICK TOMLINSON: I was pointing to make a hole in the air not to make a hole in Hon Tom Stephens' reputation. Because the identification issue is a principal cause for demonstrating guilt and because of the circumstances of most sexual offence cases, the standards of proof in such charges are sometimes difficult to sustain to the point where the jury is certain beyond reasonable doubt that the offender is guilty. When a person charged with such an offence goes to trial and is found not guilty that would normally be the end of the matter. However, we now have the possibility that under the proposed amendment to the Criminal Injuries Compensation Act the victim of crime may make application, or may be given permission to make application, for criminal injuries compensation. If that permission is given, the question that follows is: What of the status, standing or reputation of the person who is now proved innocent by the decision of the court? This might be a very rare case, but the rare cases cause considerable trauma, principally to the person who has been demonstrated to be innocent yet has guilt imputed by the decision of the Attorney General and the assessor. I refer to a letter from the Attorney General dated 29 June 1989 about the existence of such a case. With the Attorney General's permission, I will not name the person involved, because it is a very sensitive matter. The letter begins -

> I have thoroughly examined the issues you raised with Mr. Sattler and, on the advice available to me, have concluded that there is nothing in the forensic evidence which positively excludes you as the offender.

That relates to a case where a person was charged, I think with rape, rather than with aggravated sexual assault, because of the date of the offence. However, it may have been aggravated sexual assault. It is referred to in correspondence frequently as rape and the person was found not guilty by the jury. The Attorney General said "there is nothing in the forensic evidence which positively excludes you as the offender". In relation to the identification evidence, it states -

> . . . I am not of the opinion that your lack of resemblance to the initial description given by the victim excludes you as the offender.

The court had heard the forensic evidence which was based on the proposition that, while the specimens of semen stains on sheets, nighties and pillowslips and specimens from vaginal smears from the victim could not conclusively identify the alleged offender as the offender, neither could it exclude the alleged offender. It was the nature of the forensic evidence available to the court. It was a particularly complicated case; because of the factors of the secretor and non-secretor identification of blood groups and because of the particular blood groups of the victim and of the alleged offender, it was not possible, given the evidence from the exhibits presented to forensic pathology for testing, to distinguish the evidence that the offender was the person who had raped the victim. Therefore, it was a process of exclusion. In cross examination, the forensic pathologist who was one of the principal court witnesses for the prosecution, answered the following question put to him by the defence counsel -

> If all of the exhibits that you tested, given to you by the police, were from a common source, it could not have been -

It then names the defendant -

> - whose semen was found inside the girl?

The pathologist answered -

> That is right?

He was then asked -

> Correct?

To which he replied "Yes." We then proceeded to the second part of the matter raised in the Attorney General's evidence, and that relates to the lack of resemblance between the identification evidence given by the victim at the time of reporting the offence and the identification of the defendant at a later stage. It is a very complicated and involved procedure of identification which really related to the identification of the offender's eyes. In all other respects, the defendant was dissimilar from the description originally given at the time of the offence. Given the forensic evidence which could not exclude the defendant, but taken in totality excluded the offender because all of the evidence taken together in the opinion of the prosecution's forensic pathologist demonstrated that the defendant could not have been the person who sexually penetrated the victim, and the evidence of identification which again proved to be rather tenuous evidence, the jury found the accused not guilty.

We return to that principle of law to which I referred earlier. Not only did the prosecution fail to demonstrate guilt beyond reasonable doubt, but also the jury, by its decision, confirmed the innocence because the person was innocent until such time as the person was found guilty. Therefore, the decision of the court was that the person was innocent. The letter that the Attorney General wrote to the defendant following a subsequent claim for compensation for wrongful arrest, rather than simply saying that, under the law as it now exists a person acquitted of an offence is not entitled to compensation, the Attorney General's letter makes the two statements that I have read. Without attempting to challenge the veracity of the Attorney General in these matters or the advice he may have been given in this particular case, it illustrates the possibility of injustice being perpetrated, unwittingly perhaps, against a person innocent of a crime where a decision is made that the victim of a crime may apply for or be given permission to apply for criminal injuries compensation.

[Questions without notice taken.]

Hon DERRICK TOMLINSON: Proposed section 15(1) provides a protection of justice for the victim of a crime; however, it is possible that an injustice could be perpetrated against a person who has been acquitted of a crime. This point was raised in another place when the Minister for Justice agreed that such a possibility arises with this amendment. The Minister agreed that it might offend against the principle defined by Lord Sankey in the Woolmington v the Director of Public Prosecutions case of 1935. I heard my senior counsel speak the phrase "the golden thread"; therefore, I will explain what it is. In the case to which I refer Lord Sankey, the then Lord Chancellor, said -

> Throughout the web of English Criminal Law, one golden thread is always to be seen - that it is the duty of the prosecution to prove the prisoner's guilt . . . If at the end of, and on the whole of the case, there is a reasonable doubt, created by the evidence given by either the prosecution or the prisoner, as to whether the prisoner [killed the deceased] the prosecution has not made out the case and the prisoner is entitled to an acquittal:

The argument I have advanced is that, if a person has been acquitted, he is entitled to more than the recognition of his lack of guilt; he is entitled to a recognition of his innocence because that is the original presumption which is fundamental to English law. Proposed new section 15(1)(a) involves the eligibility for an award of compensation for injury or loss related to the circumstances of the case. A decision given in favour of the victim exposes the defendant to the imputation of guilt.

Hon J.M. Berinson: I really think that this clause has been carefully drafted to avoid that. It is true that in the second reading speech an example was given of a situation in which that could occur. However, the amendment is very neutral on that point, and deliberately so.

Hon DERRICK TOMLINSON: I look forward to the Attorney General in his response explaining the matters I have raised, because these are matters of grave concern.

There is a significant difference between the existing section 15 and the proposed section 15(1)(b), which refers to "proceedings being commenced out of time or for other technical reasons". It then contains the very important phrase "not going to the merits of the case"; hence, it avoids the possibility of imputation of guilt. The very nature of proposed section 15(1)(a) requires, or may require, the assessor or the Attorney General to go to the merits of the case. There is specific reference to the circumstances of a case which allow a discretionary decision to be made, and it would be necessary for the person making the

decision to go to the merits of the case. We anticipated an amendment to new section 15(1)(a) which would include the terms "not going to the merits of the case". However, that would nullify the whole of that paragraph.

The Liberal Party supports the intent of the Bill. We certainly have no objection to the procedural changes and the other amendments within proposed section 38A. However, we do raise grave concerns about the imputation of guilt. Although it is laudable that this Parliament should take measures to extend justice to the victim of crime, it is not laudable to allow the discretionary powers, provided to an officer of the Crown, to impose injustice on a person who, after the trauma of trial, has been found not guilty. That raises the possibility of the imputation of guilt which will impugn his or her reputation. I support the Bill.

HON J.N. CALDWELL (Agricultural) [5.39 pm]: Hon Derrick Tomlinson has covered the Bill most accurately on behalf of all members on this side of the House. The Criminal Injuries Compensation Act is to be amended in two ways. The principal amendment involves a case in which a person has not been convicted of a crime but the person who is the victim of that crime has not been able to obtain compensation for injuries. The Attorney General in his second reading speech said -

> These amendments streamline the procedure of recovery of criminal injuries compensation by the State from an offender where the offender is prepared to pay on receipt of a letter of request from the Under Secretary for Law.

It appears that this is another way for the Government to obtain money quickly to balance the coffers. It is quite evident that this Bill and the previous Bill we debated present an opportunity for the Government to make its balance sheet look better.

Hon J.M. Berinson: Don't you think the offender should be pursued to pay compensation instead of leaving it to the State?

Hon J.N. CALDWELL: Yes, he should be pursued. The Bill is impressing on offenders that they must pay on receipt of a letter. It is much better than having an officer knock on their door or ultimately being taken to court for non-payment. I support the Bill.

HON PETER FOSS (East Metropolitan) [5.42 pm]: Hon Derrick Tomlinson has raised a very important point; that is, the public's perception, if the laudable intent of the Criminal Injuries Compensation Amendment Bill is actually carried out. As he pointed out it has been the golden thread of our criminal justice system that the onus is on the prosecution to prove guilt. Not only does the prosecution have to prove guilt, but it has to be proved beyond reasonable doubt. I am not suggesting we should change that rule. It does have its downside because sometimes people are perceived to escape justice because we have a system of criminal law which is firmly weighted in favour of the defendant. That is where the problem occurs with this Bill. Society has a belief that the system does occasionally allow criminals to get off a charge.

We do not have the system which operates in the Scottish jurisdiction; that is, there is a third verdict. The juries can bring down three different verdicts and they are: Guilty, not guilty and not proven. In the case of the guilty verdict the prosecution has proved the case beyond reasonable doubt. In the case of the not guilty verdict the evidence has been heard and the conclusion reached is that the person is not guilty. In the not proven verdict the evidence has been heard and it has not been established beyond reasonable doubt and, therefore, that person is effectively not guilty. On the other hand the prosecution may not be convinced that the person is not guilty.

I am not advocating that we have the three verdict system, but in the minds of the public of Western Australia there is sometimes the third verdict. People read the evidence from the newspapers and when a person is found not guilty they say to their neighbours that the reason the person got off the charge is that the system is weighted in favour of defendants, but he really did it even though it was not proved to the satisfaction of the jury. As Hon Derrick Tomlinson pointed out, under those circumstances the first law officer of the State could say that the person was not found guilty and, therefore, the complainant is not entitled to an award, but under the circumstances of the case it would be unjust if that person were not so eligible. It does sound as though he is saying that the person was in fact guilty, but under the circumstances the Crown was not able to secure a prosecution and, therefore, the complainant should be compensated.

The case may arise where quite clearly a crime has occurred; for instance, a person is severely bashed and injured and the problem is that it cannot be proved who did the bashing. It becomes a question of identification. In this circumstance it may very well be that the imputation does not arise because the Attorney General could say that somebody beat up this person, but it was not the person who was charged.

Hon J.M. Berinson: That is covered under a specific section.

Hon PETER FOSS: If the problem is one of degree - rape is a classic example - it would be a matter of saying that there is no doubt who the person was, but there is doubt about whether the actions which occurred constituted rape. I cannot see any circumstances under which we could use this provision without giving rise to the imputation that we did not believe the defendant. It may be thought that the jury was wrong in its verdict, but what the defendant did amounted to rape. As the Attorney General quite rightly pointed out, where it is clear that a crime has occurred, but we do not know who caused the crime, we do not need to resort to this section of the Act in any event.

Hon J.M. Berinson: That is section 12.

Hon PETER FOSS: The Attorney General's interjections highlight the situation even more. What other reason could be given that there was some doubt whether the offence was actually committed and the Attorney General seems to have arrived at a different conclusion from that which the jury arrived at.

Hon J.M. Berinson: I think indemnification is more likely to raise this problem than the nature of an offence.

Hon PETER FOSS: If that is what is intended to be caught in this legislation, the drafting should be clearer than it is.

Hon J.M. Berinson: As I will try to explain, every time you come down to specific cases you keep missing the hard cases which are not compensated.

Hon PETER FOSS: I appreciate that. My greatest concern is that the legislation seems to invite the possibility of its being used for the very result that Hon Derrick Tomlinson spoke about. If the Attorney General can come up with something other than that, for example, an indemnification, I would accept that there is another hard case which needs to be dealt with. It seems to me from the way in which the Bill is drafted that it has as its main compass the possibility of picking up people, not because there is a definite crime, but because the Attorney General has some reason to believe that the crime was committed by that person. There is even a problem with the current section of the Act that is being amended by this Bill. Even if a person has his case dismissed on technical grounds for reasons not going to the merits of the case, it does not mean that had it gone to trial and been tried on the merits the person would not have been acquitted.

One of the difficulties people have when they take a technical defence to a charge is that they do not actually get a discharge on the merits. People then say, "Oh yes, if it had not been for a technicality he would not have got off." If a person is charged with an offence his counsel does not miss the opportunity to raise technicalities and he would be silly to do so. Technicalities are usually raised at the beginning of a case. It is likely with a technical objection that it will be raised without the merits actually being tried. No sensible defence counsel will miss the opportunity to take a technical defence. However, he runs the risk, if his client is discharged by reason of that technical defence, that the public will say, "Oh yes, but that person would not have got off except for the technical defence." We have that problem with the Act as it stands. A problem in our society is that people do not know about Woolmington v DPP and the golden thread. They also do not know that people are frequently acquitted because they are shown to be not guilty and that it is a principle of our society that people are presumed to be not guilty until proven otherwise.

The more important part is the first of those two, not just the presumption that people are not guilty but that people frequently are shown by the evidence to be not guilty. The example mentioned by Hon Derrick Tomlinson seemed to me to be one of those where the person was shown to be not guilty whereas the letter he quoted from the Attorney General seemed to indicate that the Attorney General was thinking of the matter being one of those in the Scots verdict - in between and not proven. It is interesting that the Attorney General is indulging in the distinction between not guilty, guilty and not proven.

Hon J.M. Berinson: By the time I come to discuss that letter I think Hon Peter Foss will understand that there was a different basis to it.

Hon PETER FOSS: It certainly gave the impression of making that distinction between guilty, not guilty and not proven. It may be an appropriate basis for the Attorney General to make some sort of decision, but the fact is that the public are likely to believe that the Attorney allowed something under 1(a) or (b) and therefore as the first law officer was saying, "Yes, he was acquitted but he did it, I think, and it is not fair that this person should not be compensated."

Hon Derrick Tomlinson: Equally important is the effect of that on the person against whom guilt is imputed.

Hon PETER FOSS: Yes. The reason we have this rule of presumption of innocence is that a decision was made many years ago that avoiding the danger of innocent people being convicted is far more important than the danger of guilty people going free. That is because we appreciate that the injustice to an innocent person who has been falsely convicted is a massive one that strikes at the very fundamentals of our society. It is far more important that we protect the innocent in those circumstances than pursue the guilty to the ends of the earth. A person who has been falsely charged and ultimately obtains an acquittal even then is subject to the feeling of injustice that comes from being charged, notwithstanding the acquittal. That feeling of injustice is exacerbated when members of the public say, "He got off because that is the way things are in our courts," or somebody makes an award of criminal compensation to the complainant in a case.

There is hardly any feeling of greater indignation than that which comes with false accusation. I think we all know that the hardest thing to take is somebody falsely accusing us of something of which we are not guilty. People who are subjected to the rigours of our criminal law by being charged with a indictable offence need not merely an acquittal but also considerable support from society to restore their reputation. Therefore, I am concerned that this amendment may be used in a manner which has a reverse effect to that.

HON J.M. BERINSON (North Metropolitan - Attorney General) [5.55 pm]: I take it from what the three Opposition speakers have said that the Opposition supports the Bill despite the reservations expressed. I thank them for that support and fully appreciate their reservations. This is one of those instances where it does no harm to look back on the history of the legislation. One finds as its starting point the good idea that if persons have been the victims of criminal injury to their loss then some sort of compensation should be available to them and preferably it should come from the offender. However, if that is not possible, whether because the offender is not known or cannot pay, then the State should move in and provide that compensation directly. That was the simple basis for criminal injuries compensation.

It was not long before experience indicated that large gaps in the system resulted in people not being covered. That concerned the previous Attorney General to the extent he advanced a proposition in this House which I well remember opposing vigorously; that is, that where a charge was heard and the defendant was acquitted the assessor could nonetheless, on the balance of probabilities - that is, on the civil standard - determine that compensation should be paid. In addition, having been paid directly by the State it should be open to the State to recover payment from the original alleged offender. I remember quite well becoming quite agitated about that idea and feeling quite surprised by it.

Hon Peter Foss: I think I would agree with the Attorney General about that.

Hon J.M. BERINSON: Hon Ian Medcalf advanced that proposition, which in the end was not persisted with. Nonetheless, when I first had carriage of this legislation, now with the Minister for Justice, the gaps to which I have referred were still obvious. It was at that stage we moved to include a number of specific provisions which now appear between sections 8 and 15 of the Act. The most obvious problem identified related to the case where a person was subjected to criminal injury and the offender was found not guilty for reasons of unsoundness of mind. Originally no compensation was payable in that circumstance. We then moved to the present provision where compensation is payable in that circumstance, but only by the State. In that case there is no question of the State having the capacity to look to the original alleged offender for reimbursement. In a sense, that can be regarded as an inconsistency in the Act on the basis that the Act exists to compensate for criminal injury and

if a person is positively acquitted no matter what the grounds then there has been no criminal injury.

Sitting suspended from 6.00 to 7.30 pm

Hon J.M. BERINSON: Before the dinner suspension I gave the House a short history of the background to this legislation and mentioned that no matter how we tried to specify every particular circumstance that needed to be covered we nearly always ended up with a further gap being demonstrated by a particular hard case. On the occasion that we engaged in the most comprehensive effort to fill in the gaps, so to speak, we practically doubled the size of the Act. I think it is fair to say that at that time we did meet most of the situations that could be expected to arise. The reason for the present amending Bill is that, in spite of all past efforts, particular, though admittedly rare, cases have still emerged to suggest that there is some absence of a comprehensive cover. That is why we have effectively gone to a blanket general provision which relies in the last resort on the exercise of ministerial discretion.

I have said previously that I understand the concern of some members at the possibility that an Attorney General's approval in a particular case could be seen as implying - or imputing - some fault in the original alleged offender which would do him an injustice. A number of things can be said against that. First, as I indicated by way of interjection, the amendment to section 15 as provided by clause 3 of this Bill is in deliberately neutral terms. There is no suggestion here that if proposed section 15(1)(a) were applied it would carry with it some connotation of blame in respect of the original person charged. The provision is neutral in that respect.

Hon Derrick Tomlinson: It is not that the provision is neutral that is the worry; it is the consequence of the application of that neutral provision, which because it is applied to a person acquitted is no longer a neutral provision.

Hon J.M. BERINSON: I will come to that in a number of ways. First, it is incorrect to regard proposed section 15(1)(a) as applying to a person acquitted. I think I took that from Hon Derrick Tomlinson's interjection, and I suggest to the member that that is incorrect. Proposed section 15(1)(a) has nothing at all to say about an alleged offender, nor does any act in relation to proposed section 15(1)(a) relate to an alleged offender. It applies specifically and solely to a person who is accepted to have been the victim of a criminal attack, where the offender remains unconvicted or unidentified, as the case may be.

If I may retrace my steps for a moment, the first thing to appreciate is that the language of proposed section 15(1)(a) is entirely neutral in respect of implying blame against any person. The second aspect to be considered is the nature of the Attorney General's certificate. Hon Derrick Tomlinson knows that I am heading towards open, green pastures, and even with the passage of this Bill I would not expect to be in a position to issue many certificates, if any, over the remaining period of my time in office. However, to the extent that there is a case for a certificate, I am quite sure what my practice would be and I am quite sure what would be the practice of any later Attorney General. I am quite certain the practice in all respects would be that an Attorney General would issue a certificate, but without providing reasons. There is no call for a reason where a claim is accepted. There may be, in the interests of satisfying unsuccessful claimants, a requirement to provide reasons where a certificate is not issued. Where the Attorney General issues a certificate, the claimant is fully satisfied and there is no need for, nor is there any use which could be made of, the Attorney General's going on to provide a reason for his favourable decision. That is the second protection against any of the undesirable implications which have been referred to. There is a third consideration, which arises from the fact that there is no reason why a former alleged offender should even know about the grant of compensation. The Act itself makes it clear - and this amendment fits into the general scheme of it - that there would be no question of any call by the State for reimbursement by anybody of a payment made under proposed section 15(1)(a).

Hon Derrick Tomlinson: It would be specifically prohibited under proposed section 38A.

Hon J.M. BERINSON: I was looking to section 39, but the member may be right.

Hon Derrick Tomlinson: I am.

Hon J.M. BERINSON: If the member is that confident I shall not even look it up. What we are agreed on is the fact that any payment made under proposed section 15(1)(a) would not

even be referred to the original alleged offender, and there is no reason that that person should come to know of it.

Putting all this together, it seems to me that we have adequate safeguards against any of the undesirable connotations which have been of concern to some speakers in the debate. The amendment itself is neutral in its terms. The Attorney General would not specify reasons for his favourable decision. The original alleged offender has no need to know, and there is no system established by the Bill which would bring him into the picture at all.

I go on from there to the question of what I shall refer to for the purposes of anonymity of the actual defendant concerned as the Sattler letter. We all know what we are talking about. This is a letter I wrote following discussion on the "Sattler File" radio program when a person who had been acquitted expressed his concern -

Hon Derrick Tomlinson: Chagrin is the word.

Hon J.M. BERINSON: Chagrin is better; disappointment. Again we all know what we are talking about. The person was charged, he was acquitted, and he believed he should have received compensation for that. In response to representations in this respect I wrote the letter to which Hon Derrick Tomlinson referred, the letter dated 29 June 1989. It is true, as Hon Derrick Tomlinson said a little earlier, and as Mrs Edwardes said during the debate in the other House, that I could simply have responded to that inquiry on the basis that our system does not provide for compensation to acquitted defendants except in the most exceptional cases. All one would need beyond that would be to express the view that one did not accept that this was such an exceptional case. The letter would be shorter and the result would be the same. Perhaps if a similar issue is put to me again I shall take the good advice offered to me by Hon Derrick Tomlinson and Mrs Edwardes.

In explanation of the fuller approach which I took in the letter quoted I should indicate to the House that this was not a letter which had anything to do with criminal injuries compensation at all. It was based on a claim by a defendant who had been acquitted and who not only argued that the acquittal itself justified compensation for the cost which had been faced in the course of the defence, but went on to argue, in effect, that there was something wrong with the process and that he should not have been charged at all. At the risk of over simplification, it is fair to say that the argument was, when it came down to basics, that the person should not have been charged at all because the evidence clearly was not accepted. The proof of that rejection of the evidence lay in the fact of the acquittal. All that follows fairly reasonably as long as one accepts the premise. Because of the nature of the claim, it was not based simply on an acquittal but on some view that the prosecution itself was improper in some sense in having been brought at all. I did elaborate in a way which has already been quoted to the House so as to put the contrary point of view, namely that the acquittal itself could not be taken to suggest anything improper or oppressive about the original decision to prosecute and then to indict. I do not think I really need to take this any further than to repeat for present purposes that the case really is not relevant in that it has no connection with anything to do with criminal injuries compensation or any claim for criminal injuries compensation.

Hon Derrick Tomlinson: Your reply seemed to indicate that.

Hon J.M. BERINSON: It was not meant to. The terms of my reply were an attempt to indicate that the issue was not as cut and dried as was being argued by the fact of acquittal. I did not intend to go beyond that point and I would be sorry if my reply was taken by the person to whom it was addressed as implying anything beyond that.

Hon Derrick Tomlinson: That is the unfortunate point.

Hon J.M. BERINSON: I take the point. I have already indicated that I would think very carefully indeed before I went into that sort of elaboration in future. Even though I have said it is irrelevant for present purposes, that is not to say it is not helpful. The very fact that it can be suggested that the present problem would have been overcome had I not gone into the detail fortifies the other argument I am putting forward about the Attorney General's certificate not carrying reasons with it.

I note that in following up the various points that Hon Derrick Tomlinson made I have covered most of the arguments put forward by Hon Peter Foss as well, although he did add one other possible element, and that is the question of the public perception of some

remaining thoughts of guilt about the acquitted offender. It takes a very small extension of what I said before to indicate that just as there would be no need for the alleged offender to become aware of the final disposition of the claim, so there would be no need for a public airing of the payment. In any event, even if the fact of the payment were to be made known, that would not carry with it any indication of reasons which could encourage the sort of implications that we would all want to avoid. When I look at the nature of this debate there is really a strange combination, when I come to think of it. On one hand members of the Opposition, led by Hon Derrick Tomlinson, have seen problems with the Bill but support it nonetheless. For my part, I am not denying the potential for those problems -

Hon Derrick Tomlinson: And neither did your colleague in another place.

Hon J.M. BERINSON: Yes; I am not denying the potential for them but I think there are many safeguards which could reasonably be expected to avoid the results that have been suggested. At the end of the day, we come to the need to ensure that victims of crime who suffer injury should not be allowed to slip through the net, so to speak, for want of a specific provision in this legislation that meets their special circumstances.

Hon Derrick Tomlinson: Or for want of a general provision.

Hon J.M. BERINSON: That is the only argument in favour of a general provision, and as I understand it, that is the basis on which it is generally supported. It is certainly the basis upon which I advance it. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 15 amended -

Hon DERRICK TOMLINSON: In his response to matters raised in the second reading debate the Attorney General raised the defence against the possibility of an unintended imputation of guilt that the certification to be issued by the Attorney General allowing the victim of the crime to apply for an award for compensation would not go to any reasons, but would simply be a formal certifying by the Attorney General that the award might proceed. If that were as far as it were to go, I would have no difficulty in accepting his proposition. The general phrase - and it is a general phrase so that one can catch the particular instances - in subclause (1)(a), "and the circumstances of the case", allows the particular case to be identified. If the Attorney General has to exercise a discretionary judgment which applies the general case to the specific instance, when the Attorney General certifies that a claim may proceed would he not be required to give a reason in the specific case for the application of the general provision?

Hon J.M. BERINSON: The terms of the Bill do not require it, and neither does anything else. As I think I tried to indicate in my earlier comment, there might be a requirement, in fairness, to indicate reasons for the rejection of an application. I do not think it could ever be claimed that an application that was approved would be treated unfairly by the absence of reasons. I would say that there is no need for reasons and I think, for the very considerations that we have been talking about, that it would be desirable not to have them. Perhaps I should have added one point earlier, and this question gives me the opportunity to do so: The provision of reasons would not make any difference to the award of compensation. It is not as though there are aggravated circumstances that the assessor brings to account. The assessor is there to assess injury and loss; so that, whatever the reason, that would not affect the end result. The short answer to the question, though, is no, I do not believe there would be any need for reasons, nor do I think that any useful purpose would be served by requiring them.

Hon DERRICK TOMLINSON: While it is correct that the assessor is there to make a judgment about compensation for injury or loss, and that is the primary function of the assessor, in the particular instance the assessor must make a judgment as to whether some

discretionary decision must be made to allow the claim to proceed. Once the Attorney General has certified that the claim may proceed, the assessor proceeds to making the assessment of compensation.

Hon J.M. Berinson: Of the amount.

Hon DERRICK TOMLINSON: Yes, of the amount; but the first decision to be made is the discretionary decision. Given the circumstances of the case, even though the person charged has been found not guilty and therefore under the provisions of the legislation a claim for compensation would not be permitted, a judgment must be made as to whether a request should go forward to the Attorney General. The Attorney General then must make a judgment on the circumstances of the case - not about the amount of compensation but about whether the claim for compensation is just. So it is more than just a judgment about the amount of the compensation.

Hon J.M. Berinson: Not for the assessor.

Hon DERRICK TOMLINSON: Then if the application is made to the assessor for criminal injuries compensation, how does the claim submitted to the assessor proceed to the Attorney General? One assumes on the decision of the assessor.

Hon J.M. Berinson: I do not think that is right.

Hon DERRICK TOMLINSON: Perhaps the Attorney General can answer that; but he should let me proceed to the other matter. The terms of the Bill do not require that a reason be given, but justice might require in the case of a rejection that a reason for the rejection be given. In the case of an acceptance or an approval of the claim's proceeding, no reason must be given. I take the Attorney General's word that he, as Attorney General - and I am sure that when Hon Peter Foss becomes the Attorney General in the next Government -

Hon J.M. Berinson: Is he young enough to last the distance?

Hon DERRICK TOMLINSON: He will live more than 18 months, I can assure the Attorney General!

The CHAIRMAN: Order! I can assure the Chamber that we are not looking for Attorneys General.

Hon DERRICK TOMLINSON: We have one too many now. While one would trust the integrity of whoever is the Attorney General because it is one of the most important legal positions in the land, because of the general nature of the provisions of the Bill there is a possibility of imputation of guilt. If the Bill does not provide reasons for the Attorney General to certify that a claim be made under this subclause would it not be safer to include in this clause a statement that a reason for certifying shall not be given?

Hon J.M. BERINSON: I do not think that would be a good thing, and certainly not a necessary thing, to do. I return to the earlier part of Hon Derrick Tomlinson's comment which related to the way in which he saw the function of the assessor fitting into the general provision. As I understand it, Hon Derrick Tomlinson anticipates that the process will involve a claimant going to the assessor even though that claimant understood that he or she could only succeed under the general provision and it would be for the assessor to send that application to the Attorney General. I do not think that is the way the process would operate or how the Bill contemplates it would operate. The more likely position would come down to one of two possibilities: On the one hand the legal practitioner advising the claimant would indicate that in the circumstances of the case the assessor was unable to approve a claim but that there could be grounds to invite the Attorney General's certificate. In that case, the claim would go directly to the Attorney General. The alternative would be a claim submitted to the assessor in the mistaken belief that it was covered by the assessor's powers but having that followed by a rejection of the claim by the assessor on the grounds that the circumstances of the case were not covered by the specific provisions of the Act. It may well be that the assessor in such a case would indicate to the claimant that there was one other possible avenue to explore. He would only do that in a case that was clearly appropriate for advice of that sort. In that case, the claimant again having received that comment from the assessor would submit the claim to the Attorney General. In other words, as I see the operation of this provision, there is no real exercise of the assessor's discretion involved. If the Act covers the case, in respect of the powers of the assessor, the assessor must make an

assessment. If it does not, then either by way of the original legal advice or as a result of the rejection of an initial approach to the assessor the claimant should become aware that the specific provisions do not cover the case but that there may be an opening for an application under section 15(1)(a). I think that is about as far as we can go.

We have spoken before about the need for reasons. Frankly, given the wide scope of the discretion given to the Attorney General by this amendment, I doubt whether reasons would necessarily even be required in the case of a rejection. We are not looking at that. We are looking at an approval.

Hon Derrick Tomlinson: Even a rejection might unintentionally impute guilt, but that is an academic point.

Hon J.M. BERINSON: I think it is. We are looking primarily at an approval and I think the position is very clear. The Act does not require reasons. There would be no good purpose served by providing reasons. I cannot imagine, especially given the potential traps in terms of connotations, that any Attorney General would give reasons in these circumstances.

Clause put and passed.

Clauses 4 and 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

LIBRARY BOARD OF WESTERN AUSTRALIA AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon P.G. Pendal, and read a first time.

Second Reading

HON P.G. PENDAL (South Metropolitan) [8.09 pm]: I move -

That the Bill be now read a second time.

A few days ago in central Perth various political parties were present to protest against the treatment by the Indonesian Government of a prisoner whose crime was to organise a ceremony in favour of independence of his province of Irian Jaya. He was subsequently given 20 years imprisonment, but his significance to this Bill is not his sentence but the fact that after he was dealt with by the Indonesian courts, evidence used to convict him was destroyed by the judges.

The security of official documents has never been a problem in Australia. Papers which form part of public records have generally been looked after more or less effectively. I say "more or less" because we are by no means faced with an ideal in Australia or in Western Australia. Simply put, sufficient money has never been allocated to deal with the mounting - and in some cases, deteriorating - volume of records.

But this aside, I must say that we have never in this nation or in this State had the problem which is in prospect of now becoming commonplace - that of a deliberate destruction of public records. The Royal Commission into the WA Government's dealings has now begun to uncover an alarming pattern of interference to, or destruction of, public records. On 27 July this year the counsel assisting the commission, Brian Martin, QC, was reported as having said the integrity of Government files on the Burswood Casino had obviously been interfered with. He went on to say that a couple of documents had clearly been torn to remove remarks written on them although no-one had admitted doing so. Mr Martin was describing the instructions of the then Premier, Mr Burke to have his staff remove yellow stickers with inappropriate remarks from files before he retired as Premier. This 'doctoring' or 'cleansing' of the files was not apparently restricted to casino files but went across the board. According to Mr Martin there is now no way of knowing what the notes that had been interfered with had said.

One other remark of Mr Martin's is relevant: He said it was clear a lot was lacking in the approach to record keeping and ensuring the integrity of files. He went on to say that the commission could recommend a better standard for keeping Government records. That example involving Mr Burke is not an isolated one. In the same Royal Commission we have had the spectre of a police report containing a serious allegation against a Labor Government Minister most likely having been deliberately destroyed or lost to avoid a political scandal. This, members will recall, was also raised by Mr Martin when he expressed doubts about the truthfulness of the evidence of a Minister. In this instance we were confronted with the problem of a report prepared by Superintendent Les Ayton which mysteriously went missing between the office of the Minister under a cloud, Mr Hill, and the Minister for Racing and Gaming, Mrs Beggs. The matter is made worse when Mr Martin can say with some confidence that it does not appear a likely proposition that this report disappeared accidentally. That is the problem, and these examples describe something of the seriousness of it.

As well, the Civil Service clearly has deep concerns of its own. In the 25 July issue of its journal a very excellent article appeared under the signature of Professor Leslie Marchant; he goes as far as to say that anyone found tampering, culling or destroying a public file should be deemed guilty of a serious crime. This Bill seeks to create such a category of offence. Behind Professor Marchant's thinking is a well reasoned argument and the article is worth quoting here in some length. He wrote -

> Public records must be complete and not interfered with in any way.

He then proceeds -

> That condition was made evident in Confucian China centuries ago when officials who had custody of the dynastic records guarded these with their life, preventing ambitious emperors and officials from sifting them out so as to leave only the sorts of records they wanted to be left.
>
> The importance of national and state records is clearly demonstrated in the history of warfare. Invaders with political ambitions invariably had as one of their first targets the records offices of their victims . . .
>
> The allied forces invading Germany and Japan in 1945 did the same but for a different reason. They not only used the captured records to administer the occupied country, they sequestrated them in the case of Germany and opened them to public view, destroying their legal quality and making them unacceptable as evidence in courts of law.

Professor Marchant then goes on to argue -

> In the case of Britain, two sorts of records were recognized - inactive records no longer used for administrative purposes, and active or contemporary files. Records more than 50 years old are handed over by the public service to the archives for custody, where their legal quality is preserved.
>
> Western Australia inherited something of this system, but without the legislation and legal safeguards. No Public Record Office was established . . .
>
> The traditional British type public service was replaced with a new system characterised by the political appointment of senior public servants in the 1983 State elections.
>
> The destruction of an independent public service led to the tampering of government files as revealed in WA Royal Commission testimonies.

Professor Marchant's article continues -

> It is for this reason that existing legislation about records needs to be carefully examined with the ideal of up-grading and amendment.
>
> Though our archives are well administered and safely kept with their legal quality preserved, the problem area is active records. These are in departmental custody where regulations appear not to exist.
>
> A keeper needs to be appointed who should have independence, preferably being

> directly responsible to Parliament, like the Auditor General, and not responsible to the government of the day. This would prevent influence being exerted on the keeper.

The final comment in the article reads -

> The Crimes Act should also be amended so anyone found tampering, culling or destroying a public file is found guilty of a serious crime.
>
> This would mean a politician could not order a public servant to tamper with any file because, by law, no public servant can be ordered to perform an illegal act.

Therefore, this Bill seeks to meet the problems head on by addressing all these areas. For example, the Bill seeks to widen the definition of "public office" by bringing the office of Minister of the Crown into its meaning; widen the definition of a public record to include any record made or received by a public officer within the context of his or her public duties; confer on the Library Board a new duty to act as an independent keeper of the public records; charge the board with the added statutory responsibility of doing everything necessary to ensure that public records are dealt with according to the Act; and rewrite section 30(5) of the present Act to strengthen the prohibition on destroying documents, so as to attach a $10 000 penalty to that action.

A final new power this Bill seeks to confer is worth dealing with separately. The Bill contains a provision to allow the independent keeper of public records to report to both Houses of Parliament drawing attention to any case of a person who has or may have committed an offence under the proposed rewritten section 30. The independent keeper will effectively be an archival equivalent of the Auditor General whose tasks will include reporting to Parliament where maladministration is taking place. The independent keeper will be able to draw public attention to a case where a Minister or some other public officer has prevented or failed to prevent adequate security of public records. Like so many other actions, this Bill should never have become necessary. But the activities of participants in WA Inc matters show that the Government cannot be trusted with even the most elementary responsibility such as protecting public records entrusted to it. Professional librarians and archivists are becoming increasingly concerned over the gaps that will occur in our historical records. They are the ones who have suggested the creation of the new role of independent keeper of public records.

The original 1951 Act was amended in 1974 to ensure preservation of public records. However, in the light of revelations at the Royal Commission those past safeguards are grossly inadequate. It is once again a reflection on the present Government that it has not sought to plug this gaping hole with amendments of its own. Instead, as with most of its thinking, it is hoping that many or all of these failings will simply recede into the background, or that its members will wake up one day to find that WA Inc has been just a dream.

I urge the Government to take this Bill seriously. It represents the wishes of professionals in the field. It reflects the desires of a community which needs to know its record system is intact and not subject to abuse or arbitrary interference of a kind that has clearly been the case in recent times. I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

WATERFRONT WORKERS (COMPENSATION FOR ASBESTOS RELATED DISEASES) AMENDMENT BILL

Second Reading

Order of the Day read for resumption of debate from 29 August.

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

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 10 September.

HON SAM PIANTADOSI (North Metropolitan) [8.23 pm]: A new fishing industry was launched in Fremantle today by Jim Mendolia, who some years ago with the help of a Government subsidy established a small business for the marketing and production of anchovies. Over the past five years the industry has thrived and has a large export market. Today Jim Mendolia launched another venture - the production for consumption of the humble mulie, which was originally used simply for bait. Fresh mulies are now available for consumption and they are very nice grilled on the barbecue and as schnitzels.

Hon Derrick Tomlinson: Filleted?

Hon SAM PIANTADOSI: Yes.

Hon D.J. Wordsworth: How do they tie up with anchovies?

Hon SAM PIANTADOSI: They are salted, put into oil and marketed overseas.

Hon D.J. Wordsworth: Are they the same fish?

Hon SAM PIANTADOSI: There are different varieties and in some areas where quantities of sardines are not available one can use the mulie. However, the sardine is a smaller fish. Generally both are found in ample supply off our coast. Until recently the mulie was used only for bait by recreational fishermen, and by professional fishermen as bait for lobster pots. The mulie initiative came from a program that Hon Julian Grill started when he was Minister for Fisheries. I am pleased that the current Minister for Fisheries, Gordon Hill, has carried on in the same vein. His commitment in the Budget will ensure that the fishing industry is an industry of the future.

Most members will be aware that some $600 million in export dollars comes into the State from the fishing industry. That could be greatly improved, and if the marketing of the mulie today is any example there may be many other areas where markets could be found.

Hon J.N. Caldwell: A lot of fish is imported into the country.

Hon SAM PIANTADOSI: That is right, but in all fairness a campaign of public awareness of what is available will go part way towards educating the community to consume different species of fish. Events like today clearly demonstrate that what is available to the fishing industry is being looked at, and there will be many other occasions like today when new varieties of fish will be launched onto the gourmet market in Western Australia.

It was unfortunate that last year the Select Committee on the Aquiculture and Mariculture Industry chaired by Hon Phil Lockyer and of which Hon Murray Montgomery and I were members did not materialise because those industries have a great potential in Australia and particularly in Western Australia. The eastern seaboard industries are starting to suffer through pollution, but Western Australia is relatively pollution-free. Therefore those industries will be growth industries which will generate many export dollars for the State in years to come. Other countries are making daily inquiries in Western Australia about the possibility of joint ventures to try to snare some leases for the production of seafood. At the product launch today I met Mr Ted Wong who was representing Taiwanese interests and we met with the Mayor of the City of Fremantle. Mr Wong represents the fishing city of Chi-lung in Taiwan which wants to establish links in Western Australia. Chi-lung has the technology in the abalone industry but unfortunately the waters around the island of Taiwan are polluted. Chi-lung is looking for a joint venture partner to establish a farm in Western Australia as the problems it is encountering in its own country do not make its abalone industry viable in the long term.

Members opposite have been critical of what the Government has done in this Budget to ensure that jobs are created; they should look at the areas of fisheries and State development to see what the Government is doing for the State. During a conversation with Hon George Cash in this House we agreed that we could score points on what has been done and the mistakes that have been made - mistakes made by both sides. There is no question that mistakes have been made, but we must look to the future. One can be selective about what one wants to look at in the Budget. However, members will see in the allocations for fisheries that some projects have been set in place and funds have been set aside to develop projects so that employment will be created in the very near future.

The links that we have established with South East Asia are very important and that is nowhere more evident than in the agricultural area. There has been a huge improvement in

that area. Sure, there is pessimism about the traditional areas of agriculture. However, the downturn has occurred not only in Australia and that situation has not been brought about by this Government. There are representatives in this House from agricultural industries. I remember sharing some time in New Zealand with Hon John Caldwell and I have shared with him highs and lows in the industry. We had a high in New Zealand when top prices were being paid for wool. However, the market has fallen somewhat since then, but there are alternatives; markets are available. Hon John Caldwell and I have had several discussions about looking for new and different markets. We have discussed also on various occasions different crops, different strains of wool and what the markets require. I do not want to be critical, but I believe people involved in the industry in this State have been slow to look at the changing trends.

Hon W.N. Stretch: Marketing trends or production trends?

Hon SAM PIANTADOSI: Both production and marketing trends. China, especially, is looking for particular strains of wool. There is a market there. We have received several requests from China and many delegations have come from that country. After being questioned by some Chinese people who were here as part of a delegation wanting wool, I asked John Caldwell whether the strains about which they were making inquiries were available and I was told they were not.

Hon W.N. Stretch: The Chinese are buying massive amounts now.

Hon SAM PIANTADOSI: They are. I have said that cooperatives should be formed to look at setting up joint ventures with different cities in China that have woollen mills. Those markets have been developed deliberately because it enables those cities in China to bypass their federal system. Rather than buying from a central system and paying top dollar, they bypass the system and get their materials direct. They save themselves a lot of dollars but they can only do that if they are involved in a joint venture with a country outside of China. Therefore, it is fairly important for farmers to consider that sort of market. As I said, the Chinese people want to bypass the federal system rather than be at the mercy of it. That central system would determine the price whereas these people determine their prices through negotiations and, in 99.9 per cent of cases, they import their produce at a cheaper rate so that their produce is more viable commercially because their costs are lower.

That is one area that the Minister for State Development has been looking at. Members may have seen an advertisement about four weeks ago for someone with specialist training in negotiating with the Chinese. It is an attempt to employ experienced people locally to deal with the Chinese. Everyone knows that the Chinese system is a slow and very frustrating one and sometimes responses are not received for months. We need to understand the way the Chinese do things. By building up their confidence, things will move much quicker. In many cases it takes 15 months to two years for things to move and during that time people wonder whether the deal will go ahead. The system is an unfortunate one. However, while we cater for the way these people do their deals and understand it, and we enjoy the trust of the Chinese people, things will begin to move.

I have said on many occasions that there needs to be diversification in agriculture. The Minister for State Development has made funds available through his department to ensure that that occurs. However, it is a two-way process. Mr Stretch will agree that some changes are necessary. I think we should look at the idea of forming small syndicates at a regional level in different country areas so that they can deal directly with syndicates in China. At least the people involved would be assured of supply and payment for the goods. I will seek the Minister's support in organising a number of people in the mid west, the south west and the south east areas to work out what can be produced and to obtain information on the requirements and markets. We need to be able to supply farmers with information if we are to develop viable industries and make the changes that are necessary in those industries. We need to be able to adapt quickly to new markets and keep those markets because market trends and fashions change very quickly. It is no good producing goods if we do not have the markets. The Minister for State Development has allocated funds so that those industries can be tapped for information. I think that is very important. New markets and new strategies should be promoted to develop new export industries. The department is on track and has identified what needs to be done to ensure that the industry will not only survive, but also expand. Additional money is being directed to agricultural protection and research. There

has been some talk about a State enterprise centre which will be purely for promotion purposes, and money has been allocated for a regional office to ensure that that occurs.

Hon W.N. Stretch: Which regional office?

Hon SAM PIANTADOSI: At Carnarvon.

Hon W.N. Stretch: They had better not say too much about Katanning!

Hon SAM PIANTADOSI: An amount of $360 000 has been allocated to the Western Australia-China technical research fund to expand economic cooperation in the processing and marketing of Western Australian minerals and products. China has one fifth of the world's population and as conditions improve in that country joint ventures will become more viable. In fact, China will become a trading partner.

Hon W.N. Stretch: Are you saying that the joint venture would involve the supply of raw materials because it appears China wants to carry out the processing on its shores, not ours?

Hon SAM PIANTADOSI: It would be similar to that which Lang Hancock was looking at in East Europe; that is, a bargaining system. China has a shortage of export dollars and Australia could supply the raw material in exchange for the finished product. A lot of initiatives could be gained from doing that. However, if the product could be manufactured in Western Australia the benefits would be far greater.

Hon W.N. Stretch: It would be more of a countertrade than a joint venture.

Hon SAM PIANTADOSI: We would have the advantage of being able to export our products. At the moment machinery and equipment is imported from elsewhere and Western Australia is not getting the benefit. Money is going out of this State and none is coming in.

Hon W.N. Stretch: In the final analysis we would be using its more competitive employment market.

Hon SAM PIANTADOSI: As China lacks export dollars, and that is what is restraining China's development at the moment, we should export our raw materials in exchange for the manufactured product It would be a barter system.

Hon W.N. Stretch: You are trying to say that they are more competitive in the manufacturing sector.

Hon SAM PIANTADOSI: Yes, they have more bargaining power.

I understand from a colleague of mine who has recently returned from Jamaica that that country is unable to fulfil its quota of a product to the United States market. A joint venture is being undertaken between the local people and the Chinese manufacturers to tap into the American market. We need to look at all the countries to which we can export our products, in order to expand our industries which have served this State well over the years. At the moment we have reached a stalemate and we need to secure agreements so we can continue to export.

Hon D.J. Wordsworth: I wish you would do better with the meat industry, because it now costs twice as much to kill an animal in this country as it does in America.

Hon SAM PIANTADOSI: It always comes back to cost. In 1970 comparisons were being made between Japan and Australia and it was determined that the cost of labour in this country was much higher than in Japan.

Hon D.J. Wordsworth: Nine abattoirs have closed in Victoria through strikes.

Hon SAM PIANTADOSI: Does the member consider that the wages costs in Australia are considerably higher than in Japan?

Hon D.J. Wordsworth: They are higher than in America.

Hon SAM PIANTADOSI: The member should be fair. When he was a Minister in the Liberal Government comparisons were made between Australia and Japan. The Japanese people are earning twice the income that Australians earn.

Hon D.J. Wordsworth: They work twice as hard.

Hon SAM PIANTADOSI: We need to look at technology.

Hon Derrick Tomlinson: And the productivity of the Japanese industries.

Hon SAM PIANTADOSI: What has happened to industry in this State over the years? Out technology has not been updated and so our capacity to compete has fallen behind that of other countries. Members opposite always use the bogey about labour costs.

Hon D.J. Wordsworth: Your Government is running the abattoirs now and it has done nothing.

Hon SAM PIANTADOSI: We should consider the changes made to industry in other countries compared with the changes made to industries in Western Australia.

Hon D.J. Wordsworth: They are not doing anything.

Hon SAM PIANTADOSI: When the Liberal Government was in power it did not update industry; it pocketed the money. All of a sudden it found our industry was not competitive.

Several members interjected.

Hon SAM PIANTADOSI: We have now come back to union bashing. If the Opposition did not do that it would have nothing to say. There was no input to industry whatsoever by the Liberal Government.

Hon Derrick Tomlinson: There has been disincentive to input, that is why.

Hon SAM PIANTADOSI: The member was not on the scene in the 1970s when Hon David Wordsworth was a Minister. At that time I was involved with a trade union, as was Hon Tom Butler, and on any day of the week we heard the same old story about wages in Australia compared with wages in Japan.

Hon P.H. Lockyer: When Graham MacKinnon was here he exposed you for doctoring some water.

Hon SAM PIANTADOSI: That is unfair, but I must admit it was effective.

Hon Bill Stretch referred to the number of manufacturing industries in China. The same industries in Sydney and Melbourne are going down the gurgler. If we were to visit those industries we would find that the technology being used now is the same as that used 30 years ago.

Hon W.N. Stretch: The reason is that they have had no profitability.

Hon SAM PIANTADOSI: Over 30 years?

Hon E.J. Charlton: Why don't you fix it up? You have been here eight years.

Hon SAM PIANTADOSI: Does the member mean that I should fix up what is happening in Victoria and New South Wales? We will sort out a few matters here first. We will certainly sort out the Opposition parties at the next election and then we will give those States a hand. I can assure members I will still be here.

Hon P.H. Lockyer: I don't know about that. I suppose you will do a deal to someone's detriment. I understand that Hon Tom Butler will be tossed out.

Hon SAM PIANTADOSI: I do not do any deals. One of the reasons that a member of the Opposition's frontbench, who is not in the Chamber now, had his selection panel in this place tonight for dinner was to ensure that he gets re-endorsed.

Hon P.H. Lockyer: You don't see me doing that.

Hon SAM PIANTADOSI: I think the honourable member protests too much, and I have heard rumours that his colleague is making a few moves. That is the reason for the new Philip Lockyer. At one stage we were the same weight.

Hon P.H. Lockyer: I was never as bad as that.

Hon SAM PIANTADOSI: I have not had the same problems that Hon Philip Lockyer has and it is obvious from the way he has shrunk and from the amount of hair he has lost that he has some major problems.

The DEPUTY PRESIDENT (Hon Muriel Patterson): Order! I ask Hon Sam Piantadosi to address the Chair.

Hon SAM PIANTADOSI: I am addressing the Chair. The situation is unfortunate for Hon Philip Lockyer because he is such a likable fellow. I hope that he gets his endorsement

and that he will be returned to sit on the same bench in this Chamber. I understand that a few members of this House will not be in this Chamber after the next election.

With regard to agriculture, I am aware that Hon Philip Lockyer is familiar with the areas of Kununurra and the Kimberley. The export earnings this year from the Ord River area for melons alone were $30 million. The potential has been there for many years. The original plan was formed by the late Bert Hawke, but I am heartened by the fact that some years ago the conservative Government took some positive action in this area. At one stage, following the problems encountered with the cotton crop, it appeared that it might become a white elephant. However, it is apparent that the area has boundless potential as a viable horticultural region. With the development in the near future of a further 70 000 hectares for horticulture, by the end of this decade the export earnings from this area could be approximately $2 billion. Some foresight was shown years ago with the building of the Ord River Dam, and we are reaping the benefits of that today. On that subject, I indicate that I fully support, and always have supported, the proposal by Hon Ernie Bridge to build a pipeline from the north of the State. In many areas between the north and the south of this State, for instance the electorate of Wiluna, the crops of melon and citrus fruit are second to none. It is unfortunate that some of these areas have not prospered.

Hon P.H. Lockyer: The people were too lazy to pick the fruit.

Hon D.J. Wordsworth: Senator Walsh was not very enthusiastic about the proposal for the pipeline.

Hon SAM PIANTADOSI: Who is he?

Hon E.J. Charlton: He is part of your faction.

Hon SAM PIANTADOSI: I demand an apology; that is completely untrue. I do not object to being accused of many things, but I would like to speak to Hon Eric Charlton outside for that comment.

Hon W.N. Stretch: Are you a member of Graeme Campbell's faction?

Hon SAM PIANTADOSI: I am a member of the left and we have no problems. The areas referred to have great potential and could be opened up for the horticultural industry if the pipeline were constructed.

Hon E.J. Charlton: How will we do it?

Hon SAM PIANTADOSI: I understand that Mr Bridge has distributed a report, although I am not sure whether a copy has been given to Hon Eric Charlton. The report contains some findings from Mr Bridge's tour of the United States and the arid areas of Libya and North Africa.

Hon E.J. Charlton: Take some of the unemployed people and get on with it.

Hon SAM PIANTADOSI: Is Hon Eric Charlton suggesting that we turn them all into welders?

Hon E.J. Charlton: We should turn them into something.

Hon SAM PIANTADOSI: Unfortunately -

Hon E.J. Charlton: What do you want to do with them?

The DEPUTY PRESIDENT: I ask members to cease the cross-Chamber conversation, and I ask Hon Sam Piantadosi to address the Chair.

Hon SAM PIANTADOSI: I appreciate that protection, because Hon Eric Charlton can become unruly when he loses an argument. I reminds members of the comment by Hon Eric Charlton the other day when talking about the hordes of unemployed people.

Hon E.J. Charlton: I never used the word "hordes".

Hon SAM PIANTADOSI: But that was the meaning of the comment.

Hon E.J. Charlton: No it was not.

Hon SAM PIANTADOSI: I think it was. That argument was presented on the basis that C.Y. O'Connor built a pipeline many years ago by taking the hordes into the bush - I understand that a lot of people were used to build that pipeline which was constructed of steel and timber and was very labour intensive.

Hon E.J. Charlton: Under this Government we will spend all the money and finish up with nothing.

Hon SAM PIANTADOSI: I hope that Hon Eric Charlton will not leave the Chamber before he has heard my comments on the proposed pipeline. It could be built by 20 or 30 specialist welders. The pipes could be delivered to the site and would require only to be joined. It would require only a small operation and a small team of workers to complete the pipeline. I understand that the North West Shelf gas pipeline was completed six months before the targeted completion date. Hon Eric Charlton must be fully aware of the factors involved in building a pipeline; certainly it would not require 10 000 workers. It is unfortunate in some ways that modern technology has reduced the need for labour. Certainly when one wants to improve the viability of a project, one considers the costs involved. Hon Eric Charlton asked where the money would come from and I understand he proposed that the dole money should be used for the construction of the pipeline. It sounds like a return to slave labour and road gangs. Perhaps the member should take a trip to Tammin and meet some of the workers in that area - he probably knows some of them already. Those people could demonstrate to him what is entailed in the building of a pipeline.

Hon Tom Helm: Are they slave labour?

Hon SAM PIANTADOSI: No, they are covered by a good union and they are well protected. It is most disappointing that the Opposition can see no good points in this Budget. I have pointed to the input by the Deputy Premier with regard to State development, market orientation and the good initiatives from a Government which has been described as socialist as well as a number of other things. Some people maintain that they have some knowledge of what happens in the agricultural industry. In fact, I have spent eight years in the industry and, although I do not know everything about agriculture, I take pride in saying that I can hold my own with a number of people in the horticultural area. Horticulture is a growth industry.

Hon W.N. Stretch: That is dead right.

Hon SAM PIANTADOSI: It has grown considerably over the past year. What we hear from the Opposition about agriculture is all doom and gloom.

Hon W.N. Stretch: I am an optimist.

Hon SAM PIANTADOSI: Then I look forward with interest to hearing Hon Bill Stretch's valuable comments about horticulture and the initiatives to be taken in that industry. I want to hear whether he at least accepts that the Government has promoted agriculture and has taken the right steps.

Hon W.N. Stretch: The member is starting to stretch things a bit now.

Hon SAM PIANTADOSI: I am starting to strain the friendship because I am on track. Members opposite insist on pointing the finger at the Government and making accusations about what it is doing for agriculture. Where was the foresight of past Government's to detect world trends? Members opposite were happy to accept the money without having the foresight to implement changes in the industry. Unfortunately Hon Bill Stretch was in an industry that pocketed its money without looking at changes that were needed. I have said on several occasions that people in mainstream agriculture should consider changing to alternative cropping. I have made that point for the past three years. I have not once heard an Opposition member say anything about the need to consider alternative cropping and marketing.

Hon W.N. Stretch: We are doing it, we are not just talking about it.

Hon SAM PIANTADOSI: Hon Bill Stretch is too scared to go back to his constituents and explain to them the reality - that they need to change their game.

Hon W.N. Stretch: They are changing.

Hon SAM PIANTADOSI: Members opposite would rather talk about the high cost of labour at abattoirs. What do members opposite want, free labour? What would they pay for labour? Put a price on it! Then we will know what the members opposite want rather than their merely complaining about the high cost of labour. If members opposite have any gumption why do they not put a cost on labour? Should it be $100 a week? Should it be $150 a week?

Hon W.N. Stretch: It should be a lot more than that.

Hon SAM PIANTADOSI: What should workers get a week now?

Hon W.N. Stretch: It depends on the quality of the labour.

Hon SAM PIANTADOSI: One minute Hon Bill Stretch says the amount is too high and the next minute he says, "It depends." He cannot make up his mind. He cannot give me a figure. Hon David Wordsworth says the figure is too high.

Hon D.J. Wordsworth: They have a system where they only kill so many cattle each day and finish work before lunch.

Hon SAM PIANTADOSI: I understand that. What should the price come down to in order to make the business viable?

Hon D.J. Wordsworth: Probably not much.

Hon SAM PIANTADOSI: The member should support his argument by giving us an idea of what the amount should be. We could then go to our colleagues and say, "To keep the industry viable, this is what you have to pay."

Hon D.J. Wordsworth: We are not trying to reduce wages.

The DEPUTY PRESIDENT (Hon Muriel Patterson): Order! I have been very patient, but do not intend being patient any longer. Members will refrain from interjecting. They will have an opportunity to speak later. I ask Hon Sam Piantadosi to address the Chair at all times.

Hon SAM PIANTADOSI: It is difficult to accept the arguments and proposals put forward by the Opposition. They always get down to union bashing and the high cost of labour. Never once has any Opposition member put a figure on what they propose. It is easy to knock and say that certain things are occurring. It is also easy to say that industry is going downhill. Unfortunately, the Opposition never looks at what it can do to ensure that industry becomes more viable. As the Leader of the Opposition has said, we need to look to the future. I would like other members of the Opposition to consider what their leader said yesterday and look to the future. They should look for solutions. They should not merely point the finger, make accusations and accuse workers of being the cause of our troubles.

There are always two sides to a problem. It is time that management looked at itself and its practices, technology and workshops. If it does that we may be able to start on an equal footing to see what can be done to make industry viable. We may then have a chance of success. Too often in this country we see a disease on the management side that workers have now caught because they have always been made scapegoats; if there was a problem in an industry the first option was to sack some workers and take away their livelihood. If members opposite wish to make comparisons they should look at the Japanese example and what Japanese multinational companies offer their workers. They provide their employees security by way of a home, education for their children and medical facilities. The families all have a square meal. What did workers in this country have? Nothing whatever.

Hon D.J. Wordsworth: They also get loyalty.

Hon SAM PIANTADOSI: Where is the loyalty to come from in this State when the first thing management does is give a worker the boot at the end of the week, and sometimes in the middle of the week, even if that worker has five or six children? An employer can kill a sheep or milk a cow to get a feed but how does a worker feed his family if he gets the sack? Twenty years ago the Japanese were working for $20 a week, but that was their spending money. They did not have to pay for the education of their children, their accommodation or their hospital and medical expenses. They had a secure job for as long as they wanted it and their children also had future job security. Those people had all that security so they gave loyalty to their company because the company gave loyalty to the workers. Productivity was good because people were working for their livelihood. Work was part and parcel of everything for them, so of course productivity levels were up. The people were prepared to work hard because they had that security. I ask members opposite: Where is the security here? People do not know from one day to the next whether they will have a job.

Hon Fred McKenzie: Do you think Robe River is teaching its Japanese partners bad habits?

Hon W.N. Stretch: The conditions that Hon Sam Piantadosi describes are exactly what farm workers enjoyed here 35 years ago before they became overunionised.

Hon SAM PIANTADOSI: Is that so? There we go, back to union bashing again! I knew it would not last for long. Opposition members do not have an argument unless they are union bashing.

Hon W.N. Stretch: I am telling Hon Sam Piantadosi the facts of life.

Hon SAM PIANTADOSI: We need to start an education program for farmers and other bosses in the bush. We hear they are divided. I recall Hon Bill Stretch saying that only 30 per cent of farmers belong to their federation. We need to get away from knocking. There are problems on both sides. Many bosses need to answer for things that have happened, as I am sure there are scallywags on the workers' side as well. The problem is not one way. Unfortunately, the argument that has surfaced here tonight is that if a problem arises the workers can be blamed because wages are too high. Members opposite can then indulge in union bashing. Hon Bill Stretch must remember that the Australian Medical Association is a union, the Civil Servants Association is a union, and a lot of other bodies or associations are unions, and that there are many people out there who would not share the member's sentiments.

Hon George Cash: Do not forget about my former union, the Australian Workers Union.

Hon SAM PIANTADOSI: I am glad to see that the member has joined our ranks in the past.

Hon T.G. Butler interjected.

Hon SAM PIANTADOSI: He may do that. My former union covers members in public office, such as members of Parliament, and I will be happy to give the Leader of the Opposition 16 membership forms next week and we could sign up all members of the Opposition. My former union will look after the interests of Hon Bill Stretch, and I am sure that once he gets that background information about what occurs, and should he lose his endorsement, we will be there plugging for him.

Hon Tom Helm: You will only need 15.

Hon SAM PIANTADOSI: I have just remembered that I will be able to give the Leader of the Opposition only 15 forms. There is one person on the Opposition side who will not be accepted as a member; and I will not mention names. I am glad that the Leader of the Opposition has returned to the Chamber.

Hon George Cash: Both Mr Berinson and I were listening to what was going on.

Hon SAM PIANTADOSI: I am glad, because at least the Leader of the Opposition had the foresight to know that we need to look at where we have committed errors in the past and that if we can overcome the errors of the past and look to the future, we will have some chance, but as long as we keep pointing the finger at one another -

Hon W.N. Stretch: You are pointing the finger at me, not the other way around.

Hon SAM PIANTADOSI: I cannot very well point at the Chair. The member knows what people say about we Europeans: We tend to point the finger and speak with our hands. I am sorry; it is an old habit.

Hon Fred McKenzie: But Mr Cash was not pointing his finger at you.

Hon SAM PIANTADOSI: He would not dare. He knows better.

I have demonstrated the need to protect our many resources, including water. I have made it very clear for a number of years where I stand in relation to water, especially ground water supplies, and how I support what has to be done in the country. I am glad I have an ally in Hon Eric Charlton; although we disagree about how the pipeline is to be built, we are of one opinion that the pipeline should be built. Hon Ernie Bridge must be supported in his endeavour because the pipeline will open up vast areas of Western Australia and will cater particularly for the horticultural industry, which is a growth industry. I believe that by the end of this decade the income that will be generated by the horticultural industry will be over $2 billion.

Hon W.N. Stretch: For Western Australia.

Hon SAM PIANTADOSI: Yes. We must ensure we do whatever is necessary to open up those areas in order to expand those markets. That will include an expansion of the airport facilities at Kununurra to take large cargo planes, because the air links that will develop over the next few years will include that region. There are also large growth areas at Broome and Carnarvon.

Hon Tom Helm: You can go to Hedland. There is a big airport there.

Hon SAM PIANTADOSI: Yes. We are doing the right thing, and if the Opposition were able to seize on some of our initiatives and learn from what we have been able to put into practice, it might have an opportunity in the future to get to this side of the House.

Tourism is another growth industry that we have seen develop in this State. The Australian Tourism Industry Association states in its pamphlet "ATIA Now", under the heading "GST - ATIA Concern" -

> ATIA has written to the Federal Opposition expressing concern about the proposed Goods and Services Tax.
>
> In a comprehensive letter dated 15 August 1991 to the Shadow Minister for Tourism and Aviation, David Jull, and in a paper to a Tourism Conference in Sydney on 26 August, ATIA stressed "the industry's enormous concern about the tax . . . heightened by an almost total lack of detail and a genuine fear that it will undermine international competitiveness of the Australian tourism product".
>
> The Opposition has been told that suggestions that the tax will be 12.5% or 15%, that some exemptions might apply to other sectors of the economy and that tourism would not be treated as an export, have served to stiffen opposition.

We do not have many industries that are forging ahead and increasing significantly every year, and which employ a large number of people and create many jobs. However, this industry has reservations about this proposed new tax. The ATIA leaflet states also -

> ATIA assessments show any GST above about 7% indicate that tourism will not be a net beneficiary from such a tax change.

That proposed tax could cripple that industry, and it does not help the situation to have uncertainty within Opposition ranks about what should be the level of that tax. There is division between both parties on the Opposition benches, and they have not been able to get their act together. I am glad to see that the National Party, at its conference over the weekend, made a public decision to support the proposed consumption tax.

Hon J.N. Caldwell: But it does not stop Australians from going overseas to other countries which have a goods and services tax.

Hon SAM PIANTADOSI: It is not what I am saying but what ATIA is saying. I believe all members would have a copy of this leaflet. Members opposite have said much about jobs, but this proposed tax is frightening the tourism industry so that it is afraid to spend money. The tourism industry is a labour intensive industry, and that industry is concerned about this proposed tax, about which it cannot get any information. It is not sure whether the tax will be 25 per cent, 22.5 per cent, 15 per cent, 12.5 per cent or seven per cent. It would like some information, but it has not been able to get it. This is a good example of an expanding industry which is very labour intensive. It is at a standstill as a result of the insecurity members opposite propose.

Hon W.N. Stretch: It was going very well, and then you gave triple time on Sundays and you introduced fringe benefits tax, which nearly killed it. So you have a lot of ground to cover.

Hon SAM PIANTADOSI: I suggest the member should read it. I hope that over the next few days we will get to hear his views and comments, because he has made a lot of by-play here. This is an industry which provides a lot of jobs, and the member should ask it what it feels about the proposals of his Liberal counterparts, and how many jobs those proposals will provide for it?

Hon N.F. Moore: How many jobs were lost as a result of the fringe benefits tax?

Hon SAM PIANTADOSI: People were bringing their families out and they were abusing the system. There are many other items I would like to canvass.

Hon Fred McKenzie: Do you want an extension of time? It has not expired; keep talking.

Hon George Cash: We cannot give that, according to our Chairman.

Hon SAM PIANTADOSI: There are many other issues I would like to canvass, but unfortunately my time has run out. The adjournment debates will give me many opportunities to continue my argument when I hear the Opposition's comments on some of these proposals.

HON BOB THOMAS (South West) [9.22 pm]: The people I have been speaking to about this Budget have told me that they feel it is a very good Budget.

Hon D.J. Wordsworth: Who have you been talking to?

Hon J.N. Caldwell: Hon Sam Piantadosi, I suppose.

Hon BOB THOMAS: They see a lot of the character of the Treasurer, Carmen Lawrence, in this Budget. I have been speaking to people with business backgrounds as well as people in various types of employment in Albany. The general consensus is that the State Budget has been well received. It gives a clear signal to business that the State Government will not impose on their activities. The Government has not increased its taxes and charges by more than the rate of inflation.

Hon N.F. Moore: If you believe that you will believe anything!

Hon W.N. Stretch: Inflation is nil; what are your charges?

Hon BOB THOMAS: We never gave a commitment that we would maintain our taxes and charges for the year at the preceding quarter's inflation rate. We spoke about the Family Pledge of maintaining taxes and charges to less than the year's inflation rate. That is what we have done. People out there know and appreciate that.

Hon N.F. Moore: Absolute rubbish! Go to Kalgoorlie and ask them about their water bills.

Several members interjected.

Hon BOB THOMAS: Are members opposite talking about their rates? There has been a revaluation.

Several members interjected.

Hon BOB THOMAS: Another point people in Albany are talking about -

Several members interjected.

Hon BOB THOMAS: Are we finished?

Hon N.F. Moore: I sure hope so!

The DEPUTY PRESIDENT (Hon Muriel Patterson): Order! Hon Bob Thomas should address the Chair and refrain from discussion.

Hon BOB THOMAS: Thank you; I shall endeavour to do that. Other points being made in Albany are that the town has been particularly well looked after because a number of projects have been included in the Budget. I refer specifically to the $3 million allocation in the General Loan and Capital Works Fund. That is very important for the planning and documentation stage of the Albany Regional Prison. The drafting and planning will take place and the Department of Corrective Services will obtain the local government's approval for the extensions to increase the bed capacity at the prison by 60 over the next couple of years. A further $13 million will be spent at the prison in 1992-93, and a further $2 million in 1993-94. A further $3.4 million has been allocated to a continuation of the relocation of the marshalling yards on the Albany foreshore, and for the construction of some sheds to replace those being removed. I understand that one major shed will be the first of its kind to contain waste products and excess water on site. That project, which will start very soon, is valued at about $1.6 million.

Included in the Budget this year is an allocation of $750 000 to continue harvesting algae in Princess Royal Harbour and for the construction of a new harvester, as well as two barges for the transportation of the harvested algae to the shore so that it can be baled and taken away for storage. I think $195 000 of that is allocated to a continuation of the harvesting in Princess Royal Harbour and for an extension of that program to Oyster Harbour. About

$500 000 has been allocated for some redevelopment at the Flinders Park Primary School, where four new classrooms will be built, together with some other works.

An important part of the Budget was an allocation of $1.6 million to an integrated waste treatment plant on the foreshore. The Princess Royal Harbour is being polluted by effluent pumped into it by licence holders in Albany. The Environmental Protection Authority has said that if we are to recover the situation and prevent the harbour from deteriorating completely we need to reduce the nutrient level of the effluent being pumped into the harbour by those industries. The Government recognises that the cost of that plant will be more than the industries will be able to bear in the current economic climate. It also wants to ensure that no further deterioration of the harbour takes place, and we should be able to continue and improve the seagrass recovery program which has been taking place over the last year or so. The Government wants to maintain jobs in the industry and the health in the harbour. As a result the Government is prepared to meet half the cost of building the integrated waste treatment plant and has allocated the sum of $1.6 million in this year's Budget.

It has allocated $120 000 for a computer room and reading room at a hostel for country high school students who need to board in Albany to attend one of our three high schools or the Technical and Further Education college. In order to ensure that the facilities available for students attending that hostel are as close as possible to those they would expect to have at home, the State Government has allocated that $120 000.

There is also an allocation of $947 000 for stage 1 of our town domestic sewerage project. This is quite a revolutionary project which has come about after extensive public consultation with members of the local community. A committee set up by the Water Authority of Western Australia, chaired by Professor Des O'Connor from the Albany Town Council, canvassed public opinion and also examined the technology available for sewage disposal, including a trip to examine modern technologies used over east. The Water Authority has proposed a sewerage farm-type concept using an aerated pond secondary treatment process which will probably be located at the existing Tynwald Road plant or somewhere near the plant at Oyster Harbour. It will produce a very raw, secondary treatment, high nutrient effluent which will be pumped to a site at either Douglas Road or Down Road. It will then go through an agroforestry process to lock up all of those nutrients in the pastures, the trees or the soil. The soils in both of those sites apparently have a very high phosphorous retention index and this will be the basis of a project which pumps the nutrient out to the site and runs it down a slope which has about 50 metres of pastures. The pastures soak up all the nitrogen and then it goes into a series of contours which contains the effluent on site. About 10 per cent is soaked up by the trees, which can then be harvested, as can the pastures, and those nutrients which are not soaked up by the trees will be soaked up by the soil. It is estimated that as close as possible to 100 per cent of the nutrients can be contained on the site, and that some of the soils in those areas actually have the capacity to store 50 years of sewage production from the Albany town on a site of about 280 hectares.

Also, $150 000 has been allocated in the Budget for the railway station precinct, which will allow for the refurbishment of the railway station and its surrounds and for the relocation of the Albany Tourist Bureau and a couple of other associated enterprises in that area. As well, the Department of Land Administration will spend about $500 000 over the next 12 months putting services such as sewerage, water, roads and electricity into commercial blocks which will be developed in that area. Those blocks will then be sold off to commercial bidders for the location of industries there. Once that takes place we will have a catalyst for another wave of development in Albany, which I believe will complement the work being done on Stirling Terrace and elsewhere in the town.

I compliment the Treasurer, Hon Carmen Lawrence, on having formulated this Budget in such adverse times. I believe she had the right approach in endeavouring to maintain spending in the big ticket items of health and education, and in particular in addressing some of those long term problems in the Education budget associated with maintenance. I attended a meeting in Albany a couple of months ago, at which a number of teachers and parents and citizens' association personnel indicated that the maintenance problem in our school system had been building up for over 20 years and that tens of millions of dollars needed to be spent to address the problem. I am glad the Treasurer has done it in this Budget, as I recognise that it was a particularly stringent time in which to formulate a

Budget. It was good to see the Commonwealth Government maintain the real value of our grants this year, but we still face the problem of a downturn in our own revenues. Essentially the State Government derives its income from State taxes which are based on economic activities - stamp duty, payroll tax and so on - and because the Federal Government's policy has been to slow the economy down to dampen domestic demand it is only natural that the State Government's tax base will be affected. Given that there has not been any capacity for growth in our own taxes, the approach adopted by the Treasurer and the Cabinet to maintain spending levels in education and health but to find other areas of Government activity in which to reduce spending is the best approach.

I turn now to some things which are happening or have happened in my electorate. First I will mention National Aboriginal Week. A great deal of activity was centred on the Albany Aboriginal Community Centre last week during National Aboriginal Week. All the schools in the area participated, and one of the most interesting activities was the kangaroo and emu meat and damper cooking organised by Dallas Coyne and Barbara Oreo. I understand that many children went back for seconds! Probably one of the best things to come out of the week was that members of the Aboriginal community went out to the Albany Regional Prison and spent some time with members of their community who are serving time there. That was good to see. The Lockyer Primary School sent its skipping team down to the Albany Aboriginal Community Centre to give some exhibitions at the same time that Leon Harris was giving a didgeridoo demonstration, which was well attended. The week was a credit to all those people who participated.

I want also to applaud the actions of the Great Southern Development Authority in appointing one of its officers as a country towns development officer. Essentially, one of the officers who was working in the Albany office has now been allocated the task of working with those towns and local government authorities in the north of the Great Southern Development Authority's area of responsibility - Broomehill, Katanning, Gnowangerup, Kent, Kojonup, Jerramungup and Woodanilling. This is a step in the right direction. I have spoken about it here before, but I believe the Great Southern Development Authority should allocate as many of its resources as possible to those areas in the agricultural hinterland because that is where the wealth of our region is created and it is essential that we maintain healthy communities in those areas so that they can continue to create the wealth on which towns such as Albany depend. Having worked in the Commonwealth Employment Service and having dealt with employers from small country towns, I know how hard it is to find replacement staff when people leave town. If somebody working in a skilled or trades occupation is retrenched or loses his job in a town he tends to find it very difficult to get another job and so moves away to a bigger town or city to seek employment. It is very difficult to find replacement staff to go into those small towns, especially family people. Often, when I received calls from people interested in those jobs they asked about the infrastructure available in the town - the school and hospital facilities and so on. If those facilities were inadequate, more often than not they did not pursue their inquiry about the job. Therefore it is important that we maintain healthy communities in those areas so that we can continue to create the wealth upon which the rest of the Western Australian community depends. That is why I applaud the action of the Great Southern Development Authority in nominating one of its officers as a country towns development officer.

I bring to the attention of the House an initiative which will have Statewide ramifications for the education of Aboriginal children. I refer to a project run by the principal of the Tambellup Primary School, John Bates, and an officer of the Department for Community Services in Albany, Mrs Kay Barnett. Essentially, the project is a playgroup activity for preschool Aboriginal children in Tambellup. The genesis of the project was the work done by Mr Bates at the primary school, which has about 120 students, 30 per cent of whom are Aboriginal children. Although the Aboriginal children at that school represent 30 per cent of the population of the school they also represent a far greater proportion of children who are under-performers or who are not achieving well in the classroom. Mr Bates has spent a lot of time on the project and he came to the conclusion that the major cause of the problem was that Aboriginal children on entry to the classroom do not have a well developed oral language ability. As a result, when those children attempt to learn to read and write they are not able to conceptualise; therefore, they are not able to learn to read and write as well as other children.

Mr Bates attempted to find some funds, first of all from the Ministry of Education, but was not successful. He approached the Department for Community Services, and Mrs Barnett was able to visit Tambellup once every week on a Wednesday morning to run a playgroup for parents of preschool children. Around 19 children attend on most occasions, and they have a very high participation rate of the children's parents in that playgroup activity. Basically, Mrs Barnett is attempting to reinforce the development of oral language for Aboriginal children in the home. She is teaching parents how to encourage their children to use language more in the home. For instance, she asks parents not to say, "Go and get the peg" but rather to say, "Go and get the red peg", and so on. She has been able to access funds through the Lotteries Commission for equipment and books. I thought that I might have been able to get money through the Family Foundation; but it is essential that the Minister for Community Services make available funding for recurrent expenditure on wages for a part time teacher and a part time aide so that a preschool centre can be set up to help develop the language project for the Aboriginal children. If the Minister could find money through the supplementary places for four year olds program we could have a role model for other projects elsewhere in Western Australia.

While on the subject of Tambellup, I applaud the work done by Mr Duncan Chadbourne, the coordinator of a project which offers building, woodwork and ceramic skills to Aboriginal persons in the town. The project is currently funded by the Department of Employment and Training under an Aboriginal enterprise program. Mr Chadbourne is employed to help develop employment related skills for Aboriginal job seekers in the labour market. The problem with the funding is that it is made on a three monthly basis and the moneys must be expended before the next three months' funding can be allocated. This is a frustrating and tedious process. It is an uncertain situation. The sooner the Aboriginal and Torres Strait Islander Commission can take over the funding for the project, and make available long term funding, the better. This project will be a role model for others in Western Australia. The Commissioner of Police, Brian Bull, has looked at the project as have other people from the central office of the Department of Employment, Education and Training in Canberra.

At a time when we are aware of the great amount of media attention given to crime, particularly to juvenile crime, I have pleasure in bringing to the attention of the House some good news about a reduction in juvenile crime in Albany. Albany has many natural advantages which will always ensure that the town has a lower rate of juvenile crime than do the larger and more densely populated areas of the metropolitan area. Albany is a smaller community and, therefore, people are not anonymous. Often the behaviour of people is monitored because they can be recognised. Therefore, people in Albany are less inclined to be involved in antisocial behaviour than people in the metropolitan area. People who are inclined towards antisocial behaviour, and young people who might be inclined to be involved with drugs, often move to Perth because that is where the action is. Much more is happening in Perth than in Albany so we experience a siphoning off of children who may become involved in juvenile crime.

Albany also has a natural environment which allows outdoor recreational activities such as surfing, swimming, beach walking, and so on. Therefore, young people in the town have more things to do and are less likely to become involved in crime. A number of authorities in Albany offer youth group activities, Christian endeavours, and so on and this has a positive effect on young people in the area. We have very good sporting and recreational facilities provided by the Albany Town Council. They are the equal of facilities anywhere in Western Australia. We also have a dedicated group of employees at Young House who understand much about young people. The committee takes an integrated approach to juvenile problems. The committee does not say that an offender is someone who has committed a crime; it says that an offender is someone who may have problems which result in a crime so they liaise with social workers from other departments. The committee works with employment agencies and training institutions in an effort to find a way to resolve a person's problems.

All these activities assist in the reduction of crime and ensure that Albany does not have the same rate of juvenile crime experienced elsewhere in the State. One very exciting development this year has had a great impact on restraining juvenile crime. I refer to the establishment of the Police and Citizens' Youth Club in Albany. We received a Lotteries Commission grant of $135 000 at the beginning of the year so the PCYC committee was able

to purchase an old steelworks building in Stead Road. With that grant, voluntary labour and assistance from local authorities, and materials supplied at cost, the committee was able to build a first class club centre. Prior to that being built the activities conducted had about 600 participants a month. However, since the centre has been built the range of activities has been increased to include gymnastics, weightlifting and other such activities, and the number of participants has increased to over 2 000 a month. Those involved have been able to encourage more parents to become involved in the activities of their children, which is beneficial for the children. The parents who are becoming involved are saying to their children, "You are important enough for me to become involved with you." That has an effect on the self-esteem of the children, which also has a positive effect on the rate of juvenile crime. Sergeant Dave Carter, Olive, Ken and Duncan deserve all the credit for the time and enthusiasm spent on developing the police and citizens' youth club. I have noticed many more children around town wearing police and citizens jumpers and tee shirts; they take pride in the centre. I applaud all the people involved with that centre.

Three Totalisator Agency Board agencies within my electorate are having problems. These are the Manjimup, Mt Barker and Boyup Brook agencies. The TABs at Manjimup and Mt Barker are small agencies with a lease which has been renewed until February of next year. However, the TAB has noted that the turnover at these agencies is too small to maintain those facilities in the towns. The TAB should retain the facilities because the other option for the towns is a PubTab. For different reasons, this is not the right option for these towns. Mt Barker has a large Aboriginal population which uses the TAB frequently. The leaders of the Aboriginal community have expressed reservation about the TAB agency being converted into a PubTab as they do not want their people being encouraged to go into hotels. That would be a step in the wrong direction.

Hon J.M. Brown: I agree, and that is not just for Aboriginal people.

Hon BOB THOMAS: The situation with the Manjimup TAB is similar; the turnover is under the $20 000 a week margin which the TAB sets in providing these facilities. It is proposed that the service will be moved to the hotel opposite the agency. The service one receives from a PubTab is inferior to that of an agency. I enjoy donating some of my money at the TAB from time to time and I find it most frustrating to enter a PubTab and not be able to find the result or the information which is available in agencies. This information is needed to make an expert judgment on a bet.

Hon J.N. Caldwell: Are some PubTabs not operating in other country towns?

Hon BOB THOMAS: Yes, and I have no objection to PubTabs operating in towns which currently do not have a TAB agency facility. However, when we have a quality service providing the information needed, it is essential to maintain those services. The TAB should do everything it can to retain the agency status in Mt Barker and Manjimup so that the people of those towns are able to maintain a quality service.

Hon Fred McKenzie: But it is more concerned about the cheaper options than servicing the public.

Hon BOB THOMAS: That is correct. In some ways the TAB brought this situation on itself because it has not marketed itself as well as other forms of gambling, such as the casino, lotto and instant lottery tickets, have done. A good example of the lack of marketing is with Footo. Until last Sunday Western Australia was engulfed in Eagle mania and I am sure that if Footo had been marketed properly, the people of Western Australia would have used that service. If it had made people aware of the kind of dividends available for picking the correct winning margins in the Eagles games, the turnover of the TAB would have been increased. When the Eagles beat Essendon by seven points, a dividend of $24.25 was paid; when the Eagles beat the Sydney Swans by approximately 40 points, Footo paid a $12.70 dividend. The dividends in some of the WAFL games have been just as handsome. If the service were marketed properly, people would have gone to the TAB to play Footo and would have used the other TAB services while they were there. The TAB is going backwards compared to its returns last year and compared to TAB operations in other States of Australia.

Hon Tom Stephens: I have never understood why people do not stay at home and save themselves a walk; they could pull their money out of their wallets and simply tear it up.

Hon BOB THOMAS: The TAB funds about 50 per cent of the principal racing clubs in Western Australia through its dividends. If the turnover of the TAB is down, the funding of the race clubs and other codes will be reduced. The TAB should retain its market share so that it can maintain its funding to the racing clubs. I believe more than 30 000 people are employed in the racing industry.

Hon B.L. Jones: I saw this morning that the TAB announced that its turnover was starting to increase.

Hon BOB THOMAS: I am pleased to hear that. I applaud the Minister for Racing and Gaming for giving some assistance to the industry by providing some one-off grants to the racing clubs to maintain the viability of the industry.

In conclusion, I am not happy with the Government's decision to defer the education allowance of $100 for high school children and $50 for primary school children. That payment to parents was essential to help people meet some of the extra costs incurred in sending children to school. My wife works as a social worker with the Department for Community Services in Albany on a part time basis. She indicates that a large number of parents ask her at the beginning of the school year whether they can borrow from the emergency relief fund against their education allowance. These borrowings are to be used to purchase the jumpers, school books, shoes and other equipment needed to kit out children for school. That includes people from not only the lower income groups, but also some of the middle income groups. The Government should have done more to find ways to improve the value we get for the money spent by the ministry's building branch. There is a lot of scope to improve the efficiency in the way that money is spent.

I will give members three examples from my area of how the building branch does not get full value for the money it spends. The first example involves a high school in Albany which had some problems with its gutters. They were rusted out and the water was coming off the roof and running out of the rusted gutters rather than going into the downpipes. The ministry's building branch arranged under its maintenance program to replace the downpipes on those gutters without rectifying the problem of the rusted gutters. New downpipes were put onto the rusted gutters and the water still came through the rusted gutters and did not flow into the downpipes. The building branch was happy because it spent money on maintenance - never mind the fact that it did not rectify the problem with the gutters.

Another example is a school to the east of Albany which was given some money under a minor works program to build a shed. The town is about 130 miles east of Albany and when the shed was built the concrete was delivered by concrete truck from Albany, and most of the cost of this shed went into the concrete. It was the most expensive concrete I could imagine in any building project anywhere. Had the local school been given the money and allowed to build the shed it could have built it for a quarter of the cost.

Hon Tom Stephens: That will happen under the new program.

Hon BOB THOMAS: I do not believe it will because the discretionary allowance will not exceed $500, and I do not think a school could do too much with that.

Another example involves the state of the Denmark District High School's toilets, over which there has been a long running dispute. One of the options was to bring transportable toilets from Perth. The building branch quoted $38 000 to bring them, attach them and erect them on site. The P & C costed the installation of the transportable toilets: $8 000 for the building, $500 to backload on a truck returning to Denmark, and $300 to connect them to the services. That is, $8 800 compared with $38 000. They are three examples of how the building branch is not getting full value for the money it spends. More work should have been done by the Government to try to find ways to improve the value we get for the money being spent on maintenance and minor works. Then we could have retained the educational allowance for all of those people who rely on it.

I applaud the Treasurer for a good, well balanced Budget. It gives a signal to business to get out there and do what it does best - create the wealth and job opportunities that the State is dependent on. It also says to families that the State will not impose on their living standards by increasing taxes and charges more than inflation.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [10.06 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Farmers' Financial Hardship

HON MURIEL PATTERSON (South West) [10.07 pm]: Before the House adjourns I want to bring to members' attention my concern, and I suspect the concern of all country members, about the question: When is a child living in poverty not a child living in poverty? The answer is: When his or her parents are farmers.

This year's Federal Budget is said to be a "poverty buster" with revamped family allowances, supplements, JobStart and NewStart and even special hardship provisions if all of the previous entitlements are unavailable because a person happens to be asset rich though cash poor - a common enough situation in the country; a fact which the Federal Minister for Social Security, Senator Graham Richardson, and the Federal Minister for Primary Industries and Energy, Hon Simon Crean, acknowledged to their credit in a joint statement on 20 August. They said -

> In 1990-91 almost half of farm families had taxable incomes of less than $10,000 last year. This year some will experience even greater financial hardship.

Accordingly -

> Farmers will be further assisted by new rules applying to the valuation of their assets.

The question remains: How exactly does a farmer get help from these new rules? By whom is it provided? And, most urgently, when will he ever receive it? If the experience of families in the south west is any indication the answers are, "Nobody knows. Nobody cares. Never!" One farmer in particular first discussed his problem with me over three months ago. The gentleman is a proud and independent man and had left such a move until the last moment. As a consequence his reserves were very low. Naturally, I suggested he contact the Department of Social Security and the Commonwealth Employment Service, which would seem to be the logical places to start when looking for employment, security, or both. However, all that my constituent has found is frustration and ever deepening poverty for him and his family. Because his farm is on the market and his equipment in pawn to the banks, he has nowhere left to turn. Neither the DSS nor the CES showed any signs of wanting to help, or even being interested in his despair. Every single contact has been initiated by this man. Every time he has been fobbed off with requests for "more information", leaving him with a distinct suspicion that unofficial policy is now to discourage such inquiries and to give such inquirers the run around until they lose heart and go away. Eventually he contacted the Department of Social Security in Perth and demanded to know how many farmers had been helped by these hardship provisions. Their answer was, "Maybe one." This is from a department whose Minister freely acknowledges that half the nation's farming families are subsisting on incomes way below the poverty line! This is not just a local issue.

The Australian Democrats' Senator Meg Lees said in a media release that despite the sympathetic sounds coming from Simon Crean in the last month the much heralded family support package was really only a token effort which showed a lack of understanding of and commitment to rural Australia. If this is not a matter of extreme urgency I would like to know what is. My office has contacted the departments and each time has been fobbed off with, "We are waiting on more information from the clients." This gentleman completed unemployment benefit and hardship forms for his wife at the initial interview; he never had any indication that his wife was ineligible. The gentleman assumed the department was assessing his application under the hardship criteria, but he did not hear whether they were knocked back or why. He had no contact at all from the CES or the DSS. All contact has been at the farmer's instigation. Often the DSS would say that it had been waiting for an answer to a question, but it had not contacted the farmer to ask that question. Different personnel have been handling this case along the way, although I understand now that a full time person is handling the hardship cases, but I feel that the purpose of the delays is to put people off. I have diarised the times of approaches. I will be happy to give this to the Government if it would like to check what I am saying. I assure the Government that it is a genuine case and I assure it also that there has been no answer to date from an inquiry three

months ago. I therefore call on the Government to use whatever influence it has with Senator Richardson to bring this matter to a swift and satisfactory conclusion. I will provide all of the details necessary to enable that to be done.

Adjournment Debate - Permanent Building Society - Administrator's Appointment - Depositors' Concern

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.11 pm]: Before the House adjourns, I want to put on the record statements that were faxed through to my office today from depositors with the Permanent Building Society. Members will be aware that, in question time this afternoon, I asked the Attorney General whether he would consider making a ministerial statement about the current status and the future of the Permanent Building Society. The Attorney General replied in general terms that he did not believe that he was in a position to do that at this stage. It is in part because the depositors in the Permanent Building Society feel neglected and are unsure about their future and the future of their deposits that I was contacted with the following comments being sent through to me. I believe these comments represent the position of many small depositors in the Permanent Building Society. The depositors said -

> The fundamental question that the public, the depositors, shareholders, and staff have the right to know is the reasons for the Administrators appointment.
>
> Why are we today, eleven days after the appointment, still unaware of the facts and the condition of the Society? Surely the public have a right to these answers.
>
> The Government has severely wounded Permanent Building Society by removing its credibility and stability. Without these assets any suggestion that the Society could return to its former operations are naive. The onus is on the Government to maintain the Society's financial position as it was when the Administrator was first appointed. The costs of the Administrator, the reduction in assets and good-will through being virtually dormant, and lost opportunities, now become the Government's responsibility.
>
> The depositors are aware that the directors were taking steps to address a number of issues of concern within the Society, particularly its relationship with Capital Hall. These avenues should have been exhausted, and thoroughly examined by Mr Metaxas, before the Administrator was appointed.
>
> Depositors, shareholders and staff alike are concerned that every day the Administrator continues the likelihood of a full repayment of depositors and shareholders funds is reduced.
>
> The delay in the government dealing with hardship cases (a matter suggested by former management and not government) suggests the government was ill prepared.
>
> The onus is also on the Government to justify the action of the Registrar who seemingly has little to lose in this action but can cause irreparable harm to the Society and cause considerable distress to depositors, shareholders and staff.
>
> The depositors stress that there were, and still are, better alternatives to the appointment of an Administrator.
>
> Were the on-going battles between Mr Metaxas and Mr Wheeler the compelling reason for this appointment? Does Mr Metaxas doubt the validity of the Audited accounts?
>
> The public have a right to know why a Building Society with accounts audited by a firm approved by Mr Metaxas and signed only two months ago, be suspended? Particularly when the Society was meeting its statutory obligations.
>
> Small depositors are at the mercy of larger interest groups. Already the Federal Government has acted to protect its interests. Why wasn't this done for small depositors? Whose interests will be protected next? Will the small depositors be left holding the bundle?
>
> The government's first and immediate response was to say "no government bail out", but this wasn't a collapse. It was the government that put the Administrator in, they must be accountable for their actions. Furthermore, how can the government say this

after bailing out the SGIC for $100 million, the R & I for $100 million and this wasn't the first time.

There appears to have been little planning and thought on the State Government's behalf.

The government does not appear to appreciate the flow on effect of depositors not having access to their money, and their cheques not being honoured. In these circumstances, however, how can the government justify still charging FID and BAD.

These are but a few of the many questions that require answers. The government must be accountable for its actions in suspending and essentially destroying the Permanent Building Society.

I wanted that statement placed on the record of the Parliament because it gives a clear indication of the plight being suffered currently by many of the small depositors in the Permanent Building Society.

Hon Fred McKenzie: Do you realise that they may have lost all of their money if the PBS had continued on that path? That is a possibility; I don't know.

Hon GEORGE CASH: I am making representations on behalf of small depositors. These were their views and Hon Fred McKenzie's comments are probably accurate; that is, if no action had been taken the position may have been worse. I am not privy to that information. I am not saying at this stage whether I believe the Government was right or wrong in its actions. I am making representations on behalf of many small depositors who are desperate to get back some of their money. People are battling to meet hire purchase commitments, house payments and other financial commitments but are having difficulties because their funds have been frozen.

Hon Fred McKenzie: It is unfortunate, but I make the point that, in the long term, we will know whether it was a correct action.

Hon GEORGE CASH: Yes, Hon Fred McKenzie is right. I hope the administrator will evaluate the position of the building society as speedily as possible so that the depositors know the position in respect of their funds.

Adjournment Debate - Robe River Iron Associates - Parliament House Demonstration

HON TOM HELM (Mining and Pastoral) [10.18 pm]: The House should not adjourn until I have had the opportunity to congratulate the participants in a demonstration on the steps of Parliament House this afternoon. Members will be aware that the demonstration was organised by the maritime unions of Australia and of this State in particular. It was brought about by the actions of Robe River Iron Associates about which I alerted the House last night. I congratulate those demonstrators because they have helped to bring home to the members of this place and to the people of Western Australia the sorts of actions being taken by Robe River. These are the same sorts of actions that are causing such hardship to the workers in New Zealand, Great Britain and the United States. It is an example of the things that workers in this State would have to put up with if a coalition Government were returned to office. It is the members of that side of politics who say that managers have a right to manage, who pull every trick in the book to prevent workers from being represented and who take the opposite approach to that which this State and the Federal Government are taking to make the work force work smarter, not harder. Ordinary working people have as much right as any shareholder or multinationalist to have a say in the enterprise in which they work. They certainly do not have a right to undermine a procedure in industrial relations which has been in place in this country for a long time. Those procedures have developed over many years, not only when Labor Governments have been in power but also when coalition Governments, both State and Federal, have been in power.

This afternoon the demonstrators were trying to give an example of the things that people would have to suffer if ever a coalition Government, God forbid, took power in this State or federally. They illustrated the philosophy of people like Charles Copeman, who was a Liberal Party candidate in New South Wales and was soundly trounced, and the members of the H.R. Nicholls Society. The demonstrators were trying to alert the people of Western Australia to the sorts of activities of a company that can affect this nation. They were trying to tell us that there has been an aberration in the direction industrial relations is taking in this

country and that we are vulnerable to the activities that Robe River Iron Associates is trying to put in place.

The demonstrators were trying to show Western Australians that the union movement in this country has followed to the letter of the law an arbitration system - from the Industrial Relations Commission to the High Court - whereby people can have some redress, but that can be frustrated by the actions of a company like Robe River. If we do not heed the demonstrators' warning the whole system of industrial relations as we know it will collapse. We have been told about the riots in the north of England and members would be aware of the devastation that unemployment has brought to that country. Today the demonstrators were warning the people of this State that that situation could prevail in this country if action is not taken to stop the actions of companies like Robe River.

Once again, this House should congratulate those demonstrators for the manner in which they conducted themselves and for bringing to our attention the dangers that this State could face.

Question put and passed.

House adjourned at 10.23 pm

QUESTIONS ON NOTICE

ASSET MANAGEMENT TASKFORCE - PROPERTY SALE, 1989-90

328. Hon DERRICK TOMLINSON to the Leader of the House representing the Treasurer:

How, and to whom, were the following properties sold by the Asset Management Taskforce in 1989-90, the revenue from which was brought to account in the Consolidated Revenue Fund -

(a) Westrail surplus metropolitan houses;
(b) Lawton House;
(c) Old Kentucky Hostel site;
(d) Priory House, Albany;
(e) Craig House site, Bunbury;
(f) ex WA Tourism Commission House, Adelaide;
(g) Swan Location 10425, Osborne Park;
(h) Lot 1 Attfield Street, Fremantle;
(i) Department of Land Administration managed properties;
(j) Education Ministry land, Welshpool;
(k) Health Department houses, Graylands;
(l) old Cottesloe Police Station;
(m) old police station and associated land, Armadale;
(n) Lot 6 Morrison Road, Bellevue;
(o) excess Nulsen Haven land, Belmont;
(p) North Fremantle railway land;
(q) Lot 2 Attfield Street, Fremantle;
(r) McDermott Street, Kewdale;
(s) Reserve 25192, Victoria Park;
(t) Claremont Health Centre land;
(u) Quo Vadis Reserve 33658, Byford;
v) Perth Theatre Trust property, Belmont;
(w) Keilman Road property, Willetton;
(x) Lot 1776 John Street, Bentley;
(y) Lot 33 Kathleen Street, Bassendean;
(z) Lot 489, Karrinyup;
(aa) Lot 421 Axford Street, Como;
(ab) Manjimup Research Station;
(ac) 156 Treasure Road, Queens Park;
(ad) 26 Hamersley Street, Midland;
(ae) 6 Margaret Street, Midland;
(af) 11 Kay Place, Midland;
(ag) 11 Wiggins Road, Orelia;
(ah) Reserve 39364, Bakers Hill;

(ai) 152 Treasure Road, Queens Park;

(aj) 16 Steward Way, Orelia;

(ak) 79 Sulphur Road, Orelia;

(al) 21 Hennessy Avenue, Orelia;

(am) Westrail houses to Homeswest;

(an) 26 Charles Street, Midland;

(ao) 16 Margaret Street, Midland;

(ap) Joondalup Development Corporation land; and

(aq) Midland houses (4) package?

Hon J.M. BERINSON replied:

The Treasurer has provided the following response -

The following sales occurred as part of the 1989-90 Asset Management Program -

Property	Purchaser	Method of Sale
Surplus Westrail houses: metropolitan area	Homeswest	Direct negotation
Lawton House, West Perth	Tipperary Developments	Open market
Old Kentucky Hostel site	Homeswest	Direct negotiation
Priory House, Albany	R & A Cummings	Open market
Craig House, Bunbury	UBTOO Pty Ltd	Open market
ex WA Tourism Commission House, Adelaide	A M Voltino	Open market
Swan Location 10425, Osborne Park	R W Dalton	Open market
Lot 1 Attfield Street, Fremantle	J Harrison	Open market
Department of Land Administration properties	**See attached schedule	
Education Ministry land, Welshpool	Industrial Lands Development Authority	Direct negotiation
Health Department houses:		
Lot 90 Mooro Drive Graylands	T & P J Fouracres	Open market
Lot 91 Mooro Drive Graylands	M McCormack	Open market
Old Cottesloe Police Station, Cottesloe	A Blackwell & P Benjamin	Open market
Old Armadale Police Station and associated land	Selden Pty Ltd	Open market
Lot 6 Morrison Road, Bellevue	P E M Ferris	Sale to existing leaseholder
Surplus Nulsen Haven land, Belmont	Messrs Matthews, Friend and McGrath	Open market

North Fremantle Railway land	Industrial Lands Development Authority	Direct negotiation
Lot 2 Attfield Street, Freemantle	D C D'Alessio	Open market
Lot 56 McDermott Street, Kewdale	J H Wallace & Co	Sale to existing leaseholder
Reserve 25192, Victoria Park	Homeswest	Direct negotiation
Claremont Health Centre land	University of WA	Sale to existing leaseholder
Quo Vadis Reserve 33658, Byford	Department of Planning and Urban Development	Direct negotiation
Perth Theatre Trust property, Belmont	Western Mining Corporation	Sale to existing leaseholder
Keilman Road property, Willetton	LandCorp	Direct negotiation
Lot 1776 John Street, Bentley	City of Canning (as vestee)	Direct negotiation
Lot 33 Kathleen Street, Bassendean	Homeswest	Direct negotiation
Lot 480 Davenport Street, Karrinyup	Homeswest	Direct negotiation
Lot 421 Axford Street, Como	Fini Group	Open market
Manjimup Research Station	Must Nominees Pty Ltd	Open market
156 Treasure Road, Queens Park	D Gilchrist	Open market
26 Hamersley Street, Midland	B F Morgan	Open market
6 Margaret Street, Midland	V G Henry	Open market
11 Kay Place, Midland	C & E Smilovitis	Open market
11 Wiggins Road, Orelia	H & C M Van Vliet	Open market
Reserve 39364, Bakers Hill	Industrial Lands Development Authority	Direct negotiation
152 Treasure Road, Queens Park	M E Gorry & G E Sherrington	Sale to existing leaseholder
16 Steward Way, Orelia	S A & K M Douglas	Open market
79 Sulphur Road, Orelia	L D & K L Brown	Open market
21 Hennessy Avenue, Orelia	K W & C J Green	Open market
Additional Westrail houses to Homeswest	Homeswest	Direct negotiation
26 Charles Street, Midland	P Nokes	Open market
16 Margaret Street, Midland	C & E Smilovitis	Open market
Crown land, Joondalup	Joondalup Development Corporation	Deferred payment for purchase of land
Midland houses (four) package	Gina Pty Ltd	Open market

DEPARTMENT OF LAND ADMINISTRATION MANAGED SALES

(i) Sales to Other Government Agencies

Sub Lot 114 Dandaragan Street, Moora	Government Employees Housing Authority
Canning Location 3235 Parry Avenue, Bullcreek	LandCorp
Canning Location 3608 Leach Highway, Bateman	LandCorp
Lot 227 Duke Street, Toodyay	Government Employees Housing Authority
Lot 49 Naughton Steet, Hyden	Government Employees Housing Authority

(ii) Sales on the Open Market

ex WA Tourism Commission property, Sydney (106 Curtin Avenue, Wahroonga)	K White
Lot 87 Hepburn Street, Dongara	G Lewis
Lot 9 Railway Avenue, North Dandalup	R D Hill
Lot 19 Mann Avenue, Westdale	M R Woods
Lot 931 Roe Parade, Albany	B & L J Shirley
Lot 61 Colin Street, Pinjarra	G T & J E Whitehorn
Lot 35 and Pt Lot 51 Bandy Creek, Esperance	R E C & C F Baker
Lot 38 Simons Street, Coolbellup	P R & C A Gaffy
Lot 939 Mermaid Avenue, Albany	B A & T J Engledow
Lot 140 Moore Street, Mingenew	C H & M A Ferrell
Lot 62 Colin Street, Pinjarra	S F Bunter
Lot 64 Camp Road, Pinjarra	S F Bunter
Lot 951 Horsley Road, Denmark	JP & E E Myles

(iii) Sales involving Special Circumstances

Property	Purchaser	Method of Sale
Lot 4 Carew Street, Katanning	L A & S E Panting	Sold direct to the owner of improvements located on the land
Swan Location 11228 Cresswell Road, Dianella	G Korsunski/ Carmel School and Seelingson Kindergarten Incorporated	Sold direct to the adjoining land holder. This private organisation required additional land for school purposes, and it identified under-utilised land within the adjoining Yokine Primary School. The Education Ministry agreed to the sale of this land, which was then sold to the school at market value.
Swan Location 11252 Benara Road, Noranda	W J Van Oora	Sold direct to the former owner.
Swan Location 10461 Lot 2 Cedric St, Stirling	D De Piazzi	Sold direct to the former owner.

Lot 3 Cedric St, Stirling	N Buktenica	Sold direct to the former owner.
Lot 715 Picton Road, Bunbury	D Furlong	Sold direct to the owner of improvements located on the land.
Lot 1138 Lion Street, Albany	Fullhouse Pty Ltd	Sold direct to the adjoining land holder. This land comprised a former pumping station on a lot of 448m^2, which was below the minimum lot size (500m^2) in accordance with the Town of Albany Town Planning Scheme. The only way development could occur was for the land to be included with adjoining land, hence the sale to the adjoining owner.
Lot 309 Proctor Street, Boyup Brook.	C D Bessell	Sold direct to the owner of improvements located on the land.
Lot 123 Cowcher Street, Wagin	M & K Spurr	Sold direct to the owner of improvements located on the land.
Lot 288 Mounsey Road, Kwinana	Reef Investments Pty Ltd	Sold to existing lessee - pursuant to lease agreement.
Swan Location 1315 Elfreda Avenue, Sorrento	Paltara Pty Ltd	Sold direct to former owner.

WESTERN AUSTRALIAN TREASURY CORPORATION - LOANS
Gold Banking Corporation, Local Government, Western Australian Development Corporation

740. Hon MAX EVANS to the Attorney General representing the Treasurer:

Can the Treasurer advise the funds loaned by the Western Australian Treasury Corporation at 30 June 1991 to -

(a) Gold Banking Corporation;

(b) local authorities; and

(c) Western Australian Development Corporation?

Hon J.M. BERINSON replied:

The Treasurer has provided the following response -

(a) Nil.

(b) Funds loaned to local authorities amount to $17 916 761.

(c) Funds loaned to WADC, including LandCorp, amount to $48 170 514.

RURAL ADJUSTMENT AND FINANCE CORPORATION - AGRICULTURE DEPARTMENT
Takeover Recommendation

753. Hon D.J. WORDSWORTH to the Attorney General representing the Premier:

(1) Did the Western Australian Rural Counsellors Association recommend to the Premier during a deputation in March this year, that the Rural Adjustment and Finance Corporation should be returned to the Ministry of Agriculture because the technical expertise of the Ministry of Agriculture is an essential ingredient in determining how RAFCOR should operate technically?

(2) Does the Government agree?

(3) If not, on what basis does the Government disagree?

(4) Is it correct that RAFCOR operates with one person acting as chairman and chief executive?

(5) If so, does the Government believe this arrangement in a major financial institution is suitable?

(6) If so, why?

(7) As it has been suggested that RAFCOR bears a negative image in the farming community because of impersonal service, does the Government consider that RAFCOR business might be handled more effectively and at less cost through normal commercial banking institutions, with household support and re-establishment grants going to the Department of Social Security?

(8) If not, why not?

(9) Would RAFCOR be prepared to either -

(a) extend its number of financial consultants; or

(b) reduce the amount of business it attempts to cover to more manageable levels?

(10) Will the Minister confirm that two farmer representatives on the RAFCOR board have not been reappointed?

(11) If so, why have farmer representative appointments to the RAFCOR board not been made?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

(1) Yes.

(2) No.

(3) The corporation is a financial organisation, not a technical agricultural organisation.

(4)-(5) Yes.

(6) The corporation is not unique in this regard. There is a need for continuity in the strategic direction and management of the corporation given the deteriorating economic outlook for rural industry.

(7) No.

(8) It is not appropriate for commercial lenders to provide or administer Government assistance to their clients.

(9)-(10) No.

(11) Not relevant.

TREASURY DEPARTMENT - ANNUAL STATEMENTS
Liabilities - Transperth, Westrail, Stateships Leases

756. Hon MAX EVANS to the Attorney General representing the Treasurer:

(1) Do the liabilities of the State in the Treasurer's Annual Statements include the Transperth leases of buses and Westrail leases of trains and Stateships, the new ships?

(2) If not included, why are they not shown as a liability on the State?

(3) Will the Treasurer instruct Treasury to include all lease payments being financial and operating leases?

Hon J.M. BERINSON replied:

The Treasurer has provided the following response -

(1) No.

(2) The Treasurer's Annual Statements are prepared in accordance with the Financial Administration and Audit Act 1985 and Financial Administration Regulations. Regulation 9(2) requires, amongst other things, the reporting of the following loan and contingent liabilities -

> details of current debt comprising the State's liability to the Commonwealth as at 30 June, under the Financial Agreement Act 1928;
>
> the State's liability to the Commonwealth, as at 30 June, under various agreements outside the Financial Agreement Act 1928; and
>
> a summary of contingent liability arising as a consequence of guarantees given and indemnities and sureties issued by the Treasurer or under the authority of an Act.

The lease arrangements in respect of Transperth buses, Westrail trains and Stateships do not fall into these categories. As indicated in the Budget speech, the State is progressing the development of comprehensive whole-of-Government financial reporting, including the development of a comprehensive balance sheet based on accrual concepts. A preliminary table of assets and liabilities was published for the first time in the 1989-90 Analytical Information in Support of the Treasurer's Annual Statements. The preliminary table of assets and liabilities is being developed progressively into a balance sheet but the development has not yet reached the point where it has been practical to collect details on the very wide range of operating leases that exist. The operating leases range from the leases of photocopiers, for example, through to the major leases identified in the question.

It should be noted that under Australian Accounting Standard AAS17, where they are material in amount, finance leases are to be capitalised and brought to account as liabilities, while details of future payments against operating bases are to be reported by way of a note.

(3) The immediate priority in the development of the whole-of-Government balance sheet is the development of asset data. It is impractical to obtain data on all lease arrangements in time for inclusion in the 1990-91 Analytical Information in Support of the Treasurer's Annual Statements, but Treasury is assessing the practicability of bringing forward the collection of lease data so that all lease arrangements may be reported in the 1991-92 and subsequent Analytical Information in Support of the Treasurer's Annual Statements.

TIMBER INDUSTRY - IMPORTS

763. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

Would the Minister provide for each of the years 1986-87, 1987-88, 1988-89, 1989-90 and 1990-91 the volume of timber product imports into Western Australia (making it clear whether the figures referred to are sawn wood volume, log volume, weight or another measure) from the following sources -

(a) each State and Territory of Australia separately;

(b) United States of America;

(c) Canada;

(d) European Economic Community countries;

(e) countries on the African continent;

(f) countries on the South American continent;

(g) Indonesia;

(h) Papua New Guinea;

(i) Philippines;

(j) Thailand;

(k) Malaysia;

(l) other South East and Eastern Asia countries as a group; and

(m) India and Pakistan?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

The Department of Conservation and Land Management does not keep these statistics. Information on interstate and overseas timber imports can be obtained from the Australian Bureau of Statistics.

PARLIAMENTARY STANDING COMMITTEES - CHAIRMEN
Provision of Motor Vehicles

772. Hon N.F. MOORE to the Attorney General representing the Premier:

(1) Are motor vehicles provided to chairmen of parliamentary Standing Committees?

(2) If so -

(a) which chairmen; and

(b) on what basis has the decision been made to provide a vehicle to those chairmen and who made the decision?

(3) Why do all chairmen of Standing Committees not receive a vehicle?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

(1) Yes, subject to application and availability of a vehicle at that time.

(2) (a) Chairman of committees of the Legislative Council and the Legislative Assembly, chairman of the Public Accounts and Expenditure Review Committee and chairman of the Joint Standing Committee on Delegated Legislation.

(b) Approval has been given by the Premier on application by various chairmen from time to time, and is based on the extra workload and responsibilities of chairmen.

(3) See (1).

MINING INDUSTRY - FEDERAL ENVIRONMENTAL AUTHORITY
Emmission Standards Proposal

804. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

(1) Is it correct that the proposed Federal Environmental Authority is planning to impose emission standards on the mining industry without consulting either the State Governments or the mining industry?

(2) If this is correct, how does the Government view the proposal?

(3) What steps is the Minister taking to convey the Government's view to the Commonwealth Government?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1) At this time there is no Federal Environmental Authority. You may wish to direct the questions to the Commonwealth Minister for Environment.

(2)-(3)
Not applicable.

BUSTARDS - AUSTRALIAN BUSTARDS
Endangered Species - Aboriginal Hunters

807. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

As concern has been expressed to me that Australian Bustards (*Ardeotis Australis*), are being destroyed in the north west of our State by Aboriginal hunters using rifles -

(1) Has the Minister information on whether bustards or any other wildlife species are being endangered by such hunting?

(2) Has any consideration been given to amending the Wildlife Conservation Act 1950 so that only traditional cultural weapons can be used by Aboriginals to gather food supplies?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1) The Australian bustard is not considered by the Department of Conservation and Land Management to be an endangered species, nor are any other species considered to be endangered by hunting by Aboriginals using rifles.

(2) Consideration has been given to amending the provisions of the Wildlife Conservation Act dealing with hunting by Aboriginals, but firm proposals have not been developed at this time during the necessary extensive consultation with Aboriginals and others.

QUESTIONS WITHOUT NOTICE

PERMANENT BUILDING SOCIETY - ADMINISTRATOR APPOINTMENT
Ministerial Statement

500. Hon GEORGE CASH to the Attorney General:

Will the Attorney General make a ministerial statement to this House in respect of the recent appointment of an administrator to the Permanent Building Society? That statement clearly should set out the reasons for the appointment and advise of the likely effect on depositors and any other matters that the Attorney General sees fit to deal with?

Hon J.M. BERINSON replied:

It would be appropriate for me to make a statement to the House; the real question is when. If, for example, I were to attempt a statement today, I could add very little to what I have already provided by way of public comment and that I think has been widely reported. The real problem in this area is that the major concern of depositors is to have some certainty as to the likely outcome of the administrator's investigation. The difficulty there is that the administrator has confirmed, as recently as the last day or so, that he is unable to provide that firm indication until his investigation has proceeded further and, indeed, is complete or very close to complete. The administrator did provide an interim report, in accordance with the original timetable which he was asked to observe, and that report was made available to the registrar last Friday. The administrator has also indicated that he is on target to achieve a final report by the second target date of the end of the month. I have urged on a number of occasions that every effort should be made to expedite the

investigation so as to make a final report possible earlier, and I am sure the administrator is doing everything possible in that regard. Certainly he is not skimping on the resources being applied to this issue, and any assistance that the registrar might be able to lend him is freely available.

Perhaps I could best respond to this question in the negative, so far as time is concerned, by saying that I do not believe a statement this week would be useful in the sense of adding anything that depositors do not already know, but that I would certainly be happy to undertake to present a statement as soon as it seems to me that I have additional information which could be helpful in what I call the most important aspect of this problem. I will give that regular attention.

PERMANENT BUILDING SOCIETY - ADMINISTRATOR APPOINTMENT
Attorney General's View

501. Hon GEORGE CASH to the Attorney General:

Did the Attorney General form his view independently of advice tendered by the Registrar of Co-operative and Financial Institutions that an administrator should be appointed to the Permanent Building Society on Friday evening, 30 August 1991?

Hon J.M. BERINSON replied:

I did in the sense that there was not an automatic adoption of the registrar's recommendation but rather a consideration of the basis for it. I had for some few weeks been receiving from the registrar reports on various aspects of the society which had given him concern but which had not crystalised in a way that enabled him to firm up on his own recommendation. It goes without saying that in those circumstances I was left without a proper basis for making any determination myself. By last Friday week the point had been reached at which the registrar was in a position to provide me with a detailed recommendation and I acted on that basis. I should make clear, so as to avoid any misunderstanding on this issue, that it was the registrar's report and recommendation which I considered and acted upon. I did not see it as my position, nor do I think it could be said I would have been equipped, to enter into all of the detailed accounting and other considerations which had been fed into the registrar's own investigations, which by last Friday week had proceeded for a month or more. In case there is any opening for doubt in the matter we are discussing, I make that distinction clear.

PERMANENT BUILDING SOCIETY - ADMINISTRATOR APPOINTMENT
Attorney General's Alternative

502. Hon GEORGE CASH to the Attorney General:

What alternatives did the Attorney General consider in lieu of the appointment of an administrator to the Permanent Building Society?

Hon J.M. BERINSON replied:

The only alternative that I have regarded as an option would have involved the society continuing under its then management while perhaps yet another investigation was launched into it. I could put that another way by saying that it might have been open to leave the existing management in place with a request to the registrar to carry his own investigation further. On the basis of the matters that were causing the registrar to come to his view and eventual recommendation, I do not believe it would have been a realistic, or indeed a responsible, way to proceed.

BELL GROUP SHARES - STATE GOVERNMENT INSURANCE COMMISSION
Purchase Meeting, April 1988 - Minister's Responsibility

503. Hon R.G. PIKE to the Minister for Police:

(1) Was the Minister in attendance at the Cabinet meeting held on 26 April, 1988 when Attorney General Berinson presented the details of the Bell Group share

and convertible note deal to be purchased by the State Government Insurance Commission?

(2) If yes to (1), does the Minister accept collective responsibility for -

(a) the loss of approximately $300 million by the SGIC caused directly by these deals;

The Minister will find it difficult to answer my question if he is being directed by his leader while I am asking the question.

Hon J.M. Berinson: You are incredible.

Hon R.G. PIKE: I continue -

(b) the fact that he was made aware at the time of the chronic financial position of Rothwells and the fact that the Government had via its agencies infused hundreds of millions of dollars in support in addition to the $150 million National Bank guarantee, yet supported the suppression of this information from the public; and

(c) that he failed to acquaint himself with legal opinion that he knew existed and which indicated that the State would be engaged in unacceptable conduct if it proceeded with the Bill share and note purchase?

Hon J.M. Berinson: Absolute rubbish!

Hon R.G. PIKE: The Attorney General clearly has not read the transcript. Has he read a transcript of his own?

The PRESIDENT: Order! Let the Minister for Police deal with the question.

Hon GRAHAM EDWARDS replied:

(1)-(2)

I would have to check my records to see whether I was at the meeting, but whether I was there is immaterial because this matter is currently before the Royal Commission, a commission which the Opposition wanted but now seems to be impatient with. I wonder why the Opposition has become impatient with the Royal Commission or why it does not have any faith in the commissioners, because that question indicates clearly that the Opposition does not have faith in the commissioners. This matter is before the Royal Commission, and that is where it is best dealt with. I am happy to be judged by the commissioners, and I am happy also to be judged by the electors at the appropriate time.

BELL GROUP SHARES - STATE GOVERNMENT INSURANCE COMMISSION
Purchase Meeting, April 1988 - Minister's Responsibility

504. Hon R.G. PIKE to the Minister for Police:

(1) Does the Minister regard his obligation as a Minister of the Crown such that he is obliged to recognise that a question asked in this Parliament is one that is equal to if not more important than what may or may not be happening in a Royal Commission elsewhere?

(2) Does he accept that he has a responsibility to answer the question specifically and not to evade the question with that flippant comment?

Hon GRAHAM EDWARDS replied:

(1)-(2)

It is clear that the member has now asked me to give him an opinion.

BELL GROUP SHARES - STATE GOVERNMENT INSURANCE COMMISSION
Purchase Meeting, April 1988 - Minister's Responsibility

505. Hon R.G. PIKE to the Minister for Education:

(1) Was the Minister in attendance at the Cabinet meeting held on 26 April 1988 when Attorney General Berinson presented the details of the Bell Group share

and convertible note deal to be purchased by the State Government Insurance Commission?

(2) If yes to (1), does she accept collective responsibility for -

(a) the loss of approximately $300 million by the SGIC caused directly by these deals;

(b) the fact that she was made aware at the time of the chronic financial position of Rothwells and the fact that the Government had via its agencies infused hundreds of millions of dollars in support in addition to the $150 million National Bank guarantee, yet supported the suppression of this information from the public; and

(c) that she failed to acquaint herself with legal opinion that she knew existed and which indicated that the State would be engaged in unacceptable conduct if it proceeded with the Bill share and note purchase?

Hon J.M. Berinson: That is untrue. Why do you keep saying it?

Hon R.G. PIKE: The Minister can answer the question without the Attorney General's guiding Scarlet Pimpernel hand. The Attorney General's turn will come.

Hon KAY HALLAHAN replied:

(1)-(2)

My colleague the Minister for Police has responded to what I think is an identical question from the member opposite, and I believe he has answered that question in a very suitable way by indicating that the matter is before the Royal Commission. I am of the view that matters that are under very full and thorough investigation by the Royal Commission ought to be dealt with there, and we should await the outcome of those considerations.

EDUCATION MINISTRY - WEST ED MEDIA
Closure

506. Hon DERRICK TOMLINSON to the Minister for Education:

(1) Is there any foundation for recent reports that the Ministry for Education's audiovisual publishing service, known as West Ed Media, is to close?

(2) If it is to close, what alternative mechanisms are being developed to replace West Ed Media's audiovisual services?

Hon KAY HALLAHAN replied:

(1)-(2)

It is true that West Ed Media is to close. It will function until the end of this year, and those activities that are deemed to be essential will continue to be provided. I refer particularly to the service that is conducted by Ed TV, which will continue to be broadcast over Golden West Network.

DOBSON, MR MAL - WRONGFUL ARREST AND IMPRISONMENT
Police Apology - Compensation

507. Hon P.H. LOCKYER to the Attorney General:

Now that the police and the Government have apologised to Mrs Rhonda Collard for the unfortunate incident involving the Tactical Response Group, has a similar apology been given to Mr Mal Dobson, the former manager of the Swan Building Society, for his wrongful arrest and imprisonment, and will compensation be considered to save Mr Dobson and his family from losing their family home?

Hon J.M. BERINSON replied:

The position of the two cases is entirely different. I have previously considered submissions made on behalf of Mr Dobson, and indicated the reason that compensation in that case is not regarded as appropriate.

COLLARD, MRS RHONDA - MONETARY COMPENSATION

508. Hon P.H. LOCKYER to the Minister for Police:

In view of yesterday's apology from the police and the Government to Mrs Rhonda Collard, is the Government now considering awarding monetary compensation to Mrs Collard?

Hon GRAHAM EDWARDS replied:

The Commissioner of Police has indicated that he is sympathetic to the position of compensation and that he intends to make a recommendation to me in due course, and when that recommendation is before me it will be duly and properly processed. I am currently seeking some information on past cases where compensation has been awarded, and I will need to wait for that and to consider the full circumstances that will be put before me. It is too early to say exactly what will occur in relation to the recommendation that will be put before me ultimately by the commissioner, but I am sympathetic to the idea of awarding compensation, and the matter will be dealt with in that manner.

PERMANENT BUILDING SOCIETY - ADMINISTRATOR APPOINTMENT
Further Information

509. Hon PETER FOSS to the Attorney General:

(1) Is there any information which has not been made publicly available which was material to the Attorney General's decision to appoint an administrator to the Permanent Building Society?

(2) If so, is there any reason why that information may not now be made available to the public, and particularly to the investors in Permanent Building Society, so that they may know the reasons for the appointment of the administrator?

(3) Is any further information specifically being sought by the administrator for the purpose of the Government's making future decisions with regard to the Permanent Building Society?

(4) If so, what is the nature of that further information that has been specifically sought?

(5) Why was not that information obtained prior to the appointment of an administrator?

Hon J.M. BERINSON replied:

(1)-(5)

That is not a bad series of questions but difficult, I must say, to take on board without notice. Nonetheless, I will attempt to answer each part of the question as best I can and as I took it down. If I omit something it is because I did not take it down quickly enough.

As to whether there is any material information available to the Registrar of Co-operative and Financial Institutions which has not been publicly released, I think the answer to that must be yes, and the reason for that is that it is thought that further work is required by the administrator before that material can be adopted finally as representing the position. It should be recalled that in moving to his recommendation for the appointment of an administrator, the registrar did not say and was not required to say that funds or any proportion of them had in fact been lost or had become irrecoverable. His position was then he had formed the view that the funds of depositors and creditors could be at risk by the society's continuing to function in the way that it had up to the date of his decision.

I understand very well the anxiety of depositors to have some firm indication of where they stand in this matter, but I frankly do not believe that their interests would be served by giving them either an overly optimistic view of the prospects or a view that was unnecessarily pessimistic. The situation is

that, as of now, we still do not have an accurate measure of the position and we must wait on the administrator's investigation to reach any final conclusion on that.

As to the later part of the question referring to the administrator directly, I think it is probably fair to say - and I do this without suggesting that this provides an exhaustive indication of the administrator's work - that his major concern is to pursue the valuation of a series of assets which are an integral part of any question as to the society's adequately meeting its statutory capital requirements. That work, as I understand it, involves access to what might be regarded as the inner workings of the society and its associated groups in a way that neither the registrar nor the professional assistance which the registrar called on were able to pursue to their own adequate satisfaction. I think that is about the only way I can put the response to that part of the question.

POLICE - PROTEST MARCH, PARLIAMENT HOUSE
Police Attendance

510. Hon J.N. CALDWELL to the Minister for Police:

I refer the Minister to the protest march held outside Parliament House this afternoon and ask -

(1) Approximately how many police officers attended that march for the one or two hours involved? Undoubtedly it would have stopped those officers from doing other jobs during that time.

(2) Do extra officers from outside inner Perth or off duty officers have to be called in for marches such as this?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The number of police officers allocated to a march such as the one held today is purely an operational decision made by the Police Department, having consideration for all of those matters which would lead to a decision about how many police should be in attendance. The great thing about living in a democracy under this Government, particularly once we came to power and did away with that obnoxious legislation which prevented more than three people from gathering at a time, is that marches such as these can take place. That is worthy of protection by having sufficient police officers attend a rally to ensure that it can proceed in a reasonable manner, free from harassment. I am not sure how many police officers were involved but I am happy to find out if the member wants me to pursue the matter. However, regardless of the number of officers involved, I think it is better for police to be allocated to such a march than to ban those marches, as was the case under the previous Government.

ABORIGINES - FOSTER CHILDREN

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

Some notice of this question has been given.

(1) What is the Government's policy with respect to non-Aboriginal parents becoming foster parents of neglected Aboriginal children?

(2) On what basis has the Department for Community Services determined that Kerry-Anne and Olivia Wilson are to be placed with Aboriginal foster parents when the two children are currently being adequately cared for by non-Aboriginal foster parents?

(3) Why are the wishes of the natural mother of Kerry-Anne and Olivia Wilson being ignored by the department?

(4) Is it the view of the department that Aboriginal children are better off

being placed with Aboriginal foster parents rather than non-Aboriginal foster parents?

(5) If so, on what basis is this judgment made and does it apply in all cases?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply -

(1) In 1985 the Australian Council of Social Welfare Ministers endorsed the Aboriginal child placement principles as the basis of policies in relation to the placement of Aboriginal children for all State Governments. These principles state that Aboriginal children in the first instance must be placed with members of their extended family, if that is not possible then with other Aboriginal caregivers, and if that is not possible then with non-Aboriginal caregivers. The latter requires the express personal approval of the Director General of the Department for Community Services.

(2) In accord with the Aboriginal child placement principles, the Department for Community Services made contact with the Jigalong Aboriginal community and in conjunction with that community identified Aboriginal caregivers for the Wilson children. The placements made with the non-Aboriginal caregivers in Newman were short term placements while the department awaited the outcome of the court case to commit the children to the care of the Department for Community Services.

(3) The wishes of parents whose children have been removed from their care because of abuse or neglect and made wards of the State, while considered, do not absolutely determine the placement of the children. The case review board, which is independent of the department, considered an appeal against the placement decision and heard evidence from all parties, including the biological mother. The board confirmed the original case conference decision.

(4) It is the view of all State Governments that Aboriginal children are better off being placed with Aboriginal foster parents rather than non-Aboriginal foster parents. This view is expressed in the Aboriginal child placement principles.

(5) The Aboriginal child placement principles were developed over a number of years based upon the wishes of Aboriginal people and the experiences of various welfare agencies in relation to the outcomes of some of the placements of Aboriginal children in non-Aboriginal families.

Hon N.F. Moore: Too bad about the children.

Hon KAY HALLAHAN: That was about the children; just listen, Mr Moore. I will provide the member with a written answer.

As mentioned earlier, it is possible for Aboriginal children to be placed in non-Aboriginal placements. However, the director general has to be satisfied that there are no suitable placements for the children within the extended family or within the broader Aboriginal community.