

Legislative Assembly

Tuesday, 23 November 1993

THE SPEAKER (Mr Clarko) took the Chair at 2.00 pm, and read prayers.

PETITION - POLICE, CRIME, VICTIMS OF CRIME

MR BOARD (Jandakot) [2.05 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned are all residents of Bull Creek. On Monday 28 June 1993, during a Neighbourhood Watch public awareness meeting, consensus was obtained from the large group of residents present that we present a petition to express our frustration and concern over the following issues:

1. We are most concerned that there are inadequate personnel facilities within the present WA Police Force to carry out basic policing duties and respond to all emergencies directed to Police, especially during after hours situations.
2. We are most concerned that at times, Police response to our request for assistance, especially in after hours situations, left much to be desired.
3. We are frustrated when we read and hear of the large number of instances where repeat offenders apprehended by the Police are set free again by the apparent leniency of the present judicial system, especially towards young offenders.
4. We are appalled by the fact that victims of crime tend to be uncompensated for their material loss and psychological sufferings, with the present judicial system.
5. We are concerned that parents of young offenders are not held accountable for the damage that their offspring have caused.
6. We are most appalled by the knowledge that as law abiding citizens, our rights to defend ourselves and property are grossly curtailed with the wide interpretation by the judicial authorities on the definition of the term "using excessive force" when one actively and effectively confronts an aggressive intruder or potential attacker.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 672 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 210.]

PETITION - POLICE, ARMADALE REGION, ADDITIONAL ALLOCATION

MRS HALLAHAN (Armadale) [2.07 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

Given recent disturbing incidents, we the undersigned call on the State Government to allocate more Police to the Armadale Region, so that appropriate police action can be taken to protect residents from disturbances, and assault, and to protect their property, their homes and motor vehicles from damage.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 60 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 211.]

PETITION - VOLUNTARY FULL TIME PREPRIMARY PROGRAM FOR FIVE YEAR OLDS

MR KOBELKE (Nollamara) [2.08 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned strongly oppose the decision to defer indefinitely the extension of the voluntary full-time pre-primary program for 5 year olds. We believe that a sound developmental program gives children a head start for their compulsory years of schooling and assists in identifying and overcoming learning difficulties.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 26 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 212.]

PETITION - YOUNG ACQUIRED HEAD INJURED PATIENTS, ACCOMMODATION

MR WIESE (Wagin - Minister for Police) [2.09 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned ask that the State Coalition Government immediately address the situation regarding the lack of long-term residential care and nursing facilities available to young acquired head injured patients.

Your petitioners therefore humbly pray that you make provision for long-term residential accommodation for young acquired head injured patients which will provide the required stimulation and therapy necessary for their recovery.

And your petitioners, as in duty bound, will ever pray.

The petition bears 562 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 213.]

PETITION - NARROGIN REGIONAL HOSPITAL, PERMANENT CARE UNIT

MR WIESE (Wagin - Minister for Police) [2.10 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned support the comments in the Silver Thomas Hanley Report prepared in December 1990 concerning the long term institutional care facility at

the Narrogin Regional Hospital, known as the Narrogin Regional Hospital, Permanent Care Unit (PCU).

The report stated that:

1. The PCU is used not only for providing legitimate nursing home care but also as the safety net for those patients who require supervised care for which no real alternative exists elsewhere in the community.
2. The legitimate role of Narrogin Regional Hospital is the provision of permanent care accommodation for those patients assessed as requiring significant nursing care (where a viable and acceptable alternative is not available).

The PCU must be maintained and new admissions accepted in accordance with the above and the community's desire that our increasing frail aged population remain within our community so that our elderly citizens and their families and friends can maintain close contact.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 1 973 signatures and I certify that it conforms to the standing orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 214.]

MINISTERIAL STATEMENT - BY THE MINISTER FOR LABOUR RELATIONS

Industrial Relations Legislation, Senate Inquiry

MR KIERATH (Riverton - Minister for Labour Relations) [2.13 pm]: Members of this House will be aware the Commonwealth Government has introduced into Federal Parliament its own industrial relations legislation. The Western Australian Government yesterday had the opportunity to make a submission to the Senate inquiry which has been established to evaluate that legislation. Members should be aware that the Commonwealth is attempting to crush State rights and override the Western Australian legislation, which has nearly completed its passage through this Parliament. The Senate inquiry has been told by the State Government that the Commonwealth's use of external affairs powers to override the States is an unprecedented and unjustifiable use of the International Labour Organisation Convention 158, which is tied to the use of external affairs powers. The Commonwealth Government is destroying trust between it and most of the States.

We told the Senate inquiry that the Federal legislation is a recipe for litigation, it will create uncertainty and instability, and the way it has used the ILO convention for national minimum conditions exceeds any obligations under the convention. This is nothing short of unsatisfactory and is certainly dishonest. The same tag can be applied to the Federal Industrial Relations Minister, Laurie Brereton, who had a meeting with me in Perth in June, during which he gave an undertaking not to legislate to override the State if the Western Australian legislation met the relevant ILO conventions. With this promise in mind, the Western Australian legislation was carefully framed to ensure that it met those standards. For example, an amendment was added to provide compensation in lieu of reinstatement for unfair dismissal. That same legislation has been subjected to a huge amount of debate in both Houses of this Parliament. It is extremely significant that in the context of this approach by the Western Australian Government to comply with convention 158, the Commonwealth has twisted the same convention to impose its will on the State in a fraudulent and intrusive fashion.

Convention 131 concerning minimum wage fixing, which the Commonwealth claimed the State did not meet, requires no more than a legal minimum wage be set by a

competent authority. Clearly, the Western Australian Minimum Conditions of Employment Bill exceeds this minimum ILO standard. The Commonwealth has attempted to pick holes in the Western Australian legislation on the basis that it does not comply with ILO conventions - a claim which is wrong; it is in fact the Commonwealth legislation which abuses a number of conventions. These include convention 78 relating to freedom of association, and convention 98 concerning the right to organise and collective bargaining.

This Government is sure that the Senate inquiry will see the Federal legislation for what it is - a blatant abuse of external affairs powers and the system of ILO conventions in order to crush the State's rights. I am still waiting to see if members opposite will support this treacherous abuse of Western Australia by the Commonwealth Government.

[Questions without notice taken.]

MOTION - COMMISSION ON GOVERNMENT BILL

DR GALLOP (Victoria Park) [2.46 pm]: I move -

That Order of the Day No 27 be now taken.

It is now over 12 months since the royal commission brought down its second report. I want to remind Parliament how importantly the royal commission regarded the question of political reform in our society. I would like to refer to one particular aspect of that reform, which is the reform of our Parliament and the democratic underpinnings of the Parliament. The royal commission's second report states -

The Commission's recommendations in relation to the Parliament are so vital to the scheme and purpose of our report that we consider it desirable to state at the outset the considerations which have led us to make them.

The royal commissioners were clear that their recommendations in relation to Parliament were vital to their position in respect of the way politics ought to be conducted in Western Australia. It was a tragedy that when the former Government moved the Commission on Government Bill last year that Bill was defeated in this Parliament and the people of Western Australia were denied the right to have a commission on Government to which they could take proposals about the reform of our political system. The new Government came to power having argued in the election campaign that it was going to bring new standards of accountability to the politics of Western Australia. We had to wait until July for the Commission on Government Bill to be brought back into this Parliament. From July until today the Commission on Government Bill has languished at the bottom of the Notice Paper, which has meant that the community of Western Australia has been denied an opportunity to take to a commission on Government the many issues raised in the royal commission in respect of the structure of our system of Government. To take one example, early next year it is the responsibility of the electoral commissioners to start bringing about the redistribution of our electoral system.

Virtually no time will be available for any proper consideration of that issue under the umbrella of the proposed commission on Government. For that reason, we on this side of the House moved an electoral reform Bill; which of course was defeated in October. The party which we represent in this Parliament will now look at other opportunities and avenues to try to bring about electoral reform, because there has been an absolute failure on the part of this Government to take seriously the recommendations of the royal commission.

Since February, we have seen two aspects of this Government's approach to the royal commission which indicate that it has no interest in political reform: The position that the Government has taken on a number of issues that were referred to it by the royal commissioners; and the tardiness of the Government in respect of the Commission on Government Bill. I refer, firstly, to the position taken by the coalition Government in regard to some of the issues raised by the royal commission. The first thing that this Government did was create in the Legislative Council five Ministers and a Parliamentary

Secretary of State, a move which at the time was roundly condemned by academic commentators in this State because it represented clearly a move away from any notion that the Legislative Council could be a House of Review. Since that time, we have seen the Government backslide in respect of a range of positions that were presented in the royal commission report.

The SPEAKER: Order! It has been the subject of some debate whether a member should be able to speak to a motion to change the order on the Notice Paper. My immediate predecessor believed that the motion was appropriate but could not be debated; prior to that, Speaker Thompson allowed debate on the motion; and a predecessor, Speaker Harman, on one occasion said no and on two occasions said yes. Therefore, bearing that in mind, it is very important that when you debate this motion, as we have said previously in regard to a motion to suspend standing orders, your argument be confined quite closely to the question of why we should deal with this order of the day and not another. While I do not think you have transgressed badly, I ask you to ensure that you do that, rather than debate the issue.

Dr GALLOP: We have seen the establishment of five Ministers in the Legislative Council; the backsliding in respect of the proposals of the royal commission about the proposed corruption commission; the complete rejection by the Government of electoral reform, both before and when the legislation was presented to the Parliament; the approach taken by the Government to the possibility of public servants making disclosures to the Press about what is happening in their office; and the attitude taken by the Government to committees in both the Legislative Council and Legislative Assembly.

The SPEAKER: Order!

Dr GALLOP: I am about to conclude, Mr Speaker. We have seen also the attitude taken by the Government to gags and guillotines. The reason that this Bill should be debated today is simple. We have seen in the last few weeks in this Parliament that not only this House but also the Legislative Council is, without question, a plaything of the Executive. One of the vital conclusions of the royal commission report was that our Parliament, particularly the upper House of the Parliament, should be a check and balance to Executive Government. In recent days, we have seen moves afoot in the Legislative Council to establish the guillotine. There is absolutely no consistency between a guillotine measure and a House of Review. If the Legislative Council is to mean anything, it should be able to argue out to the nth degree the nature and detail of legislation.

Points of Order

Mr C.J. BARNETT: The member for Victoria Park is now debating the argument rather than the motion; namely, that Order of the Day No 27 be now taken.

Dr GALLOP: I contend that there is now a crisis of Government in this State and the Executive arm of Government currently rules untrammelled within this Parliament. Therefore, it is crucially important that the one legislative instrument that we have to try to reverse that trend, the Commission on Government Bill, be debated now, and that the commission on Government be established as soon as possible.

The SPEAKER: Order! I made a comment earlier about how I felt you should address more closely the motion before the Chair. You continued to raise points which, in my view, left you exactly as you were when I got up, where you did not address the issue before the Chair. The point of order which has been raised is correct; therefore, rather than direct you, I ask you to relate your remarks to the motion.

Debate Resumed

Dr GALLOP: This motion is all about the priorities that this Parliament places upon political reform; and how better to reveal those priorities to the rest of the world than through the Notice Paper of this Chamber? Currently, today's Notice Paper of the Legislative Assembly has this crucial item of public importance as Order of the Day No 27. Some of the Bills that precede this important matter raised by the royal commission are the Special Investigation (Coal Contract) Bill, which does relate to a

matter raised before the royal commission, and, if that is important, why not put the Commission on Government Bill at the top of the Notice Paper along with it; the Land (Titles and Traditional Usage) Bill, which has already been subject to the guillotine in this place and, we would argue, requires a lot more analysis in the Parliament; the Business Franchise (Tobacco) Amendment Bill (No 2) and the Business Franchise (Tobacco) Amendment Bill (No 3); the Metropolitan Region Scheme (Fremantle) Bill; the Industrial Relations Amendment Bill; the City of Perth Restructuring Bill; the Pay-roll Tax Amendment Bill and the Pay-roll Tax Assessment Amendment Bill; the Conservation and Land Management Amendment Bill; etc. All of those items are placed ahead of the crucially important Commission on Government Bill.

If members do not believe that there is a crisis of Government in this State, I suggest they read in *The West Australian* of Saturday, 20 November, the article by two experienced and, without question, objective political commentators, Ted Barker and Trevor Gilmour. I suggest the Premier and his colleagues read that article about the state of government in Western Australia, particularly as it relates to the Legislative Council, where we have seen -

Mr Court: Tell us about corruption!

Dr GALLOP: I will tell the Premier about the corruption of the electoral boundaries in this State!

The SPEAKER: Order! We have now reached the stage, after I have given you a couple of suggestions or hints, where you must come back to the matter before the Chair. I have given you two warnings - not warnings as such; bits of advice, perhaps - and I now say to you that if you continue to speak other than directly to the motion, as you were up to a minute or two ago, I will be forced to sit you down. I do not wish to do that. I also want to make a correction at this stage. I stated that the last ruling was made by my predecessor. That was not so. It was made by his predecessor, Speaker Harman.

Dr GALLOP: The argument is simple: The people of Western Australia should not have to wait any longer for political reform in this State. The reason political reform is so vital is manifest by the events of the last week; indeed, by the events that have happened in this State since the election of this Government in February 1993. From that election day, no longer was this Parliament so structured that there was a check and balance on the Executive. From February 1993 this Executive Government used its numbers to control not only this Chamber but the other Chamber. The people of Western Australia are saying to us as legislators, "Sort out that problem." The political commentators of this State want us to sort out this problem. *The West Australian* newspaper and other outlets of media opinion are saying to us as legislators, "Sort out that problem." What is the response of the Government when asked about this yesterday?

Points of Order

Mr C.J. BARNETT: This is a repeat of the previous point of order. The motion is about the order in which the House deals with business rather than the argument about the Commission on Government or the operation of the Parliament. It is about the order in which legislation is dealt with and the member has not talked about the order of business.

Mr RIPPER: The member for Victoria Park is outlining the reasons this matter currently at No 27 on the Notice Paper is so urgent. He is advancing reasons it should be dealt with now rather than the time it will be dealt with if it remains at No 27.

The SPEAKER: I cannot agree with the member for Belmont. The member for Victoria Park is doing that part of the time, which is causing the problem. I have no problem with his debating this matter up to a certain point when he relates to why we should be dealing with this matter now and not some time in the future. When he does that of course it is not a problem, but he is not doing that all the time. I can understand why previous speakers have argued that this matter should not be debated but should be put. Although I have allowed this debate to go on today I intend in the future to do some further study on this matter and look at the question because it is difficult for people to contain themselves to the question. Nevertheless the member needs to do so. I direct him to do so.

Debate Resumed

Dr GALLOP: The people of Western Australia cannot wait any longer for these reforms. The situation we now have in the State is that the Executive runs both Houses of Parliament. Because the Executive runs both Houses of Parliament we are not getting good government in this State. It is absolutely clear from media opinion, from the opinion of political commentators, and from public opinion that there is an expectation in the community that questions related to the system of government we have in this State should be given a higher priority. The attitude that the Government has taken is that the only political change that matters is the change of Government in February. Following on from that, the Commission on Government Bill has been pushed down the Notice Paper. It is our contention that those questions should be pushed up the Notice Paper and should be debated now because when the commission on Government is set up the very people I refer to, the general public, the political commentators, and the media can take up these issues of concern and press them upon the proposed commissioners, who will then have the opportunity to make reports to the Government about the urgency or otherwise of those matters. Given the events that occurred in the Legislative Council last week where a member of Parliament was suspended for expressing a point of view, the tragedy is that the concept of parliamentary privilege, which is designed to allow members of Parliament to take up matters of public importance free of inhibition so that justice can be done in the community, is being used by the other Chamber to throw out a member of Parliament and deny him the right to speak.

The SPEAKER: Order! I give the member final warning. I do not wish to do so, but I must, because those matters do not relate to what should be on the Notice Paper under the terms of the member's motion.

Dr GALLOP: We cannot wait any longer. We have waited since July. Indeed, I have had my speech on this issue prepared since July. This Government gives no priority to that issue. It is about time that it faced its responsibilities as a Government in 1993 and got the process of political reform rolling.

MR C.J. BARNETT (Cottesloe - Leader of the House) [3.05 pm]: We -

Dr Lawrence: Do not gag it again.

Mr C.J. BARNETT: When I want instructions from the Leader of the Opposition I will ask her.

We have seen today one more exercise by way of a stunt. We have seen the Opposition use every contrivance it can think of to avoid debating the Government's legislative program. We have had motions of dissent against your rulings, Mr Speaker, and attempts to suspend standing orders. We have had one exercise after another. I wondered this morning what would be the pretext today. The pretext today is electoral reform. I will be willing to bet there will also be a pretext for Wednesday and Thursday. What is the motion about? The motion concerns the order of the Notice Paper. The member for Victoria Park made a speech we have all heard about 50 times about electoral reform, the Commission on Government Bill, and so on. He said it was the number one priority for the Opposition. Leader of the Opposition, is that the case?

Dr Lawrence: It is critical to the operations of government. No legislation can be properly passed until the upper House is reformed.

Mr C.J. BARNETT: The member for Victoria Park said the Opposition's number one priority was electoral reform; the motion is about the order of the Notice Paper. As I explained to the Leader of the House for the Opposition, the first 12 or so items on the Notice Paper reflect the order of business we are dealing with in the next few days. It is not appropriate that the Government should - no-one in the previous Government did - sit down and rank in some strict order of priority the 37 items on the Notice Paper.

Dr Gallop: It was at the top in July.

Mr C.J. BARNETT: It was introduced in July and since then a lot of other Bills have been introduced. The Government will deal with its legislative program in the order it

decides. Our number one priority is investment, getting jobs into Western Australia and tackling the crime that is creating havoc in the community. It does not mean that we do not attach a high importance to electoral matters and the Commission on Government Bill, but "jobs, jobs, jobs" and "crime, crime, crime" are the number one priorities of this Government. The Opposition's number one priority is to have an esoteric debate, as important as it might be, about electoral reform. No wonder members opposite could not run the State; they left Western Australia with 100 000 people out of work and allowed a flight of capital out of the State!

Dr Gallop: Rubbish!

The SPEAKER: Order! I formally call to order the member for Victoria Park. I asked members not to interject while I am on my feet, and I was getting to my feet. The level of interjections has been excessive and I ask members, in the spirit of having a Parliament that is effective, to cease that type of interjection.

Mr D.L. Smith: Tell us about jobs for the Collie power station.

Mr Thomas: Tell us about Robb Jetty.

Dr Gallop: Tell us about Westrail.

The SPEAKER: Order!

Mr C.J. BARNETT: It is interesting that Opposition members should take it upon themselves as the stunt of this week to debate the order of the Notice Paper when every member of this Parliament knows that the Government, when bringing on legislation, keeps the Opposition informed on the Bills that will come on next. Do members recall the priority that this Opposition when in Government attached to legislation? Was it the same group of people who took eight years to introduce freedom of information legislation? Was it the same group of people who in 1986 promised a Bill to reform the Local Government Act, which we never saw? The Minister for Local Government will introduce that Bill in the middle of next year; that is, after only 15 months of a new Government. It was something that members opposite never delivered in 10 years. It is farcical for this type of stunt and that type of speech to be heard. We will bring on debate for the Commission on Government Bill.

Dr Lawrence: Have you been politically embarrassed?

Mr C.J. BARNETT: No, we are not. The Bill was introduced in July by the Premier, and the Leader of the Opposition, of all people, complained -

Dr Lawrence: You decided that in your party room yesterday. Deny that.

Mr C.J. BARNETT: The Commission on Government Bill was not discussed in the party room once because the Bill was second read by the Premier in July of this year. The Leader of the Opposition has complained that she does not get enough time to scrutinise the legislation. She has had plenty of time this time. The Bill will be debated. I will make an offer to the Opposition that I know members on this side will not like. This session of the Legislative Assembly is due to conclude on 9 December 1993. If, by that time, we have not dealt with the Commission on Government Bill, I promise the Opposition that I will react positively to the member for Victoria Park's desire to debate the legislation. We will sit the extra days and deal with it just for him! The Government will deal with the Commission on Government Bill and I hope that the member for Victoria Park, the Leader of the Opposition and all other members will stop these stunts at the beginning of every day's sitting so that the Government can work through its legislative program so that we will have time to deal with the Commission on Government Bill without having to schedule an extra week's sittings.

Question to be put

Mr BLOFFWITCH: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (27)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Mr Court
Mr Day
Mrs Edwardes
Dr Hames

Mr Johnson
Mr Kierath
Mr Lewis
Mr Marshall
Mr Nicholls
Mr Omodei
Mr Osborne
Mr Pental
Mr Prince

Mr Shave
Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Noes (24)

Mr M. Barnett
Mr Bridge
Mr Brown
Mr Catania
Dr Constable
Mr Cunningham
Dr Edwards
Dr Gallop

Mr Graham
Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Kobelke
Dr Lawrence
Mr Marlborough
Mr McGinty

Mr Riebeling
Mr Ripper
Mr D.L. Smith
Mr Taylor
Mr Thomas
Ms Warnock
Dr Watson
Mr Leahy (*Teller*)

Question thus passed.

*Motion Resumed**Division*

Question put and a division taken with the following result -

Ayes (23)

Mr M. Barnett
Mr Bridge
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop
Mr Graham

Mr Grill
Mrs Hallahan
Mrs Henderson
Mr Kobelke
Dr Lawrence
Mr Marlborough
Mr McGinty
Mr Riebeling

Mr Ripper
Mr D.L. Smith
Mr Taylor
Mr Thomas
Ms Warnock
Dr Watson
Mr Leahy (*Teller*)

Noes (28)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Day
Mrs Edwardes
Dr Hames

Mr Johnson
Mr Kierath
Mr Lewis
Mr Marshall
Mr Nicholls
Mr Omodei
Mr Osborne
Mr Pental
Mr Prince
Mr Shave

Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Question thus negatived.

SPECIAL INVESTIGATION (COAL CONTRACT) BILL*Second Reading*

MRS EDWARDES (Kingsley - Attorney General) [3.18 pm]: I move -

That the Bill be now read a second time.

This Bill provides the mechanism for an investigation into a particular transaction which was the subject of a recommendation in last year's report of the Royal Commission into Commercial Activities of Government and Other Matters. The transaction in question arose in the affairs of Rothwells when it was the owner of the coal mining company, Western Collieries Ltd.

The royal commission reported that Rothwells had purchased Western Collieries for \$131m in mid-1988. After Rothwells was placed into provisional liquidation in November 1988, the liquidators offered Western Collieries for sale at \$145m. At the final date for offers, which was 7 April 1989, there were three bids. One of those bids was from Wesfarmers Ltd for \$95m. The royal commission went on to find that, at the same time as negotiations for the sale of Western Collieries were taking place, the State Energy Commission of Western Australia was conducting negotiations with the three companies which supplied it with coal, including Western Collieries itself. On 7 April 1989, SECWA signed a letter of understanding indicating that SECWA would exercise options under its existing contract with Western Collieries to increase its purchase of coal. SECWA formally approved the exercise of the option on 19 April 1989.

The next day, 20 April 1989, representatives of the liquidators met with Wesfarmers to try to persuade it to increase its bid from \$95m to \$145m. SECWA's exercise of the options was used in the negotiations. Subsequently, on 10 May 1989, Western Collieries was sold to Wesfarmers for \$125m, plus a further sum according to a formula based on future profits. The royal commission gathered a considerable amount of material concerning the transaction. However, it did not have time to fully investigate the core of the matter, which was the suggestion that the deal was entered into primarily to enhance the value of Western Collieries for the benefit of Rothwells' creditors, rather than for any real need by SECWA for additional coal. Accordingly, the royal commission recommended in these terms -

That the transaction whereby SECWA ordered additional coal from Western Collieries in April 1989 be referred to a body with the power to fully and publicly investigate any allegations arising from that transaction.

The Bill pursues that recommendation. The Bill provides for the Governor to appoint a special investigator to inquire into and report upon the transaction under terms of reference specified by the Governor. The investigator will have the same powers as a royal commissioner, and the inquiry will be subject to the same protection as a royal commission. Further, the investigator will have access to the documents which were assembled by the royal commission and subsequently passed to the Director of Public Prosecutions under the Royal Commission (Custody of Records) Act 1992.

Officers of the State Energy Commission may be required to give evidence and, as such, the Bill provides that the secrecy provisions of the State Energy Commission Act 1979 will not preclude officers giving evidence or producing documents to the investigator. Provisions have also been made for the documents which the investigator assembles to be dealt with under the Royal Commission (Custody of Records) Act. The Government presents this legislation without any preconceived notion of the outcome of the investigation. It is presented pursuant to the recommendation of the royal commission. I commend the Bill to the House.

Debate adjourned, on motion by Mr Ripper.

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

PORTS (FUNCTIONS) BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Lewis (Minister for Planning), read a first time.

LAND (TITLES AND TRADITIONAL USAGE) BILL*Third Reading*

MR COURT (Nedlands - Premier) [3.23 pm]: I move -

That the Bill be now read a third time.

DR LAWRENCE (Glendalough - Leader of the Opposition) [3.24 pm]: The Opposition does not agree that this Bill should be read at all, let alone a third time, and for very good reason. This Bill, which we have debated for far too little time, given its significance for this State and the Aboriginal people, will go down in the history of this State as a severe condemnation of the Government of the day and those who supported the Government of the day on this legislation. We have now had a chance at the Committee stage to examine the Bill in detail, and it is a clear violation of the rights of Aboriginal people; a clear abrogation of the responsibility all Governments have to ensure equality of treatment before the law, something the Premier is fond of trumpeting but does not act upon; and, it is a clear violation of expectations that sections of the community, particularly the business community, had that their interests would be properly looked after, certainty would be restored in land management questions and that they could proceed to invest in this State without controversy. This legislation fails on every reasonable test; it fails the test of justice; it fails the test of constancy; and it fails to restore the confidence of the investors in Western Australia.

The first of its most offensive principles is that to extinguish native title. During the second reading debate, and again at the Committee stage, the Premier repeated over and over again that in his view this Bill did not extinguish native title -

Mr Court: I never said that at all.

Dr LAWRENCE: The Premier said it did not extinguish it in spirit but rather substituted a right of traditional usage which was in every respect the same. I know the Premier believes that if he repeats this often enough, someone might buy it. If the Premier thinks the courts will buy it, he is very foolish. Somebody might buy the view that the substituted statutory right of traditional usage is equivalent to native title.

I take members back through the process of the Bill before the Parliament. The process has been filled at every stage, unfortunately, with an exposure of discriminatory attitudes, the Government's willingness to take short cuts, vested interests not being prepared to listen to a range of issues that needs to be addressed by this community, and an attitude towards Aboriginal people that I thought had gone out with the ark.

In the course of this debate the Government has threatened that people's backyards would be open to claim by Aboriginal people. That was clearly never the outcome of the Mabo decision and, to the extent that any doubt remained, the Federal Government and any State Government could move very simply and quickly to validate existing titles. The Government wanted people also to believe that not only backyards were under threat but also other forms of title. For instance, the pastoral industry was persuaded for a time to believe that pastoral leases were at risk. Pastoralists were told that their land was claimable. Although that too has been clearly put aside by statements by the Federal Government, if the State Government had any doubts about it, it too could confirm that title was protected and validated. Despite the fact that this Bill clearly validates all title and puts native title at the bottom of the list, the Government is still spreading, in the pamphlet it started circulating a week ago, the vicious myth that pastoral leases will be up for grabs. That is absolutely the conclusion to be drawn from the maps circulated as part of the document the Premier has endorsed in his pamphlet. I ask members to look at that map, which is identical to that used by the Australian Mining Industry Council and associated bodies. It contains the same inaccuracy. Yesterday at a meeting with mining groups, I asked why they continued to provide the map in their advertisements as though it were true, and what doubt remained about the Western Australian and Federal legislation properly ensuring the security of title for pastoral leases. They were not able to explain why it was their view, except to refer to section 162 of the Land Act, which gives Aboriginal people rights of access for traditional purposes to pastoral leases that are

unimproved and unenclosed. My clear advice - I am sure it is the advice of the Government, otherwise it would have made amendments to this legislation - is that it does not threaten pastoral leases in this State. That should be very clearly on the record. The Federal legislation and the State legislation protect pastoral leases, and section 162 of the Land Act does not provide any additional threat. The maps circulated by mining interests and the Premier are wrong in fact, and the Premier knows it.

If any doubts existed about pastoral leases in Western Australia, why did the Premier not make changes to his legislation? There is no answer. As I pointed out to the mining industry people yesterday - they obviously understood this point - if the Premier believed there was any threat to pastoral leases in Western Australia under the State legislation, he could have moved to secure that tenure. Instead, it is clear that he does not believe that pastoral leases will be under threat from Mabo-style claims under both the State and Federal legislation. Both pieces of legislation provide protection to leaseholders, and that includes a considerable number of Aboriginal people who hold leases. The Premier has tried to frighten those people by saying, "Ah ha, but other Aboriginal people want your land."

Mr Court: I have not said that.

Dr LAWRENCE: I heard the Premier say it on radio.

Mr Court: The Federal member for Kalgoorlie said that.

Dr LAWRENCE: The Premier should not deny it. He has tried to frighten all pastoral leaseholders that, somehow or other, their land could be claimed. If the Premier believed that view, why does the legislation contain nothing to protect those titles beyond the early clauses, which basically indicate that all titles, except native title, are validated by this legislation? If he thought an amendment was necessary, he should have included one.

It is my carefully considered view, after reading the second reading speech, the Bill, the advice we have received and the Premier's answers during Committee, that the Premier does not believe that pastoral leases in Western Australia are under threat, from either his or the Federal legislation, as a result of the Mabo decision. However, in a most dishonest fashion, the Premier has circulated documents throughout the community which he knows are wrong. The Premier has done so without apology or qualification. The ultimate propaganda device is to circulate in the community a piece of information which purports to show that some huge portion of the State will potentially be under claim by native title, which is known not to be the case, and then to claim to act to provide protection from that. It is the most dishonest ploy I have seen in politics in this country, let alone this State. The Premier has set up a straw man, and claimed that he will protect people from him. Out come the hobgoblins and bogymen. Does he think that the people of Western Australia are children? At the moment they do not understand that they are being hoodwinked; however, in time it will become clear that no court of the land under both pieces of legislation will confirm other than that titles are secure. If the Premier believes otherwise, it is his responsibility to secure these titles.

The Premier told the people of Western Australia that he would act to secure titles and to restore confidence. What is he doing? He has circulated information in the community which contains gross inaccuracies, and which he knows to be incorrect. Importantly, this is not a small issue. Pastoral leases comprise, I understand, 35 per cent of this State's land mass. The mining industry has said to me, among others, that the central and western deserts are of far less interest to them for prospecting, and that they are interested principally in the pastoral leases. The nature of the title and the access enjoyed by the mining sector matter to these people. It also matters to Aboriginal people holding existing leases that the leases are protected.

Nevertheless, the Premier has been prepared to go around the community insisting that his map is correct and that all the blue sections on it indicate land "in doubt because of Mabo". The blue sections on the map are pastoral leases in this State. I contrast that with the fact that apparently no land in Queensland is claimable on native title, except for the land on the Murray Island in the northern corner - and one must look hard to find that. The Premier's map, and its text, is extremely dishonest.

Several members interjected.

Mr Court: You know the difference between the pastoral titles -

Dr LAWRENCE: I am talking about other unalienated Crown land, Premier. The Premier obviously does not know the difference. He is being dishonest beyond imagining!

Mr Omodei: You are bitter and twisted.

Dr LAWRENCE: I am not. I feel strongly on this issue. I do not speak with bitterness, but with shame and disgust about what has happened to this Parliament!

Mr Omodei: You have been the same since you lost the election.

Dr LAWRENCE: It may suit the Minister for Water Resources to cast aspersions on my motivation, but he will find that a great many people in the community share my views - they are not embittered, but disgusted. These people want to ensure that what occurs in Parliament is exposed to scrutiny, and they will not tolerate any suggestion that debate be truncated.

I emphasise that the Government is circulating a misleading document in the community. A Government must be able to communicate with its people and indicate what decisions have been made and what legislation has been passed. From time to time matters of great importance arise, and the Government signals significant changes to the community and people need to be informed. However, in this case propaganda was circulated before the legislation was even passed. Hundreds of thousands of dollars have been spent on pamphlets, television advertisements -

Mr Court: Be fair; you spent a million dollars advertising the railway.

Dr LAWRENCE: That is absolute nonsense. I will go through that matter with the Premier one day; the Premier should not keep repeating it as he is misleading the House.

The Government has conducted this campaign when the Government's action has not been completed and the Bill has not passed through Parliament. We have had nothing but propaganda, yet the content of the pamphlet was wrong in fact. The pamphlet was circulated before the Bill was passed through the Legislative Assembly. It did not outline what the Bill sought to achieve, but intended to persuade people that what the Premier was contemplating was right.

Also, the Quantum Group, which normally is employed by the Liberal Party for political polling, conducted a survey, the questionnaire and details of which the Premier said he would provide the Parliament. I hope that is sooner rather than later. This survey purported to obtain the views on the Mabo legislation of not only the people of Western Australia, but the whole nation. Is that correct, Premier? Is it true that the poll was conducted beyond the Western Australian boundary?

Mr Court: I said I would provide the detail.

Dr LAWRENCE: The Premier must know whether the survey was conducted beyond the State boundary.

Mr Court: They polled in other States.

Dr LAWRENCE: Why? How can the Premier justify that?

Several members interjected.

Dr LAWRENCE: If the Premier needs to know the views of the people of this State, who elect Governments, on changes in policy - I have my doubts on that in this case - why has he questioned people throughout the country? This shows that this is not an issue about Western Australia and its boundaries, but about a propaganda exercise to enhance the standing of the Premier and the local and Federal Liberal Party. The taxpayers are paying for political polling nationwide to establish not whether people want a policy change, but whether they agree with what the Government has done. That is called political polling.

Mr Bridge: It was done on the basis of asking loaded questions. They asked the nation whether people believed in the equality of rights. The answer is obvious; of course they will say yes.

Dr LAWRENCE: The member for Kimberley makes a good point, as it would appear that the questions - as we could ascertain from the newspaper article - were loaded. People were asked for an opinion about what the Government had already done. What help is that in guiding the Government's hand? Would the Premier have changed his legislation if the view emerged which was critical of his stand? What business does the Government have in asking the people of Australia their views on Western Australian legislation, our laws and the legislative relationship between the State and the Commonwealth? It is an illicit use of taxpayers' funds. It contributes nothing to policy development, and it is clearly part of a propaganda exercise.

What is done in political campaigning? First, one defines one's policy parameters after discussion with the community. When one wants to know how one is going, a poll is conducted. A measuring stick is placed in the water to measure one's position, and adjustments are made accordingly. All political parties do that, but it is a party political exercise. It is about persuasion and campaigning. It is not right for the Government to undertake polling of that kind.

Mr Court: What about the polls you conducted in Government?

Dr LAWRENCE: I am not saying that it is never legitimate for a Government to undertake polling. However, this poll was not about determining people's ideas on a subject. Has the Government questioned the people of Western Australia on whether they would like to see the preprimary education program for five-year-olds extended to the remaining two-thirds of the State presently missing out? That is a legitimate question.

Mr Court: You asked about perceptions of the teachers' dispute.

Dr LAWRENCE: I am not taking these interjections from the Premier. I am attempting to make a point about the fact that the question is not illegitimate, but the manner in which the Government's polling was undertaken was not legitimate. Taxpayers' funds are being used for propaganda. Loaded questions are being put, not only to the people of Western Australia but also to Australians. The Premier is using this for blatant political purposes to guide his advertisements and to try to persuade people -

Mr Court: Did you ever make them public?

Dr LAWRENCE: I do not believe we were asked. I do not think any four-year-old would use the Premier's standards of measuring his own behaviour. I am pointing out that his justification of his behaviour by referring to others whom he has criticised in the past, is grade three stuff. The average eight-year-old would have a moral standard for that. He cannot claim rectitude by measuring his behaviour with what he claims are the wrongdoings of others; as much as I might challenge his accusation. That is not a moral position; not even a smart move politically. What is the Government doing with those taxpayers' funds? It is seeking to influence the people of Western Australia in a quite improper way by using taxpayers' funds for the benefit of the Liberal Party. Apart from anything else, that will go down as one of the nastiest rorts in this debate. If the Government believed its policy would be accepted, there would be no need for this. We have seen it in relation to workers' compensation and industrial relations legislation.

Mr Court: Why do you think the Government is polling?

Dr LAWRENCE: The Premier should take his voice down about three notches in pitch and be quiet. He does not understand reasonable moral standards. I suggest he talk to some of the children at Dalkeith Primary School who might be able to guide him in this matter. The Government has tried to sell this Bill, using taxpayers' funds; to poll for political purposes; and take it outside the boundaries of this State. If this Bill were properly assessed by anybody it would be clear it deserved total condemnation. First, it extinguishes native title. Second, it substitutes a right of traditional usage which in the Bill, as we showed at both the second reading and Committee stages, is systematically

demolished and other rights of other groups are placed well ahead of those of the Aboriginal people. Third, no definition, clarity or registration is provided - all the things the Premier claimed he would do and which he claims are deficient in the Federal legislation. There is no definition of these rights of traditional usage. In Committee the Premier admitted that question would be determined in the court.

In fact on every key question we put to the Premier - who would be entitled to claim, what would be the definition, whether certain actions would be contemplated, whether it was in contradistinction and likely to be overridden by the Land Act, particularly section 164 of that Act - the Premier's answer was that the Supreme Court would decide. Unless one is to provide it with an extremely expanded number of resources the Supreme Court will not be able to keep up with these questions. Inevitably there will be more delays, more uncertainty and a loss of investor confidence in Western Australia.

As the Premier said, this Bill is simply worded. That is true, one can read it. However, on examining its provisions and the extent to which it provides certainty to Aboriginal people claiming traditional usage rights and other land users seeking to protect their rights, the complexity is extraordinary. That complexity will be resolved - by the Premier's own admission - only by recourse to the Supreme Court. In the first place, Aboriginal people who have their entitlement diminished will not be able to register their claims unless the Minister decides the question should be answered or Aboriginal people claim that they have, for example, had their rights impaired or extinguished. It will be a bit late by then for them to complain that they have had their rights impaired or extinguished. Nonetheless, that is the point at which the question of their entitlement becomes one that can be put and is put to the Supreme Court. Then the question of compensation follows. What sort of compensation will be paid? We also established very clearly in Committee that compensation will not be worth a row of beans. As well as not providing a mechanism for proper claims to this traditional usage right, the compensation which can be provided, should it be impaired or extinguished, will be very slight indeed. I am not surprised that the Premier has shown no particular anxiety about compensation when rights will be extinguished. Under his Bill, very little will be provided. On examination, this piece of legislation is clearly designed to provide other interests with some degree of certainty well ahead of Aboriginal people who are, properly so, insulted by this legislation.

Last night, I had the privilege of speaking at a gathering at Curtin University, along with a number of others who have a clear interest in this question. Professor Richard Bartlett of the University of Western Australia; Mr Rob Riley who has been insulted by the Premier over this debate; Dr Roberta Sykes, from Sydney, who has very considerable interest; and Mr Fred Chaney, a former Liberal member were there.

Mr Court: When have I said a bad thing against Mr Rob Riley?

Dr LAWRENCE: I will get it for the Premier; it is here in the file. The Premier said on radio that there was an Aboriginal industry and that Rob Riley was one of those lunatics who wanted to establish a separate black State within Western Australia. Does the Premier remember saying that?

Mr Court: He was not a lunatic, he gave the presentation to the people in Canberra.

Dr LAWRENCE: He did not; that is not correct and the Premier knows it. I double checked the matter. That is another example of the Premier misleading this House. Now he is prepared to say that Rob Riley is in favour of separatism. He is in favour of no such thing; he is a moderate, very competent human being who has worked extremely hard for his people on this issue and he deserves credit, not condemnation. The Premier sees him as an enemy of the Government, when in fact his organisation and others like it could have worked with the Government - if it had any decency at all - to provide the complementary legislation necessary to ensure protection of Aboriginal rights and other land interests in Australia. Rather, the Government's attitude is to have a head-on clash.

It was clear during Committee, despite the fact that we were discussing these matters early in the morning, that the Premier does not give a fig about the contents of the Bill

because he knows it will not stand the test of time - probably not the first week. Twenty pages of amendments were dropped on us a few hours before we were supposed to debate it, several of which will have very significant impacts. During the debate at 2.00 or 3.00 am the Premier trotted out new amendments that significantly change the Bill. He claims that one of those amendments will possibly extend traditional usage rights to include land. On examination of that amendment, that is actually not true. It is a sop to some commentators and may be an attempt to remove the most obvious and blatant flaw in the Bill. The Bill provided very clearly, before this amendment, that such traditional usage rights were not proprietary. He decided that was too much of a red rag to a bull in terms of its likely fate and therefore withdrew that. In any case, the amendment would not have that effect.

The Bill will pass to the next stage of debate, when it goes to the upper House, with all its flaws intact. From observing the Premier's demeanour, and based on the extent to which he was willing to expose the detail of the Bill, it was quite clear he did not care what happened to this Bill because it is not in itself a serious attempt to solve the problem. It is part of a propaganda exercise to build up community hysteria in the first six months, then bash the Federal Government and anyone else who stands in the way, including the Rob Rileys of this world; then bring in a piece of legislation which everybody knows will fail and is in direct contradistinction to reasonable behaviour in this area. It will probably fall foul of the Racial Discrimination Act to say the very least and, constitutionally, it is likely to be struck down. At the end of it all, the Premier will say that he got his Bills through both Houses of the Western Australian Parliament. He will claim that the people of Western Australia supported his stand. However, when his Bill fails he will say, "That nasty Paul Keating and the big bad boys in Canberra are imposing law on you - those nasty centralists are grabbing power from Western Australia and will impose on Western Australia this land management system which is properly the province of the States." I say very clearly, this Premier is responsible for handing over - flicking over - to the Federal Government, land management in this State. It is not that the Federal Government has taken it. He has walked across to Canberra, put it on the table and said, "Here, you do it!"

He has quite explicitly and deliberately set about handing over to the Commonwealth the land management procedures and systems in Western Australia. He is abrogating the State's constitutional responsibility to manage the land, and he is the one who will go down in history as saying, "I am not going to do anything in this State legislatively. It is perfectly possible to protect the State's constitutional rights to manage land but I would rather a big political stoush with the Federal Government. I want to bash the States' rights drum, and along the way I know that there is a core of sentiment in Western Australia sympathetic to diminishing Aboriginal rights. That is a bonus. If the land management system of Western Australia goes out the window and Western Australia is the State in which there is most Commonwealth intervention, that is really too bad." For his own political purposes this Premier in this Bill not only has violated the reasonable expectations of Aboriginal people that the Mabo decision would be treated seriously and carefully by this Government and incorporated into law but also has sold the State for a shilling for his own political popularity and survival. He has handed over lock, stock and barrel the entire land management system of Western Australia, because he is not prepared to do the right thing by the Aboriginal people of this State and he sees a political advantage in this.

Mr Court: You have to be joking.

Dr LAWRENCE: Otherwise, this Premier would have brought in legislation that was not in breach of the Racial Discrimination Act, that did not extinguish native title, and that provided a State mechanism that would stand those tests of the decision itself and the Racial Discrimination Act. If he really wanted to protect Western Australia, that is what he would have done. It would not be difficult, and we were very close to having the broad framework of advice to do that before we left Government.

Mr Court: Do you accept Canberra taking over land management?

Dr LAWRENCE: The Premier has the numbers in this House, the numbers in the other House, all the expertise of Government and a lot that has been hired besides, to draft legislation which would do two things, which is all the Premier had to do: One was to respect the decision insofar as it provided for the rights of Aboriginal people to title.

Mr Court: That is done.

Dr LAWRENCE: It is not done, and the Premier's own Minister for Aboriginal Affairs said, "I was not particularly concerned about the Mabo issue as it applies to Aboriginal people because, quite frankly, after reading the High Court's decision I believe it does not contain much for Aboriginal people in Western Australia." Yet this Premier asked us to believe that if that quite modest concession were made to Aboriginal people the sky would fall in. Why did he want people to believe that? It was not because he believed it but because he believed it was politically convenient to do so. I make the final point that the second thing he had to do was to make the decision and change the legislation in such a way that security of title was available to everybody - a simple task.

Mr Court: That is done.

Dr LAWRENCE: The Premier says, "That is done" but his maps cast doubt on it. He had to ensure that Western Australia's land management system remained in Western Australia's hands. He did not care about that, but he went to Canberra with his mess of legislation and said, "Here it is. It is yours. If that is the constitutional price I must pay, the political advantages far outweigh it. On behalf of the people of Western Australia I will sell us down the drain." That is what this Premier has done: He has betrayed Aboriginal people and the people of Western Australia by handing over our land management system for his own shallow and appalling political advantage. That is the message people are hearing now and that is what people are telling me, including my brother, who says that is very much the Premier's view of the world. That is the effect of this legislation and the Premier should hang his head in absolute shame. He thinks he has got away with it for the moment and it will be good for the State. It will not.

MR BRIDGE (Kimberley) [3.55 pm]: To understand that this Government has handed over responsibility for land management to the Commonwealth is to understand this legislation. If one were to search for an appropriate title for this Bill, it would certainly not be the title given to the Bill in this legislation, the Land (Titles and Traditional Usage) Bill, but the more appropriate title would be the land (terra nullius continuance) Bill. That interpretation of the title of the Bill is not hard to arrive at, because at all stages the Bill has extinguished native title. If one looks at the High Court judgment and pauses for a moment to consider what it determined, it is this: In effect, the late Eddie Mabo asked the High Court for a ruling on whether Aboriginal people occupied this continent prior to British settlement. The answer clearly was yes, which would be obvious to everybody. As a result of that affirmative declaration, the High Court ruled that because of the factors associated with occupancy there must be a title associated with that. Therefore, we had native title at common law. No matter how much the Government argues it is not a correct interpretation, there is no way it can clearly do that. In short, what we have is a nonacceptance of the High Court ruling and a nonacceptance of native title, which was designed at common law to replace the fiction of terra nullius. With the nonacceptance of those fundamental aspects of that High Court ruling, quite clearly it is a reinstatement of terra nullius. The reinstatement of terra nullius is not just the denial of a proper right at common law of the Aboriginal people of Western Australia: It goes a lot deeper than that and means that over the many years since the early involvement of the British settlement and the establishment of the many laws, procedures and customs that have been put in place since, we have been able progressively to distance ourselves from some of those less than savoury events of the past. We and the younger generation - and there are many sitting in the gallery today - might share the view that modern Australia should not be held responsible for the shames of the past; that it was a past piece of our history, and that we as a nation have learned of all those unfortunate events through what has occurred since and will certainly not see their recurrence. How can we ever go forward in this country after 200 years of history with the enactment of this kind of legislation through this Parliament and put forward that

scenario? Mr Deputy Speaker, how can you and I go out there and say, "We are the modern generation of Australians. Don't hold us responsible. We are a group of Australians who want to distance ourselves from those events of the past"? Mr Deputy Speaker, there is no way that you and I would be able to do that with any degree of decency or integrity.

This legislation has put an end to our ability to do that. This legislation has not only treated the Aborigines of Western Australia shockingly, but also it has dealt this nation a major blow from which it will be difficult to recover because there will always be an opportunity for those who want to argue that scenario of guilt. We do not want it to be argued. We would rather have that history set aside, but those who want to continue to reflect on this history have pretty strong grounds to say that accusation is sustainable in this country. Make no mistake, in over 200 years Australians have not changed a bit. We have not learnt much at all. That is the tragedy of this quite outrageous legislation. The Government has not only set about denying a fundamental right to the Aboriginal people of Western Australia, but has also created an environment in this State where the continuation of the shame is something that will be absolutely entrenched as part of this society. For those reasons this legislation is not only bad but will fail.

Even though this legislation tells us that we have not changed in recent times, and that this is a part of our history, people will feel the impact to such an extent that they will want to change anyway. People will feel the guilt, the hurt and the anger and not want to be a part of that 200 years of history. They want to be cleansed of that guilt. How will they be able to do that with this sort of legislation? Members opposite should not kid themselves and say that I am exaggerating the position, because that is a fact. Had this Premier wanted to exercise leadership based on vision and long term planning that aspires to all those things that are supposedly important to the Government, such as economic development, and all the things important to our community, he would have reached out to Aboriginal people with the opportunity this legislation offered him as a leader, and brought us all together. We could be brought together. What has he done? Through his continued public profile on this issue - helped recklessly and crazily by mining and other industries' interests - the Premier set out to manufacture an enemy, in this instance it is the Aboriginal people, so that along the way the broader community and the Aboriginal people can pluck each other off. There was absolutely no need for that disgraceful process, but that is what is ahead of us; first, with the debate on this legislation, and second, with the nature of this legislation. The Government has effectively manufactured an enemy. What a disgrace in a community like Australia where we should aspire to bringing everybody together. Most of the leaders of our nation are doing that, but in Western Australia, by deliberate intent, the Government has manufactured an enemy.

Mr Johnson interjected.

Mr BRIDGE: The member for Whitford should not shake his head.

Dr Turnbull interjected.

Mr BRIDGE: Two wrongs never make a right. The member for Collie is prepared to say that it is okay because somebody else did something that was wrong. That is no reason for this Parliament to do something similar. We are talking about this legislation. The Premier does not understand the very inappropriate nature of this legislation to deal with matters of concern in this State, such as the total rejection of genuine rights to Aborigines and the procedures which came out of the legislation during Committee, which did nothing to target the area which the Premier said was of concern to this State like setting up a land management plan that removes insecurity and a State management plan to give confidence. How can those things be reasonably argued to be the case when one looks at the clauses of this legislation and sees the ministerial decree that is contained in them? One of the most worrying things in our society as far as the community is concerned is political intervention. Yet this legislation is loaded to the eyebrows with that. I would have thought that the removal of native title through its immediate extinguishment would have given rise to considering other things more realistically, but that was not the case.

This legislation effectively ignores every reasonable aspiration of Western Australian Aborigines. I am amazed that Government members can sit back and allow political ideology to dictate to them and not question these measures. The question of equality and the principle of right should prompt them to question this legislation. There is no point in members saying they have done that because we went through 20 or 30 hours of debate on this legislation. I did not see anybody on the Government benches even remotely come close to questioning the nature of this legislation. One can only conclude that members opposite blindly accepted political ideology with a commitment to toe the line and were prepared to sacrifice a very fundamental part of their responsibilities - that is, to ensure that principles associated with equality and people's rights remain supreme in this Parliament. That has gone out the window in this debate.

In contrast, the Opposition's contribution was an outstanding and remarkably credible performance. I pay tribute to my colleagues in this Chamber. I say to those Opposition members who are sitting here and listening that they have indelibly "itched" - that is from a poem -

Dr Watson interjected.

Mr BRIDGE: The member for Kenwick knows it. They have indelibly "itched" into the annals of this Parliament a demonstration of commitment to responsible Parliament, and it is to their credit.

Mr Blaikie: How do you get on with Graeme Campbell?

Mr BRIDGE: I do not get on well with him on this issue. We are as far apart as Russia is to the rest of Australia on this issue. We should all think about the importance of our position on this issue in the Parliament today. Members of the Labor Party will feel that they did a good job, in a very responsible and proper way. Recognition of their contribution will be recorded in the chapters of this Parliament when its daily accounts are read in the future. That is when we will be judged, not on today's reading, but on how future generations will see us. When that judgment is made, recognition will be given to those who in a very strong and powerful way tried to persuade the Government through the many hours of debate on this issue that the legislation is false, improper, very racist and should, ideally, be withdrawn. If it is not withdrawn, certainly the legislation should be recognised for what it is.

I have thought about this legislation over the weekend and about my understanding of the way in which politicians pride themselves on being responsible. If I had been asked when I came into this place almost 14 years ago whether I thought things would change in the future, and whether, through cooperation, goodwill, and working together, we would be able to advance unity in our society, I would have said I was pretty confident that would occur. Collectively, with all of us working together - whether politicians, community leaders or the community generally - we could in unison awaken the process that dialogue provides to bring about some enlightenment in this country so that the future would be better than the past. Unfortunately, that change has not taken place and we have all failed abysmally. In the last 14 years we have learnt nothing.

It is to my great disappointment that in 1993 a Government has introduced into this Parliament the most putrid piece of legislation this country has ever been asked to debate, at a time when the circumstances surrounding this community do not warrant such a move. When due regard and respect is being paid to the indigenous peoples of the world, what are we doing? This is how we acknowledge the virtues of those people, the importance that should be attached to their lives, and the respect we should afford them - by expecting this Parliament to retain credibility when the most shocking piece of legislation ever produced is introduced into it. What a shame on all of us. The sad part is that you, Mr Deputy Speaker, and I are part of it.

I reject the legislation and you do not but, unfortunately, that does not exclude us from the shame. The pages of history in the annals of this Parliament will expose us for what we are - immature, irresponsible and without substance with regard to the need to show leadership and to put politics aside for the good of the country.

This whole issue must now be retrieved by the public at large. We are giving the public the assignment of fixing up the Mabo debate. We failed, when we had an opportunity to lay the foundations on which we could go forward, to give the public that opportunity. The public must draw upon its wisdom and preparedness to sensibly work for this cause, or it must be prepared for an ongoing period of instability, tension and polarisation when Australia does not need it, does not want it, and should not have it.

Mr Bradshaw: The Mabo decision is doing that.

Mr BRIDGE: The Mabo decision was never doing that. I give the member for Wellington credit for having some capacity to think rationally, and I ask how a declaration by the High Court, which acknowledged a prior occupation by the Aboriginal people that must have had with it some form of title, can lead us into such a state of disarray. The simplicity of this exercise is there for all to see. That is where the Labor Party differs from the Western Australian Government. The Prime Minister of this country has first and foremost put forward that view; he has said there is no doubt the acceptance of the High Court judgment must be enshrined in legislation.

Mr Bradshaw: I was born in Australia and I believe I have as much right as anybody else in this country. I do not see why anyone should differentiate between me and other people.

Mr BRIDGE: That is the dishonourable process that Government members engender in this debate. I ask the member for Wellington to show me where in the High Court judgment it states that Aboriginal people are different from him and will have privileges that he does not have.

Mr Bradshaw: It says they can claim land.

Mr BRIDGE: That is false. It says they may make a claim based upon their ability to demonstrate an unbroken traditional link. What is wrong with that? I think all members will agree that the Aboriginal people were here before white settlers, and the High Court has ruled that that must be recognised at common law. We, in turn, in our administrative function must set a framework upon which that right can be made available to the Aboriginal people. However, it is not giving them a preferred position. It is scandalous that people should talk in this debate about large areas of this State being up for grabs. It will not happen.

Mr Bradshaw: In the south west the Aborigines are looking at grabbing the forests.

Mr BRIDGE: There is nothing to stop those claims from being made now, irrespective of the High Court ruling. The High Court ruling and the interpretation put on it by the Commonwealth Government will make it very clear that only those areas with which Aboriginal people can demonstrate an unbroken link will fit into the category of claimable land.

Dr Turnbull: One of the tragedies is that the Mabo judgment and the High Court decision lead Aborigines in the south west to make a claim.

Mr BRIDGE: That is not true.

Dr Turnbull: This legislation at least tries to make adjustment for them.

Mr BRIDGE: The member's comments about the basis on which legislation will operate, with due respect, are absolutely incorrect.

Dr Turnbull: Wait and see.

Mr BRIDGE: We do not need to wait and see. The extinguishment of native title does not recognise the High Court ruling.

Mr Pendal: That is rubbish! You should read what the High Court said. You know that is wrong!

Mr BRIDGE: The member for South Perth is a smart Alec.

Mr Pendal: No I am not. I am sick and tired of people perpetuating these stories about what the High Court said.

Mr BRIDGE: The member should get into a dinghy and wallow around in it for the rest of his days. He will make a better contribution there than he does here.

Mr Pandal: I represent my people better than the member represents his.

Mr BRIDGE: If the dinghy leaked the member would go down with it. The member has sat here for 30-odd hours and listened to realistic debate from this side, and yet he has the crazy notion to talk like that. I will finish my speech -

Mr Pandal: Thank God for that!

Mr BRIDGE: It is okay. I am happy to finish. I have made my point during the 30 minutes allocated to me. When people read the history of this Parliament they will make a judgment about who made the more valuable contribution - the member for South Perth or the member for Kimberley. I hope they will note the self-interest and ego of the member for South Perth -

Mr Pandal: I have read the High Court judgment; you have not bothered.

Mr Taylor: What a silly thing to say!

Mr Pandal: You have been drinking too much from those aluminium cans again!

Mr BRIDGE: This legislation will extinguish native title. That is a total departure from the spirit of the High Court ruling. Further, it will put in place a mechanism that will make it very difficult for Aboriginal people in any way to use the land. The main thrust of the Bill is to do that. Members of this Parliament or anyone else outside this place can go to court for the resolution of any dispute. However, under this legislation Aboriginal people must take a different direction and seek to resolve any dispute through a third party; that is, a Minister of the Government. The legislation is a joke. The member for Collie should not say that this legislation is better than the Commonwealth legislation. It simply will not work.

Dr Turnbull: It improves the situation for people of Aboriginal descent in Western Australia.

Mr BRIDGE: The legislation is unworkable. Not only will it be administratively unworkable for the management of the State, but also it places in the public arena the sad features of the past to which I have referred. Above all, we have all lost the ability to distance ourselves from the past, and that is very damaging.

[Quorum formed.]

MR TAYLOR (Kalgoorlie - Deputy Leader of the Opposition) [4.25 pm]: It is a great shame that Government members have not taken the time to listen to the speech just made by the member for Kimberley and that during the second reading debate. Members who chose to be absent have missed two of the best speeches ever heard in this place. The member for Kimberley has a very special place in this House because he is the first Aboriginal person ever to be elected to Parliament. It is a great pity that a few more Government members did not find the time to be here. When we hear the member for Kimberley speak on these sorts of issues I often wonder whether a flicker of conscience registers in the minds of Government members about this legislation and their attitude to it. I would be very astonished if that has not occurred. On more than one occasion during debate on this legislation the member for Kimberley clearly outlined the issues involved.

During debate on the Mabo issue the Premier had a special opportunity - perhaps one not afforded to many Premiers for many years, particularly Liberal members - to show the quality of leadership and understanding which is very necessary and which has never been demonstrated before. As was tried in the 1970s, the Premier seeks to take away from Aboriginal people the rights that truly belong to them. In future, when people read this debate and the comments by Government members they will compare them with the comments made regarding Aboriginal people in the past - the very comments that astonish us today. In the past Parliament allowed Aboriginal children to be taken away from their families - because it was in their best interests; it allowed Aboriginal people to be hunted down like dingoes because it was in the best interests of the State -

Mr Pental: Who said that? You are trying to rewrite history!

Mr TAYLOR: In the past, Parliament stood by and allowed these things to happen! In more recent times it allowed Aboriginal people to be moved from their tribal land because it was convenient to allow the British to set up a few nuclear tests - in the best interests of Australia and the world community - just as this Premier and this Government say that this legislation is in the best interests of Western Australia!

I am very disappointed that the Premier of all people has not taken advantage of the unique opportunity afforded to him to sort out the situation with the Federal Government and allow Aboriginal people in this State to benefit from the brave decision made by the High Court. The Premier chose not to grasp that opportunity because he believes that he can bank on parochialism in Western Australia. He believes that politically he can bank every day on Western Australia fighting the fight against the High Court and the Federal Government. Either through an Aboriginal group in Western Australia making a land claim or through the Western Australian Government of its own volition trying to take the Federal Government to the High Court with its legislation, one way or another over the next 12 months or so this issue will end up before the High Court. The Premier and Government members know that. But that is not of concern to the Premier. He is banking on the people of Western Australia saying, "Gee, that's good. The Premier is taking on the High Court. The Premier is taking on Paul Keating. The Premier and the taxpayers of Western Australia are being put to great expense because they are taking on the High Court and Paul Keating. Isn't it great that Richard Court has the courage to stand up to the Prime Minister and the High Court?"

Because the Premier is banking on that being the politics of this issue in Western Australia and on preaching to the converted on this issue throughout Western Australia, he believes that he will win politically. He will not win politically. Sooner or later - it may be later, but certainly within the next couple of years - people will start to think, "Hang on a tick. Why didn't he sort it out in the first place? Why didn't he resolve the issue in the first place with the Federal Government, the Aboriginal people and other interest groups? Why is he putting us to this expense and trouble? Why is the Premier of Western Australia putting at risk jobs and investment opportunities in Western Australia for his own blatant political ends?"

Mr Bradshaw: What do you think Keating's legislation is doing?

Mr TAYLOR: They will not be saying it about Keating; they will be saying it about the member's leader. They will wake up to what is going on here. The scenario in relation to this legislation is exactly as I am painting; that is, the Premier is banking on the parochialism of Western Australians, on the High Court case and on Western Australia versus Canberra to get him through this issue. He is banking on that to win him another election and perhaps help some of his colleagues in Canberra win the next Federal election.

This plan will fail the Premier because it is fraudulent political behaviour, and he knows it is. The Premier and Government members know that this legislation will inevitably fail. The Premier is not worried about the cost to Western Australia of his failure or about the jobs people will lose or development projects that may be at risk, because he sees a political advantage. I have no doubt that, if it requires a couple of development projects to be put at risk by this legislation, the likes of CRA and Western Mining will happily come to the party; or perhaps it will be the Pilbara-goldfields gas pipeline that will be the test case in terms of coming to the party on the issue. The Premier most certainly will try to find a development issue to help him whip up the hysteria that he would expect on this legislation.

However, Opposition members will be going around Western Australia and putting the Premier and what he stands for with this legislation right in the firing line. He did not have the courage to stand up to some of the right wing members of his party. I believe that he might have liked to stand up to them on this issue, but he did not. He has failed the test of leadership on this issue.

The Premier had a most extraordinary opportunity afforded to him in this issue. He had an opportunity that no other Liberal leader has been given. When he has finished as Premier of Western Australia, reflects on what has occurred and sees that this legislation has failed the test - it will be cast aside in subsequent years - he will say to himself, "Perhaps I should have done it another way. Perhaps I should have tackled the issue head-on and tried to resolve the matter with the Federal Government and the Aboriginal people of Western Australia. Perhaps, most of all, I should have listened to what people such as Ernie Bridge had to say." This legislation will be the Premier's greatest disappointment. However, be that on his head. He made the decision. He is the one who will leave Western Australia in the lurch because of this politically fraudulent legislation. In coming years, this Parliament will wear the legislation, but the Premier should not be in any doubt that this Parliament will overturn this legislation one day.

MR MCGINTY (Fremantle) [4.35 pm]: It is a sad day for Western Australia when racism is used as a cynical political ploy not to advantage the interests of the State but rather to achieve a short term political benefit for the Government of the day. This legislation will be recorded in history as legislation which will constitute a massive embarrassment to the State and the people of Western Australia. It will be condemned throughout the world and throughout the length and breadth of this State as being unprincipled legislation. As the member for Kalgoorlie said, history will record one person to whom all the blame should be sheeted home - our loss of standing and reputation for the great uncertainty, the great cost in personal and financial terms of the legal proceedings which will inevitably flow from this - and that is the Premier, Richard Court. He will be recorded both today and by history as being the Joh Bjelke-Petersen of the 1990s. That is not a crown that anyone could wear with other than contempt and disgust.

This Bill is not about land management in this State. If the Government were serious about prescribing a system of land management that gave access to the mining companies to lands throughout the State, it would have been evenhanded. If the Government were serious about its rhetoric of ensuring ongoing access to land by miners, it would have legislated to take away the veto which currently is capable of being exercised by white farmers in this State. If the Government were interested in promoting the development ethos and the mining industry, it would not have allowed white farmers in the south west of this State to continue to exercise their right of veto. During the course of this debate we have heard that we cannot give black people a right of veto over mining companies, because mining is too important; but we will let the white people keep it. That is the essentially racist element of this Bill. Government members cannot say that this Bill is about land management; it is about race and racism. As well, it is about Government members depriving people whom they detest of their interest in land. This Bill is not about land management and opening up the lands of the State or ensuring ongoing access by mining companies to the lands and the minerals in such a way that we can look to a period of economic development flowing from the mining industry.

Mr Blaikie: What happens when an Aboriginal person holds freehold land in the south west of this State?

Mr MCGINTY: How many of them are there? That is the essentially racist component. How many white people hold native title that the Government is currently extinguishing?

This is a law directed exclusively against the Aboriginal people of this State, and members opposite know it. It is not to do with land management, with opening up the resources of the State or allowing mining companies access to the minerals that lie under the ground. For that reason it will be condemned universally. It will also be thrown out by the High Court. That is why I started my comments by saying that this is a cynical, political ploy, designed to increase the Government's popularity in the short term. One thing is certain about an unprincipled act: It might give the Government a certain amount of short term popularity, as it did Adolf Hitler in the early 1930s. But where did it get him in the long run? Today he is held in absolute contempt by the whole of our society and he will be recorded in history as being one of the most despicable people who ever lived, although it helped him in the short term.

Without any doubt whatsoever, with this lack of principle in passing this racist law - they have the numbers and it will be passed - Government members will go down in history as being condemned.

Mr Blaikie: Tell us what you did with the Swan Brewery.

Mr McGINTY: I will happily tell members what I did with the Swan Brewery. They should look at it. They will see that it is one of the great heritage buildings in this State. Even Government members are saying that the Liberal Party was completely wrong.

Several members interjected.

The DEPUTY SPEAKER: Order! We are debating the third reading of the Bill in front of us, not other matters. There are far too many interjections which is making it difficult for Hansard to hear.

Mr Shave: You forgot to read your maiden speech.

The DEPUTY SPEAKER: Order!

Mr McGINTY: This is about race and racial discrimination. I suggest that all those members opposite, who have not yet taken the time, should read sections 9 and 10 of the Racial Discrimination Act. How they can reconcile for one minute this legislation with the provisions of sections 9 and 10 of the Racial Discrimination Act is beyond me. During the debate in the Committee stage of this Bill and during the second reading debate the question was constantly posed to the Premier: How does this Bill measure up against the Racial Discrimination Act? He was unable to answer. We met the mining industry representatives yesterday and put this question to them: Why is the mining industry in Western Australia throwing itself into such a period of uncertainty when it is faced with the inevitability that the High Court will throw out this legislation? Why is the mining industry prostituting itself by supporting the Liberal Party? The mining industry had no answer for us.

Mr Pendal: They do not accept your premise. That is why they gave no answer. You assume it will be struck down automatically. There are good opinions to suggest to the contrary.

Mr McGINTY: I have not yet seen one legal opinion that suggests that this Bill will survive. The member should look at the comments that have appeared in the newspaper from the Law School of the University of Western Australia, from Professor Richard Bartlett.

A Government member interjected.

Mr McGINTY: I have already covered the point on Sir Ronald Wilson. His whole thinking on this question was shown to be wrong by the High Court in Mabo No 1 in 1988. He is still living in the past.

Several members interjected.

Mr McGINTY: No. His opinion was overruled by the majority of the High Court judges then. There is not a legal opinion that suggests that this Bill will survive in the High Court. Sections 9 and 10 of the Racial Discrimination Act in very simple terms prohibit the wholesale extinguishment of the title held exclusively by a particular race of people. It is simply prohibitive. It cannot be done. That does not seem to have got through to Government members. The law is crystal clear: It prevents people doing something which has the effect of diluting the rights held by a race of people when compared with another race of people. That is what the Racial Discrimination Act does. In this legislation the Government is taking away the title or the interest in land held by Aboriginal people.

Mr Pendal: This is where we disagree. The first part of what you said about the need to be consistent with the Racial Discrimination Act is quite right. The second part is an assumption that has yet to be proven.

Mr McGINTY: It has been proven. If the member needs authority for that proposition,

he should read the Mabo No 1 decision of Justice Brennan and the other two judges who were quite explicit in saying that a law cannot be passed, such as the Queensland Government did in 1985, to extinguish the title of the Murray Islanders. A lot of people have since taken that to mean -

Mr Pental: You are right. That is why in Mabo No 2, they were quite explicit and said, "You may withdraw or extinguish native title but it has to apply with two things." That is what this Bill does.

Mr McGINTY: It does not. The Mabo No 2 decision - I suspect that the member for South Perth and I and perhaps one or two others on this side of the Chamber are the only ones who have read these decisions; I do not think too many people on the Government side have read them - and the Mabo No 1 decision never suggested that we could have a wholesale extinguishment of the rights of a race of people. It was always in the context of a particular extinguishment to put through a road or to allow a mining development to occur, as would be done with the rights of any other people from time to time. The two matters to which the member for South Perth referred, compensation and a due process, can arise only in those two contexts.

This Bill takes every possibility that native title might arise and extinguishes it throughout the length and breadth of this State. In my view that is the reason this Bill will fail first and foremost. It is a wholesale extinguishment of those rights. The Racial Discrimination Act makes no mention of compensation or due process. It outlaws a particular form of racist conduct or conduct which is, in effect, racially discriminating. This Bill does that. The fact that the Government argues that it provides compensation will not save this Bill; it is inherently racist because it destroys native title alone.

This brings me back to the point I was making before: If this Bill said, "We want everyone treated equally in respect of the land; we will take the right of veto away from freehold land owners in the south west of the State so that miners have access to that land; we will remove any possibility that Aboriginal people will be able to veto mining development on native title land", that would not be racially discriminatory, it would be even handed. But this Bill says that freehold land owners - there are very few Aborigines who could be in that category; those landholders are basically land owners - will retain their right to stop mining companies from coming onto their land and they have a right of veto; in those rare cases, when the nature of native title in respect of particular pieces of land here in Western Australia is such that it might give rise to something equivalent to freehold, and possibly the right of veto, we will remove that possibility from Aboriginal people alone.

That seems to me, without getting into nice arguments about whether the quantum of compensation offered by this Bill is adequate or whether there has been due process, to be the reason that this Bill will fail in its first step. If that argument is correct - and I believe it is and I believe it is founded on the authority of the High Court in the Mabo No 1 decision - what are we debating? We are debating something which will never have a valid existence whatsoever. Why put everyone in Western Australia through the agony of constant taggings? We are a State of rednecks; we have taken over from where Queensland and Joh Bjelke-Petersen were a decade ago; we are racist. If it does not already have it, Western Australia will have a shocking reputation throughout the rest of Australia and among a significant proportion of our own population. We will stand subject to international condemnation all for a very narrow, cynical purpose of promoting the short term, political advantage of the Premier in this State.

If my fundamental proposition is not correct, let us go on. What happens? We then need to look at whether the compensation is adequate and whether due process has been observed in the extinguishment of native title. Let me deal with the latter point. There is no process in the extinguishment of native title provided by this legislation. The legislation declares it to be extinguished. The Bill will fail on the due process requirement. On the first two grounds the argument that this Bill is valid has failed. It cannot sustain itself. We then come to the next step in the process: Is the compensation which is offered by means of the rights of traditional usage adequate to save this

extinguishment of native title? The answer quite clearly is that the compensation being offered by means of rights of traditional usage is inadequate. If one wanted to find a yardstick by which to judge it, we would all be aware that the rights of traditional usage contained in this Bill will be subject to every law of general application in Western Australia. One of those general laws, in regard not to pastoral leases but to unoccupied Crown land, is section 164 of the Land Act, which states -

(2) A person shall not without lawful authority -

- (a) reside on any public lands;
- (b) erect any structure on, over or under any public lands;
- (c) clear, cultivate, or enclose any public lands;
- (d) remove, or cause to be removed, from any public lands any thing of whatever kind, whether growing on or in, or being in, on or under or forming part of, any public lands; . . .

The rights of traditional usage will be subject to this provision which, in quite express terms, takes away any rights to traditional usage that Aboriginal people have. The Government has constructed the artificial notion of usufructuary rights, knowing full well that they are taken away before we even start by the provisions of this section. Therefore, the Government is substituting for native title, where it is found to exist, something that is completely illusory. It does not exist. The law already extinguishes it. This Bill will make the new statutory rights - it is not statutory title - of Aboriginal people to continue to use the land in the traditional way subject to the provisions of the Land Act, which takes away those rights before we even start. If that is not correct, one need look only at the Fisheries Act, the Conservation and Land Management Act and the earlier provisions of the Land Act in regard to pastoral leases, which purport to give Aboriginal people certain rights to continue to operate in their traditional ways. They purport to give Aboriginal people the right to continue to fish, notwithstanding the provisions of the Fisheries Act, and to continue to hunt, notwithstanding the provisions of the Conservation and Land Management Act and the Wildlife Conservation Act. Those rights exist already, to the extent that they are given by the law. This Bill just reinstates those existing rights. One cannot give people by way of compensation that which they possess already. On that basis, the compensation which is offered to Aboriginal people in this Bill will be found severely wanting.

This Bill will be found wanting by the High Court on each of the tests which one would pose; namely, its constitutionality and whether it offends the Racial Discrimination Act. That question was not answered satisfactorily by the Premier during this debate. That question was answered satisfactorily by the High Court. Most of us know that. Most of us know that during the course of 1994, this Bill will be struck down. What will that do to this great push to encourage investment and to let people know where they stand - or, should I say, to let white developers know where they stand, because it is clearly at the expense of Aboriginal interests that this measure of certainty is being generated? There is no measure of equivalence between the rights which this Bill seeks to create because, firstly, they exist already; and, to the extent that they do not exist already, they are extinguished by section 164 of the Land Act and, in any event, by this legislation will be made subordinate to every other conceivable interest in the land. We will spend 1994 locked into an expensive battle in the High Court of Australia, with an inevitable end result. What will happen to the rights of Aboriginal people during the 18 months which they have to lodge their claims? They will be tied up in the courts and will effectively have no time to make their claims; that is, if the legislation survives, which frankly I do not see how it can. This Bill is a disgrace. We should all hang our heads in shame about this Bill. This Bill will record in history the Premier of this State as a despicable person and a racist.

MR BRADSHAW (Wellington) [4.55 pm]: I support the legislation. The best I can say about Opposition members is that they are totally misguided about the attitude that they should take toward Western Australia. As far as I am concerned, members opposite

are on the path of selling out Western Australia, for possibly political or misguided reasons. It is interesting that members opposite keep repeating that the Government has introduced this Bill for short term political gain. I assure members opposite that the Premier of Western Australia is doing this not for short term political gain but for the good of all Western Australians. The Premier has headed in the right direction in order to try to do the best for Western Australia. The Keating legislation is now regarded by most people in Australia, not just by the coalition Government of Western Australia, as not good for Australia. BHP, which sat on the fence when the Keating legislation was first put to the Parliament - and we were quite frustrated that BHP was not prepared to say that the Mabo decision would not be good for Australia -

Dr Gallop: Were you pressing it to make comments too?

Mr BRADSHAW: No; we do not press people to do those sorts of things. However, BHP, in its own interests, and in the interests of creating jobs and projects, has said this legislation will not be good for Australia. The Keating legislation will delay projects and cause enormous cost for taxpayers. Keating has said that compensation must be paid by the taxpayers of Western Australia.

Dr Watson: Yes, because he made an offer to the Premier some months ago, which the Premier refused. It was his choice to refuse it.

Mr BRADSHAW: Keating has changed his mind so many times one would not know when to trust him. As far as I am concerned, Keating has put onto the States the onus to pay compensation; and even if the Federal Government pays compensation, it will still rip it off the taxpayers. It does not matter whether compensation is paid by the Commonwealth or by the States, it will still come out of the pockets of the taxpayers. Even if the Keating legislation were passed, it would not end the Mabo debate in Western Australia because there would be High Court challenges to it and we would have to wait to see what the High Court decided. The member for Eyre indicated last week that there is a 50:50 chance that the legislation will stand up in the High Court. I would give it an 80:20 chance that it will stand up in the High Court, because the Federal Constitution states that the issue of land titles is the responsibility of State Governments. Therefore, our legal advice is that this legislation will stand up. I again refute the Opposition's claim that this Bill was introduced purely for short term political gains. The media has reported that as a result of the Mabo debate, the Premier has risen in stature and popularity. That is just a side issue so far as the Premier is concerned, because who would have known that his stature would rise as a result of the stance that he has taken? What the Opposition said is an absolute fallacy.

If the Keating legislation were put in place in Western Australia it would delay projects. We need to create jobs. I am sick to death of the high unemployment rates in Australia and, as a Western Australian, in Western Australia. We have to promote Western Australia for the majority of people, not for a very small proportion of people who would gain from the Mabo legislation and the High Court decision.

Mr Catania: Do you know what your legislation will do? Every provision of your legislation could go to the High Court.

Mr BRADSHAW: That is an absolute load of rubbish. We have seen many projects delayed over the last 10 years by Aboriginal groups.

Mr Graham: Where?

Mr BRADSHAW: The gas pipeline at Bennett Brook, for one. That cost the taxpayers of Western Australia over \$1m because an Aboriginal group said the Wagyl was in the area and the pipeline could not be put over the Wagyl. I cannot remember whether the pipeline was put over or under the brook, but it had to be done differently from that which was proposed. It caused a delay and cost the taxpayers over \$1m. The Wagyl also suddenly turned up at the Swan Brewery site. Those are two examples that I can give off the cuff. There are probably other examples.

Mr Graham: What has that to do with this legislation?

Mr BRADSHAW: I am saying Aboriginal groups will pop up and say that they have had continuous association with the land as soon as a company applies to develop a project and that they want part of the action.

Mr Graham: How does this legislation have any effect on that at all?

Mr BRADSHAW: Of course it will.

Mr Graham: Take Marandoo. How does this legislation affect what happened at Marandoo one iota?

Mr BRADSHAW: We are saying that native title will be extinguished and the Aboriginal groups can have traditional usage and therefore will have no claim to go to court.

Mr Graham: That is not correct. That is a claim under the Aboriginal Heritage Act. Where does this Bill amend the Aboriginal Heritage Act?

Mr BRADSHAW: Once the High Court says that this legislation is valid, which it will do, those Aborigines will not have any right to claim that in court.

Mr Graham: They will. Unless you amend the Aboriginal Heritage Act, they will still have a right to protect Aboriginal heritage sites. Are you going to amend it?

Mr BRADSHAW: We do not have to. If it is an Aboriginal heritage site, it will be protected.

Mr Graham: How would that have affected Bennett Brook, which was an Aboriginal site?

Mr BRADSHAW: It was not an Aboriginal site. They said the Wagyl was there.

Mr Graham: The committee found that it was an Aboriginal site.

Mr BRADSHAW: I do not know who is on the Aboriginal sites committee. However, if it said that is an Aboriginal site, it has a bit of a problem.

As I said, we are trying to govern for the majority of Western Australians. Projects must go ahead so that jobs and wealth are created. If we have wealth we can make sure that the disadvantaged people are looked after. If the State grinds to a halt, welfare projects will not be supported and the disadvantaged will not be looked after. If we have wealth, we will put more people onto the payroll and make the homes in Western Australia happier places. All the misguided people opposite want to do is sell out Western Australia for their own political gains. They are totally misguided.

I totally support the Premier of Western Australia in what he is doing. This legislation is fair for the people who have been affected by the Mabo decision. As I said, only a small percentage of people will gain any benefit from the decision. This legislation will support projects being developed in Western Australia and those projects will create wealth and jobs.

MR GRILL (Eyre) [5.04 pm]: I do not normally speak in the third reading debate. However, this legislation is critically important for Western Australia. It is a very important issue from an economic and political viewpoint. There is and should be some scope for the State Government to go back to the Federal Government to try to come up with some uniform legislation which will suit Western Australia.

Mr Bradshaw: Do you support the Federal legislation?

MR GRILL: I support it in principle. The road that the Court Government is taking at present will lead us to ruin and chaos. It will ensure that, economically and politically, this State will not be as well off as it might be under this Government or any other Government. I am concerned about our resource industries and I am concerned, as the member for Kalgoorlie has said already, about the extractive industries of this State. They are our backbone. That is where the money comes from to support and foster other industries. Those ancillary industries in the cities are all dependent upon the resource, extractive and mining industries of this State. We want to see those industries developed in the same way as people on the other side of this House do. However, that is being

jeopardised by this legislation. Not only are those industries being jeopardised, but also our land titles system will be jeopardised by the ultimate conflict between the Federal Government legislation and the State Government legislation, and our mining titles system which has served us so well over the years will be jeopardised if not wiped out by the pending conflict between the State and Federal Government legislation.

We are looking at the moment at a daunting, legal imbroglio which no-one on this side or on the other side of this House can predict the outcome of. However, there are high probabilities that, in one form or another, the State Government legislation will be defeated. If members opposite argue that it will be defeated only in certain particulars, how will we get on with the hotchpotch of land titles legislation, mining titles legislation or Aboriginal titles legislation with which we will be left? We will be in that legal and political imbroglio that I referred to earlier.

Mr Trenorden: What don't you talk to the Prime Minister about that? He is the one who is trying to take away the State's powers.

Mr GRILL: The Federal Government concedes that the State should administer land. It realises it does not have the expertise. It is hoping that it will not have to exercise the powers in the legislation that is before that Parliament. It will not have to exercise those powers if the State Government backs down a little, stops playing politics, gets off its political hobby horse and talks turkey with it.

Mr Bradshaw: All the other States were on Keating's side. However, now they are backing away from him.

Mr GRILL: Perhaps they are learning how to play politics, unfortunately. The member for South Perth, in his speech last week, was prepared to concede that the effects of the ultimate defeat, not in this place or the other House, of the State's legislation in the High Court, "will be momentous"; I think those were the words he used. It will be momentous; it will be absolutely daunting for this State.

Mr Pandal: You are quite right. However, I said that if we had proceeded down the path of extinguishing native title in a way inconsistent with that which the High Court said, we would ultimately lose and that would have tremendous consequences. The member should not give the impression that I said our legislation would be struck down by the High Court because I don't believe it will be.

Mr GRILL: I am not saying that. I am saying that the member for South Perth and I agree that the results of the striking down of that legislation by the High Court will be momentous.

Mr Pandal: Yes.

Mr GRILL: I also say that over the last six to nine months this Government has simply played politics with this issue. That has been the Government's motivation; it has not been motivated to ensure that the resource industries in this State are in the best possible position. The Government's motivation has been simply political, and it has succeeded. Let us face it, let us be honest about it: The polls have indicated that this Government's stance on Mabo unfortunately has been successful. Why is that? I will tell members; there is no particular secret about it. This blatantly political approach has been successful because, firstly, the Government has appealed to the basest parochial element within Western Australia. If one scratched every Western Australian one would find that every second one was a secessionist. I do not think secession is in the best interests of Australia or Western Australia, but that is a fact of life in this State. If members want to play to those raw secessionist instincts, they can do so, and it has been done. Secondly, there has been legitimate concern about development and jobs. We have seen successive conservative Governments stoke up this development debate in the past to their detriment and our detriment. No Government can deliver resource or mining development in this State, let alone downstream processing which we desperately need, if there is the conflict between Federal and State Government legislation that we all perceive.

Thirdly, many Western Australians hold the view that Aborigines are getting a free kick. I do not subscribe to that view, but it is one which has been put around by the Liberal

Party. It is a view the Liberal Party should not be proud of, but it is one which unfortunately prevails at present. I do not believe Australians or Western Australians are racist; I think we are the fairest-minded people in the world. However, Western Australians do have some susceptibilities that can be played on. One is the secession argument; another is that Aborigines are getting free kicks. I do not believe that Aborigines are getting anything they are not entitled to. However, that perception has been put about by the rednecked elements in this State and has gained some credence.

Fourthly, members of this Government have it in their heads that somehow they can set up a parallel with the type of situation that existed with the Whitlam Government in the mid 1970s. I say to members opposite that that will not work. We will fight them on this issue, and in the end we will beat them. At the end of the day, when the State legislation does not get up and this conflict that we have all agreed could ensue takes place, members opposite will wear the blame because that is where it should reside. They have failed to consult and they have taken an extreme position since 1985.

Mr Bradshaw: It was Keating who stopped talking to the Premier, not the other way around.

Mr GRILL: Only after the Premier denied the undeniable. He denied the principles of Mabo and he denied the primacy of the High Court.

Mr Pental: At his first Premiers' Conference the Premier was given two hours' notice and told to sign on the dotted line. That is how cynical Keating was.

Mr GRILL: Come on, this is penny ante stuff! A Premier of this State should be above it, and so should a Prime Minister if it comes to that. Let us not debate this issue on the basis of those penny ante antics. It is not on. We are playing with the economy and the political future of this State. We have already been damaged badly in a political sense because there is a perception that this Government - worse, this State - is not fair when it comes to dealing with Aborigines. I do not believe that is true. My colleague on my right who is a former Minister for Aboriginal Affairs, ensured that Aborigines have been treated fairly, especially in respect of land. By administrative mechanisms, Aborigines in this State have been beneficiaries of grants of land from various State Governments, but principally the Burke, Dowding and Lawrence Governments. That is very fair. The situation today is that about 2.6 per cent of the population enjoy access to between 11 and 17 per cent of the land. That is not something we should feel ashamed of. It is something we should shout from the rooftops and be proud of, and we should be proud of the people who put that situation in place. We cannot be proud of the reputation that this State is gaining both interstate and overseas, and in some areas within the State, as being simply rednecked, inequitable and unjust when it comes to dealing with Aborigines. That is the road we are treading, and it is a very dangerous one.

The South East Asians have already raised the spectre of racism within Western Australia. There was a very well financed campaign in Singapore not long ago in respect of racism, and the Government of Singapore of the day had a hand in it. It has since desisted from that campaign, but it had a hand in presenting Western Australia as a particularly racist destination; a place where Singapore's expatriates should not go; a place where its students should not go to study. Why did it do that? It was because they were not treated properly here and they were not safe in the streets. That is the perception of this State that is being gained around Australia and overseas. It is an unfair perception, and I resent it. However, it is being engendered by the position that members opposite have put forward over the last nine months at least.

A Premier cannot deny the primacy of the High Court in respect of its decision making power. That is what this Premier did in respect of the Mabo legislation. He brushed it aside and criticised the High Court. He accepted the position of his former colleague Bill Hassell. The Liberal Party as a whole at a conference in Kalgoorlie - God spare us - adopted a position which denied the primacy of the High Court in interpreting the laws of this country.

Mr Pental: Is that reflected in this Bill?

Opposition members interjected.

Mr Pandal: That shows you have not read the High Court judgment.

The ACTING SPEAKER (Mr Prince): Order!

Mr GRILL: Whether it is reflected there or not, and I think it is, that is the perception.

Mr Pandal: I know, because you have promoted it.

Mr GRILL: Another reason this perception is around is that the member for South Perth and his colleagues and cronies in the upper House knocked off a perfectly reasonable piece of land rights legislation in 1985.

Mr Pandal: You were grateful we did. You were with Brian Burke and said, "Thank God they have done that."

Mr GRILL: The member can make his petty points if he wants to.

Mr Pandal: That is the truth. Every Minister stuck with Burke, and you were one of them.

Mr GRILL: I will concede this: At the end of the day, after our legislation was defeated, we were forced into a situation where we had to say we would not reintroduce it because members opposite were prepared to fight the 1986 election on that basis alone, and on a campaign based on fear and prejudice. We said we were not prepared to fight a campaign on the basis of fear, prejudice, or discrimination, so we would take that item off the agenda. That did not mean we resiled from it; members opposite knocked off a piece of compassionate and reasonable legislation. In my view, and in the view of many other people, that has led directly to a situation where this State has been isolated and in which the High Court has brought down the Mabo decision. This Government finally had to embrace the principles of Mabo, against the advice, I imagine, of Bill Hassell, and the initial posture of the Premier.

Mr Court: And my father; you have to bring my father into it!

Mr GRILL: I do not know about the Premier's dad. However, as I said the other night, in taking its stance the Government lost the opportunity to make the input it could and should have made to the Federal legislation. In the process the Government isolated Western Australia from the other States. The opportunity was lost, which was terribly important in protecting the mining, extractive and resource industries of this State. The Government also eschewed the opportunity to look after the special interests of Western Australia.

The Premier believes he will revive the situation by putting up the legislation before the House, and I suspect that he hopes that somewhere down the track he will gain some legislative compromise with the Federal Government. Nevertheless, conflict between the Federal and State legislation, which inevitably must come about, has no future. We are looking forward to indeterminate numbers of Supreme Court and High Court appeals, and nobody wants that. However, they are inevitable under this legislation.

There is only one answer: The Government should go back on its legislation; it should eat humble pie and go back to the Federal Government and negotiate in respect of uniform legislation. If it does not do that, this State Government will be to blame for the ramifications and results. It will be culpable on this issue and we will not allow it to pass the buck.

DR WATSON (Kenwick) [5.22 pm]: The nature, history and concept of this legislation was described by Henry Reynolds in an article written yesterday as "fringe right wing politics". This legislation has breathed life into terra nullius by taking the notion of native title and extinguishing it. In place of native title rights will be, supposedly, a bundle of traditional usage rights which give people the meagre pickings of a licence and nothing else. It is something which can be given or taken by the Government of the day and, certainly, by the Minister responsible for the administration of this legislation. These rights allow for such things as gathering for sustenance and ceremonies.

People do not occupy land because of rights but because they inherited that land, as we all can, from forefathers and foremothers. The Government is passing an odious Statute which is oppressive, grudging and churlish - I find it offensive. I have been saddened by the kinds of statements that have been made by both the Premier and people who support him during the debate and reported in newspapers about the framework to be established to administer this legislation.

The conservatives have never acknowledged that the land owns people. I spoke in the Committee stage about Aboriginal people who say the land has always been theirs, and it always will be. They talk about the land owning them, and that they belong to the land. Non-Aboriginal people cannot seem to look beyond their traditional way of thinking; namely, their world view of property and ownership. People cannot make that jump and imagine what it might be like to think in another paradigm to the view that the land actually owns them. The closest we can come to that understanding is for those people who have had any kind of religious education or upbringing and feel that they belong to God. It is the closest analogy I can draw for explaining the feeling that the land owns these people.

This legislation has cut across the High Court decision, and section 109 of the Constitution. Some of my colleagues this afternoon have elaborated on that point. Also, it offends the Racial Discrimination Act, and the member for Fremantle made the point at some length that it cuts across the intent of the Federal legislation. There is no chance that it can survive a High Court challenge. I suspect that, having been hammered by speakers on this side of the House in the second reading, third reading and Committee stages, the Premier must have considered the constant message he has received. His legislation cannot survive a High Court challenge as it will cut across so many areas.

This is a lost opportunity for all Western Australians, not just Aboriginal people. It is a loss for all members of this Parliament and everybody in the community. We have heard a lot of talk, not all of it sensible, about job creation, the resource industry, agriculture and pastoralists, yet people in all these areas will lose through this legislation. Aboriginal people will lose the most.

I refer the House to the four key points of the Federal legislation, none of which has been upheld in this legislation. We will have lost opportunities until the High Court rules and we lock into the national legislation and national system with a standard approach to this important issue.

The four key aspects of the Federal legislation are, first, ungrudging and unambiguous recognition and protection of native title. Everybody owes the Prime Minister a lot for elaborating on the way in which he will protect native title. Second, is a provision for clear and certain validation of past Acts, including grants of laws, if they have been invalidated by the existence of native title. Third, to make a just and practical regime governing future grants and Acts affecting native title. Fourth, and this is a big gap in the Western Australian Bill, is the rigorous, specialised and accessible tribunal and court processes to determine claims to native title and for negotiations on decisions on proposed grants on native title land.

As I said, I experienced great sadness at many points during the debate. The legislation cannot uphold any of the principles I have just outlined because it will extinguish native title. Three aspects offend me over and above the others to which I have just alluded: There is no tribunal system for determining claims and for the resolution of disputes. Secondly, the Minister has extraordinary powers. At the click of a finger, and with seven days' notice, the Minister can make a decision, and he or she does not even have to consult. There is a reference in the Bill to the Minister's requirement to consult the Minister for Lands. The Premier has told us that the Minister responsible for this legislation will not be the Minister for Resources Development or the Minister for Lands, but the portfolio could be held by a range of other Ministers. It will sit very uncomfortably with the Minister for Aboriginal Affairs, who would on one hand have the statutory responsibility to protect Aboriginal heritage, and on the other hand be required to make decisions which would not only concur with extinguishing title but also extinguish the traditional use of land package.

However, clause 38 must be the most offensive. This clause came under a guillotine motion so that it was never debated while we were debating the clause on compensation. I remind members that these are not the exact words, but essentially clause 38 provides that additional compensation can be awarded for loss of, or interference with, special attachment to the land or spiritual or cultural connection with the land and that amount is not to exceed 20 per cent of the amount that would be assessable under other paragraphs. Can members imagine that somebody can actually put a cost of 20 per cent on spiritual affiliation with the land? That is offensive in our terms, in our culture and our tradition. It is like saying that one is sorry one's mother's grave in Karrakatta Cemetery will be resumed, but we will give 20 per cent of the value of it. It is unthinkable. That is one of the most gross areas of drafting I have seen. It is culturally inappropriate, not only to Aboriginal people, but to all of us. Again, it demonstrates that there is no understanding, or empathy or willingness by the Government to put itself into thinking through another world view, another paradigm, that Aboriginal people belong to the land, particularly where there are sites of spiritual significance. Aboriginal people cannot be compensated for that. How much will land in the western desert be worth in compensation terms? Hardly anything. Say it were to be \$1 000 - I would not know - therefore one would receive another \$200 because it has special spiritual significance! The Premier should tell that to the women at Cotton Creek. That land is not for sale; it has always been their land.

Although I have touched on the people from that area, I want to remind the House again of the people who belong to the western desert. How will they be able to negotiate their very good claim for native title when their country extends over the land over which we have drawn boundaries and to areas we also call the Northern Territory and South Australia?

Mr Court: There is currently a claim on that region. One group of people say it is their land. Another people say it is their traditional land. Do you support one side or the other?

Dr WATSON: Why has the Government not proposed a tribunal be established to deal with those issues?

Mr Court: Answer my question. Do you support the claim currently in the court where a large group of land owners say they do not want to be associated with that claim? If the people win the claim - let us say they got native title with boundaries - what would happen to the other group under Keating's legislation? What would happen to the other group that says it is also a traditional owner?

Dr WATSON: The Government legislation does not allow for procedures and processes.

Mr Graham: Why are those two claims mutually exclusive?

Mr Court: The group who will miss out -

Dr WATSON: The Premier is making that assumption.

Mr Graham: I said the other night, with all due respect to you as Premier, it is not your role to -

Mr Court: Under our proposal no-one has to go to court.

Several members interjected.

The SPEAKER: Order!

Dr WATSON: I do not know whether the Premier was here when I said that over and above all the offences that have been committed in this legislation, three are particularly offensive: One is the power of the Minister; another is the fact that no tribunals or procedures are to be set up; and the third is clause 38 for compensation for loss of land with special spiritual affiliations.

The Leader of the Opposition and the Deputy Leader of the Opposition have challenged the Government about the maps and the information the Premier has circulated around the community. I find them offensive for the reasons they enunciated and also because

the Premier knows we all know there are too few Aboriginal people who will be able to make a claim. The history of dispossession in Western Australia has been such that traditional links with land were severed long ago because of the effects of the policies of past Governments, from colonial times, and whose actions this Government is replicating with this legislation.

As I said during an interjection today, since 1788 every Australian has been able to inherit property from their parents and ancestors, but not so Aboriginal people. In Western Australia they will still not be able to do so. It is disgraceful. People speak about one Australia, one law, one land. Aboriginal people are unequal in many areas of the law and in social justice. After this legislation is passed, no non-Aboriginal person will be any worse off than he or she was before the High Court decision. However, some Aboriginal people might be and in Western Australia they certainly will be.

This is one of the most critical issues for all Australians to resolve. In the past couple of years, the report of the Royal Commission into Aboriginal Deaths in Custody was brought down. That set a framework for legal and social justice for Aboriginal people. Without any doubt that framework can serve us all well for the next two decades. Unfortunately for many Aboriginal people it will take two generations before social justice can be said to be in place. This is an issue in which we can acknowledge that there are issues for generations. It is a generational issue we are losing in Western Australia. It affects all our children, both Aboriginal and non-Aboriginal - Aboriginal children in the Kimberley and Aboriginal children in the south west. The perniciousness of prejudice and racism has come out in school playgrounds. Although I had some examples I was quite alarmed to hear from a number of my colleagues here just how many Aboriginal children are being taunted and teased in school playgrounds for being Aboriginal, for wanting to take land from the kids with whom they are playing. They are being called "mabos" instead of "abos". What are we teaching all of them? As adults and legislators we have an onerous responsibility to eliminate any kind of racism from our schools in particular, and from our thinking. I do not like the sort of thinking that underlies this legislation.

It encourages all those behaviours and encourages that kind of conversation in families. My colleague the member for Eyre was saying that while he does not think Western Australians are prejudiced and racist, he has to acknowledge it is just beneath the surface, and I fear that. The sorts of things that families might say to each other are readily picked up by children and transmitted. This is an important generational issue and an issue for our children. The other thing I found distasteful at that time was a pamphlet circulated by the Association of Mining and Exploration Companies with four smiling children on the front. Their research must tell them this is a generational issue, yet they used four lovely children. What do those children or their parents know about it? One child was obviously of Asian extraction and one of Aboriginal birth. That was exploitation of the most awful kind. The Government has been listening to AMEC and that makes me sad and very angry. We want to promote reconciliation, which will mean a certain number of issues will be resolved by the year 2001. The processes have to continue for 10 or 20 years until we can say that we do live in a non-racist and non-sexist society.

In conclusion I reiterate that native title was not created by the High Court but was recognised and affirmed by it. A few people in Western Australia will be able to have their claims affirmed. We should not forget our history of dispossession or the framework that the royal commission has established for both legal and social justice or the five recommendations that the royal commission directed towards the land needs of Aboriginal people. Before I conclude I will read into *Hansard* one of the best definitions of justice that I know of, because essentially we are talking about justice for Aboriginal people that will bring justice to all Western Australia. This is from a paper delivered by Hal Wooten, a former royal commissioner, to that most noble of institutions, the Evatt Foundation -

Justice is not a prize for being the most powerful, most technologically advanced or even the most self-righteous; rather it is the tribute the powerful will, if they

are genuinely righteous, pay to the less advantaged, the more so because they so often built their wealth and power at the expense of the latter.

MR GRAHAM (Pilbara) [5.42 pm]: This piece of legislation will be successful in its aims. That might sound like a strange thing for someone on this side of the House to say, because we have done nothing in the debate other than criticise the legislation.

Mr Trenorden: As usual that is the practice.

The DEPUTY SPEAKER: Order!

Mr GRAHAM: This not a piece of legislation aimed at delivering ownership to the indigenous people of Western Australia; it is not a Bill about delivering some form of land usage to the indigenous people of Western Australia; and it is not a Bill about recognising that Aboriginal people have lived in parts of this country continuously for many thousands of years and have legitimate claim and title to that land. It is a Bill for an Act of Parliament aimed at triggering a whole series of High Court actions and decisions to lock land management into the State purview for now and ever more. That may or may not be an appropriate thing for this Parliament to do. My general philosophy on life is that if the answer is Canberra the question is probably wrong and we should go back and redefine the question. The Premier has cleverly manoeuvred these events into a State rights issue over the management of land.

Mr Wiese: It has always been a State rights issue.

Mr Trenorden: You want to abolish the State's rights.

Mr GRAHAM: It is not a State rights issue. In this place one has to put up with nonsense from time to time.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr GRAHAM: The member for Avon has not read the policies of his own party, let alone the policies of the ALP. If this were a land management question, it would not have ended up in the High Court in the first place. It could have done but probably would not have done. This is a question of Aboriginal affairs, and the Australian people declared, in one of the few successful referendums in this country's history, that Aboriginal affairs properly belong to the Federal Government. What is the subject matter of the Bill? Is it Aboriginal affairs or is it a matter of land management? The rhetoric of the Government is about convincing the High Court at a later date that this is in fact a land management issue and not an Aboriginal issue. It will be patently unsuccessful. It must be unsuccessful because it is an Aboriginal matter and one on which the Federal Government has some currency and control. For the members opposite who have not read it, and I have recommended it to them before, they should read section 109 of the Constitution of Australia, which sorts out who has supremacy and who does not. Our forefathers who wrote the Constitution of this country 90-odd years ago foresaw conflict between the States and the Federation of Australia and prescribed how those matters should be dealt with if there were a disagreement. That section of the Constitution is still valid today, as it should be. I endorse the remarks of the member for Kenwick. I could not be here for the second reading speech because I had to be somewhere else. One of the flaws of this Bill in talking of land and Aboriginal people's claims to it is that native title was not something invented recently by the High Court or something it plucked out of the air, saying, "Hey presto, here is native title."

Mr Trenorden: What is native title?

Mr GRAHAM: The court said there is this thing called native title.

Mr Trenorden: What is it?

Mr GRAHAM: It is a bundle of things. If the member wants the High Court decision I will give it to him.

Mr Trenorden: I have read the decision. The decision does not define it.

Mr GRAHAM: I have to say the fact the member for Avon cannot find it in a High Court decision does not surprise me.

Several members interjected.

Mr GRAHAM: If the members opposite want a briefing on the High Court decision, I will be happy to give part of the briefing myself and organise some others for them. As they know well, it is a bundle of rights which existed prior to that judgment in the common law of this country.

Mr Trenorden: What rights?

Mr GRAHAM: Mr Deputy Speaker, you have done it again. You are always in the Chair when I wish to quote you. As you said in your speech, Mr Deputy Speaker, it matters not whether one agrees.

Several members interjected.

Mr GRAHAM: I am not one to shy off interjections.

The fact that people agree or disagree with a High Court decision on any matter is irrelevant, because the law of our land is that when the High Court makes a decision that is it. The High Court is the final authority and it has every right to make that decision. It is a decision that is recognised at common law. The Legislature has the ability to introduce legislation to amend that law, there is no doubt about that, but to ignore or pretend that the High Court decision did not happen is a nonsense. It is there; it is a fact of life. Sadly when we got to clause 7 in Committee - the crux of the Bill and the real workings of the Bill - the guillotine was applied. We were not able, as we should, and as ultimately Parliament and the courts will, to debate clause 7 at length. The Bill tries to bundle together a group of rights called native title and replace them with a thing called traditional usage, which the Premier in going through the Committee process accepted was not the same as native title. I said at the time that that would be one of the grounds on which the legislation would fail in the High Court. The Government has tried to trade off a right of some standing with something similar but not the same.

Dr Hames interjected.

Mr GRAHAM: If the member for Dianella had done that he would be right. The confusion seems to arise whether the Mabo decision gives ownership and proprietorship of the land. The Premier agrees that it does and that will be determined case by case. The Premier agreed to this in this Parliament when he moved an amendment that removed the proprietary right clause in this legislation. Having done that, clause 7 of the Bill is then largely academic because it definitely does not trade equal with equal. That was the crux of the Opposition's argument.

Dr Hames interjected.

Mr GRAHAM: The member for Dianella is in the State Parliament and he is debating State legislation. If he wants to be in Federal Parliament he can contest a seat and go to Federal Parliament. Eoin Cameron will probably let him have his seat. The member for Dianella can then discuss it with Paul Keating. There is a fair degree of confusion in the mining industry about this legislation and about the Mabo issue generally. I spent much of my adult life in the mining industry. I am renowned for being a supporter of the mining industry, but there are times when the mining industry, with all due respect to that industry, is the way it is because it is that way. Major corporations in Western Australia had no difficulty in the Ural Mountains in the Commonwealth of Independent States negotiating with Cossacks and people of that ilk for gas and oil rights. Australian-owned mining companies in South America had no difficulty negotiating in the Amazon jungle with Brazilians.

Mr Trenorden: I cannot believe you are saying that.

Mr GRAHAM: Easily, I have seen it. Responsible companies in the north west of this State have no difficulty sitting down negotiating with traditional owners and getting their arrangements entered into it. Yandicoogina came on stream in the last session of

Parliament after negotiations with traditional owners with no delays, no disruptions, and no difficulties whatever. Cadjebut, the North West Shelf and the Burrup Peninsula got off the ground with no delays or difficulties.

The member for Wellington raised some interesting points about projects that had been delayed, but when asked about the projects, he was talking about the wrong piece of legislation. He was talking about delays that had occurred with the approval of Aboriginal sites under the Aboriginal Heritage Act, not under Mabo. When pressed members opposite say, "No, we are not planning to amend that legislation." So the delays the member for Wellington was talking about in resource development were not as a result of Mabo, they were a result of a requirement to amend the Aboriginal heritage legislation. This Government by admission is not about to amend that legislation. The thrust of the argument of the member for Wellington was that delays to resource development were caused by Aboriginal people, not whether those people had some rights or whether those people could have or should have been consulted or dealt with as they can and should be; it was about some paranoia with Mabo.

The mining industry has a major role to play, and when this legislative battle is sorted out, as it will be in the next five years because this legislation puts us on a course of at least that long of High Court and Supreme Court challenges and uncertainties, we will have had five years, maybe longer, of uncertainty. When it is sorted out and the ground rules are clear, the mining industry will address the matter appropriately. As it has done with the question of Aboriginal employment, the mining industry will address the question of ownership of the land and entitlement to the land.

The year before last I headed the Pilbara 21 study group which was a planning organisation for the direction of the Pilbara region of this State for the next 30 years. It produced a report that this Government supports. I do not say that to make a cheap political point. It received a wide degree of support in the mining industry and from the professional mining industry lobby groups because it contained one important element from their perspective: It pursued and argued actively for the concept of multiple land use. That means that the Pilbara 21 group set in place that the policy for land management in the Pilbara needs to be on the basis of multiple land usage; that is, areas of conflict are accurately identified and a management process put in place by which the conflicting interests on the land can be best managed. That was pretty close to heresy in my party at the time, but nonetheless ended up getting through as the policy of the Government of the day with land use planning.

I have yet to hear an argument from anyone involved in the Mabo debate that does anything other than reinforce my already strongly held views about the need for multiple land use in the Pilbara region of Western Australia. When mining companies want to mine and a white person owns the land, they can talk to the white person and they enter into arrangements. At the end of the day, whether it be a pastoral lease, in someone's backyard, or in the middle of the town, they sit down with the people concerned and negotiate the ground rules for using that land. At the end of this period of uncertainty that this Government has created, the mining industry will be in the position where it can sit down with the traditional owners of land in Western Australia and work out the arrangements by which they will deal with the land.

Sitting suspended from 6.00 to 7.30 pm

Mr GRAHAM: I conclude my remarks by commenting on two points. Firstly, in my electorate the Mabo decision has had an immediate effect, in that already one significant claim has been made by the Martu people in the western desert for an area in and around Rudall River. A series of speeches have already been made in this Parliament about that claim and those people probably, I suggest, because it is one of the claims that can very quickly and easily meet the requirements set by the High Court. I wish those people well in their claim and I hope they are successful because, as I said in my maiden speech in this Parliament, it is doubtful that there is another group in this country which is so impoverished as the Aborigines in the western desert area of Western Australia. They

deserve every advantage they can get. They will need significant help to get their claim up, and significant help from this Government if their claim is to give them some living areas and the ability to continue the community life they have followed for thousands of years.

The second and last point I make is simply a word of caution to the Government; that is, the question of indigenous peoples' land rights internationally is a difficult one. No one has been able easily to solve the problems of colonisation and what to do with the people who occupied the land prior to colonisation, outbreak of hostilities and the like. A number of countries have made improvements and inroads, but Australia is not one of them to date. Indigenous people and those who claim land and believe they own that land do not give up their struggle and fight simply because an Act of Parliament is proclaimed. One has only to look at the Middle East to recognise that land claims survive for thousands of years through successive Governments. People continue to claim the land to which they believe they are entitled. The progression of that claim sometimes leads to violence and sometimes to entrenched violence over the centuries.

I hope we do not reach that point in Western Australia, and Australia generally, but the history of nations is that people will take up arms in order to progress their claims for land they consider they own. That can be seen in South Africa, Bosnia and Eastern Europe where land claims have been made, and the system is unable to meet the requirements and demands of people who feel they have a legitimate claim. I hope that this legislation, which is not designed to deliver land but to deliver court cases in the High Court, is not deemed in the years to come to be part of the legislation that contributed to that struggle.

MR KOBELKE (Nollamara) [7.35 pm]: The Opposition has one other speaker, so I will shorten my remarks in the hope that the member for Mitchell can also make a brief contribution.

Mr C.J. Barnett: It will be the first time he has ever done that.

Mr KOBELKE: The member for Mitchell over the years has made a very substantial contribution to debates, and the fact that sometimes he is lengthy in his exposition only reflects the depth of his knowledge and his ability to express it so well.

The key issue I address in the brief time available is the area of land management and the problems that confront us with the Mabo High Court decision. A resolution of the range of problems which must be addressed from that High Court decision will be reached only when both State and Commonwealth Governments are willing to compromise and try to accommodate the needs and requests of the other level of government. The Commonwealth Government clearly has the constitutional power to act in this area. The Commonwealth Government would also wish to take up the High Court decision relating to the recognition of the rights of Aboriginal people. However, the Commonwealth does not have direct responsibility for land management, and it is only through indirect means, such as this decision and its unfolding, that it would be able to take action in that area.

This State sees the advantages of the control of the land tenure system being totally within the State's jurisdiction. From the outset we have seen from this Government an attempt to go it alone, to totally fail to recognise the High Court decision, and to bring forward the legislation we are debating tonight which has sought to overturn that High Court decision. Such an approach is clearly not workable, and one can only judge that a Government which takes that approach is either totally ideologically driven, or has made a political decision which has Machiavellian designs attached to it. No other interpretation can be made of the actions of this Government. It will not serve the land interests of this State, it will lead to uncertainty, greater legal complexities, and an unending round of cases before the courts.

If we were to assume that the Government thinks this legislation will succeed, any close scrutiny of the Bill shows that it does not fit the rhetoric of the Government. The Government has said that it replaces native title with some equivalent right of traditional usage. That is clearly not the case. The one aspect I touch on is the way in which this

legislation requires the courts to decide the major issues that will arise. Much comparison has been made with the Commonwealth Native Title Bill. While that legislation appears very complex on reading, it tries to resolve these issues. However, the approach of this Government's legislation appears very simple but it does not address the key issues. It leaves that to the courts. It does not provide a process which is any simpler or more likely to clearly determine the major issues to be resolved, because it will continually go before the courts for a determination of the workings of the legislation. That is an approach that will not help industry; it will not give greater certainty to development or the mining industry. It will mean challenge upon challenge to the courts, and industries will have to hold matters in abeyance while they wait for the issue to run the gamut of the courts.

I wish to comment briefly on the way in which a number of members opposite have interjected to suggest that the Labor Party in the 1980s was totally against land rights. That accusation has been made several times during debate. It is totally dishonest, as are many things related to the carriage of this legislation by the Government. The Seaman inquiry offered the opportunity for very wide public input to the whole discussion of land rights for Aboriginal people. That resulted in legislation being brought to this Parliament at a time when various interest groups used the media and a large amount of money lobbying heavily against those principles. At the end of the day there was total support for the legislation from all the various interest groups. Only one narrow, sectional, ideological group stopped the passage of the legislation; that is, the conservative parties which now form the Government in this State.

At that time, realising the tremendous division and damage caused by the campaign to block the legislation, then Premier Burke said there would be no further move to establish land rights. If one has any knowledge of the hatred, animosity and division whipped up by that campaign, one could only say that to try to do justice for the Aboriginal people by legal means against the opposition of the conservative parties would be to the detriment of Aboriginal people. With that in mind, and the clear understanding of the political realities, the Labor Party said that it would not pursue land rights. That was clearly stated. For members opposite, particularly the member for South Perth, to totally misrepresent the situation shows the depth to which the Government has sunk with this legislation.

MR D.L. SMITH (Mitchell) [7.42 pm]: This week the media seem to have been celebrating the assassination of John F. Kennedy. Some people have been recounting their recollection of the day. My recollection of the day was that I went down to breakfast at St Thomas More College where a fellow student informed me what had happened. My initial reaction was one of disbelief. I spent the rest of the day in a state of shock. A great visionary had been lost. Whatever people say about John F. Kennedy's personal life he inspired in many people a belief in the ideals which lie at the heart of any democratic and compassionate society. That was an era of some great men. Many people heard the original version of Martin Luther King's "I have a dream" speech - a man who also met his death by way of assassination by people in the United States who did not believe in the equality of the races; and remember the death of Robert Kennedy when his life was cut short far too early because he was prominent in the civil rights movement.

I want this House and the Premier to know that I feel today the same shock and dismay that I felt on the day John F. Kennedy was assassinated - but rather than my feelings being as a result of the loss of a visionary force in the world, it is a feeling of intense shame that the ideals which the Kennedy vision encompassed and that which the Martin Luther King speech was all about have evaporated in this State.

Ultimately, we have been prepared to accept the fact that in this State we do not believe in any of the great democratic and humanitarian principles, or in the equality of the races or all people before the law. With this legislation we are dispossessing the most powerless and disadvantaged group within our society, the people who preoccupied our country for 40 000 years before we arrived 200 years ago. We do that on the basis of a fabrication which says that somehow, when people have established a legal title before

the courts, we can come to this place and pass legislation which in effect extinguishes that right and then purport to replace it with a right of equal status. We all know that is not true. The rights conferred by this legislation are conferred subject only to the legislation itself. All of the provisions of the legislation are about denying that the right ever existed. In the end, we are prepared to pay only lip service of a kind about which we should feel ashamed and disgraced. We do this in circumstances where we know that the legislation cannot stand up to constitutional challenge, or any challenge under the Racial Discrimination Act, and it does not meet our international obligations under the various covenants to which we are signatories.

The legislation is a shameful exercise in an attempt to project the Premier as a tough person; it is purporting to do the service of the mining industry when we know that we are delaying a solution, and extending the uncertainty. Most importantly, we are saying to the Aboriginal people that they are not equal; they do not deserve the protection of the law; they do not have rights equal to our rights; and if any court in this land dares to say they have such rights, we as the Legislature, as a Parliament, and as a State, will use every last bit of Executive and legislative power to ensure that any such court decision is invalidated and those rights are taken away.

Anyone who is committed to democratic principles, to humanitarian notions of equality and fair play, knows that this is bad legislation. It is disgraceful legislation. I very much feel the shame that the member for Kimberley said we should feel if this legislation is passed tonight, if it is allowed to come into effect at any time - even in the short time that the High Court will allow it to exist.

MR COURT (Nedlands - Premier) [7.48 pm]: I thank members for the comments made during the third reading debate. I cannot agree with the comments by Opposition members which included such emotional words as shock, dismay, racist, shame, despicable, violation of rights, abrogation of rights and so on. I find it amazing that when debating this piece of legislation that, for the first time in the history of this State, will enshrine in the law the statutory rights of Aboriginal people to traditional usage of their land -

Several members interjected.

Withdrawal of Remark

The **SPEAKER**: I understand that the member for Mitchell said "That is a lie."

Mr Taylor interjected.

The **SPEAKER**: Order! I call to order the Deputy Leader of the Opposition. I cannot keep giving him favoured treatment. He will run out of time shortly. If the member for Mitchell made that remark, I ask him to withdraw.

Mr D.L. SMITH: Out of respect to you, Mr Speaker, and for this place, I withdraw.

Debate Resumed

Mr **COURT**: At the same time comments were made that if a development is to occur on land where Aboriginal people have traditional use of the land, and if that traditional use is to be impaired or extinguished, fair compensation must be paid; but for the first time, before a mining or land title is granted, Aboriginal people must become part of the formal process. Yet members in this House use words such as dismay, racist, shame and despicable. All I can say is that Opposition members cannot have read the legislation. People all around the country have been analysing the legislation and saying that it is fair and that it is more in line with the High Court ruling than is Mr Keating's legislation. Former High Court judges have read the legislation and have been supportive.

Mr Ripper: Is there an Aboriginal group that supports it?

Mr **COURT**: Every day, different Aboriginal groups have been attending my office.

Several members interjected.

The SPEAKER: Order! I am sure that members realise that this level of interjection is totally inappropriate. Two members have just been heard in silence. I do not expect members to hear the Premier in silence, but it is not appropriate to have several members interjecting so loudly that we cannot hear the Premier responding. If that keeps up, I will have to take some action. I do not wish to take action. I call on members to cooperate and allow the Premier to reply, as other members have been allowed to.

Mr COURT: Yesterday, I met members of the Aboriginal Lands Trust, who support the legislation and who understand how it will work. However, if I mention Aboriginal groups, Opposition members will pour a bucket on them. If they do not comply with the Opposition's line, members opposite are not happy.

One thing that came out of the debate today is that the Leader of the Opposition has conceded that it could well be possible, under certain circumstances, for land management in this State to transfer to Canberra. She has admitted that publicly for the first time. That is the last thing that we want.

Instead of coming up with all the negatives and all the emotional arguments relating to JFK and so on, why did Opposition members not try to find some good things about the legislation? Not one speaker opposite had anything good to say about a piece of legislation that for the first time in this State will give some Aboriginal people real rights enshrined in the law.

Division

Question put and a division taken with the following result -

Ayes (27)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Court
Mr Day
Mrs Edwardes

Dr Hames
Mr Johnson
Mr Kierath
Mr Marshall
Mr Nicholls
Mr Omodei
Mr Osborne
Mr Pandal
Mr Prince

Mr Shave
Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Noes (19)

Mr Bridge
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop
Mr Graham

Mr Grill
Mrs Henderson
Mr Kobelke
Dr Lawrence
Mr McGinty
Mr Ripper
Mr D.L. Smith

Mr Taylor
Mr Thomas
Ms Warnock
Dr Watson
Mr Leahy (*Teller*)

Question thus passed.

Bill read a third time and transmitted to the Council.

MOTION - CITY OF PERTH RESTRUCTURING BILL

MR C.J. BARNETT (Cottesloe - Leader of the House) [7.56 pm]: I move -

That Order of the Day No 7 be now taken.

MR RIPPER (Belmont) [7.57 pm]: Less than 10 minutes ago, the Leader of the House informed me that we would be dealing with Order of the Day No 7, after weeks of assuring the Opposition that the order of business as indicated on the Notice Paper was

the Government's definite order of business and something on which we could rely. Now we see a little bit of tit for tat. It is an indication of the immaturity of the way in which the Leader of the House manages the business of the House.

Several members interjected.

The SPEAKER: Order! On both sides of the House, the level of interjection is far too high. It is not acceptable and cannot be tolerated. If members continue to disrupt the House in this way, I will have to take action.

Mr RIPPER: The Opposition is more than prepared to debate Order of the Day No 7. Our speakers are well and truly prepared on this matter, as will be seen when the debate commences. However, I place on record my disappointment, dismay and anger at the way in which the Leader of the House has managed this matter. The Opposition has been assured for weeks that the order of business on the Notice Paper is something that we can rely on.

Prior to the dinner suspension, I approached the Leader of the House to discuss Orders of the Day Nos 3 and 4 because the Leader of the Opposition was to attend a function which the Premier is now attending. As I was assured by the Leader of the House that he would be handling the debate, we held back the Leader of the Opposition from attending the function so that she could debate Orders of the Day Nos 3 and 4. What do we find? The Leader of the House moved that we proceed to Order of the Day No 7.

Mr McGinty: An act of bastardry.

Withdrawal of Remark

The SPEAKER: Order! I call on the member for Fremantle to withdraw those remarks. It is inappropriate language.

Mr McGinty: "An act of bastardry" - that is okay.

The SPEAKER: Order! I formally call the member to order. I call on the member to withdraw those words which are not appropriate in this Parliament. The member can make his choice.

Mr McGINTY: I withdraw. That's stupid.

Point of Order

Mr C.J. BARNETT: The member for Fremantle did not make an unreserved withdrawal. I ask that he withdraw again.

Mr McGinty: I sat down and I said, "That's stupid."

Mr C.J. BARNETT: His comments were, "I withdraw. That's stupid." It is not acceptable.

The SPEAKER: Order! I have accepted the member's withdrawal, but it is not appropriate for members to add to their withdrawal.

Debate Resumed

Mr RIPPER: It is quite clear that the temperature in this place has risen for a reason; that is, the way in which the Leader of the House is managing this place. We would all get through the business with less angst and more satisfaction if the Leader of the House could be trusted to manage the House in a responsible way. It is not responsible and does not create trust to indicate one thing to the Opposition and then at 10 minutes' notice, in a tit for tat revenge exercise - an example of immaturity - to switch the plan.

The Leader of the House needs to accommodate some of the political pressures that occur within this place. A pattern is emerging: The Opposition makes a political point and the Leader of the House loses his cool and decides upon some sort of revenge and has a tantrum. What does he expect? Of course the Opposition will make political points in the Parliament. The Opposition is here to scrutinise the Government and to put pressure on the Government. Political points will be made by the Opposition, and when that occurs the Leader of the House should sit back and say, "This is Parliament; this is what

happens in Parliament", and allow the proceedings to continue. However, every time the Opposition makes a political point the Leader of the House gets stung and decides to play ducks and drakes with the business of the House by way of revenge. It is just not on. All it does is to raise the temperature in this place and to stir up further trouble for the Leader of the House. We will debate any item on this Notice Paper that the Government wants to debate, with vigour.

Several members interjected.

The SPEAKER: Order!

Mr RIPPER: If the Leader of the House wants to manage the business of the House properly, he must take action in a way which creates trust. If his word cannot be believed, if we cannot accept that his word will be honoured, his job in managing this place will be an extremely difficult one.

Mr Catania: They do not know what honour is.

The SPEAKER: Order! The member for Balcatta will cease interjecting.

Mr RIPPER: Credibility is the only asset of a politician. The Leader of the House has just lost some of his asset; he has just damaged his own credibility and his honesty with this motion.

Division

Question put and a division taken with the following result -

Ayes (25)		
Mr Ainsworth	Mr Kierath	Mr Strickland
Mr C.J. Barnett	Mr Marshall	Mr Trenorden
Mr Blaikie	Mr Nicholls	Mr Tubby
Mr Board	Mr Omodei	Dr Turnbull
Mr Bradshaw	Mr Osborne	Mrs van de Klashorst
Mr Day	Mr Pental	Mr Wiese
Mrs Edwardes	Mr Prince	Mr Bloffwitch (<i>Teller</i>)
Dr Hames	Mr Shave	
Mr Johnson	Mr W. Smith	
Noes (21)		
Mr Bridge	Mr Graham	Mr Ripper
Mr Brown	Mr Grill	Mr D.L. Smith
Mr Catania	Mrs Henderson	Mr Taylor
Dr. Constable	Mr Kobelke	Mr Thomas
Mr Cunningham	Dr Lawrence	Ms Warnock
Dr Edwards	Mr Marlborough	Dr Watson
Dr Gallop	Mr McGinty	Mr Leahy (<i>Teller</i>)

Question thus passed.

CITY OF PERTH RESTRUCTURING BILL

Report

MR OMODEI (Warren - Minister for Local Government) [8.05 pm]: I move -
That the report of the Committee be adopted.

Division

Question put and a division taken with the following result -

Ayes (26)

Mr Ainsworth
Mr C.J. Barnett
Mr Blaikie
Mr Board
Mr Bradshaw
Dr Constable
Mr Day
Mrs Edwards
Dr Hames

Mr Johnson
Mr Kierath
Mr Marshall
Mr Nicholls
Mr Omodei
Mr Osborne
Mr Pental
Mr Prince
Mr Shave

Mr W. Smith
Mr Strickland
Mr Trenorden
Mr Tubby
Dr Turnbull
Mrs van de Klashorst
Mr Wiese
Mr Bloffwitch (*Teller*)

Noes (20)

Mr Bridge
Mr Brown
Mr Catania
Mr Cunningham
Dr Edwards
Dr Gallop
Mr Graham

Mr Grill
Mrs Henderson
Mr Kobelke
Dr Lawrence
Mr Marlborough
Mr McGinty
Mr Ripper

Mr D.L. Smith
Mr Taylor
Mr Thomas
Ms Warnock
Dr Watson
Mr Leahy (*Teller*)

Question thus passed.

Third Reading

MR OMODEI (Warren - Minister for Local Government) [8.08 pm]: I move -

That the Bill be now read a third time.

DR GALLOP (Victoria Park) [8.09 pm]: The City of Perth Restructuring Bill was the subject of argument and analysis in this Parliament last week. There is a very important point that we need to make about the way this debate has gone. We have witnessed what I can only describe as a very poor effort from the Government in general and from the Minister for Local Government in particular.

Mr Nicholls: He did a good job.

Dr GALLOP: The Minister did a good job from the point of view of his Government: He sat there mute; he did not address any of the questions that were put to him; and, like a little dingo, he faithfully carried out the orders that were given to him.

This legislation is not designed to improve the system of local or metropolitan government in Western Australia but to transfer wealth and power to a small and select group of people in the central business district.

Let us look at the performance of the Government during the Committee stage of this Bill. Firstly, the Minister for Local Government and other Government members made little or no effort to explain or justify the clauses of the Bill. When we asked why clause 27 is in the Bill, the Deputy Premier said that it is in the Bill because it is in the Bill. When pressed further, he said that we need clause 27 to come after clause 26 and to go before clause 28. That is the amount of understanding that exists on that side of the House about the realities of this legislation; indeed, that clause will take away from citizens their right to press legal proceedings against the non-elected commissioners who will be put in place. Secondly, the Minister and the Government continued to justify the legislation on the basis of a mixture of the now discredited Carr-Fardon report, which we were told by the Minister for Planning is nothing more than a working paper, and a deliberate misreading of the various inquiries into government in the City of Perth.

A pamphlet distributed by City of Perth workers last Saturday at their open day states many good reasons why the Carr-Fardon report is flawed: It is subjective and lacks credibility; its financial analysis is fundamentally defective, based on an analysis of that report by the City of Perth's financial officers; and its findings are not supported by earlier inquiries. We see from those reasons that from the point of view of good financial

management and planning principles for local government, this Bill does not shape up. The last thing this Government wants is a process by which the Bill is subject to scrutiny. Were there a proper process of scrutiny in this Parliament, this Bill would fail.

None of that worries the Government, because the bottom line of this legislation is that the Government is not motivated by intellectual arguments or by arguments backed up with solidly based research, but is simply carrying out the request of a particular interest group which owns property in the CBD and is represented politically by the Building Owners and Managers Association and the Chamber of Commerce and Industry of Western Australia. The Government was asked by those interest groups to bring forward this legislation. It then put into place a shoddy inquiry to justify what it wanted to do and came into this Parliament with this legislation. This legislation is designed not for the public interest but for a particular self-interest. Therefore, it is incumbent upon us as legislators to subject this Bill to the deepest analysis of which we are capable.

That is the reality of the process which the Government adopted in defending this legislation at the Committee stage. The Minister sat there with his advisers and was not interested in the details of the Bill. He just passed the time while Opposition members raised questions and put arguments about the Bill. The job which the Minister has been given on behalf of the Government is to go to the public meetings, sit there, take all of the flak, and make no response to the arguments that are put. This Minister does not represent any constituencies which relate in any way to the City of Perth. It is ironic to note that had we when in Government come into this Parliament with a City of Manjimup restructuring Bill, a City of Merredin restructuring Bill or a Town of Wagin restructuring Bill, members opposite would have bleated and complained and opposed it. That indicates that members opposite come to this Parliament not with a clear conscience about this legislation but armed with an argument for a particular interest, and that is all they are dedicated to carrying out.

This legislation represents the overturning of a pre-election commitment given by the Liberal and National Parties. We on this side of the House have established clearly that during the last election campaign, through the general local government platform of the Liberal and National Parties, and through pamphlets put out in the seats of Glendalough, Perth and Victoria Park, the Liberal and National Party coalition assured the electors that if boundary changes were contemplated, they would have the right to veto those changes by way of a referendum.

Secondly, this legislation deliberately avoids the provisions of the Local Government Act by the introduction of separate legislation which, in the event of conflict with the Local Government Act, will override the provisions of the Local Government Act. I ask all members of this Chamber to reflect upon what that means for the future of local government in this State. Within the Local Government Act we have a framework for changing the boundaries of local government. However, rather than work through that legislation or come into the Parliament to change that legislation in order to change local government boundaries in a certain way, this Government has introduced legislation that will override the Local Government Act. The Executive arm of Government controls both this House and the other House, and the precedent that this legislation has set is that whenever in future any political party controls both Houses of this Parliament - and let us hope that in future we will have a decent system of electoral reform which will provide a proper check and balance in the Legislative Council - and wants to avoid the provisions of the Local Government Act, it can just come in and drive that legislation through the Parliament.

I still hope that there will be members of the Legislative Council who have the decency to reflect upon the commitments that were made during the election campaign, the personal knowledge of the Local Government Act and the way it operates, and the personal commitment to local government in this State, and who vote against this legislation when it gets into the Legislative Council. Make no mistake; this is a real threat to the constitutional status and autonomy of local government.

Thirdly, this legislation will mean the suspension of the democratically elected council

and its replacement with appointed commissioners until 1995. All important questions about assets, personnel, planning of the city and issues that are faced by local government of the city over the next 18 months will be delegated to non-elected commissioners the identity of whom we are still in the dark about because the Government has not told us who they are. Members opposite will support legislation which will give enormous powers to five individuals and they do not know who they are. They are willing to vote for a blank cheque when it comes to the provision of local government services in the City of Perth for the next 18 months. When we abolish a local government and put in place commissioners, we must have good reason for doing it, but the Government has produced no good reason for replacing democracy for 18 months with these commissioners.

Fourthly, this legislation involves the planned replacement of a financially sound, medium size local authority with four municipalities, three of which will find it difficult to provide the current level of services being provided by the existing city without significant rate increases. There has been a complete charade in this debate. When the Government first introduced the legislation, it said that there need not be any rate increases for the new towns because the financial analysis in the Carr-Fardon report indicated that to be the case. The report was demolished because it did not have a proper basis for arguing its propositions about the City of Perth. It had already built in an increase in rates for those three proposed councils. It became clear that the Government had not done its homework on this issue. The amendments to the Bill prove once and for all that a rate increase will be necessary for this legislation to be effective.

Fifthly, the assets built up by the City of Perth over the years to provide efficient and effective services to its citizens and also to fund new initiatives in urban renewal and public facilities throughout the city, purposes that are justifiable under the existing legislation which has established those trust funds, will be now used by the commissioners set up by this Government to create three new depots and three new municipal offices. What a squandering of public assets that is. The Government is handing over to these commissioners assets built up over the years to be used on behalf of the citizens of Perth, to build new bureaucracies and new depots. That is a complete inversion of the principles of microeconomic reform.

I move on to the Committee stage of the debate on the legislation. First, the Government members rejected an amendment which would have allowed for a referendum of the citizens. Members of the Liberal Party and the National Party voted against the referendum amendment which would have enabled them to honour a commitment which they gave to the electorate in the election campaign. Make no mistake; we will remind all the electors of members opposite about their complete betrayal of the commitments they gave them during the last election campaign. This opportunity was provided to them to support that commitment and they failed in their duty.

Secondly, and very importantly, the Minister for Local Government gave no assurances at all to the staff of the City of Perth about the methods that will be adopted by the commissioners to deal with the complex personnel and industrial relations issues that will follow if this legislation goes through the Parliament. He said that that was a matter for the commissioners.

Mr Wiese: Don't scaremonger.

Dr GALLOP: Is the Minister denying the truth of what I am saying?

Mr Wiese: You are scaremongering.

Dr GALLOP: I am not scaremongering. The Minister sent a letter to the Australian Services Union and the other unions saying that the question of industrial relations and personnel would be matters for determination by the commissioners. What confidence can they have in their interests being protected when the commissioners will be put in place by a Minister for Local Government who went out on the steps of this Parliament and told those decent people who have worked hard for many years on behalf of the citizens of Perth, who have the audacity to oppose what this Government is doing and to

use their democratic rights to oppose the actions of this Government, that if they were employed by him, they would be out of a job? If a Government cannot tolerate opposition, it should be classified as authoritarian and dictatorial, and that is the nature of this Government. Therefore, the Committee stage gave the workers of the City of Perth no assurances about their future.

Thirdly, the Government introduced an amendment making it possible for funds from the endowment lands account and the parking facilities trust fund of the City of Perth to be directed to the new towns from 1995 to 1999 if approved by the Minister. That amendment was a direct acknowledgment of the financial difficulties that will be faced by those three new towns. It was a direct acknowledgment by the Government that when it first introduced this legislation it was based on a totally flimsy financial analysis of the towns. The cynicism of this Government is indicated by the amendment that will allow it to buy its way out of the issue before the next State election. That is the rationale behind that amendment.

Fourthly, in the Committee stage the Government gave an undertaking to look at clause 27, a ridiculous, offensive and unjustifiable clause. The only possible justification that could exist for this clause would be if the potential commissioners said to the Government, "I will take on this job but there is no way that I will be held legally responsible for what I do." The Government then put in a clause that would free the commissioners from legal liability and responsibility. That is not a justification. It may be a possible explanation of why the clause was included, but any reasonable person would reject a clause which removed a citizen's right to take legal proceedings against the commissioners. We shall take a lot of interest in what the Government does in another place to amend this clause.

Fifthly, the Government agreed during the Committee stage to place the Burswood locality within the proposed town of Shepperton rather than within the City of Perth. Again, that was recognition of the shoddiness of the original planning for this proposal. Burswood has always been, historically, geographically and financially, within the southern suburbs. That amendment which was pressed upon the Government -

Mr Omodei: It took the wind out of your sails, mate.

Dr GALLOP: Not at all. People still come into my office, and petitions are still coming in from the residents of Victoria Park and the surrounding suburbs on this whole question of the future of the City of Perth.

Mr Omodei: I bet you tell them a nice old line.

Dr GALLOP: I tell them no less than the truth. Can the Minister tell me of one proposition that I have put to my electorate which is not true?

Mr Omodei: Were you the person who told the little old lady that we were going to stop the Christmas party?

Dr GALLOP: Where did the Minister get that from? I have no idea whatsoever.

We are left with bad legislation, about which the Government continues to deceive the public of Western Australia. We have a process of change which ignores the rights and interests of residents and ratepayers within the City of Perth. This represents a significant threat to the autonomy and constitutional status of local government in this State. We have an authoritarian and dictatorial Government with a disinterested Minister. The Minister is carrying out the wishes of his Government without question, and he is not representing or putting a voice for local government. In turn, the Government is carrying out the wishes of the property owners in the central business district. That is not the way to conduct government in this State.

Finally, we have an extraordinary commitment to wasteful expenditure on new administrative offices, bureaucracies and depots. In the 1990s in Western Australia how can any value be seen in spending between \$15m and \$20m on new council depots and municipal offices? The City of Perth is not a big council; at best, it is a medium size council.

Mr Strickland: Is your policy to amalgamate councils?

Dr GALLOP: We certainly believe that there is room for more amalgamation of local government within the framework of the Local Government Act.

Mr Omodei: What did you do for 10 years?

Mr C.J. Barnett: Where is your Local Government Act?

Dr GALLOP: A great deal of hard work was put into that legislation, and the Government inherited that hard work. Let us hope that the Bill which comes before this Parliament as a result of that work is decent legislation. Let us hope that it is not like the Collie power station, on which a great deal of hard work was done, yet the new Government pushed the proposal to the ground.

Finally, I refer to our system of local government. Many individuals in our community provide voluntary services to local government. These individuals stand for elections, which some win to represent their areas. The minimum degree of commitment which should be given by legislators to these individuals - I believe, in fact, that the commitment should be much greater - is that if we are to change the system of local government, we must determine among ourselves that it should be done according to the Local Government Act. If the change is to be made by any other method, the Local Government Act should be changed first through a process of debate in this Parliament. That is the minimum commitment legislators should provide to those individuals within local government.

The Government has shown no such respect for the elected representatives, ratepayers, citizens and work force of the City of Perth. This work force is very angry in facing an uncertain future, as it has been treated with contempt by this Government. The Minister has certainly not allayed the fears of the work force in his comments and attitude in the face of legitimate opposition to this proposal.

The vast majority of the elected councillors on the City of Perth are appalled by what has happened. The councillors were not consulted or taken into confidence by this Government. They have been treated with total and utter contempt, as have the ratepayers and citizens of that council. I am pleased to see that the City of Perth is fighting back. It is showing a lot of spirit and on 4 December it is organising its own referendum within the city boundaries. It is incumbent on us as members of Parliament to support that referendum among the residents and ratepayers of the area.

Mr Blaikie: You're wasting your time.

Dr GALLOP: Why is that?

Mr Blaikie: Because the legislation will pass, and you know it.

Dr GALLOP: That is the member's attitude towards the residents and ratepayers, the elected councillors and the work force of the City of Perth. The member's comment summarises this Government's attitude towards local government; namely, we have the numbers and those affected must cop it. That is a disgraceful attitude! I hope that all local government representatives around this State will send a clear message to the Government. I know that the residents and ratepayers of the City of Perth have already sent a message regarding this legislation.

MR MARLBOROUGH (Peel) [8.38 pm]: Today is another tragic day in the history of this Government in its running of the State.

Mr Blaikie interjected.

Mr MARLBOROUGH: The member for Vasse made the comment that we should sit down and keep quiet on this legislation because we know it will pass through the Parliament. I remind the member that some upper House members should be very concerned about this legislation as it will affect residents within their electorates. I refer to Mr Foss, Mr Tomlinson, Mr Clive Griffiths, Mr Lightfoot, Mr Cash, Ms Barbara Scott and Mr Evans. Those upper House members should have a very close look at this legislation. The Minister still has an opportunity to overturn this dastardly legislation.

Mr Omodei: Not another message to the Minister!

Mr MARLBOROUGH: It worked very well the other day. What a performance afterwards; talk about being caught hook, line and sinker! Everybody from the general manager of the Perth City Council down now knows where this Minister for Local Government is coming from. He made that quite clear when he told them that as far as he was concerned if he were employing them and they had taken such action he would have sacked them all. They have made up their minds about him. In many ways he can be excused for his actions because he is not that bright. However, some people around him profess to be a bit brighter. They should take real notice of their actions or lack of actions. I refer particularly to the member for Cottesloe, who will be in the new tiny town of Cambridge and whose residents are very angry over the actions he is proposing. In fact, on 16 November at a public meeting at the Floreat Forum attended by the Minister for Local Government, over 500 of those residents told him how angry they were.

Mr C.J. Barnett: I was not there.

Mr MARLBOROUGH: I was talking to the Minister for Local Government. Over 500 people attended and the Minister, who was there, knows it. However, the member for Cottesloe was not there. The majority of those people were concerned about an area of land which lies within the Cottesloe electorate; that is, the endowment lands. They were extremely angry at the effect this Bill will have on those endowment lands and that they will be used to bankroll these tiny towns the Minister is setting up. The tragedy of that simple act under his Bill is that the member for Cottesloe has done nothing and said nothing to support his electorate.

Mr C.J. Barnett: How would you know?

Mr MARLBOROUGH: I know perfectly well because the people of Cambridge are telling the whole world he has done nothing. The member should point to where he has done something.

Mr C.J. Barnett: I will allow you and my constituents to judge me on the outcome.

Mr MARLBOROUGH: The Minister relies on the old adage that if one has 80 per cent, one can afford to lose 30 per cent and still win. That does not allow him to by-pass his obligations as a representative of those residents. He may like to live by that sort of decree, but the residents know where he is coming from. He has not said one word against this Bill. He has not stood up and tried to defend the use of endowment land or the use of that money from the town of Cambridge. The only person I am aware of who has done anything to set about at least putting the record straight on how the residents feel is the member for Floreat. Unlike the member for Floreat, the member for Cottesloe has not done one thing to make sure that that land is at least protected in such a way as to be available for use within the Cambridge area. He leaves much to be desired in putting forward the views of that sector of the public.

I refer to the main thrust of what this Government is doing. Even at this late stage the Minister has an opportunity to turn this Bill around. Never in the history of local government in this State has it been attacked, ignored, or disfranchised in such a way. It has affected not only the elected councillors and their senior officers, but also the ratepayers of those councils. Today, the Premier will have received a letter from the Western Australian Municipal Association signed by its President, Joe North. If it is not on his desk today, it will be there tomorrow. It calls on this Government - a very reasonable request - to -

Mr Omodei: An absolute gentleman.

Mr MARLBOROUGH: I hope the Minister will take notice of those absolute gentlemen because that letter to the Premier asks the Minister to stop the actions provided for in this Bill. It wants him to put in place a committee which will look at a process of change within the PCC and make certain recommendations which could then go to the community by way of a referendum. The Minister has already indicated they are perfect gentlemen. I suggest he take notice of the letter they are sending him. If he thinks they

are perfect gentlemen, as do I, and by that definition that they are responsible and reasonable people, he will take notice of their request.

Mr Omodei: I always listen to advice.

Mr MARLBOROUGH: I did not ask what the Minister listens to. Will he act on their request?

Mr Omodei: When I get the letter I will deal with it in a way I think fit.

Mr MARLBOROUGH: That is the Minister's answer and the best he can do. He started this situation over two weeks ago - he has been responsible for the carriage of this Bill. It has been brought to his attention, supposedly in the last two minutes, that WAMA, the key group of local government, has taken the opportunity today of writing to him and the Premier and asking them to halt this legislation. That is how much faith it has in his actions. I suggest to the Minister that WAMA has demonstrated that it is far more in touch with the needs and wants of local government than he is. That is why it has written to him and asked him to stop these actions. If the Minister genuinely believes that his actions are correct in response to the changes he is saying are necessary for Perth city, let us put together a broad ranging committee where we can bring together other views. We already know that the Carr-Fardon report has been totally discredited. He is the only person still trying to hang his hat on that document. One can talk to any senior executive of the existing PCC or WAMA; they all know that it is an absolute disgrace that the Carr-Fardon report simply used a hypothetical situation based on the City of Nedlands. When one looks beyond that hypothetical situation and examines the cost of setting up these tiny towns and the ongoing cost of running them, one sees the document fall apart. The figures Carr and Fardon used were plucked out of thin air and based on whispers heard around the bar of the Weld Club, the Chamber of Commerce and Industry or the Building Owners and Managers Association. Nobody, particularly the city manager of Perth and the city treasurer, gives them any credit whatsoever. I remind the Minister of what the city manager wrote to his staff on 19 November 1993. He said -

... that restructure to smaller units is likely to occur. There are considerable benefits in maintaining local authorities which have the advantages and flexibility of carrying out major projects by reason of the economy of size.

I believe the City of Perth, in its current form, has over the years shown to be the premiere local authority of Western Australia and provided all West Australians with a capital city of which they can be justly proud. I am also very proud of the current team of staff who have shown a great deal of dedication and loyalty towards the Council and the principles of Local Government.

That is what the city manager, Reg Dawson, probably recognised -

Mr Omodei: Wonderful fellow.

Mr MARLBOROUGH: It is a pity that that is as far as the Minister's sincerity goes. He says something like that and throws it in the bin when he says it because he is not interested in whether he is a wonderful fellow or his capability as a city manager when he puts to paper a view that disagrees with the Minister's point of view. His letter will be discarded in the rubbish bin just as the letter from the President of WAMA will be discarded. The Minister has no credibility or sincerity. It is no good mouthing empty words. The Minister, as recognised the other day, is vicious and an empty vessel.

The Minister demonstrated that on the steps of Parliament the other day. He has no credibility, nobody believes him, and that is how he is recognised by the Perth City Council. The actions it has taken stem mainly from his speech on the steps of Parliament House. They have decided to go ahead with the referendum on 4 December, and they are so concerned to run that referendum that their staff are going to be manning the booths on the day at no cost. They are coming in their own time, and they will be running that referendum.

Mr Omodei: That was this weekend, and they came in this weekend.

Mr MARLBOROUGH: It is not this weekend. I will bring the Minister up to date. On

4 December the Perth City Council will be running a referendum under the Local Government Act.

Mr Omodei: Under which section?

Mr MARLBOROUGH: He will see that it will meet the requirements of the Local Government Act. Just look at the limits that this Minister has put them to. Fancy people like Reg Dawson and Ron Back, senior officers and workers having to take this action. Does the Minister know why? It is because they have no faith in anything he says. Just as flippantly as he says that Dawson is a lovely bloke and North is a gentleman, he flippantly says, "You will keep your jobs. We will make sure of that and there will be no changes. We will not sell off the parking facilities when we create the new Perth City Council or do anything that will see your jobs jeopardised." They do not take him seriously, because they see his mannerisms and read his body language and know he is totally insincere. They have no faith. Those of us who have had anything to do with local government and are concerned about the future of Perth and how people have been disfranchised, will ask ourselves the question, as his colleagues in the upper House covered by this change ought to be asking themselves: Which local government has had to go to this length and put in place its own referendum?

If the Minister is right and changes are needed why not let the people most affected be part of the decision-making process? Why not let those people take part who are being disfranchised in terms of voting and who have been part of putting in place for the Perth City Council this bowl of financial security, by the very fact that they have been paying rates and participating for a number of years in the decision-making process? They are to have that taken away from them in one fell swoop and to be given nothing in its place, other than this Government saying to them, "As of a certain date we are going to put in place five faceless commissioners, who from that point on will be making all the decisions that affect the CBD and they will be in charge of your job security and the setting up and running of these new towns." For what reason are they there? There is no justification. The Minister started off saying two weeks ago that there is no financial report for these changes was that Perth needed to be planned better and this was all about planning. Yet wherever we have looked in the Carr-Fardon document there is not one mention of planning. When one looks at the process by which the Minister intends to put this in place, for example, by the committee process enunciated in this document, the coloured flyer, there is not one level to be put in place that can convince anybody these changes are brought about by the need for the better planning of Perth. As I said earlier, when we go into the details of the Carr-Fardon report, we see that there is no financial report which will convince the residents of Perth of how the towns are intended to be secure not just for now but in the future. As I said earlier, the Minister does not have to listen to any request I make other than that he has been given the opportunity by WAMA today in writing to put a halt to this proposal and tackle it in such a way that if he is sure his views can stand up to the rigour of examination he will allow this to be examined through referendum.

Mr Omodei: Did you do that when you spent \$300m on PICL?

Mr MARLBOROUGH: We are not talking about PICL. We are talking about the Minister's role in disfranchising 80 000 people and his role, as Minister for Local Government, in throwing the Local Government Act out the window so it is not worth the paper it is written on in terms of protecting the residents of Perth and, quite honestly, in terms of protecting any local government authority in this State. If the Minister can demonstrate through this action that this method of operation by State Government against local government is going to be the norm or can work, every local authority in this State has a right to be concerned about its future. The glib lines about Joe North and Reg Dawson being gentlemen are the same sorts of glib lines that he ran on the Perth City Council doing a good job, on local government doing a good job and on WAMA doing a good job. At the end of the day all those lines are thrown to one side and if the Minister decides, where it suits him politically to bring about a dramatic change in local government, to set aside all of the guidelines of fair play of going to a referendum, he will do it. If he had any real conviction about his actions, he would embrace a

referendum and sit down today and say to WAMA, Joe North and his executives - and I implore him to do this - "We believe changes are needed and it is a right of Government to suggest it, but let us see if we cannot work together to bring about those changes. Let us see if we cannot work together in such a way that when we have decided at this executive level the sorts of changes that are needed, we will take them to the public." The Minister has been given the opportunity to do that in response to approaches he has had from WAMA in the last 24 hours.

Tragically we have reached the point with this Bill - and this is the sad part about what the member for Vasse said - where we know the Bill will be passed. The Government absolutely ignores the role of the upper House and puts to rest the view proposed by itself that the upper House is a House of Review. The decision has already been made in the caucus room. The numbers are there; they have a majority of one, and, according to the member for Vasse - I am sure it is also the view of the Minister by the way he is treating this matter - that is what will happen.

Let us get back to some of the points the Minister has made in the last two weeks in regard to these changes and why they are necessary.

The Minister talks about the existing boundaries being inappropriate. He talks about the differences between residents in City Beach and others as far flung as Victoria Park. The boundaries are no more inappropriate than those which the Minister is intending to set up within the new Perth central business district. Why suddenly should Crawley be in the capital city authority and not the residential and commercial areas of the north?

Mr Omodei: It has been there for the past 10 years. You did not change it.

Mr MARLBOROUGH: The Minister is changing it. What is the rationale he is using?

Mr Omodei: I did not see that as a priority. I see that as the responsibility of the new Perth City Council and its neighbours after 1995.

Mr MARLBOROUGH: The Minister has said the boundaries are inappropriate. I am asking why Crawley is left in the Perth CBD. It seems to be equally inappropriate with new boundaries.

Mr Omodei: It might interfere with the current boundaries of the Perth CBD. Did you read the Local Government Act?

Mr MARLBOROUGH: What can I find out from the Local Government Act that the Minister cannot tell me?

Mr Omodei: You do not even know how many local government authorities there are.

Mr MARLBOROUGH: I am close enough with the numbers to worry the Minister. The representation in the central area on the council which the Minister proposes to change will not only give the central area a greater say, but will disfranchise all the residents in the Perth CBD because of the smart Alec tactic the Minister has tried to pull within this Bill. In every other tiny town the Minister has set up a ward system which allows for two representatives from each of the four wards. The Minister has created one ward in the Perth CBD. That has been done for a particular reason.

Mr Omodei: Why is that?

Mr MARLBOROUGH: The Minister knows why. The Minister wants to hand over Perth to the business sector, to his mates. The Minister knows that under the present Local Government Act owners of properties and/or their nominees have votes. The Minister is acutely aware that they are better organised in terms of local government votes. If the Minister thinks what I am saying is a nonsense, why does he not change the boundaries so Perth comes into line with the other three towns? What is the rationale for creating that single ward?

Mr Omodei: It was considered to be the most appropriate way because of the population spread.

Mr MARLBOROUGH: The Minister is full of bull. In fact, the Minister is full of

horseshit. That is how people are reading the Minister. The Minister will say anything that supports his view of the Bill. To say that the Perth CBD will be kept as a single ward because it is the best for that area is an absolute nonsense.

Mr Omodei: Give us the benefit of your wisdom.

Mr MARLBOROUGH: If it is so good for that area why has that measure not been used for the towns of Cambridge, Vincent and Shepperton?

Mr Omodei: If you look at a map you will find out.

Mr MARLBOROUGH: These are the throwaway lines the Minister uses all the time. The measure of seeing through and beyond the Minister's role is not anything I may say in this House, it is the action being taken by people. The community is outraged; it has come out to all the public meetings that have been called and not one person has supported the Minister's position on the Bill. As we know, the Minister attended a meeting at the Floreat Forum on 16 November. Those people made it clear why they do not support the Minister. They are people who the member for Cottesloe says vote 80 per cent his way. They are not traditionally of a different political view from the Minister, but they do know right from wrong. They know that the Minister's handling of this legislation will disfranchise them as voters. It will rape them of an amount of money within the town of Cambridge; it will tear their funds apart to throw around like confetti.

The Government will set up these tiny town depots and city offices to duplicate what is already in place in the Perth City Council, but in doing that it weakens them. The community knows there is no way that these tiny towns can provide the level of services that are provided presently by the larger Perth City Council. It is incapable of happening. This is one of the reasons that all levels of the Perth City Council work force are concerned about their jobs. One need only look at the Carr-Fardon report to see they do not have any security. They see through the financial argument that says it will work. The best we have had from the Carr-Fardon report is the Minister saying he is putting five commissioners in place and they will look after those economic questions. Those five commissioners will look after the job futures of the Perth City Council work force. As indicated by the member for Victoria Park, that is precisely what the Minister stated in letters to the unions a matter of a week ago when they asked about job security of their members. The Minister sent them a letter saying that he was sorry he could not enter into a dialogue with the unions at this time, and that the matter should be left up to the five commissioners. The Minister told the unions that the terms of job futures and career paths will be left to the five commissioners. On top of that, the work force know that if they go from a Perth City Council with all of its resources able to service 80 000 people to these financially insecure tiny towns of 20 000 people, something must give. They can draw their own conclusions. We will see a massive increase in rates and/or a dramatic cut in services. We will see a massive sell off of Perth assets. All the parking facilities will go. All the buildings associated with those parking facilities will be sold. We will see jobs normally carried out by the PCC being contracted out. The Minister indicated very early in this debate that his preferred option was contracting out a lot of jobs carried out by the Perth City Council. The Minister still has the opportunity to turn around this line of approach to restructuring Perth. I ask the Minister to consider his position and to at least take notice of the Western Australian Municipal Association's letter to him and act upon it. The Minister should tell the Premier tomorrow that having read WAMA's letter it is an approach which can be put in place - a council to look at the broader picture - and that it is therefore possible to take those recommendations to the people of Perth and let them make a decision.

MR KOBELKE (Nollamara) [9.09 pm]: Debate on this Bill has clearly indicated it is another deceptive piece of legislation from this Government. This Bill is not based on a lie but on two lies: One is the lie that it has something to do with central city planning; the other is that it will somehow improve local government in the area which is now covered by the City of Perth. The Bill is supposed to be based on a report by Dr David Carr and Mr Ralph Fardon. They set out to try to suggest that somehow planning -

Mr Omodei: It draws on the advice of all the other reports as well.

Mr KOBELKE: Will the Minister give me a chance? I have been on my feet for only a minute. This report tries to suggest that this Bill will enact an improved system of central city planning. That is a facade which is not substantiated by the report and which people have seen through. The report suggests that a series of other reports can be drawn on which illustrate that certain action needs to be taken to improve central city planning. The first report listed in the Carr-Fardon report is the "Central Perth Policy Document" prepared by Mr Terry Martin and dated February 1986. The second report is "The Planning Procedures for Perth's Central Area" which is generally known as the Mant report, produced by John Mant in June 1988. Both these reports are directed at planning matters in the Perth city area.

The third report is titled "New Directions for Central Perth" and was produced by CityVision in 1988. CityVision comprises a group of people who care very deeply about the city. They are committed individuals who have a real vision for Perth. They have hope that the city area will be planned in a better way and have given their time to try to produce that result. Its report is certainly something which can be drawn upon. The fourth report listed is "A Capital City for Western Australia" by the Western Australian Chamber of Commerce and Industry and it is dated June 1990. The fifth report is "Future Planning Arrangements for the Central Area: The Position of the City of Perth" which was compiled by Waterman and Associates in July 1991. Again, it is another report which is taking up planning issues dealing with the City of Perth central business area. The sixth report, dated December 1991, is titled "Creating a New City Council - A Strategy for Restructuring the City of Melbourne" and it was compiled by the Melbourne Chamber of Commerce. This report does not have much relevance to central city planning, but for other purposes is included in the list.

The seventh report is titled "Capital City Planning for Perth: The Capital of Western Australia" by AIUS and dated June 1992. Clearly, that report has something to do with planning in the central city area. The eighth report is titled "Strategic Planning Guide for Central Perth" and it was compiled by the Department of Planning and Urban Development in July 1992. The final report is "The Central Area Policies Review: Central Area Today" prepared by the City of Perth in October 1992.

Mr Omodei: There is another report by John MacInerney. Don't tell me you don't know about it.

Mr KOBELKE: The Minister is reinforcing my argument; that is, there is a huge list of reports which try to suggest that somehow this Bill is about addressing issues related to central city planning. This Bill has absolutely nothing to do with central city planning. A quick perusal of the Bill will show that it contains not one clause which relates to central city planning. This Bill is a subterfuge. The Carr-Fardon report raises the suggestion that central city planning is to be addressed and this Bill is the mechanism by which such action will be taken. The Bill does not do anything of the sort. There have been various critiques of the Carr-Fardon report and I will draw on a small part of the report prepared by the City of Perth titled "Summary of Reports Referred to in a Capital City for Western Australia" to illustrate that. The following comment in the PCC report relates to a comment in the Carr-Fardon report about the report titled "A Capital City for Western Australia" by the Western Australian Chamber of Commerce and Industry dated 1990 -

The major recommendations of the Chamber of Commerce and Industry Report are reproduced, along with numerous general comments pertaining to the status of Perth as a capital city.

Therefore, the Carr-Fardon report has largely picked up the recommendations of that one report. It has been indicated in the earlier debates on this Bill that it tends to abuse and misuse many of the other reports in terms of the intention of those reports as reflected in the Carr-Fardon report. The Perth City Council's comments on the Chamber of Commerce and Industry's report continue as follows -

On the basis of a critique by Waterman and Associates the Council cannot accept the Chamber's proposal because it is inaccurate and unsubstantiated by factual

arguments. The assessments of the inter-governmental planning tools used in Sydney and Adelaide are simplistic, and the comparisons with Canberra and Ottawa are inappropriate.

Many of the comments and arguments demonstrate either an unawareness of or misunderstanding of some matters, such as the legislative framework and its operation in Western Australia, the status of the reports like the Central Perth Policy Document, the review of the City Planning Scheme and various initiatives undertaken by the City and jointly with the Government.

The city rejects the argument that rates (and other taxes) should be spent exclusively or even primarily in the areas from which they are collected - one of the reasons given by the Chamber for creating a new municipality for the Central Area.

The boundaries proposed were not logical . . . There are further slips in logic pertaining to the proposed Commission that would effectively duplicate planning authority in this City.

The comparisons of rates and calculation of the "subsidy" that the Central Area is claimed to provide to the suburbs are flawed.

At best, many of the statements made are value judgements.

I do not fully accept that critique by the City of Perth.

Mr Omodei: Why don't you fully accept it?

Mr KOBELKE: It does outline some of the problems of the Carr-Fardon report. The Minister's interjections keep reinforcing the point I am making; that is, by this Bill the Government is trying to suggest that it is doing something about central city planning. However, it has done absolutely nothing about central city planning. One of the consultants involved in the report has been working from the Minister for Planning's office, and I refer to Dr David Carr. He was paid \$20 000 to help with the initial report.

Mr Omodei: He has not been under the Minister for Planning's office at all. He worked out of my office.

Mr KOBELKE: But he was paid out of the Minister for Planning's office.

Mr Omodei: That is correct.

Mr KOBELKE: We have that right. When I asked an earlier question I was misled by the Government because the suggestion was made to me that I should direct my question to the Minister for Planning because the Minister for Local Government was not responsible for Dr Carr. I then asked the Minister for Planning another question and received the answer. Therefore, the Minister for Local Government's deception brings him undone. The answer to my question indicated that Dr Carr received \$100 an hour and up to 28 October had been paid for 60 hours' work. Even though I had difficulty obtaining the answer, it was a straightforward answer. When I asked the Minister for Local Government how much had been paid to Mr Fardon for the same period I was told that the figure was not able to be determined as an account had not been rendered. I received that answer on 18 November and Mr Fardon had been working from 31 August.

Mr Omodei: He was overseas for part of the time.

Mr KOBELKE: Therefore, he was not available for part of the time during that period. Fortunately, the reply to my question about David Carr was more forthright.

Mr Omodei: What is the point you are trying to make?

Mr Catania: It was a sham of a report by two idiots.

Mr Omodei: You should consider how much the Labor Government spent on other reports.

Mr KOBELKE: Any suggestion that this Bill is about planning is totally false. The Minister for Planning has not entered into this debate. He is paying for one of the

consultants, even though that person has not worked out of his office. This plot was not hatched in the Minister for Local Government's office. If it had been, he would not have gone out on a limb so often and made a fool of himself. He is simply wearing what has been foisted onto him by the Premier and the Minister for Planning and it clearly shows. This Minister has been left without any clothes - without one shred of integrity - because he had to do the dirty work for some of the other Ministers with respect to the allocation of the assets of the City of Perth. That is what this Bill is all about and that is the reason this Minister has been caught out time and again.

Mr Omodei: You should articulate where this Minister has been caught out.

Mr KOBELKE: I will. I have already indicated that the Minister for Local Government was caught out on planning issues because there is none contained in this Bill. I am not saying that there are not real planning issues which need to be addressed in the city of Perth because there certainly are. We hope that this Government will take the lead from the previous Government and try to do something about it. The planning for the Perth City foreshore has been scrapped by this Government, and it is not willing to do anything about it. A range of other decisions fly in the face of previous planning, but no other planning proposals have been put in their place.

Mr Omodei: You had 10 years and you did nothing about it.

Mr KOBELKE: That is the chorus we hear constantly: "The previous Government did nothing and so this Government will not do anything." This Government must stand on its own reputation, and in just over three years it will be thrown out of office because it has not addressed any substantial issues or tried to address real issues and look after the interests of the people of Perth and Western Australia. It is no good blaming the last Government for everything. No Government is perfect, and certainly one can find fault with the last Government. However, that is not the role of this Government; it must govern for the people of Western Australia and if it simply tries to cover up its multitude of faults by saying that the last Government did not address the issues, it will not get this Government or this State anywhere.

The Lawrence Government went to the last election with an undertaking to establish a central city planning commission. Members on the Government side have tried quite falsely to misrepresent that. There was never any suggestion of a rearrangement of local government boundaries; it was the establishment of a commission that would sit over the top of local government areas. The Labor Party put that clearly to the people at the last election, and would have implemented it if elected. The Lawrence Labor Government was not re-elected, but it is definitely in contrast to the actions of this Government. It went to the last election giving a clear indication that it would not change local government boundaries without a review. The coalition parties tried to run a scare campaign in Labor electorates saying that a Labor Government would change the boundaries but a coalition Government would not do so without consulting the people. That was another example of outright deceit - of saying one thing and clearly intending to do something else. We can see from the Carr-Fardon report and its similarity to another report, that it was in the wind well before the election. The coalition parties knew of these proposals to cut up the Perth City Council and reallocate wealth and power to their mates long before the election. They made promises at the last election which were quite contrary to their intentions. The Government is looking after its mates and completely ignoring the undertakings given before the last election.

Mr Omodei: Which mates?

Mr KOBELKE: I will come to that. The Minister for Local Government has further responsibility in this matter because his constituency is not just his electorate, but also local government. He has been led in to do the dirty work in local government. This Minister is the fall guy who must implement this measure. As I indicated earlier, the Minister for Planning is not willing to enter into the debate, although this Bill is supposedly about central city planning. When the Minister for Local Government made the announcement and questions were asked about the appointment of commissioners, he said that it was up to the Premier who would tell him who had been appointed. That

clearly indicated that it is not this Minister's Bill, he is like a little boy running along ahead and setting it up for the mates of the Government. The Minister said that we would know who had been appointed within a couple of weeks. That was more than a month ago.

Mr Bradshaw: It is in "Inside Cover" today.

Mr KOBELKE: That is a most flippant way in which the member out of his place interjects. Government members obviously do not take this matter very seriously, although members on this side of the House do.

Mr Omodei: The commissioners will be in place by the time the Bill is assented to. There is no requirement to name them before that if we do not want to.

Mr KOBELKE: The Minister condemns himself by his own words: There is no requirement for the Government to name them beforehand if it does not want to. It will tell the people when it wants to and what it wants to, and it does not care if it tells people things that are not true. That is typical of the attitude of this Minister and this Government. They will tell the people what they want them to know, and they will do so when it suits them. If the information is wrong, stiff bickies because this Government has no honesty or integrity. The Minister is clearly indicating that is the approach of this Government.

The second lie underlying this legislation is that somehow these tiny towns will lead to a rebirth of local government in the Perth City Council area. It is a whole lot of jiggery pokery, which has nothing to do with meeting the needs of local government. One has only to look at the boundaries to recognise that no consultation has taken place to determine whether they are appropriate. They have been drawn so that this Government can achieve its sole objective of reallocating the wealth of the City of Perth without asking anyone's opinion. This Government is frightened of talking to people and asking the Perth City Council residents whether they agree with the proposal, because those people see through this Government. They know what it is about. It becomes clear from the map the Government has drawn to establish four new municipalities, an attempt to make them look half reasonable without shifting any of the existing boundaries, that the Government has not addressed the fundamental issues crucial to the establishment of local government authorities based on neighbourhood and a sense of local identity. The Government simply dressed up the small local government concept to fulfil its needs to change boundaries without consulting the people.

If the Government wanted smaller local government, as stated in the glossy propaganda brochures, why did it not look at the City of Stirling? The City of Perth has 80 000 residents and will be divided into four municipalities. The City of Stirling has 180 000 residents and no move has been made to divide that. The City of Wanneroo has approximately 200 000 residents; where is the move to divide that? On that same basis, it would be divided into 10 local authorities. If this Government meant its rhetoric, although legislation might not be introduced, a clear policy statement would be made. Clearly, that is just an afterthought. The Government will rearrange Stirling and Wanneroo when it suits its political interests to look after its mates. It has nothing to do with bringing local government closer to the people. If it had, the Government would be willing to consult and to take up some of its own rhetoric. Let us consider some of the rhetoric contained in the brochure that has been circulated -

Residents in the City of Perth suburbs are to be given a bigger say in the affairs of their community.

However, they will not be asked whether or not they like it. It will be stuffed down their throats whatever they feel. The brochure also states -

Decisions taken will better reflect local needs.

The Government will continue to tell people what their local needs are, and they will accept that whether or not they like it. The brochure continues -

... it is time to bring Local Government closer to the people.

Again, we see this Government's propensity for dishonesty. It says one thing and means exactly the opposite. I wonder whether Government members were required to read *Animal Farm* before coming to Government. They are behaving just like the pigs in that book - they say one thing and do exactly the opposite. The brochure also contains a photograph of the Premier and the further comments are quite sickening -

The Coalition government is committed to give people greater control over their lives.

But the Government will not ask people to have any say in it. We could not have that! The brochure reads -

As part of this commitment to greater personal choice the State Government will reorganise the Perth City Council.

As part of that commitment to greater personal choice the Government will shove this monstrosity down our throats; it will take money from the council funds; it will give control to its mates - but the people will enjoy the Government's commitment to greater personal choice! It is sickening that the Government can put out this propaganda, this rubbish, and expect people to believe it. The people will judge the Government by its actions. They will not judge the Government by its propaganda. The public will not believe this false and misleading information. The people will judge the Government as they find it. People have a conception of what the Government is about. It is shallow, deceptive and misleading because time and again it promotes this shonky propaganda. The principle involved is clear. The Government cannot in a dictatorial and authoritarian way beget new bodies or authorities which are supposed to be democratic and consultative. It does not work. The Government cannot force people to be consultative. The Government cannot tell people that other people will consult and represent them, or be aware of their needs, but if people do not like it they will get it anyway. That is what the Government is doing.

Mr Kierath: Of course you can!

Mr KOBELKE: That comment by the Minister for Labour Relations indicates what the Government is all about. The Government will stuff talk of the democratic process down people's throats until they are sick of it but the Government will not ask people what they want. If people will not take the medicine, the Government will say that it is bad luck; that is the way it goes.

Mr Wiese: Do you believe that nonsense?

Mr KOBELKE: Small towns are not viable. The Government tried to run this piece of deception for a while and say that the small town concept will be viable, and that no-one will need to worry about any huge increase in rates. That theory was shot down by the report of the Perth City Council and during the Committee stage the Minister had to admit to that. He showed clearly that he had been trying to deceive people all along by suggesting that the small new towns would be self-sufficient. This is clear because of the amendments contained in new section 18.

Mr Omodei: And new section 23, which clarified access to the funds.

Mr KOBELKE: I am dealing with new section 18. The new section is headed "Expenditure under temporary control of the Minister". This is another example of the Government playing free and loose with the meaning of words. That temporary control lasts until 30 April 1999, and we all hope that the Government will not be around then because people will have discovered its ineptitude and deceit. The Government needed to introduce this proposal to share the money around until the next election because the councils would not stand up. Everyone knows that. The Minister will not say that outright; this amendment acknowledges that the councils will not be financially viable and therefore he needed to amend the Bill to allow him to put money in and out of the trust fund to keep the councils afloat until at least after the next election in order to avoid the political embarrassment which will occur.

The main aim of this legislation is clear to the public. It is simply a reallocation of power

to the friends of the Government in the central city area; it is a reallocation of the debt burden to the residents in the suburbs.

Mr Omodei: It is exactly the opposite.

Mr KOBELKE: Every time the Minister opens his mouth he says something that is not true. He should keep his mouth closed for a while. Any suggestion that the Bill is about central city planning or smaller local government, is nothing but subterfuge to hide the real intent of the Government. The Government has tripped up in a number of ways. If these provisions are put in place one aspect will come home to haunt the Government: It will hand over control of the central city area of Perth to interests outside Western Australia.

Mr Omodei: How?

Mr KOBELKE: It will leave open the possibility of foreign and interstate companies controlling decisions made by the new Perth City Council. Forgetting the bogus figure of 9 000 residents in the very small new council, the census data indicates that just over 3 000 residents in the new council area will be eligible to vote on the electoral roll because they will meet the residential requirements of the Electoral Act. It is difficult to gauge how many people will vote because they have a property franchise but, given that people can transfer that vote to other people who may be tenants in part of a building to qualify under property franchise to vote at local government, and given the level of property franchise which presently exists in the Perth City Council, it is likely that about 4 000 voters will be eligible to vote. Therefore the large city buildings owned by companies not based in Perth, will have the votes to control the Perth City Council.

Mr Wiese: How many of those are there?

Mr KOBELKE: The Minister for Police again has woken up. He has not heard what has been said. He seems to think that when opening his mouth to speak, he does not need to have his brain in gear.

I have explained that the property franchise can be passed to subleases within a building. A multistorey building does not have only one vote. Subtenants can qualify to vote under property franchises. Therefore we could have a situation with the Building Owners and Managers Association and the Perth Chamber of Commerce and Industry capable of moving to control the votes on the council. They could put together a campaign and enlist big companies to enrol their multiple tenants as electors. They would then have control of the City of Perth.

The planning policies for the capital city of Western Australia can be controlled by companies and people who do not live in Western Australia. When I asked questions of the Minister he thought it was a joke. I asked if he had considered whether the percentage of foreign ownership was increasing. He did not take up that point. He gave a flippant answer and obviously he is not willing to indicate what he sees as the foreign ownership in the Perth City area or what might be the property franchise situation. It is very clear that this move by the Government leaves open the possibility of the Perth City area being control by foreign interests.

DR CONSTABLE (Floreat) [9.39 pm]: At this stage of debate it is important to differentiate between the concept of restructuring the City of Perth, developing the four new municipalities, and the process employed by the Government with this proposed change. At an earlier stage of debate I supported the concept of splitting up the City of Perth because the principle has been a notion supported by people in the coast ward and, to some extent, in the Wembley ward for some time. The idea of having a municipality in the area representing the interests and needs of the people of the area has been an issue discussed at ratepayers' meetings over the years.

In the Committee stage, I became more and more concerned about various aspects of this legislation - how it has been put in place so hastily and aspects related to the endowment lands in particular. In the rhetoric about the restructuring, much attention has been paid to the need to have a revitalised capital city of Perth with a central business district with its own council responsive to its needs. As well, we have heard of the dormitory suburbs

which will be split into the three towns of Cambridge, Shepperton and Vincent. In the last few weeks, as he has attended ratepayers' meetings, the Minister has realised that people in those so-called dormitory suburbs are not asleep. They are wide awake and very concerned about many aspects of the Bill.

When the legislation was drafted, not much attention was paid to the people living in the suburban wards of the present Perth City Council. If attention had been paid to them, far more consultation would have taken place and much more attention would have been given to the areas into which the present Perth City Council will be split.

My early response to the legislation reflected a general view expressed over a number of years by people, but more recently the general view is of support for the new municipality of the town of Cambridge. The Wembley Ward Ratepayers' Association and the Coast Ward Ratepayers' Association are of the same view, that to have their own municipality in that area was a good idea in principle.

Mr Catania: Did they know that they were going to have their money taken from them?

Dr CONSTABLE: I will come to that in a moment. Many individual constituents have expressed the same view, although there have been a number of very big "buts". The first concern was that no consultation occurred with those people. They are angry that they were not consulted. In recent years, people living in the Coast ward and Wembley ward have become used to being consulted by the City of Perth when issues of great concern to them have arisen, such as the notion of increasing residential densities in suburbs closer to the city. Last year, the City of Perth organised a number of very successful workshops in which they asked people their views. That has not occurred with this proposed legislation or the notion to split up the Perth City Council into new municipalities. If that had happened, perhaps the Minister would not have had to face the aggressive and angry meetings that he has had to face in the last couple of weeks.

The promise of a referendum has not been fulfilled. That would have enabled people to have their say on the future of their municipalities. A great deal of anger was expressed at the two ratepayers' meetings which I attended at the dismissal of 27 democratically elected councillors. People do not like to go to the polls and then have the people they elected dismissed in this way. What is more, the 27 democratically elected councillors were not consulted by the Government before the Bill was introduced, nor were officers of the Perth City Council. Their experience would have been valuable in the split up of the Perth City Council.

We have the extraordinary situation of 27 democratically elected people being replaced by five so far nameless commissioners. It is time that we knew who they are. I would not be surprised if the Government was having trouble finding people to carry out what will be a very difficult job. The original notion that those people should be part time volunteers seems extraordinary in view of the job that they will be asked to do.

Another aspect of concern that was reflected at the ratepayers' meetings is that the sums do not add up. We had a set of figures produced by the Carr-Fardon report and another, different set of figures produced by the Perth City Council. If one looks at the figures in the 1993-94 budget of the Perth City Council, one realises that the shortfall in funds is too large for ratepayers to feel comfortable that their rates will not increase. In the last few years, the hip pocket nerve of the citizens of this State has been hit over and over again. It may well be hit again by increased rates. They have just had a rate increase of 26 per cent. Many elderly and retired people feel concerned that their rates will increase again.

At the Committee stage, I had amendments proposed in two areas, one being central to the proposed municipality of the town of Cambridge relating to the endowment lands and their future. At the time, I said that that was the heart and soul of the proposed town of Cambridge. I believe that the Minister learnt that when he visited the meeting of the Coast ward ratepayers last week. People were most angry about the endowment lands. My amendments would have allowed those endowment lands to be vested in the town of Cambridge and proceeds from any future sales of endowment lands to be under the

control of the town of Cambridge. Those amendments would have reflected the history of the area and the wishes of the ratepayers. I am very disappointed that in the passage of this legislation the Minister was not more responsive to those amendments.

I recognise that the Minister has been responsive to some degree in his undertakings about the future of the Bold Park area and other bushland close to that area. His promise on record that that area will become an A class reserve with very little of the present endowment lands being sold off for development has been greeted very favourably in the area. I point out that an area in the north part of Bold Park presents an ideal opportunity for the Government to fulfil another one of its election promises. The City Beach Senior High School is situated in the northern part of Bold Park between The Boulevard and Oceanic Drive. I noted in the environment policy of the coalition a proposal that three environmental science schools should be set up. The City Beach Senior High School is ideally situated to be one of those schools. It is situated in Bold Park, which has very special flora and fauna and which is very close to the ocean. It is an ideal school for that purpose. In time it could be a regional environmental centre. The matter has been discussed in the school over recent years. It is interesting to see that reflected in the Government's policy. In time, it would be an ideal centre - a bit like the Herdsman Centre - for tourism. Bold Park is visited by a quarter of a million visitors a year and is an ideal area to be developed for local tourism as well as for overseas and interstate tourists. I hope the Government will see that as an extension of making Bold Park an A class reserve.

Mr Catania: How are you going to develop it if it has not got any money?

Dr CONSTABLE: The school will be developed through the Ministry of Education.

Mr Catania: How will they develop Bold Park?

Dr CONSTABLE: The Minister could clarify the matter, but the town of Cambridge would be looking to discuss the matter with the Government to see how it would be administered. I agree that it is a major question.

Mr Catania: I would advise your constituents in the new town of Cambridge, whenever it is proclaimed, not to hold their breath because I think they will find that they will be in a bit of debt.

Dr CONSTABLE: Knowing how they think about these issues and how they responded last week, I am sure they are the very questions that they will be proposing to the Minister.

A number of areas are crucial in this legislation. Another that stood out for me is that of reporting. The original legislation had the five commissioners reporting only to the Minister. When one considers that councils' decisions are open to citizens to know about them and council meetings are open to the public, I feel that this secretive approach is the wrong direction in which to be going. The people will not know about the progress of the commissioners' work. The Minister came a long way to fulfilling my amendment which will see us being able to view the quarterly reports of the commissioners when tabled in the Parliament after the Minister receives them. The citizens of all the municipalities have every right to follow the progress of those commissioners.

I understand that the Minister has in mind some amendments relating to the endowment lands. I do not know what they are. I hope they are satisfactory to the people in that area; but, without seeing them, I will not support the third reading stage of this legislation further. I look forward to seeing them. I hope they do fulfil the promise and wishes of the people of the Coast Ward and the Wembley Ward that were expressed so openly and loudly at the meeting last week.

DR LAWRENCE (Glendalough - Leader of the Opposition) [9.51 pm]: I endorse the comments of the member for Floreat. In looking at this Bill, now that we have seen it debated through Committee, we are all quite confident that it does not achieve the goals that the Government sets for it in its press releases nor, indeed, those outlined in the document that was circulated at considerable expense to all of the Perth City Council residents and ratepayers.

The first reasonable questions to ask of any Bill are: What does it set out to achieve and does it achieve that result? The rhetoric on this Bill is that the Government would change the City of Perth to set up a brand new structure for planning, give residents greater control over local decision making, and so on. This Bill does not do anything for any of those purposes. Given that failure - I will outline that in a little more detail in a moment - we must ask the question: Who benefits if this legislation does not change planning at all; if it does not allow for greater local decision making; if it does not improve the capacity of various people to improve the City of Perth as a capital city? It is hard to find winners. We have looked around very carefully to see who will benefit from this legislation. Perhaps I could start with the other list which is a lot longer - who loses? Which groups in the community lose by this legislation?

Mr C.J. Barnett: You have to see this as winners and losers; you are incredibly small minded; can't you grasp the concept of a capital city of Western Australia?

Dr LAWRENCE: The Leader of the House has a considerable interest in this, which I will address in a moment. I think he, personally, is one of the winners, not in his current role as a Minister in this Government, but in his former role with the Chamber of Commerce and Industry. I will spend a little time outlining why I think that is so.

But who are the losers? The losers are the ratepayers and residents for two reasons: Firstly, they were not consulted on this question. So they lose out in the normal democratic process. Secondly, their views have not been sought nor taken into account. Indeed, to the extent that they have demanded that their views be heard, through ratepayers' and residents' meetings and by calling for referendums, the Minister has basically told them to go jump in the lake. He is not interested in their views. He has not made a single concession to the views that have been put to him, not by the Opposition or members of this House but by the ratepayers and residents of the area that falls within the Perth City Council and the province of this Bill. Whether they are in Wembley, North Perth or Victoria Park or whether they are in one of the three towns that will be created or in the central business district, they have not been heard.

I have heard from business people who are supposed to be among the winners in the Northbridge area who say, "That is all very well if we are in the area that will be the capital city precinct, but if we happen to fall on the wrong side of the border, we will have to pay higher rates and we will still be competing with people on the other side of the border who will have their rates reduced. But no-one has asked us about that. We will lose as well." The ratepayers and residents, the businesses on the wrong side of the capital city precinct, are all losers. They were not consulted. Their views are being ignored right now. Their councillors are being unelected - if it is possible to do that - or dismissed, and they will have to pay more for the privilege. They were not consulted and their rates will almost certainly rise.

Every analysis that has been undertaken, including letters that were sent out by the Government when in Opposition, confirmed that the people in these smaller towns will have to have their rates increased. I do not believe it is possible to reduce the level of service provision to take account of the huge discrepancies between the figures in the Carr-Fardon report and the cost of running the services in each of these towns. In my view we cannot keep the rates just as they are and reduce the services. The towns will be in complete disarray and disrepair. The ratepayers and residents lose, and that includes businesses.

City planning is another thing about which I feel very strongly. There was bipartisan support for improving capital city planning, in getting local and State Governments to work together, preferably by a statutory body or a city planning authority of some kind, by genuinely providing a new mechanism for city planning, not taking over the Perth City Council's responsibilities for delivery of services to ratepayers and residents. City planning loses. Again, that is not just a view we put forward; it is one that has been endorsed by a great many people who have looked at this, including CityVision.

CityVision comprises a group of architects, planners and interested citizens, who have lobbied both sides of the House to ensure that there is a better deal for city planning and

that the idea of a capital city and forward looking planning has priority in both the conservative and the Labor Party agendas. We were certainly enthusiastic about the group's ideas - not all of them, but many of them. We thought they represented some very forward-looking thinking in city planning. We floated the idea from Government and included propositions in our election statements that would have seen a great improvement in the capital city; in its standing in the community; in its ownership by the wider community; in planning difficulties between State and local governments being resolved in a expeditious way but with the basic delivery of services and the election by ratepayers and so on being matters that still resided with the Perth City Council and any changes being undertaken as a result of a referendum and a proper analysis of boundaries and resources. In any case, we did not propose to disturb those boundaries. It was about city planning, and this Bill does nothing about that. After some time and considering the legislation, CityVision had something to say. It was not a knee jerk response. I know quite a few of the members of CityVision who met. They are by no means sympathetic to the Labor Party. It is a genuinely mixed group. After some careful consideration, those members said -

... the creation of a new City of Perth alone will not solve the critical and urgent matter of planning in the capital city area.

That is after looking at the Bill. It is not that this group came out on day two and said, "We do not like the Minister; we do not like the Government." Members of the group said very clearly, "It will not solve the critical and urgent planning of the capital city area." The group goes on to say -

Perth has the potential to become a truly great city.

We agree with that. The group goes on to say that it wants to see Perth become a truly great city instead of being consigned to mediocrity. The article goes on -

... but this will never happen whilst its planning falls between the stools of the city - whatever its boundaries - and the State Government.

That was always the problem that required a solution and vision. It is precisely the problem that is not addressed in this legislation. CityVision recognised that, as do people who are interested in city planning. Who loses in this? Proper city planning loses, the capacity of various organisations to work together in a statutory way to provide for a really and truly great capital city. That concept loses out. Who else loses? Local government generally loses. Local government finds its standing as an independent, authoritative strand of government totally destroyed in this. Local government is being told, "You do not matter. We can move in and take over your operations, change your boundaries, dismiss your councillors, put commissioners in your place, undertake the disposition of your assets that may not be carefully thought through, and remove your capacity to protest, all in one fell swoop." Local government throughout this State should be very nervous of this State Government. Local government is a loser.

In the last few years, a lot of effort has been put into work between State and local government and Federal and local government to try to ensure, for example, that local government is included in the Premiers' Conference process. At a State Government level, we entered into the better government agreement through the good offices of the Western Australian Municipal Association. A lot of good cooperative work has gone on, including the drafting of the Local Government Act, about which the Leader of the House said some things today, but also in the provision of facilities, planning for capital works, land use, and all those questions which have a capacity to constantly beleaguer both levels of Government without any proper resolution. We had advanced as a Government and as a community to a more sophisticated understanding of the need for local government to be treated with respect and to be able to manage its affairs properly; and certainly not to be treated in the way that it has been treated by this Bill and through the report on which it is based.

This Bill provides that councillors who have been elected according to long established tradition and legislative provision will no longer be taken seriously because, when it

comes to the crunch, the State Government will move in and give them the chop. We heard a lot from the Premier about the big, bad Federal Government interfering in the State's affairs. One of our members asked what would be the situation if the Federal Government came into Western Australia and said, "Sorry. We will change your boundaries. We will move all the dice. All of the members of Parliament will be dismissed from this day and we will put in commissioners to run the State. The resources of the State will be disposed as is determined by a group of people who have no democratic standing."

Mr Pandal interjected.

Dr LAWRENCE: The principle is exactly the same. If we are to make changes of that kind to the boundaries and the resources of the States and to the manner in which they are governed, we are required by our Constitution to hold a referendum. We are required by the Local Government Act to hold a referendum. The only way it is possible for the Government to get away with not having a referendum is to have an intrusive Act that overrides the provisions of the Local Government Act. That is legislatively possible, I understand that, but in regard to the commitment to local government and the understanding that local government had, that is totally inimical to the interests of local government in this State. Therefore, whether the Government realises it or not - I hope it does - local government as a whole will be the big loser in this process.

Another group of people who will conspicuously lose out and who were insulted this week by the Minister are the workers of the Perth City Council, from the senior salaried staff through to the people who work in the gardens and parks, the rubbish disposal, and the like. Some 1 000-plus employees of the Perth City Council found out about their fate by press release, and not by a process of proper consultation. The senior staff of the PCC, who obviously have a great deal of expertise about how the PCC is run, what is required to run a city decently, how much revenue comes in, what revenue is expected in future years, and what it costs to run the various facilities, were not consulted about their future or about the knowledge that they had. Those people who are less senior in the organisation, who would not necessarily give advice to Government, were certainly not told about their fate.

This Bill provides for changes to the superannuation fund which will see future employees, and possibly even present employees, of the PCC "given" a new superannuation scheme which will almost certainly be to their disadvantage. I know the Minister has received a letter from the trustees of the superannuation fund, and if the Minister does not understand the import of that, he should not be in his position. The trustees pointed out to the Minister that because of the way in which he proposes to deal with the question of superannuation, they are almost certain to find the fund diminished in what it can pay out.

Mr Omodei: How?

Dr LAWRENCE: Is the Minister telling me he does not understand?

Mr Omodei: I understand clearly.

Dr LAWRENCE: The Minister clearly does not understand if he asks the question. If the Minister has not replied to that letter at this stage, I am happy to dig it out and read it to him.

Mr Wiese: Tell us how it will disadvantage them.

Dr LAWRENCE: If a lot of employees are chopped off at one end of the scale, it will have an effect on the payouts. The Minister should understand that. The Minister has said clearly, and the Carr-Fardon report has indicated, that the number of employees will be changed. The Minister may not be prepared to say it publicly, but that is one of the provisions of the Bill. The PCC superannuation scheme is clearly more generous in its provisions than the local government scheme. The Minister knows that, and that is what the workers are complaining about. The current and future employees will have an existing entitlement diminished. The Minister may want to say that is not true, but he has a responsibility to explain to the trustees of that fund how they can manage the fund

given the changes that the Minister will make to the work force and to the disposition of that work force and the fact that the fund will be chopped off when the workers anticipated there would be an increasing number of members. That alone gives the lie to the interjections that the Minister is trying to make.

The Minister does not appear to understand that the workers' sense of worth will be obliterated. The Minister stood on the steps of this Parliament and said to people who were working to rule, who were not inconveniencing the ratepayers and residents, who were protesting quite properly with the one thing that many of them have to withdraw - their labour - in an orderly way, that if they were his employees, he would give them the sack.

Mr Omodei: I did not say that. I said if they were working for me, they would not have a job tomorrow.

Dr LAWRENCE: That is a sophisticated difference!

Mr Omodei: There is a very slight difference.

Dr LAWRENCE: There is no difference at all, and the Minister knows it. Those sorts of semantics do the Minister no good. That is precisely how the Minister answers questions in this place - with half truths, dissembling, and semantic somersaults, to the extent that he is capable of executing them.

Mr Omodei: You have a habit of bending the truth. Get it right.

Dr LAWRENCE: What is the difference between what I said the Minister said and what the Minister said he said? The Minister said himself there is none. The Minister should not try to pretend that the outcome is not the same. The Minister insulted those workers by saying to them that they have no rights at all, that the value of their work is zero, and that he is not interested in how they feel. Until a short time ago, those people anticipated a continuing career with the Perth City Council and considerable career opportunities in a municipality of that size. They did not anticipate that the council would be split in four, that many of their jobs would be made redundant, that a lot of them would be tossed out, that the capacity of the smaller towns to deliver services would be diminished, and that further threats to their employment would follow from the fact that services would have to be cut. If that were not bad enough, the Minister then turned around and insulted those people by saying that if they were working for him, they would get the sack. It is no wonder those people lobbed an egg in the Minister's direction - that was very mild compared with what they might have done!

Not only will the workers be the losers, but also - and this is one of the most important losses of all - democracy in our State will be the loser, because the coalition parties said before the election, both in letters to constituents and in their platform, that if they made any changes to the boundaries of the Perth City Council, they would do it by way of referendum because they would not permit any arbitrary interference in council ward boundaries. Not only are they permitting it, but also they have initiated it and are carrying it through in this legislation. That is a betrayal of democracy on two counts: Firstly, the coalition parties have broken election promises and clear undertakings, without any apology. No reason has been given by the Minister or the Premier. The only hint of a reason is that it is a bit inconvenient to hold a referendum because the Government may not get the result that it wants. The nature of democracy is that one may not get the result that one wants. If one has an election or a referendum, one may not get the result that one wants. I understand that, but that is not a reason in a democracy. Therefore, the first betrayal of democracy is that promises given before an election are broken without any reason or explanation and with no apparent shame. The second betrayal of democracy is that the Government is consistently refusing to hold a referendum in any case whether it promised it before the election or not. It is saying to the people of the City of Perth and to all Western Australians, "We will make changes to the way your lives operate - in this case, the way your council is disposed of, broken up and its assets shifted around - without consulting you at all, even though that is an expectation under the Act and even though it is expected that properly elected councillors

will be consulted." Therefore, democracy loses. The ratepayers and residents lose, city planning loses, local government as a tier of government loses, the workers lose and democracy loses.

If all these people lose, who benefits? As far as I can see, the winner is the Chamber of Commerce and Industry and some business interests, although not all of them, but principally the big business interests; that is, the people who own property in the central business district. The winners do not necessarily include those who rent property because typically, the big owners of buildings and property do not pass on any reductions in rates or improvements in efficiency. They pocket the difference. That is in the nature of the profit motive; I am not being unduly critical of them.

One of the other winners is the member for Cottesloe, the Leader of the House and Minister for Resources Development. In a former incarnation - there is a rather flattering photograph of him in the *Daily News* clipping -

Mr C.J. Barnett interjected.

Dr LAWRENCE: No, it is only 1990, and it shows how he has aged in Opposition. He was, if not the author, certainly the promoter of a Chamber of Commerce, as it then was, document that was presented to Government in 1990 by Mr Colin Barnett. Mr Colin Barnett said a number of things when that report was released. I am referring to him by his former title. I ask members to listen to this because this is a 1990 Chamber of Commerce proposition being put to the Government to break up the Perth City Council. It is exactly the same proposition as has been encapsulated in this legislation. In fact, the boundaries are very similar to the boundaries that we have seen in this document. Far from having been changed as a result of careful analysis by the Carr-Fardon report, the boundaries are almost exactly the same except that, at least in this case, it had the honesty right from the outset to include Burswood in what is now the Shepperton town. Therefore, those boundaries are almost entirely identical. Not only are the boundaries identical, but also the rationale is the same, to the extent that it exists. The clipping states -

The chamber wants the Government to appoint a commission or commissioner to run the city council -

That is familiar. Those provisions exist in the Act -

- for a six-month transitional period until fresh municipal elections are held.

In other words, get rid of the council, bring in the commissioners and then we will have an election!

Mr Catania: My sources tell me that Lyndon Rowe is to be one of the commissioners.

Dr LAWRENCE: Would that not be stunning? The article states further -

The commission would establish boundaries for a new municipality to be known as the Capital City of Perth, -

It even uses the same title. That is a lack of imagination by the Government. The stamp of the Leader of the House is on this and I commend him; he is one of the winners because he has been able to take his brief from his Chamber of Commerce days and walk straight into Government and have it incorporated in legislation unchanged. It continues -

- decide the fate of the dormitory wards, prepare a new Perth City Council charter and distribute the assets and staff resources of the council between the new city and suburban councils.

That is exactly what the Bill does. The only difference is that the period of time for which these commissioners will have these extraordinary powers is somewhat more extended under this legislation. At the time, the Perth City Council responded, not surprisingly, in a quite hostile way. In Government we said that we were not interested in breaking up the Perth City Council; we were interested only in city planning and this did not appear to do anything for city planning. If one looks at the preamble to the report

and to the newspaper reports suggesting that was the way it was presented to the media by way of a Press release - I do not have the original Press release - the argument is all about who is subsidising whom. It is basically saying that the dormitory suburbs are being subsidised by the Perth city area and, therefore, it should be split up and let go its own way. The article includes a map that is virtually identical to the one that is in the Bill. However, for the most part the argument is not about planning, and it is not about a bright new capital city. It is about dollars and cents; it is about money being shifted from one sector to another.

Mr C.J. Barnett: If you read that report -

Dr LAWRENCE: I am using the Press release because this is clearly the spin that the Chamber of Commerce wanted to put on at the time. The *Daily News* on 6 June 1990, the day before, stated -

Suburbs in the Perth City Council area would be separated from the city centre under sweeping proposals outlined in a new report today.

It says further -

The existing PCC would remain as interim managers until a chief executive was appointed to initially oversee finer details . . .

It goes on to describe the same problem. There is no reference to planning in that article and no reference at all to a brighter capital city. There is reference only to funding.

Mr Omodei interjected.

Dr LAWRENCE: I remember the document and it was basically about money; it was not about planning. Very little emphasis was given to planning.

Who benefits? The Leader of the House because he has the pleasure of seeing the ideas that he helped formulate when in the Chamber of Commerce, and business interests in the property area. Nobody else wins at all.

Who recommended this action? Whose idea was it? As I suggested, it certainly came from the Chamber of Commerce. However, if one looks through all the other reports that have been referred to in this Chamber, it is pretty hard to find anyone else who thinks this is a good idea. In fact, no-one really talked about the split up of the Perth City Council into four separate bits, and no-one anticipated that it was seriously contemplated. So people by and large ignored the question of the boundaries except to say that there are lots of idiocies in local government boundaries throughout the State and particularly in the metropolitan area. We all know that; we have councils the size of Peppermint Grove on the one hand and the City of Wanneroo on the other. There is a problem of municipal boundaries that needs addressing, but it has to be done by way of referendum. That is why, when the Minister was questioned the other day about why Crawley was included in the Perth City Council when logic would dictate that it probably should belong to Subiaco, he said, "That would require a referendum, so we can't do that." The Minister, like the Government, is frightened of people's opinion and he is frightened of democracy. Therefore, the recommendations that led to this action are pretty hard to find and, to the extent that they exist at all, they exist in the business sector and particularly in the Chamber of Commerce.

I have spoken a lot about the fact that there has been no consultation with the councillors or the staff and these propositions do not incorporate recommendations of groups like CityVision; they incorporate in principle the views of the business sector. I said in my speech in the second reading debate that the Building Owners and Managers Association had been consulted about this legislation. I was telephoned by that association and told that it had not been consulted. That may be true; I do not dispute it.

Mr Omodei: You can't have it both ways.

Dr LAWRENCE: I said that I do not dispute that. On the other hand, it clearly had an input because the report by Dr Carr was based, as he acknowledges in the preface -

Mr Omodei: Which report by Dr Carr?

Dr LAWRENCE: The Carr-Fardon report was based on work that he had done with BOMA. It may not have been asked for its opinion of this legislation formally and it may not have been asked formally to comment on these propositions, but there is no doubt that it was consulted. It should not be ashamed of that; there is nothing wrong with Government consulting business and listening to it, but listening to it and other business interests to the exclusion of others is everybody's complaint about this matter. The ratepayers of Wembley and the business people in Northbridge are mightily annoyed that they have been excluded.

The other group that was not consulted in this issue and should have been is the Western Australian Municipal Association. Did the Minister say it was? Did he suggest it was consulted? He will not answer that because I think it slipped out. If that is the case, people in WAMA should hang their heads in shame. However, I do not believe it was consulted. I believe it was asked to try to digest the indigestible because it has to represent all local governments in this State and it must have known, once it saw the proposition, that it was contrary to every principle that it had fought for over many years to establish local government as an important tier of government which would always be consulted when changes of this kind were undertaken.

Is the Minister is trying to say to me, or whisper to his colleague, that WAMA was consulted before the legislation went through Cabinet?

Mr Omodei: Before it came to Parliament.

Dr LAWRENCE: What about before it went to Cabinet?

Mr Omodei: No.

Dr LAWRENCE: I thought as much. That organisation was not consulted at all in the development of this legislation.

Mr Omodei: It was, but not to the degree it would have liked.

Dr LAWRENCE: So it was consulted?

Mr Omodei: Not before it went to Cabinet.

Dr LAWRENCE: It is too late for consultation after it has been to Cabinet. In case the member has not noticed, the only way to change a Cabinet decision is to take a matter back to Cabinet and for it to be overturned; that is unless current Government Ministers are not in the habit of endorsing Cabinet decisions and letting them stand until they are overturned. Speaking with WAMA after the matter has been to Cabinet is not consultation, but notification. The Government has consulted a narrow set of interests, one of which was not WAMA. This is a critical group in such matters, and it is to the shame of the Minister for Local Government that that did not take place as he is supposed to be the person defending such groups.

Finally, this Bill has legal problems. As I indicated previously, the Law Society takes particular offence to clause 27 of the Bill, which purports to prevent the city council from taking any action or any legal proceedings in relation to a decision made by a commissioner or a Minister. That is an unhealthy precedent. The Law Society also complains about the retrospectivity of this legislation. This Government must revise this Bill in the upper House. It is time it considered the impact of the legislation on ordinary people and thought less about vested interests.

MS WARNOCK (Perth) [10.22 pm]: A friend of mine, Mario, a vigorous man of mature years, attended the rally at Parliament House last week on this matter. He came up here of his own volition, and he took it upon himself to stand right in front of the Minister and yell, "Go back to Manjimup you potato farmer" or words to that effect. Understandably, he was very upset about this decision. He has lived in Northbridge for many years. Recently he has heard a couple of unpleasant announcements which will disturb his life: The announcements were on the trench which will pass through where he lives, and that the city in which he likes to live will be chopped up by somebody who, in his view, does not know much about the city as he comes from the country. Mario had the right to come and make those comments as he feels strongly on this issue.

This demonstrates the strong feeling I have heard registered by many people in the City of Perth during the last several weeks. Therefore, I must again refer to the dismemberment of the City of Perth, for that is the way it is regarded by many residents and business people who live within the council area.

It is believed that the Balkanisation of the city has been achieved in a most undemocratic way. This decision is dramatically at odds with the Government's stated policy before the February election. The policy document has been quoted by several members in this Parliament; the document said that a key feature of coalition policy was the protection of municipality wards and boundaries, and that it was against outside interference and arbitrary change. If ever there was "outside interference and arbitrary change", this is it.

This Government has attacked the Perth City Council. In October, without prior warning, the Government sacked the council and its elected councillors. This was without a "by your leave" or "beg your pardon". To add insult to injury the Government released a beautiful glossy document, which many of my colleagues have waved in this place, in which the Government said that the councillors had been doing a good job. The Government said, "No worries; we happen to know what we think is best for you, and we will do it regardless of the fact that the councillors have been doing a very good job." This seems very arrogant.

Most reaction to the decision is centred around the method used. I have received letters and telephone calls and spoken to people of all political persuasions. These people had no inkling that this was about to happen. They could see no good reason for the decision to split up the council. Other people believe that if the boundaries are to be changed, it should be subject to great consultation - people are prepared to discuss such matters. For example, people may see possible advantages in the City of Perth including North Perth, Highgate, Mt Lawley and other such areas. People feel they should have been consulted. They feel insulted that they were not taken into the Government's confidence in this matter.

Almost all people to whom I have spoken - this is a recurrent theme - wanted to know about their rights. Several people wanted to know how the day to day affairs would be carried on within the council. Many people have approached my office, and no doubt those of many other members, on local government issues as many people find it difficult to distinguish between what happens in local, State and Federal Government. They come to electorate offices and ask for help in many matters involving local government. Lately people have been asking what will happen in certain aspects and they have asked for my help. They want to know who to write to, whether there is still a lord mayor and a town clerk and who is looking after the nuts and bolts issues of the council. It is left to local members to deal with a number of matters. We have been doing our best in that regard. People are concerned that they are being deprived of their usual opportunity for consultation with their local councillors.

The secrecy and heavy-handed way in which this Government acted has riled most people, including my friend Mario from Northbridge. As another of my colleagues indicated, the Minister revealed his true colours at the Parliament House rally last week. He started off by telling council workers - the rally largely comprised such people - that everybody would be all right and that nobody would lose a job. He said that they should not be concerned. The Minister's comments did not go down with some people at the rally, and the Minister then lost his temper. He said that if these people were working for him, and had taken time off work to attend the rally, he would have sacked them. That is the Minister's attitude. Council workers' concerns would not have been eased by the Minister's comments regarding the so-called restructure of the council.

Those of us who are residents and ratepayers in the City of Perth are in limbo at the moment. We are unsure about what is going on. Who is taking responsibility for the myriad decisions which must be made on a day to day basis in the city? This week a constituent came to me asking who would take care of his request for the closure of a back lane behind his residence. Everybody knows that in many parts of town such as North Perth there are a great many back lanes which are a legacy of another period. They

are controversial. Most people would like to see them closed or at least looked after by the council. This elderly gentleman was concerned about the fact that many young people use this back lane at night, make much noise and commit acts of vandalism and petty crime. He and his equally elderly fellows in the area were concerned about what would happen if that lane were not closed. They wrote a letter to the council some time ago but they received no reaction and were wondering who would take care of the matter. Naturally enough they were also concerned that a long period may go by before any of these day-to-day matters of the City of Perth would be taken care of. I, of course, have reassured my constituents that I will do my best to see that this matter is acted on and that the authorities are contacted. Nonetheless, I can see this must be a worry for many people. Who will take care of business, as it were, in the city of Perth?

Other people are concerned about the assets being sold by the unelected commissioners to pay for this restructuring. They want to know who will have such power over them in their local area; who will sell them off. Of course the endowment lands are frequently mentioned in letters written to people like me. One letter I received which I know has also gone to many other members of the House, reads in part -

Premier Court also stated in his letter in the abovementioned brochure "The Coalition Government is committed to give people greater control over their lives. This means greater personal choice, whether in the workplace, employment opportunities, or involvement in their legal community." The way this restructuring is being handled so far gives the local residents no control, choice or say whatsoever.

These people are also angry that there will be no elected representatives until the proposed new local government elections in about 18 months. "Mr Court cannot be serious", they say in this letter and I believe they are right. What is the Government thinking of to set aside democracy for such a very long period? They, as do some others, wonder why a Government which purports to be committed to fair and open government - we heard a tremendous amount about that before the election - should refuse to be fair and open on this occasion. That is exactly the impression I get from talking to many people at various rallies and meetings I have attended over the past several weeks. My feeling tonight is that I should oppose the third reading of this debate. The Bill should be delayed until the people of Perth have had their chance to express their views.

A referendum has been called, not by the Government, but by the City of Perth under the Local Government Act. It is not a straw poll, but a properly conducted poll under the Act and it will be held on 4 December. The City of Perth will obviously make sure this poll is conducted properly, that both sides will have an opportunity of putting their case correctly and that people will have a chance to have their say under this poll. However, it seems to me that this should be the business of the State Government. It should have happened before the dismembering of the City of Perth so that people were given an opportunity of saying what they wanted to happen to their city. The people do not approve of the Government's actions, nor does the Western Australian Municipal Association, as we have heard frequently from speakers on this side of the House.

As I said at the beginning, my friend Mario believes in direct democracy. He came all the way from Northbridge to express his point directly to the Minister. He gave his view that only people who knew about the city, lived in it and cared about it should have a say in what happens there. I must say that I am inclined to believe that is exactly what should happen. Mario's cry, "Leave my city alone", seems to be a perfectly good way of putting it. I support his views that the Government should leave our city alone until we have had a chance to say what we think should happen to it.

MR CATANIA (Balcatta) [10.34 pm]: I rise for only a short moment because I think my colleagues have gone over the many reasons we should not have the City of Perth broken up into what has been suggested by this Government. Based on what the Leader of the Opposition has just revealed, I do not blame the Minister for Local Government for what is happening. He had no choice.

Mr Nicholls: You are wavering.

Mr CATANIA: I do not waver in anything I say; the only person who wavers is the Minister for Community Development.

Mr Nicholls interjected.

Mr CATANIA: If he did that more often we might judge him as a Minister. He should keep quiet, not be a fool but act as a more mature person and let me say what I want to say.

As I was saying, the Minister for Local Government is not to blame because, as the Leader of the Opposition has stated, the break-up of the City of Perth was prepared by the member for Cottesloe when he worked for the Western Australian Chamber of Commerce and Industry in 1990 who then referred it to the Minister when he went into Government.

The details and the report by the consultants are what I am surprised at. I am surprised the Minister would accept such a report by two people who are obviously biased and who have had their day in local government. One is a retired and out of date doctor of town planning who did not know much when he was there and certainly does not know much now. The second is Mr Ralph Fardon who did nothing in his career in local government for either of the cities he worked for; he certainly did nothing in Stirling.

Mr Kierath: What a disgraceful thing to say.

Mr CATANIA: It should not surprise the member for Riverton because every time he stands up he is a disgrace. He should not give me that garbage.

Mr Kierath interjected.

Mr CATANIA: I will attack it. The report plagiarises other material, is based on wrong assumptions and does not give any financial credit for what exists.

Mr Nicholls interjected.

Mr CATANIA: I will denigrate whomever I damned well want. It is not my attitude. The Minister for Community Development is the type of person I would love to do that to.

Several members interjected.

The ACTING SPEAKER (Mr Ainsworth): Order!

Mr CATANIA: There is no financial or economic reason why he should. As members opposite have stated on a number of occasions, the councillors have done a good job.

Mr Omodei: I have said it once or twice.

Mr CATANIA: The Premier has stated that, as have many other members. There is no economic reason to split up a city - one which we could praise from overseas - and turn it into a square kilometre that will benefit only a very small percentage of the Western Australian population. Out of 80 000 inhabitants of the City of Perth, this move will benefit, at the most, 3 500 to 4 000 people. The only way a population of 9 000 will be reached is to include some of the cockroaches and rats who supported the Government in the last election. The Minister has stated to the people who live in Perth that he does not give a damn about their point of view. That disappoints me. This Government has arrogantly said that no matter what the referendum will yield, this Government will do what it wants. That perturbs the majority of people living in Perth today and in fact in WA. The manner in which the Government has gone about this proposal demonstrates what an arrogant Government we have. It has shown its attitude in this Chamber with this Bill. It is typical of the attitude we will see from this Government in the next three and a half years.

It is not only the manner in which it has gone about implementing this proposal that concerns me, but also the result that will eventuate. The small towns which will be created around the City of Perth will be poor little towns. They will not be able to meet the requirements of a proper, organised local government. They will not have the rate base to provide the services which people are used to such as child care, pensioner services, roads, parks and sporting facilities.

Dr Gallop interjected.

Mr CATANIA: Obviously, as the member for Victoria Park has stated, if one does not believe in them, people should provide them themselves. However, the people of Perth have been used to a good service. In fact, other local governments have gone to the City of Perth for advice in town planning and other matters. That is going to be broken up, so that we have a very well organised local government that could be referred to by other smaller local governments. The 80 000-odd ratepayers of the City of Perth will be forced to pay higher rates as that is the only way they will be able to keep their services. The most important thing the Minister has not given the people who work in the City of Perth is any hope for the future. From the people who collect garbage to the parking inspectors and office workers, they do not know what is going to happen in June of next year, whether they will have their jobs or whether they will be allocated to just one area. If the Minister wanted to do this he should have thought it out better and met with them and told them, "You will not lose your jobs; your superannuation will not be affected." He could have said that or he could have been truthful because, as the Minister and I know, many are going to lose their jobs with the break up. It is inevitable, and there will be between 300 and 600 jobs lost. People need time to plan their futures, as some have families, and the Minister should be honest. The disappointing factor is that people do not know. I have many good friends working on the roads and as parking inspectors, who have been with the City of Perth for many years, and they are worried about their future because in June of next year or this time next year they might be out of their jobs. Some of them are advanced in years and will not be able to get another job for years to come. That is the hidden factor behind a lot of the meetings the Minister has attended, and there is no doubt that has been anticipated and the people behind this move saw that. It was the Leader of the House who drew up the original plan, similar to what is proposed.

Mr Omodei: What about all the work I put in?

Mr CATANIA: As the Minister for Local Government I assume he would have put his mark on it.

Mr Omodei: I spent six months working on this.

Mr CATANIA: I would have hoped the Minister would put his mark on it in a way that would reflect a little more care. He has not done that but capitulated to the Deputy Leader of the Liberal Party, to his mates in the Chamber of Commerce and Industry, to his mates as the members of BOMA, and his mates who organised this three years ago. In the first instance to pay them back they used the Minister as a scapegoat to do it.

Mr Omodei: If this works, will I get the credit?

Mr CATANIA: I do not think it will work well and the Minister will have a lot of people this time next year knocking on his door asking for jobs. He can refer them to the man who made him do it, the member for Cottesloe. The other thing that worries me is that between now and June next year the Minister will have to tie up the people who are going to look after the financial wellbeing of the four towns.

Mr Omodei: Who is going to do that?

Mr CATANIA: The Minister might tell me.

Mr Omodei: The city treasury.

Mr CATANIA: The city treasury admitted to me they were going to do it and said they would find it difficult to do because they had a short time to do a very difficult job in setting up the allocation of funds to the various cities, and it would be a job fraught with a lot of dangers. They were not looking forward to it.

Mr Omodei: We could give them danger money.

Mr CATANIA: This will be a situation where we have a city with organisations on a budget, and the Government will divide them and split up their assets and allocations of funds, as the Minister stated in his second reading speech.

Mr Omodei: You think that the city treasury is not capable?

Mr CATANIA: I do not know whether it is a matter of capability. I hope that it is for the good of the four cities, but I think it is a real problem that the Minister will have to encounter in June of next year because the treasury will not have that work prepared or the time in which to do it. I do not want to repeat a lot of what members on this side have already said, but it is not a well thought out plan; a lot of concerns have been expressed by people for the sake of their jobs, for the benefit of the whole city and the fact that four little, poor cities will be created.

Mr Wiese: Hardly little; you take the budgets.

Mr CATANIA: They will not have the revenue base to support the services they are used to, and that is very concerning. We will find their rates being increased. The sums have been done by the treasurer of the city and he foresees that particularly in the new town of Vincent the rates will have to double to maintain the present services, and in a lot of those towns, such as Victoria Park and North Perth, a high percentage of the population are pensioners and they will suffer when their rates are doubled. I have stated before that they will have to start saving now to be able to afford in a couple of years' time the doubling and trebling of their rates. I expect a great deal of concern to be expressed and I hope that the Minister will show some compassion and concern for the people who are to lose their jobs and will wait until 4 December to see what the referendum yields and what the people express. He needs to ensure that if that referendum states the people do not approve of the break-up proposed by the Government, but that they might want to break up in a different way, he follows their view and not the view of the rest of the Government, which is not listening to the residents of the City of Perth and the people of Western Australia.

MR RIPPER (Belmont) [10.50 pm]: This legislation is undemocratic; it breaks explicit election promises; it avoids requirements for a referendum in the Local Government Act; it removes elected local representatives and replaces them with appointed commissioners; it is retrospective in its effect; it denies the right to take legal advice and action; it restricts the ability of the Perth City Council to take part in the democratic debate; and it rides roughshod over local government. The coalition gave explicit election promises at two levels not to alter local government boundaries without a referendum. Promises were given in overall coalition policy and by individual coalition candidates.

Dr Hames: This is tedious repetition.

Mr RIPPER: It is tediously repetitive, is it, to have to remind the member for Dianella that at two levels he and his colleagues gave explicit promises to the electors that they would not alter local government boundaries without a referendum? Members opposite should be reminded of that over and over again, because they have breached a fundamental trust. They have gone into an election telling electors one thing, and within the year have come out with something different. This legislation deliberately avoids the requirements of a referendum that would otherwise apply under the Local Government Act. Members opposite have attacked elected local government representatives. They have removed their power and replaced them with appointed commissioners who will exercise those powers for 18 months. Members opposite have turfed out people who were elected by ratepayers and others and they will not allow the ratepayers to elect councillors at the local government elections next year. They will not be able to vote on their local government authority until 1995. Who will these commissioners be? One would expect after all this debate that the Government might be able to advise us who the commissioners will be, or what type of people they will be. Will any commissioners, for example, be resident in the town of Shepperton? They will have control for 18 months or more of local government activities in the town of Shepperton. Minister, will any of them have any connection with the area?

Mr Omodei: As I said before the names will not be Brian, Terry or Laurie.

Mr RIPPER: The Minister can choose to make smart alec comments, but I am asking a direct question: Will any of the commissioners have a connection with the city of Shepperton?

Mr Omodei: I have answered enough times to satisfy this Parliament.

Mr RIPPER: Has the Minister given an explicit answer? I have looked at the debate and I have not seen a direct answer.

Mr Omodei: You had a chance in Committee to ask this question.

Mr RIPPER: The Minister did not answer then. It is a complete denial of local government democracy. It will be a crucial period in the formation of the new towns. The commissioners will be making significant decisions which have a long lasting effect. We have no assurance that the commissioners will not be making decisions which will be binding on elected councillors when finally electors in these new towns get to have their say.

One of the most disturbing things about this legislation is its retrospectivity. A number of speakers have drawn attention to that. Clause 8 is the offending clause. It severely restricts the powers able to be exercised by Perth City Council and it will operate under the legislation from 18 October. We had much opposition to the concept of retrospective legislation from members of this Government when they were in Opposition. How quickly they change when they come into Government! It is interesting to watch the Minister for Labour Relations; he specialises in retrospective legislation. It seems as though his colleagues have taken his lead. This is worse than mere retrospectivity, because clause 8 goes further. It prevents the Perth City Council from seeking legal advice on the retrospective restriction on its powers which is also proposed by the same clause. It is Orwellian in its effect. We have retrospective legislation which applies from 18 October and a prohibition on seeking legal advice to determine precisely what the legislation means. How restrictive of people's rights can a Government get?

Mr Omodei: You contradicted your leader. She said the Law Society had problems with some clauses in the Bill.

Mr RIPPER: Yes, clause 8.

Mr Omodei: You said there had not been a legal opinion. Make up your mind whose side you are on.

Mr RIPPER: I am on the same side as my leader, and I am opposed to the Minister because he has imposed a retrospective restriction on the activities of the Perth City Council and at the same time by the operation of the same clause prevented the Perth City Council from seeking advice on what that restriction means and the precise extent of the power the Government has sought to exercise over it. There might be various legal opinions floating around the city, but the Minister is preventing the Perth City Council from expending moneys to seek legal advice on the restriction provisions the Government is imposing on it. That is Orwellian in impact; particularly when it is considered in conjunction with clause 29 which denies anybody the right to take legal action to remedy wrongdoing under this Bill. We have a complete restriction on seeking legal advice and restriction on taking legal action against wrongdoing. Under clause 8 the Perth City Council is restricted in its ability to take part in the campaign on this issue. The Government can use taxpayers funds to promote its cause, but it will not under this Bill give permission to the Perth City Council to use its funds for the same purpose to any extent.

We have a further denial of democratic rights. It is ironic to see that coming from a Government which has been very loud in its support of State rights, and cynical in its campaigning against alleged Canberra centralism. This Government which promotes itself as a defender of local rights rides roughshod over local government in this State with this Bill. It is instructive to consider why this Government does not want a referendum. It is because it knows that if it went to the people on this matter it would not get support, and for very good reasons. The ratepayers in the new towns know they will suffer service cuts and rate increases. That is completely contrary to the assurance given by the Minister in his second reading speech. If one looks at the figures from the report prepared by Carr and Fardon and compares them with Perth City Council estimates of actual expenditure in the town of Shepperton one will see that my constituents in the

town of Shepperton will be facing service cuts of between 41 per cent and 65 per cent. At the same time, on figures in the Carr and Fardon report, they face a rate increase of eight per cent. The Government knows people are not stupid. They would not vote for a proposition which would have that effect on their household budgets. They would not vote for cuts in services to that extent or for an increase in their rate bills. The Minister has been given plenty of opportunities in this debate to rebut those figures.

Mr Omodei: And I have.

Mr RIPPER: The Minister has not. I have had a look at the *Hansard* and the Minister said -

When we deal with these figures, I wonder how many areas within the Back report may be one line items and not ongoing items. I wonder how many are one-off expenditures. Nobody has gone through the Back report to confirm or deny that.

In the second reading debate I gave figures, which I have just summarised, for the situation in the town of Shepperton. The Minister had the opportunity during the second reading debate and the Committee debate to deal with the arguments I outlined, but he failed to do so. I appeal to the Minister in his response to the third reading debate to explicitly deal with the arguments which I and my colleagues have raised.

I repeat that the figures used in the Carr-Fardon report, compared with the Perth City Council's estimates of actual expenditure, show service cuts of between 41 and 65 per cent and a rate increase of eight per cent for my constituents who reside in Carlisle who will be ratepayers in the new town of Shepperton. The Minister has enormous resources available to him, yet he said in the second reading debate that nobody had gone through the Back report to confirm or deny that. I ask the Minister why he has not requested that that be done. Why has he not considered the arguments that I and my colleagues put to him in the second reading debate? Why can he not either dispute or confirm the figures that have been put forward by the Opposition? He has given an assurance to the House that there will not be any rate increases under this proposal. Strong arguments have been put which illustrate that there will be rate increases. The Minister has not dealt with these arguments: All he has done is say that no-one has gone through the Back report to confirm or deny the figures. It is an irresponsible way to handle the debate on this major issue. The Minister should be prepared to confront the issues and debate them properly. He should be able to back up his assertion that there will not be a rate increase under this proposal, but he cannot do that. If the Minister cannot dispute the figures which have been given by the Perth City Council and those which I have given relating to the new town of Shepperton, the ratepayers can draw only one conclusion; that is, that he is trying to mislead them and that they will face severe financial disadvantages because of this Government's proposal. I have read *Hansard* and I have not found anything that represents an adequate rebuttal of the Perth City Council's estimates of actual expenditure or the figures which I and my colleagues have put during the debate on this Bill.

Mr Omodei: You have selectively quoted the \$500 000 allocation to the improvements to Beatty Park. It is a one-off allocation and the Perth City Council appears to be giving you the impression that your figures are right, but I do not think they are.

Mr RIPPER: The Minister has the opportunity to give a full rebuttal in his reply to this debate.

The Minister has referred to what will happen in the new town of Vincent, but he has not said anything about the new town of Shepperton, which is my particular interest. I represent part of Carlisle which is proposed to be part of the new town of Shepperton. Why does the Minister not have a chat to his advisers and come back to this House with the correct figures relating to the new town of Shepperton? If the Minister does not do that no-one will have any reason to believe the assurance he gave during the second reading debate that there will be no rate increase. On my assessment of the figures there is every reason for a rate increase and for service cuts. Why should anyone be surprised

about that? The new town of Shepperton will lose the advantages from the revenue which would flow from the central business district. All the new authorities will lose the advantage of economies of scale which would be forthcoming from a larger operation such as the existing Perth City Council. If we take into account those two factors the need for rate increases in the new towns would not be surprising. That expectation is certainly backed up by the figures made available by the Perth City Council, which have not been rebutted by the Minister.

This proposal will have a serious effect on the residents of the new town of Shepperton which includes some the residents of Carlisle whom I represent. The Government's justification for this proposal is the need for better central city planning. Yes, there have been problems with central city planning. Yes, the potential of the central business district has not been fully exploited. Yes, the CBD is important to the entire metropolitan area and the whole State. Yes, it is important that more people reside in the central city area.

Mr Omodei: That is the first positive comment I have heard from a member opposite in 30 hours of debate.

Mr RIPPER: To acknowledge that there are problems is not accepting the Government's solution to them. While I acknowledge that central city planning could be improved - in the same way as the operations of the State and Federal Governments could be improved - I do not accept the Government's proposed solution to the problems.

Mr Court: What is your solution to the problem?

Mr RIPPER: I do not accept this solution. I am not a local government expert -

Mr Court: You know there is a problem, but you don't know what the solution is!

Mr RIPPER: This proposal is not a solution to the problem and I do not accept it. Effectively, it will give control of the central business district to a narrow group of central business interests. There are very few residents in the central business district, and because business proprietors and landlords, commercial and residential, have a vote in local government elections, the new central city council will be dominated by business interests of various sorts. Why will they be any better at giving the city a cultural and recreational heart than a council which represents business and residents' interests? Why would they be any better at planning a capital city for this State? Of course it is important that their views and needs be taken into account in planning the central business district, but why should only their needs be considered? That is where the Government's solution falls down.

While members on both sides of the House would agree that the planning of the central business district could be improved, there is no way that any credibility can be given to the idea that a group of people representing only business interests will do better. Why would they be any more concerned for the overall needs of the metropolitan area and the State than the present Perth City Council? It is not credible. The broader the range of interests represented on the council the more chance there is for the central business district to be better planned. Instead of broadening the range of interests the Government, through this Bill, has narrowed them and that will give a worse result.

Mr Nicholls: Time will tell.

Mr RIPPER: It will. Unfortunately, as the Government has the numbers in this House and the other House, the experiment will proceed. It is inherently unlikely that a narrower group of business interests will be better at planning the central business district than a group which represents business and residents' interests. A group which represents only business interests will not be sufficiently competent to plan a capital city for the whole of the State.

Mr Nicholls: Do you think that Sydney, as a capital city, has been a disaster?

Mr RIPPER: I do not have any knowledge of the Sydney situation, but to narrow the range of stakeholders is not a very good idea.

Mr Wiese: Do you think that business proprietors and tenants have no knowledge of cultural matters?

Mr RIPPER: That is an interesting question. I am not saying their views should not be taken into account, but they should not be the only part of the process. One does not get a better result in Government by narrowing the number of people whose views are taken into account. The central business district must be planned in relation to the whole of the metropolitan area, and it must take into account the needs of people in the suburbs and what they get from the city. The central business district must be planned as a capital for the whole State, so the interests of all the people must be taken into account.

Mr Omodei: The interests of the whole of the city are not taken into account in the existing system.

Mr RIPPER: The solution to those two needs proposed by the Government is worse than the present system, because it narrows the range of stakeholders whose views will be taken account of. My argument against this Bill is that it will severely disadvantage the constituents I represent in this Parliament. They will experience massive cuts in services, rate increases, and a denial of their democratic rights. The justification for the Bill is hollow. It will not result in better central business district planning; it is an inherently unlikely proposition that a group dominated by central business district interests will be better at planning a capital city than all those existing structures in the present system. This is fundamentally undemocratic legislation for a variety of reasons; it breaks explicit election promises, avoids the requirement for a referendum, removes elected representatives, is retrospective in its effect, and denies legal rights. It is bad legislation which should be opposed.

MR D.L. SMITH (Mitchell) [11.12 pm]: I said in the second reading debate on this Bill that the previous Government had made two commitments to local government in this State. One was that through a new Local Government Act we would give much greater autonomy to local government and remove as much as possible ministerial interference in its affairs. The second commitment was to devolve more responsibility to local government and examine all the functions of State and Federal Governments to decide, in consultation with local government, what could best be devolved to local government. In addition, the previous Government made a commitment to local government to examine ways to finance some of the new powers and responsibilities local government would have, without necessarily increasing the rate burden on its ratepayers. The previous Government was sending the message that it recognised local government was not a third tier of government, but that it was a sphere of government equal in its authority and its acceptability to the electorate to State and Federal Governments. The previous Government, in conjunction with the Federal Labor Government, also attempted some time ago to give local government recognition in the Constitution to guarantee its protection and independence. This was opposed by members opposite.

This Bill is quite the reverse of all those desires of local government and of the former State Government. It seeks to give the State Government and the State Parliament more power to interfere directly in the operations of not just an ordinary local authority but the capital city local authority of this State, and to do so in a draconian way without any consultation, and by abrogating the votes of electors at the last council elections. The present Local Government Act has two sections dealing with the appointment of commissioners in appropriate circumstances. Section 31 provides that -

Where a municipality has no council or has not sufficient councillors holding office to form a quorum, the offices of all the members of the council become vacant, and the Governor may, by Order, appoint such person as he thinks fit to be a commissioner of the municipality, and may remove a person so appointed.

In effect that section enables the Government of the day, through the Governor, where councillors have simply failed to hold office or there are insufficient councillors, to appoint a commissioner. The other power in relation to commissioners is in section 156, and this power was used in relation to the Canning City Council. The section states -

- (1) Where, in the opinion of the Governor a council is not properly carrying out -
- (a) local government in the district of the municipality; or
 - (b) the powers conferred and duties imposed upon it by an Act;
- the Governor may by Order dismiss the council.

It goes on to say that where that power to dismiss a council is exercised, the Minister of the day and the Governor are required to appoint a day as early as possible on which a fresh election shall be held to appoint a new council.

Mr Omodei: The appointment of a commission first.

Mr D.L. SMITH: Yes, but as soon as possible the Minister is required to appoint a day on which to hold an election for a new council. The very thrust of those two provisions is that, generally speaking, councillors should not be removed unless there is grave failure to exercise powers or grave misconduct or there are not enough councillors on hand to do the job required by the Act. In summary, the power to remove elected councillors is used only in extreme circumstances. When the Minister made his second reading speech I was waiting for him to expand on the very serious problems that warranted the removal of the Perth City Council in the way that has occurred. In the seven pages of his speech he deals with the problems seen by the present Government in only two paragraphs -

So what is wrong with the council? Clearly, one of the major areas for concern is the council boundaries, with residents from City Beach in the west to Carlisle in the east. There is no community of interest between many of the areas currently constituting the Perth City Council. A review of the boundaries to establish viable councils with a more localised community of interest is desirable and sensible. It helps to emphasise the essential strength of local government; that is, its local nature.

It continued -

Another area of ongoing concern over many years is the inability of the council to address planning issues in a coordinated way, recognising the legitimate interests of the State Government and its agencies.

Those are the reasons given by this Minister for the very extreme action that has been taken and the extreme powers that have been exercised in relation to the Perth City Council without consultation. Let us look at the question of community of interest and ask ourselves whether there are other councils in the metropolitan area - or in country areas - that do not have community of interest. Is the Minister suggesting, for instance, that the City of Wanneroo has a community of interest across its boundaries? Is the Minister suggesting that the City of Stirling and the City of Melville have a community of interest across their respective boundaries? Is he suggesting that the City of Swan, or the Shires of Warren, Busselton or Harvey have a community of interest across all their boundaries? Right around the State, any local authority which feels that it cannot truthfully answer that there is a community of interest across all its boundaries must in future suspect that the Minister and the Government will break up the authority into communities of interest. Of course, in the past, the question of community of interest has been solved by having wards with councillors representing the wards on the basis of community of interest, and making divisions within local government boundaries on that basis. But the Minister says that is not good enough; that the councils which, in order to preserve that community of interest within local electorates, may have divided themselves into wards and feel the necessity for the wards, again must fear that the fact they have wards and identify separate community of interest will be a reason for the Minister to intervene and break them up into new shires. Perhaps the Minister will take parts of one local authority and amalgamate parts of the areas with other nearby local authorities with which they might have more community of interest.

The second issue simply is that the Minister believes that there are planning problems in the City of Perth. There have been planning problems in the Cities of Cockburn and Canning, and certainly in the City of Wanneroo - indeed, in almost every local authority

in Western Australia. On occasions, local authorities do act in a way which is inconsistent with the wishes of the Minister for Planning or the State Planning Commission in its desire for what should be effected. The only basis upon which one could argue in that some way the City of Perth is different from these other local authorities is that the aspirations for and the problems in the City of Perth are different. All of us aspire to have a capital city of which every Western Australian can be proud. It is essential that the planning decisions of the city are made on that basis; that they recognise the importance of the city to the whole of Western Australia, and that the decisions made about planning are not self-interested and are not directed at trying to conserve or enhance ratepayers' revenue or assets at the expense of the appearance and contribution that the central city area provides to the cultural and social life, reputation, standing and pride of all Western Australians.

Anyone who has read the Bill will recognise immediately that rather than enhancing future planning, rather than making the planning decisions more detached from the interests of the property owners in the central city area, it will have the reverse effect. CityVision and others who support the role of the central city as a capital city to some extent have been subverted by some of the rhetoric attached to this legislation. They have been persuaded that there is a reason to support the legislation, because it may provide some opportunity for a change to the planning process for the centre of Perth. We need to recognise that of the new committees referred to in the second reading speech - the Premier's capital city committee, the capital city technical committee and the capital city development committee - two already exist in the form of the central city coordinating committee chaired previously by the Premier, and earlier by the previous Minister for Planning.

Mr Omodei: How many times did that committee meet?

Mr D.L. SMITH: Almost every month, and the Premier attended almost every second month.

The capital city technical committee comprises State Government agencies and officers of the City of Perth who have a primary interest in what needs to be done in the city. Both committees were available under the previous arrangement and neither will have legislative status under the new arrangement for their powers, capacities and functions. They do not have power under the new legislation either. In that sense, their status has not been changed at all.

The capital city development committee will be a forum for business and commerce. We know there has been a number of forums in recent years aimed at providing international and local input to the future planning of the City of Perth. Establishing a committee is not a bad idea; it will enhance the groundwork later at the conferences, but again it will have no statutory powers. It will have an advisory capacity and will not necessarily achieve any of the things required to be achieved for the City of Perth.

More importantly, enhancing the City of Perth as a capital city is not just about planning. The Perth central area requires an enormous amount of money spent on it so that we can say there are features of Perth which are unique and which are of such a standard that we can be proud that they are as good as or better than any internationally renowned city in the world. The keys to that are appropriate planning, commitment, and money. But we will not be able to achieve any of those things without a substantial commitment of money. We have already had an indication of the Government's attitude to committing money to the centre of Perth with its attitude to the foreshore plan when an international competition was held under the supervision of the capital city committee. Hundreds of designs from all over the world accumulated regarding what we should do with our foreshore. The previous Government chose a winner and offered the winner a contract, but the current Government said that half enough is good enough. The Government thinks that only half the amount needs to be spent on planning, so it will halve the budget for the foreshore planning. Secondly, it will sack the international consultants and use the same hackneyed, divisive people who have not been able to make up their minds about the foreshore and what is required in the past. The Government will allow those local people with their insular views to decide what is required for the city foreshore.

There is nothing wrong with parochialism or local views. The whole objective of the Premier's capital city committee, after the results of the foreshore competition were announced, was to involve the public in comment on the various plans and schemes which have been developed for the foreshore. It was always intended that 60 per cent of the total budget that would be committed to the new plan would be spent on local consultants. Having established who we thought were the best in the world and who we thought had the best ideas for the committee, and having consulted the local public, we thought that we would still need the guiding hand of those experts even though the final decisions would be left to people at State Government and Perth City Council level.

However, immediately on its election, this Government decided that we were spending too much money because we had gone overseas when we should have stayed local. It set about downgrading the project as quickly as it could. How can any Government which has done that come into this place and say that it is really committed to the objectives of this Bill? That is only part of what is wrong with the legislation. This Bill is guaranteed to prevent the vision of many people about what Perth should be as a capital city from ever becoming a reality. Why is that so? Because, rather than having 27 people elected from a population of 80 000 or 90 000 people across a band in the centre of Perth and with the advice of the State Planning Commission, the capital city committee and the capital city technical committee, this Bill shrinks the number of decision makers to the number prescribed by the Bill and ensures that those who are elected, when the terms of the commissioners are finished, will be people who depend for their election on the property owners in the centre of Perth. We know that those property owners include international people and companies which have head offices in the Eastern States. They are primarily investors who are about maximising the return on their investment and the dividends available to their shareholders.

Mr Omodei: How many of them are there?

Mr D.L. SMITH: In the second reading debate, I asked the Minister to tell me. I hope that he has done the research and can tell me how many property owners there are within the new city boundaries who will have voting rights in the new City of Perth.

Mr Omodei: No, I haven't got them.

Mr D.L. SMITH: The interest of those people in ensuring that their capital profit and income stream are maximised will be balanced only against the votes of 9 000 so-called local residents, many of whom will not qualify for votes either because they are not Australian citizens and are not entitled to be on the electoral roll for that reason or they will be visiting the city and not be permanent residents of the City of Perth.

It is inevitable that, if the control of planning decisions is left in the hands of existing property owners, their decisions will not be in the interests of Perth as a capital city. They are not a group of retailers in the Hay Street Mall looking at how they can attract more retail business into the City of Perth. The vast majority of property owners in the City of Perth are not involved in retail activities; they are in what we would call commercial and office activities. They have no real interest in adding to the traffic coming into Perth City, no interest in solving the parking problems, and no interest in promoting their buildings other than in terms of the occupants of those buildings. They will simply not make decisions which will be in the interests of the planning of a capital city.

Importantly, the revenue to develop the structures, to build the buildings and the monuments, to develop the parks, to service the foreshore areas, to sink the roads that require sinking and so on is very dependent upon the revenue stream from rates. The Building Owners and Managers Association makes no secret of the fact that it believes those people are overrated and overtaxed and that its objective, as will be achieved by this legislation, is to reduce the revenue contribution that they make to the capital city. On the one hand, self-interested planning decisions will be made by the nominees of the property owners who will dominate the voting for council; on the other hand, they will be instructed to keep the rate revenue as low as possible. That means keeping the revenue of the new City of Perth as low as possible. No capacity will exist to use that extra

money that is currently raised and might be used to mitigate the rates in some of the surrounding areas because it will not be collected at all. That means that the revenue available to the new city area will be less and, therefore, the parks, monuments and things of which we can be proud as a capital city will not be maintained or constructed.

Mr Court: We were going to build a monument to you.

Mr D.L. SMITH: I do not know how I could be thought of as having made any real contribution to the capital city. One of my desires as Minister was to establish a capital city planning group with statutory powers and to direct a proportion of the inner city revenue to that planning group to make sure that it had not only the planning power but the resources available to ensure that the planning was done in a way which would enhance Perth as a capital city. I acknowledge that, in two years as Minister for Planning and Local Government, I was not able to achieve that change. Part of the reason that I was not able to achieve that change was that I and the former Government would never have contemplated the kind of mechanism that is being used in this Bill to achieve what is sought to be achieved. We would never have contemplated hiring BOMA to submit a report on what should happen in the future of the city. Secondly, we would not have adopted that BOMA report without consultation with the ratepayers and the elected councillors of the City of Perth.

Mr Omodei: Which BOMA report is this?

Mr D.L. SMITH: It is really what the Minister calls the Carr report.

Mr Omodei: There is the BOMA CCI 1990 report and one that David Carr did for BOMA which has not yet been published. Which one are you talking about?

Mr D.L. SMITH: I am simply saying that, no matter how the Minister describes it, the origin of what he is doing lies in the work done by David Carr for BOMA. If the Minister, David Carr and BOMA had the courage to release the work done before the election by David Carr, people would look at the two documents and this legislation and remark on the similarity between what is being achieved by this legislation and what David Carr proposed as a solution for BOMA.

More importantly for local government, as has been said almost ad nauseam by members on this side, what is most reprehensible about the legislation is that it was introduced without any local consultation with either the ratepayers or the councillors. It was done without any consultation with the organisations that represent local government in this State, whether the Western Australian Municipal Association or the Local Government Association in relation to the City of Perth. As the Minister said in his response to comments tonight, there was no consultation with WAMA before the decision was made by Cabinet. As the Leader of the Opposition said, that is not consultation; that is simply advising after the deed has been done. It is just contrary to everything that the new Local Government Act is about. The real fear is that if one looks at the second reading speech for what it is, and in particular the only two problems identified - one being about planning and one being about the lack of community of interest - every local government in Western Australia must be concerned about its future. There are problems in local government. We have far too many local authorities in Western Australia. It is true that across many of those local authorities there is not community of interest in the true sense.

Mr Omodei: Which ones will you amalgamate?

Mr D.L. SMITH: As the Minister knows, I have always said that I would never be a driving force for that change. While there were those problems, we would always ensure that the desire to change came from local government, from WAMA through the regionalisation policies being developed by it and through other areas. We would not be in the business of describing new boundaries, of forcing amalgamations and of taking the responsibility for future planning away from local government.

This legislation takes the decision making away from local government. It results in the appointment of commissioners in circumstances which were never contemplated by the Local Government Act. It results in four new councils being created where previously there was one. That is hardly in the interest of better local government in the sense of

there being fewer local authorities. This Government seems to be creating new ones. It has set up a guide for all local government in Western Australia. In effect, it has said, "Somewhere about 20 000 people is the optimum size for a local authority." On that basis, we will have not four new local authorities in metropolitan Perth, but 30. I just hope that those 30 come into existence by a much more democratic process than these four have.

MR GRAHAM (Pilbara) [11.42 pm]: I received an unsolicited letter from the Town of Port Hedland, a local council in the major town in my electorate, expressing its concerns to me about the State Government's decision to restructure the City of Perth. The Town of Port Hedland is not a shire council that is dominated by Labor representatives. In fact, it is headed by a mayor who was a Liberal candidate for the Senate. He is currently a delegate to the State conference and an active member of the Liberal Party. His name is Alan Eggleston and he is doing a pretty good job for Port Hedland. I supported him for the position, and he is doing a good job.

Mr Court: Could you repeat that?

Mr GRAHAM: I have, regularly.

Mr Court: We have a preselection coming up; that is all.

Mr GRAHAM: At the meeting of the council on 28 October, it considered the State Government's decision. Knowing a little about the Town of Port Hedland, I know that when the council says it has considered something, it will have considered it at great length. The council came to the view that prior to any local government boundary restructuring, there should be adequate public inquiry and consultation to ensure that the electors of the municipalities involved have an opportunity to express their views. I must say that the views expressed by the Town of Port Hedland are views that I share, like many people in this place. We get elected, some in safer seats and some in more marginal seats, like me, who have to struggle for election. The people who vote are entitled to have a say in how the business is run.

The Town of Port Hedland also said the view that there be consultation was supported by the provisions of the Local Government Act 1960 and states that it is also the current State Government's policy, announced on its election. As I said in my preamble to stating the council's position, there are prominent members of that town council who are in a position to know what was the State Government's policy at the last election. The council took the view that in the case of the City of Perth, the State Government had unilaterally announced a decision to dissolve that municipality without any consultation and proper discussion with the electors and it had some serious difficulties with the way in which that was done.

Its comments condemn the processes that this Minister and this Government have undertaken with regard to the City of Perth. I reiterate that this was an unsolicited letter, not one that I canvassed from the council in my electorate. I ask the Minister to respond to the concerns that have been expressed by the Town of Port Hedland. Having spoken with some of the councillors, I know the views that they have expressed are deeply held views. Whether the Minister agrees with my point of view or whether he agrees with the point of view of those on this side of the House, a local authority in my electorate has put forward these serious concerns about the Minister's inability to consult people in the administration of this legislation. That is a serious criticism that has been levelled at the Minister and, in my view, the Minister must deal with it in this debate. I would appreciate his doing that.

MR OMODEI (Warren - Minister for Local Government) [11.48 pm]: I thank members opposite for their contribution to this third reading debate. There has been quite some repetition, the debate having now gone for 30 hours since the Bill was introduced into the Parliament on 21 October this year. Considering there are 30 clauses in the Bill and seven schedules, the Bill has been well and truly debated. The Government certainly could not be accused of ramming the legislation through, as was suggested during the second reading debate and also during the Committee stage.

I was most interested to hear the comments of the member for Mitchell, who was the Minister for Local Government and Planning in the previous Labor Government. For a while I thought he was going to become the Graeme Campbell of the Western Australian Labor Party and cross the floor on this issue. To be fair to him, I think his contribution was one of the more balanced of those of the members opposite.

One need only ask oneself why. I think the answers are quite obvious. The previous Minister for Local Government and Planning had close discussions with local government prior to the election about splitting up or restructuring the Perth City Council. It is quite hypocritical of some members opposite to suggest that the Government has acted arbitrarily when in fact their own party was looking at going down the same or similar lines. Members may or may not know that of the capital cities of Australia, Brisbane has a greater council area, almost a mini state within a State; Sydney has a central planning authority; and of course Melbourne has recently gone down the path of restructuring along similar lines to what the Western Australian Government is proposing, apart from the fact that it is annexing part of an adjacent city council, which may cause it some problems.

Members opposite have quoted from newspapers and other documents ad nauseam during this debate. Prior to the last election, an article in *The West Australian* described the whole situation and the deception of the Opposition. It is headed "State seeks slice of central city cake", and states -

Premier Carmen Lawrence last night put another nail in the coffin of Perth City Council by revealing that the State Government was planning to form an authority to control Perth's central business district.

What members opposite did not say is that the previous Administration was proposing to go down the same lines as the Sydney model. It is well known that that model worked quite well for the first two or three years until it was politicised by the current Labor Party in that State, and in fact it is now failing as a city planning authority. There were a number of reasons that the previous Administration failed to have the courage to restructure the City of Perth, many of which related to rate burdens that would have been significant in the outer areas, and they were identified by Liberal Party candidates prior to the last State election. Many of those comments were very close to the mark.

During the Committee stage, I made a commitment to give some answers to questions raised by members. The member for Peel, the Opposition spokesman for local government, raised the question of the value of the Perth City Council assets. The council advises that the property and contents were insured as at 30 June 1993 for \$338m. The council's financial statements for the year ended 30 June 1993 indicate total current assets at \$86.8m. In addition, the PCC values its freehold and land at cost, and that is shown in the statements at \$35m. It is obvious that some of the areas are grossly understated; for example, the James Street depot, which is shown at \$1. The council is more than willing to elaborate on any other matters that members may wish to raise.

The member for Nollamara asked questions about the size of the central business district, the size of the Crawley area within the PCC and the size of the residential areas. I advise that the definition of the CBD is an arbitrary one, but for the purpose of answering the member's question I have defined it as the area bounded by Victoria Avenue, Wellington Street, the river foreshore and the freeway; in that case, the area is 158 ha. The size of the Crawley area within the Perth City Council is 30 ha. It is difficult to define the residential areas unless measurements are taken on a lot by lot basis, in which case there is still the problem of measuring mixed uses for the purpose of answering the question. The area of the balance, excluding Crawley and the CBD, is 502 ha.

The member for Balcatta raised the problem faced by a ratepayer in regard to a leasehold at the railway station. That issue has been resolved, and in the last few days I have signed a letter giving approval to a 10 year lease.

The Government has taken on board many of the comments that have been made, particularly about the proposed town of Shepperton. Members would know that the Government has acceded to a request to put the Burswood Island area into the town of

Shepperton. That has been well received by that community. This morning, I addressed a gathering in Victoria Park, and those people were more than appreciative of that commitment by the Government. The member for Floreat raised a number of issues about the town of Cambridge, and while she had some amendments on the Notice Paper, I understand from Parliamentary Counsel that those amendments were not properly drafted. The issue of endowment lands was raised at a public meeting at Floreat, and I gave a commitment at that meeting that I would investigate the matter further, knowing full well that the City of Perth Endowment Lands Act 1920 is an important Act. Section 39(2) of that Act dictates that moneys raised from endowment lands should be spent on endowment lands. I was not aware of the depth of feeling of the people in that area and that their registered titles had some statement about the endowment lands. There is also quite strong feeling about the Lime Kilns Estate. I have instructed Parliamentary Counsel to draft amendments to ensure that the endowment lands are vested in the town of Cambridge and that the funds that are held in cash in the endowment lands trust account are retained in the new endowment trust fund that will be set up under the Act. I expect that at least \$5m of that money, which currently amounts to \$11.5m, will be spent on the administrative area and the rest will be retained in the endowment trust fund for further distribution at a later date. I have given a commitment that post 1995, those funds will be distributed to the towns on demand - when I say "on demand", on application to the fund and on approval by the Minister. I outlined during the Committee stage that I would seek advice from the Grants Commission when making any allocations so that those funds are distributed equitably.

That commitment will go a long way towards resolving some of the concerns of the City Beach Ratepayers Association and the Wembley Ratepayers Association; and along with the commitment that the Government has given to be accountable to the Parliament by reporting to the Parliament, I believe that many of the concerns of resident ratepayers will be placated. However, the Government is still faced with a lot of misinformation in the community. I make a plea to members opposite that when this legislation is finally passed through the Parliament, they adopt a positive approach. As the member for Mitchell said, Perth is our capital city. We are all proud of that city and we can do a lot to the city in the foreshore developments and in the vacant lots and heritage areas, and to make the city safer than it is now. Despite claims to the contrary from members opposite, who said that we have not made a single concession, we have made a number of concessions to people in the community.

In order to cover once and for all the issue of a referendum, I wonder how far we would have to go with a referendum. Should we poll people to ask whether we should have a restructure in the first place; and, having decided that, should we then go down the line of a boundaries commission? If we go down the line of a boundaries commission with a specific petition designating the capital city precincts, what do we do to those outer suburban areas? I put it to the member for Belmont that in the case of Victoria Park-Carlisle, should we establish a capital city precinct similar to what the John McInerney report, the most recent report, suggested to the PCC? That report has not been commented on by the PCC. It has been neither accepted nor dismissed. Should we have set up a poll or referendum in the localities of Carlisle and Victoria Park along the lines of a section 30A referendum under the Local Government Act which relates to annexing parts of neighbouring councils? There would need to be a 30 per cent turnout for that poll to be valid. If the people of Carlisle went into the City of Belmont - I know that the Belmont City Council is interested - their rates would increase by \$200. Likewise, if the locality of Victoria Park were annexed to South Perth, the people in that locality would face a rate increase of \$125. That was one of the good reasons for our going down the line we did. I admit that we provided the community with a fait accompli on the changes -

Mr Ripper: Do you agree that their rates will rise by a similar amount under this proposal?

Mr OMODEI: I do not think so because, on the distribution of the assets - Perth City Council's assets are substantial - the rates will be minimised because the capital costs

will be covered by the distribution of those assets. I am not saying that the rates will not rise and I think the Premier has made that statement also in answering questions without notice. We cannot give a categorical guarantee that there will be no rate increase. However, we can say that there will be no significant increases unless a council decides to build a new cultural centre or something like that. We cannot predict what the rates will be in the future. The one thing I can guarantee is that, once the structure is in place - for example, if there is a further devaluation of the central business area - the central business area will be quarantined from the suburban areas and the situation where \$8m had to be raised in the suburbs this year will not recur.

Mr Ripper: On the other hand, what happens if the property market turns up?

Mr OMODEI: I suppose it will be up to the council to work out what revenue it wished to achieve and it will set its rate in the dollar accordingly.

Mr Ripper: Do you want to deal with those figures that I gave for the town of Shepperton?

Mr OMODEI: I will touch on those briefly for the member's benefit. I had a cursory look at the Back report, bearing in mind that identifying any anomalies in that report would not achieve anything for anybody. One anomaly that I did note was the allocation of over \$500 000 for the Beatty Park swimming pool. I understand that is a one line item for this year and that expenditure will not occur next year. I also understand that Beatty Park will be in credit once the upgrade is completed. None of those things was stated in the Back report.

Mr Ripper: What about the Shepperton figures?

Mr OMODEI: Likewise with the Shepperton figures. I did not take the time to look at them because in the end that will be the responsibility of the commissioners. It will be their responsibility to set up the budgets with the assistance of the city treasurer. Therefore, it does nobody any good to hash over the Carr-Fardon report or the Back report. The Government has made it very clear that it will restructure the capital city of Western Australia. As a result of that, three new towns will be created and the distribution of the assets will ensure that those three towns are viable. Extensive funds are available to be distributed including endowment lands funds, the parking fund, the general purpose reserve and funds from the sale of some land. The amount available totals at least \$50m. Proceeds from the sale of Tamala Park land will also be split up between the cities of Stirling, Wanneroo and Perth at some time in the future. Therefore, there is a guaranteed income.

We should contrast that with other councils around the State that have no endowment land or cash reserves and are of the same size, if not larger than those proposed councils. I took figures from the Grants Commission report which I did not refer to during the debate because I did not see the point of doing so. On a per capita basis comparing the new town of Vincent with Bunbury and Geraldton, \$67.73 per head is spent on recreation and sport in Vincent compared with \$34.40 in Bunbury and \$39.98 in Geraldton. An amount of \$2.23 per head is spent on public halls and civic centres in Vincent and only 6¢ in Bunbury and 16¢ in Geraldton. An amount of \$21 per head is spent on libraries in Vincent compared with \$13.36 in Bunbury and \$9.23 in Geraldton. We can argue figures until -

Mr Ripper: Your argument seems to be that Vincent is overserved.

Mr OMODEI: Those figures indicate that a lot more money is spent per head in Vincent than in Bunbury and Geraldton which probably gives some credence to the indicative figures for a town of the size of about 20 000 that Carr and Fardon put into their report. I know the figures in that report have been seized on by members opposite to try to discredit the report. However, in the end, it does not serve any purpose. The member for Belmont needs to acknowledge that, apart from the points that I raised in relation to referendums and the various section of the Act and whether the Minister would take notice of those referendums - he does not have to - every other capital city in the nation bar Hobart in Tasmania has been restructured. Therefore, this coalition Government is

doing very little different from what is happening in other States. We have decided also to go down that line of restructuring our capital city with the intention of revamping and rejuvenating that precinct and creating three new viable towns.

With my experience in local government - members opposite may criticise that - this was the most benign way of making that decision. I will stand by it and time will be the judge of whether the Government has made the right decision. Once one gets past the disaffected Perth City councillors, the union movement and the Australian Labor Party and talks to people at the grassroots level, one finds they are very receptive to the proposition.

I will not go through all of the comments raised by members during the third reading debate except to say that the Government acted on the reports that have been provided over the last seven or eight years and we have been criticised by some of the people involved in those reports. I remind members that, while CityVision was not happy that it was not consulted, it was quite positive in its response to the Government's decision and was happy with a restructure. Many of those reports were written seven or eight years ago. It has taken a little courage for the Government to restructure the capital city. However, given time, the people of Western Australia will be pleased with the result.

Division

Question put and a division taken with the following result -

Ayes (26)		
Mr Ainsworth	Mr Johnson	Mr Shave
Mr C.J. Barnett	Mr Kierath	Mr Strickland
Mr Blaikie	Mr Lewis	Mr Trenorden
Mr Board	Mr Marshall	Mr Tubby
Mr Bradshaw	Mr Nicholls	Dr Turnbull
Mr Court	Mr Omodei	Mrs van de Klashorst
Mr Day	Mr Osborne	Mr Wiese
Mrs Edwardes	Mr Penda	Mr Bloffwitch (<i>Teller</i>)
Dr Hames	Mr Prince	
Noes (22)		
Mr M. Barnett	Mrs Hallahan	Mr D.L. Smith
Mr Bridge	Mrs Henderson	Mr Taylor
Mr Catania	Mr Kobelke	Mr Thomas
Dr Constable	Dr Lawrence	Ms Warnock
Mr Cunningham	Mr Marlborough	Dr Watson
Dr Gallop	Mr McGinty	Mr Leahy (<i>Teller</i>)
Mr Graham	Mr Riebeling	
Mr Grill	Mr Ripper	

Question thus passed.

Bill read a third time and transmitted to the Council.

TAXATION LEGISLATION AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

ACTS AMENDMENT (ANNUAL VALUATIONS AND LAND TAX) BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

BILLS (2) - RECEIPT AND FIRST READING

1. Land Tax Assessment Amendment Bill
2. Valuation of Land Amendment Bill

Bills received from the Council; and, on motions by Mr C.J. Barnett (Leader of the House), read a first time.

House adjourned at 12.14 am (Wednesday)

QUESTIONS ON NOTICE

LISTENING DEVICES ACT - BREACHES; REVIEW

912. Mr CATANIA to the Minister for Police:

- (1) As in *The West Australian* of 24 August 1993 Hon Phil Pandal stated that the Listening Devices Act was being breached at will, does the Minister support the member's statement?
- (2) Does the Minister intend to review the Act?
- (3) If so, when?
- (4) What action does the Minister intend taking on the person/persons that the member states have contravened the Listening Devices Act?

Mr WIESE replied:

- (1)-(3) The Attorney General on behalf of the Government is intending to introduce amendments to the Listening Devices Act this session to address the concerns raised by the member for South Perth.
- (4) Breaches of the Listening Devices Act are dealt with by police as and when there is relevant evidence that the Act has been contravened.

WATTS, CAROL - GOVERNMENT CONTRACTS

958. Mr McGINTY to the Premier:

- (1) How many contracts of, or for service with Government have been entered into with Mrs Carol Watts or companies of which she is an employee, director or shareholder?
- (2) What were the commencement and completion dates of each such contract, if applicable?
- (3) What benefits including but not limited to financial benefits are or will be received by Mrs Watts under each such contract?
- (4) What services were or are to be provided for each such contract?
- (5) Are any similar contracts involving Mrs Watts under consideration?

Mr COURT replied:

- (1)-(4) Government has entered into four contracts with Mrs Carol Watts, the details of which are as follows -

Dates	Title	Benefits	Services
June 1986 to October 1987	Press Secretary	Level 6 salary Constitution Act contract - Public Service Act conditions	Press duties to the Leader of the Opposition
29.6.92 to 16.2.93	Research Officer	Level 4 Term of Government contract - Public Service Act conditions	Research duties for the Leader of the Opposition in the Legislative Council
17.2.93 to 7.9.93	Consultant	Refer to response from former Minister for Tourism; Housing; Sport and Recre- ation to parliament- ary question 271	To provide consultancy services to Minister for Tourism, and Minister for Mines

13.9.93 - ongoing	Consultant	\$40.90/hr fee for service to max 75 hours/fn - no other benefits	Assist Chief Executive, Policy Office with across Government policy development
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Mrs Watts is not an employee, director or shareholder of any company.

- (5) As far as I am aware, no other contracts with Government are being considered for Mrs Watts.

POLICE DEPARTMENT - COUNTRY LICENSING CENTRES, IMPROVEMENTS

Karratha, Carnarvon, Geraldton Licensing Centres, Levels of Officers in Charge

1317. Mr RIEBELING to the Minister for Police:

- (1) What improvements have been made to avoid problems in country licensing centres that have occurred recently?
- (2) How quickly will problems be identified under the new system?
- (3) What levels are the officers in charge of licensing centres in -
 - (a) Karratha;
 - (b) Carnarvon;
 - (c) Geraldton?
- (4) What volume of money is each of these officers responsible for?
- (5) Is that level commensurate with that responsibility?

Mr WIESE replied:

The member's question is unclear; however, if he is referring to the thefts at the Karratha and Narrogin licensing centres, the following information applies.

- (1) Daily reconciliations have been put in place.
- (2) The following day.
- (3)
 - (a) Level 3.
 - (b) Licensing is conducted by the Shire of Carnarvon.
 - (c) Level 3.
- (4) Karratha daily collections average \$14 000. Geraldton daily collections average \$25 000.
- (5) Yes.

AGREEMENT ACTS - AMENDMENTS

1331. Dr GALLOP to the Minister for Resources Development:

- (1) Is the Government considering amendments to any State agreement Acts?
- (2) If yes, which ones?

Mr C.J. BARNETT replied:

- (1) Discussions are in progress or have been held since the coming into office of the present Government with the second parties to a number of agreement Acts in accordance with the terms of the variation clause in each agreement.
- (2) Nickel Refinery (Western Mining Corporation Limited) Agreement Act
Nickel (Agnew) Agreement Act
Poseidon Nickel Agreement Act
Collie Coal (Western Collieries) Agreement Act
Collie Coal (Griffin) Agreement Act

Broken Hill Proprietary Company's Integrated Steel Works Agreement Act
 Broken Hill Proprietary Steel Industry Agreement Act
 Iron Ore (Mount Newman) Agreement Act
 Iron Ore (Mount Goldsworthy) Agreement Act
 Iron Ore (McCamey's Monster) Agreement Act
 Iron Ore (Marillana Creek) Agreement Act
 Wundowie Charcoal Iron Industry Sale Agreement Act
 Alumina Refinery (Worsley) Agreement Act

UNEMPLOYMENT - OCTOBER FIGURES

1364. Mr RIPPER to the Premier:

Will the Premier advise the House of details of the October unemployment figures released by the Australian Bureau of Statistics as they affect Western Australia?

Mr COURT replied:

Australian Bureau of Statistics figures show that Western Australia's unemployment rate was 9.2 per cent in October in seasonally adjusted terms. In comparison, the national rate was 11.2 per cent. Western Australia's unemployment rate is lower than all other States.

GOVERNMENT VEHICLES - 8WA-004 ALLOCATION

1367. Mr RIPPER to the Premier:

To which Minister or member is vehicle 8WA-004 allocated?

Mr COURT replied:

For reasons of security it is not appropriate to divulge details of the allocation of individual vehicles attached to the Government Garage.

SMITH, WAYDE - FINANCIAL REPORT, PAYMENT

1373. Mr RIPPER to the Premier:

- (1) Who paid for the report on the finances of the member for Wanneroo?
- (2) What was the cost?
- (3) What is the cost to the Government of employing Stephen Mann of Bentley's to review the report on the finances of the member for Wanneroo?

Mr COURT replied:

- (1) I am advised the member for Wanneroo.
- (2) That is a private matter for the member for Wanneroo.
- (3) When the review is completed we will account.

PUBLIC SERVICE COMMISSION - PUBLIC SERVANTS WORKING IN MEMBER'S ELECTORATE OFFICE, PAST PRACTICE ON HOUSING MATTERS

1374. Dr EDWARDS to the Minister for Public Sector Management:

- (1) With reference to the Premier's answer to question on notice 1148 of 1993, to what past practice on housing matters does the Commission refer?
- (2) Has the Commission examined the ethical question of public servants undertaking work in a member's electorate office?
- (3) Does such a practice contravene the Public Service Act 1978, or any guideline regulation or code of conduct for public servants?

Mr COURT replied:

- (1) The past practice referred to in the response to question on notice 1148 of 1993, consists of Homeswest officers attending the electorate offices of Ministers and other members of Parliament to answer queries and resolve housing issues. This has been a longstanding practice which has simply been formalised by the Executive Director of Homeswest to ensure that competent officers were available to answer inquiries made to the Minister's office, rather than the less efficient alternative of referring such inquiries on to Homeswest.
- (2) The Public Service Commission's ethics branch has examined the ethical question of public servants undertaking work in a member's electorate office. In particular, consideration was given to an agreement between the Executive Director of Homeswest and the Minister that these officers were there to answer inquiries concerned only with housing related to their official duties and were not to be involved in any political matters whatsoever.
- (3) Given the aforementioned agreement between the Executive Director of Homeswest and the Minister for Housing, the arrangement in place for Homeswest officers to answer housing related inquiries from the electorate office of the Minister for Housing does not contravene the Public Service Act 1978 or any guideline regulation or the Code of Conduct for public servants.

MINISTERIAL TRAVEL - CLASS, PREMIER'S DIRECTIVE TABLING

1375. Mr RIPPER to the Premier:

With reference to the Premier's answer to question on notice 1007 of 1993, will the Premier table a copy of the Premier's directive to Ministers on the subject of class of travel?

Mr COURT replied:

As requested, I table a copy of the circular which outlines policy and procedures for travel by Ministers and Government officers. [See paper No 605.]

HOSPITALS - MT HENRY OR SUNSET

Admittance Policy Changes; Rejections; Patients Reduction

1376. Mr BROWN to the Minister representing the Minister for Health:

- (1) Has the criteria for admittance into Mt Henry Hospital or Sunset Hospital changed in the last two years?
- (2) If so -
 - (a) how many times has the policy changed;
 - (b) what was the nature of each change;
 - (c) what was the date of each change?
- (3) Is either hospital under any directive to reduce the number of patients at the hospital or reduce the number of new patients coming into the hospital?
- (4) Since 1 March 1993, how many applications for admittance have been rejected by each hospital?

Mr MINSON replied:

The Minister for Health has provided the following reply -

- (1) No. The primary role of both hospitals in providing for those whose medical, nursing and social needs cannot be met in the

private sector, has not changed. In addition to this role Sunset Hospital provides for "Care Awaiting Patients" from acute hospitals.

- (2) Not applicable.
- (3) No.
- (4) Sunset Hospital - Nil.
Mt Henry Hospital - three patients who did not meet the admission criteria were rejected during the period 1 March 1993 to 31 October 1993.

GOVERNMENT DEPARTMENTS AND AGENCIES - POLLING, MARKET RESEARCH OR SURVEYS

1399. Mr RIPPER to the Minister for Resources Development; Energy; Tourism:

- (1) What polling, market research or surveys have been undertaken by departments and agencies under the Minister's control since 6 February 1993?
- (2) (a) who conducted each project;
(b) and what was the cost?
- (3) What was the purpose of the project?
- (4) Which projects were authorised by the Minister?

The answer was tabled.

[See paper No 606.]

GOVERNMENT DEPARTMENTS AND AGENCIES - POLLING, MARKET RESEARCH OR SURVEYS

1407. Mr RIPPER to the Minister representing the Minister for Health; The Arts; Consumer Affairs:

- (1) What polling, market research or surveys have been undertaken by departments and agencies under the Minister's control since 6 February 1993?
- (2) (a) who conducted each project;
(b) and what was the cost?
- (3) What was the purpose of the project?
- (4) Which projects were authorised by the Minister?

The answer was tabled.

[See paper No 607.]

STRATAGEM ADVERTISING & COMMUNICATIONS CONSULTANTS - GOVERNMENT CONTRACTS

1420. Mr KOBELKE to the Minister for Services:

- (1) Can the Minister provide a list indicating each contract or work assignment awarded to Stratagem Advertising and Communications Consultants since February 1993 to undertake advertising or promotional work for any Government department, agency or consultant working on behalf of the Government?
- (2) What was the value of each project or work assignment?
- (3) What is the cost of Stratagem's share of the work in each case?
- (4) How much in each case has already been paid to Stratagem?

Mr KIERATH replied:

(1)-(4)

The State Supply Commission, which oversees contracts over \$50 000 has not entered into any contracts with Stratagem Advertising and Communication Consultants to undertake advertising and promotional work for any Government department, agency or consultant working on behalf of the Government since February 1993. For contract less than \$50 000, these are undertaken direct by Government departments and agencies under policies and guidelines of the commission. The commission does not maintain records of transactions under \$50 000.

MULTICULTURAL ARTS CENTRE - ETHNIC COMMUNITIES COUNCIL OF WA, FUNDING ALLOCATIONS

1427. Mr CATANIA to the Minister representing the Minister for the Arts:

Will the Minister give an assurance that the funds which had been allocated to the Multiculturals Art Centre and the Ethnic Communities Council of Western Australia will not be cut back?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

Funding for the Multicultural Arts Centre has been confirmed at \$104 000 for 1994. However, the Community Arts Peer Assessment panel did not recommend funding for the Ethnic Communities Council.

EDUCATION, MINISTRY OF - ENGLISH AS A SECOND LANGUAGE

1432. Mr CATANIA to the Parliamentary Secretary representing the Minister for Education:

- (1) Will the Minister take steps to ensure that all children of non-English speaking background receive proper English as a Second Language training?
- (2) Will the Minister instruct and ensure that the Education Department fully informs schools of the importance of all children receiving proper and adequate ESL training rather than leaving it up to the discretion of individual principals and school administrators to respond to these needs?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

- (1) The specialist English as a Second Language provision for recently arrived non-English speaking background students, delivered through intensive language centres and ESL support programs, is exemplary. The ongoing linguistic needs of NESB students are best met in the context of the mainstream classroom. Advisory and material support is available to the teachers of these students in the mainstream.
- (2) Ministry of Education expectations are clearly outlined in the document entitled "Policy and Guidelines for the Education of Non-English Speaking Background Students", distributed to all schools.

EDUCATION, MINISTRY OF - NON-ENGLISH SPEAKING GROUPS, QUALIFIED STAFF APPOINTMENT

1435. Mr CATANIA to the Parliamentary Secretary representing the Minister for Education:

Will the Minister instruct and ensure that properly equipped individuals, who not only have the academic requirements but are also aware of

community needs, are appointed to the positions which relate to non-English speaking background groups within the education system?

Mr TUBBY replied:

The Minister for Education has provided the following reply -

All applicants for appointment to ministry positions are assessed and ranked according to qualifications, knowledge and suitability for each area of appointment. As a consequence of declining migration patterns specialist teacher entry to the English as a Second Language area is limited and highly competitive.

PERTH CITY COUNCIL - CARR, DAVID, REPORT CONTRACT

1440. Mr KOBELKE to the Minister for Planning:

- (1) At what date was the contract for Dr David Carr to prepare a report on the Perth City Council fulfilled?
- (2) What are the conditions of contract for the ongoing work mentioned in answer to question on notice 1350 of 1993, undertaken by Dr Carr following finalisation of his report?
- (3) What is the hourly rate of pay received by Dr Carr for this limited ongoing advice on the report?
- (4) How many hours work have been rendered by Dr Carr in providing such limited ongoing advice on the report?
- (5) Between what dates do the answers to parts (2), (3) and (4) apply?

Mr LEWIS replied:

- (1) Contractual obligations were fulfilled when the report on the Perth City Council was completed on 31 August 1993.
- (2) To provide limited ongoing advice on the report at an hourly rate - see (3) - and over a specified term - see (5).
- (3) \$100 per hour.
- (4) Sixty hours - as at 28 October 1993.
- (5) Between 1 September 1993 and the proclamation of the legislation.

PERTH CITY COUNCIL - FARDON, RALPH, REPORT CONTRACT

1441. Mr KOBELKE to the Minister for Local Government:

- (1) At what date was the contract for Mr Ralph Fardon to prepare a report on the Perth City Council fulfilled?
- (2) What are the conditions of contract for the ongoing work mentioned in answer to question on notice 1350 of 1993, undertaken by Mr Fardon following finalisation of his report?
- (3) What is the hourly rate of pay received by Mr Fardon for this limited ongoing advice on the report?
- (4) How many hours work have been rendered by Mr Fardon in providing such limited ongoing advice on the report?
- (5) Between what dates do answers to parts (2), (3) and (4) apply?

Mr OMODEI replied:

- (1) The report was completed on 31 August 1993 fulfilling Mr Fardon's contractual obligations but he agreed to provide limited ongoing advice.
- (2)-(3) Mr Fardon has provided limited ongoing advice in relation to particular matters, as and when requested by me to do so at the rate of \$100 per hour.

- (4) Not able to be determined as no account has yet been rendered.
- (5) Between 1 September 1993 and the proclamation of the legislation.

**HOMESWEST - ETHNIC COMMUNITIES COUNCIL OF WA
YOUTH OF NON-ENGLISH SPEAKING BACKGROUND REPORT**

1450. Mr CATANIA to the Minister for Housing:

As the Ethnic Communities Council of Western Australia released the publication *Walking the Tightrope* about the problems of ethnic youth, which made various recommendations, what steps has the Minister's department taken to implement the recommendations of the Report of the ECC of Western Australia on young people of non-English speaking background (NESB)?

Mr LEWIS replied:

Homeswest will take into account the recommendations of the Report of the Ethnic Communities Council of Western Australia when it next undertakes an applicant's needs survey.

**WATER AUTHORITY OF WESTERN AUSTRALIA - ANNUAL REPORT 1993,
EMPLOYMENT REDUCTIONS**

1455. Mr THOMAS to the Minister for Water Resources:

- (1) Did the managing director's review in the annual report for 1993 of the Water Authority of Western Australia state that -

A number of issues however remain unresolved. These include . . . continued imbalance between number of employees and work available. Despite a reduction of 250 employees in 1991-92 there is further scope for reductions in a number of areas and a further severance scheme is proposed for 1993-94.

- (2) Is this statement and similar pronouncements causing insecurity among the WAWA work force who are concerned about their careers and the viability of the sections of WAWA where they are employed?
- (3) When will WAWA tell the work force which jobs are going to be made redundant and what is the long-term future of the various sections of WAWA?

Mr OMODEI replied:

- (1) Yes.

(2)-(3)

The Water Authority conducts ongoing reviews to improve efficiency. Where there is an imbalance between workloads and employee resources voluntary severance is offered. The long-term future depends on providing quality services to customers that are cost effective. Strategies are in place to involve and inform employees.

**ARTS, DEPARTMENT FOR THE - FUNDING ARTS ORGANISATIONS,
CHANGES**

1461. Mrs HALLAHAN to the Minister representing the Minister for the Arts:

Is it or is it not the Government's intention to change the funding to arts organisations to a project basis only?

Mr NICHOLLS replied:

The Minister for the Arts has provided the following reply -

The State Government, through the Department for the Arts, funds arts organisations both on a project by project basis and through annual recurrent funding to major companies. This situation will continue.

QUESTIONS WITHOUT NOTICE

MABO LEGISLATION - POLL BY QUANTUM RESEARCH

464. Dr LAWRENCE to the Premier:

I refer to a report in today's issue of *The West Australian* in relation to nationwide polling undertaken by Quantum research for the State Government on its anti-Mabo legislation, and ask -

- (1) If the Premier is confident about the integrity of the poll, when will he table the questions, methodology and results?
- (2) What is the cost of this exercise to Western Australian taxpayers?

Mr COURT replied:

- (2) Without notice of the question, I cannot give the cost but I will find it out for the Leader of the Opposition.

Dr Lawrence: You must have a rough idea. Will you table the questions asked, the methods used to do the poll and the results? It does not look too special, but we will give you the benefit of the doubt if you table it and allow others to be the judge.

Mr COURT:

- (1) I will provide the information to the Leader of the Opposition that she seeks.

ASIA-PACIFIC ECONOMIC CO-OPERATION FORUM - SIGNIFICANCE

465. Mr BLOFFWITCH to the Premier:

Can the Premier inform this House of the significance of the recent Asia-Pacific Economic Co-operation forum for Western Australia?

Mr COURT replied:

We certainly welcome the positive outcome of the Seattle Asia-Pacific Economic Co-operation meeting, and also compliment those people involved in the Federal Government for the leading role that Australia has taken in the establishment of this, including the former Prime Minister -

Mr Taylor: Be fair.

Mr COURT: Mr Hawke established the function.

Dr Lawrence: And the current Prime Minister.

Mr COURT: I am complimenting those people. I must have caught the Opposition by surprise because I am complimenting them for the leading role they have played in getting this organisation up and running. The fact that the United States President has taken such a strong personal interest means that the whole thing will work. It is also particularly significant in that Australia is still not fully seen as part of Asia. Western Australia is seen to be on the fringe of Asia, and this development brings us into the bigger league and will lead to the opening of new markets for Western Australian industry. However, we are concerned about the treatment the Prime Minister has decided to hand out to the Malaysian Prime Minister, Dr Mahathir.

Dr Lawrence: Can I suggest that nobody endorses those comments, but there is likely to be much greater embarrassment caused by the Government's legislation extinguishing native title.

Several members interjected.

Mr COURT: The comments made by the Australian Prime Minister represented diplomacy at its worst. They were made at a time when in Western

Australia the former Government and this Government have spent so much time building up positive trade and cultural relationships with Malaysia. That country is now not only doing a lot of trade with Western Australia, but also is taking a strong equity position in a number of companies in this State, and it is outrageous that the Prime Minister should treat the Malaysian Prime Minister as though he were dealing with one of his political opponents within Australia. The comments that have been made by the Prime Minister are totally inappropriate. I hope that some apology follows.

LAWRANCE, MICHELLE - ATTORNEY GENERAL, CAMPAIGN ASSISTANCE

Question Ruled Out of Order

466. Dr GALLOP to the Attorney General:

With reference to the Attorney General's ministerial responsibilities and the potential conflict of interest resulting from the Attorney General's administration of justice, and her relationship with Dr Wayne Bradshaw, I seek to clarify the Attorney General's answers to previous questions about any campaign assistance she may have received from the Wanneroo City Council employees at the direction of the then Mayor, Dr Wayne Bradshaw, and I ask whether in addition to Mr Andrew Boyd, did the Attorney General ever receive campaign assistance from a Ms Michelle Lawrance?

The SPEAKER: Order! Bring that question to me please. On the face of it, the question seems to be a long way from the responsibilities of the Minister. The member for Victoria Park might care to briefly indicate how the question - ignoring the preamble which is long, and out of order because it advances argument - falls within the ministerial responsibility of the Attorney General.

Dr GALLOP: Earlier questions on the relationship between the now Attorney General and Dr Wayne Bradshaw have been allowed in this Parliament on the basis that the portfolio currently administered by the Attorney General is in the process of prosecuting Dr Bradshaw. Other aspects of her portfolio may be further investigating the role he may have played in events at the Wanneroo City Council. It is important to establish whether there were any connections between the Attorney General and Dr Bradshaw, how far they go, whether they flowed through to her becoming the Attorney General, and whether those connections impact on the way she is proceeding to carry out her duties.

The SPEAKER: Notwithstanding that, I cannot see any evidence that the question complies with Standing Order No 106 in regard to ministerial responsibility and therefore relates to whether Ms Michelle Lawrance helped or did not help in the campaign of the Attorney General in 1992 before she became a Minister.

Point of Order

Mr RIPPER: Point of order, Mr Speaker -

The SPEAKER: You cannot debate my ruling. However, I will entertain a brief comment from the member.

Mr RIPPER: If a person at the direction of someone who is now a fugitive from justice gave campaign assistance to the Attorney General who is responsible for administering justice, does that not raise a potential conflict of interest - which is the proper subject for a question in this House?

The SPEAKER: There may be ways to raise this matter, but a question in that form relates to a time before the Attorney General became Minister and I cannot see how it falls within her ministerial responsibility. I will take the next question.

Dr Lawrence: This is extraordinary!

The SPEAKER: The question is out of order.

Several members interjected.

The SPEAKER: Order!

Questions without Notice Resumed

PARLIAMENTARY SITTING DAYS - NUMBER, 1993

467. Mr JOHNSON to the Leader of the House:

I listened intently to some of the comments made by the member for Pilbara in Parliament last week. Does the Leader of the House agree with the member's comments - some of which were reproduced in *The West Australian* on Saturday - about the number of parliamentary sitting days we have had this year?

Mr C.J. BARNETT replied:

Last week in this Parliament the member for Pilbara decided to tell us a yarn about the number of sitting days of this House. The yarn gained some credibility because he used the guise of a personal explanation, and it gained some further credibility because *The West Australian* chose to reproduce it. I almost hesitate to destroy the yarn by introducing some facts; however, these facts must be told.

The member for Pilbara said that the Legislative Assembly had sat for only 38 days this year compared with the average of 55 days over the last 20 years. As the member should be aware, Parliament is scheduled to sit until 9 December, at which stage it will have sat for 54 days this year, which is very close to his average of 55 days. More importantly, if one considers the history of Labor Governments, the Parliament sat for 52 days last year, therefore, we will sit for two more days this year than last.

Several members interjected.

Mr C.J. BARNETT: Members opposite do not like the yarn being destroyed! The Opposition has abused the Parliament and does not like to hear the facts.

Several members interjected.

The SPEAKER: Order!

Mr Catania: It is a waste of time.

The SPEAKER: Order! I formally call to order the member for Balcatta. I have asked members not to interject when I am on my feet. I ask all members to be responsible so that this House operates in a practical and efficient way. That cannot happen if the person attempting to answer a question cannot be heard. I call on members to give other members the proper opportunity to be heard, as I will strive to give all members an opportunity to be heard.

Mr C.J. BARNETT: Members opposite do not like it because the facts do not agree with the fairy tale. This year Parliament will sit for 54 days, and last year's figure was 52 days. More importantly, when comparing previous election years, in 1989 following the election, Parliament sat for only 40 days; in 1986, it sat for only 43 days; and in the 1983 calendar year, it sat

for 50 days. This year alone, in the first year of a new Government, Parliament has sat for more days than in any previous election year in which the Labor Party was elected to Government. We have sat more days this year than last year. The analysis by the member for Pilbara was a fantasy!

LAWRANCE, MICHELLE - ATTORNEY GENERAL'S OFFICE APPOINTMENT

468. Dr GALLOP to the Attorney General:

- (1) Is Ms Michelle Lawrance now a member of the Attorney General's staff?
- (2) If yes, when the Attorney General appointed Ms Lawrance, was she aware that Ms Lawrance was a former Wanneroo City Council employee?
- (3) Was there a personal or political association between Ms Lawrance and the Attorney General prior to Ms Lawrance's appointment?
- (4) Have any other people who provided campaign assistance to the Attorney General been appointed to positions within her portfolio?

The SPEAKER: Order! Bring that question to me.

Several members interjected.

Mr McGinty: See whether you can get out of this one.

The SPEAKER: Order! The member for Fremantle's interjection is out of order.

It is quite inappropriate that he continues to interject in the manner he is doing. I give the member notice that if he continues to interject with such remarks, I will take action on him - this will not be the soft action of last week in which I took the member to the brink.

The question is in order.

Mrs EDWARDES replied:

- (1) Yes.
- (2) Yes.
- (3) I employed Ms Lawrance in my electorate office for a short period after she left the City of Wanneroo.
- (4) My former electorate officer, Craig Halligan, has also been appointed to my ministerial office on contract.

PARLIAMENT HOUSE - ACCOMMODATION, UPGRADING

469. Dr CONSTABLE to the Treasurer:

- (1) Does he agree that there is an urgent need to improve and increase accommodation for staff in Parliament House?
- (2) If yes, is the Government planning to undertake improvements to this building, and when can we expect upgrading to begin?

Mr COURT replied:

- (1) Yes, the accommodation in Parliament House needs upgrading.
- (2) In relation to the timing of that upgrading, we are not in a position to do it this financial year and that is why it was not included within the Budget.

I have received representations from some of the people working in the Parliament expressing concern about a number of areas, as I am sure the previous Speaker did when he was trying to improve the Parliament. If we can get the economy right this year, we will consider trying to improve things next year.

LAWRANCE, MICHELLE - RESIDENT AT ATTORNEY GENERAL'S HOME

470. Dr GALLOP to the Minister for Parliamentary and Electoral Affairs:

With reference to the Minister's responsibility to preserve the integrity of the electoral system, I ask:

- (1) Why was her staff member Michelle Lawrance registered as a voter at the Attorney General's home address at the 1993 State election?
- (2) Was Ms Lawrance a resident at the Attorney General's home address at the time, in accordance with section 17 of the Electoral Act.
- (3) When did Ms Lawrance move out of the Minister's home?

Mrs EDWARDES replied:

(1)-(3)

When Michelle Lawrance returned from working with the Albany Chamber of Commerce to the Perth metropolitan area, and until such time as she was able to find her own accommodation, she resided at my home in Woodvale for approximately eight weeks. She left several weeks after the election. I cannot recall the date exactly.

WATER AUTHORITY OF WESTERN AUSTRALIA - DRAINAGE RATES, OUTSTANDING

471. Mr BLAIKIE to the Minister for Water Resources:

I have given the Minister notice of this question.

- (1) What is the current position regarding outstanding country drainage rates?
- (2) What amounts of moneys are currently outstanding?
- (3) How many assessments does this represent?
- (4) What action, if any, does the Government propose?

Mr OMODEI replied:

- (1)-(4) The member for Vasse has had an ongoing interest in this matter, as a number of drainage ratepayers reside in his electorate. I note that, in today's country edition of *The West Australian*, the WA Farmers Federation has also registered an interest in unpaid drainage rates. In the state, 20 132 properties are registered for drainage rates in country WA - 8 073 urban and 12 059 rural. In the Busselton area, in the electorate of Vasse, 5 633 urban and 2 179 rural drainage ratepayers exist.

As to outstanding rates, in the Busselton area the total payable rates amount to \$378 495. So far, \$147 444 has been paid; still outstanding is \$231 050. That compares with the Waroona drainage district in which, of \$225 630 due, \$220 410 has already been paid. Likewise in the Harvey area, of \$142 580 due, \$25 999 remains outstanding; at Roelands, of \$112 205 due, the small amount of \$4 000 remains outstanding; and at Albany, of \$63 110 due, \$58 875 has been paid to date.

As the member can see, most of the drainage rates across the State have been paid. A problem exists in the Busselton area. As at 1987, the unpaid rates were \$192 000, increasing to \$1m in 1992-93 and to \$1 169 273 in 1993-94. As at 22 November 1993, in the Busselton area, rates worth \$955 190 were still to be paid. I made it very clear, the ongoing saga of the drainage issue has been around for a number of years. As the member for Mitchell will know, the Preston drainage area rates were waived when the Labor Party was in Government. In addition, the rates applying to the Treeton farmers in the Augusta-Margaret River Shire were waived after

the period 1986-1988. It has caused a great deal of concern among rural landholders in that area.

Several members interjected.

The SPEAKER: Order!

Mr OMODEI: This is a very important issue. If members have read the paper today they would have seen that it is an issue of concern.

Several members interjected.

The SPEAKER: Order! The member for Fremantle should come to order.

Mr OMODEI: The member for Vasse has a very difficult situation in his electorate where most of the drainage rates have been paid, but there are still outstanding rates. Since becoming -

Several members interjected.

Withdrawal of Remark

The SPEAKER: Order! I call on the member for Fremantle to withdraw that remark. You are supposed to stand up and withdraw properly.

Mr McGINTY: I withdraw.

Point of Order

Mr M. BARNETT: I draw your mind, Mr Speaker, back to Cyril Rushton and suggest that this man is emulating him and stopping other people in this place from asking legitimate questions.

The SPEAKER: Order! There is no point of order. However, I agree the Minister should be concluding his answer. There is no standing order covering the length of time for reply to a question. As the member for Rockingham will know, as ex-Speaker, many longer answers than that have been given. However, when replies get to about this length, it is about time they came to a conclusion.

Questions without Notice Resumed

Mr OMODEI: If I could emulate the efforts of Cyril Rushton I would be quite pleased; he was a very good Minister for Local Government. In conclusion, the rates which have been lawfully struck are due and payable.

LAWRANCE, MICHELLE - REGISTERED AT ATTORNEY GENERAL'S ADDRESS

472. Dr GALLOP to the Minister for Parliamentary and Electoral Affairs:

With reference to the Minister's responsibility to preserve the integrity of the electoral roll:

- (1) If, as the Minister suggested in her previous answer to me, Ms Lawrance moved out after the State election, can the Minister explain why she remains registered at the Minister's address as at 5 October 1993?
- (2) Is the Minister aware it is an offence under the Electoral Act for a person to be registered at an address at which they do not reside?

Mrs EDWARDES replied:

(1)-(2) I do not know. Obviously it is a matter that can be taken up with her.

NATIVE TITLE LEGISLATION - CONSTITUTIONAL PROBLEMS

473. Mr AINSWORTH to the Premier:

What action has the Premier taken to advise other State and Territory leaders of the constitutional problems caused by the Commonwealth's native title legislation?

Mr COURT replied:

We have received advice concerning a number of constitutional problems which the Commonwealth native title legislation has introduced. We believe it contravenes a number of fundamental principles of Australian constitutional law. We have set out those concerns to the Premiers. As they make their positions regarding the Federal legislation in the next week or so, I hope they take those constitutional concerns into account.

Mr Graham: Does it contravene section 109?

Mr COURT: Is the member referring to the Labor State Executive constitution? We all know what is happening inside the Labor Party. If a member dares to speak out against the Federal legislation he gets threatened with expulsion. Graeme Campbell said, "I think what Keating is doing is extremely divisive. I blame Keating for this mess. I believe he, more than anyone else, is responsible for the mess we now have." This is a Federal Labor member who has the courage to get up and speak about it.

Several members interjected.

The SPEAKER: Order!

Mr COURT: In Britain people used to say that the loony left dominated the Labour Party. In this country the centralists are dominating the Labor Party. Keating says, "This is the legislation." The Leader of the Opposition says, "Yes; we support it all", even though it is working against the interests of the people of Western Australia. If she has a concern about the electoral law, she runs off to her Federal colleagues and says, "Use your powers to go in over the top."

Several members interjected.

The SPEAKER: Order!

Mr COURT: I do not believe that the members who represent some of the regional parts of this State will support the Opposition's push to make those changes to the electoral system.

Dr Gallop: They are.

Mr COURT: The member for Victoria Park says that they are.

The SPEAKER: Order! There are too many interjectors.

Mr COURT: There are a number of quite serious constitutional concerns about the Federal legislation. Before the members opposite continue down their path of merrily supporting Mr Keating, I hope they get a proper understanding of the problems that exist.

POLICE - BRIEFING FOR MEMBERS OF PARLIAMENT

474. Mr CATANIA to the Minister for Police:

With reference to reports in Saturday morning's *The West Australian* of a police briefing for Government members of Parliament last week, I ask:

- (1) Does the Government endorse calls by the police for Singapore style powers such as removing the right of silence?
- (2) On whose request was the meeting arranged?
- (3) What action does the Minister intend to take to correct the unjustified slur on Western Australians of Italian, Vietnamese and Chinese descent which resulted from that report?

Mr WIESE replied:

(1)-(3) I am not aware of the contents of the briefing. I was not there; therefore, I am not able to verify, or otherwise, the contents of the report in *The West*

Australian. That briefing was arranged by request of members of the justice committee of the coalition and followed a previous briefing that had been given to a smaller group of the coalition.

I cannot comment on the calls as published for policing in the manner of Singapore. I am not aware of the manner in which those comments were made or their content. I do not think it would be appropriate for me to make any comment. If those comments were applied as coming from a member of the Police Force, it would be appropriate for the member for Balcatta to go to the persons involved to get some clarification from them.

Again I am not in a position to comment about whether slurs were made upon any of the ethnic minorities. I do not believe the Police Force has an anti-ethnic feeling or anything of that nature. In fact, I believe the Police Force has a very strong commitment to working with all sections of the community. I guess the Asian squad that was established about eight to 10 months ago has proven to be a very successful group which has worked within the Police Force. It gives an indication of the willingness of members of the Police Force to work with and assist ethnic groups in any way they possibly can. I think that is a sufficient answer to the matters raised by the member for Balcatta.

COLLIE COAL CONSULTATIVE GROUP - OPERATIONS

475. Dr TURNBULL to the Minister for Resources Development:

The Minister for Mines has announced that the coal industry council is to be superseded by a new coal industry consultative body which will come under the responsibility of the Minister for Resources Development. Can the Minister give the House details of the operation of the new body and the role that it will play in the orderly development of the coal industry which is so vital to the future advancement of Western Australia?

Mr C.J. BARNETT replied:

The Western Australian Coal Industry Council set up in 1987 had grown to a fairly large and, in my view, a fairly inappropriate body, and the member for Collie -

Dr Gallop: Especially in your portfolio.

Mr C.J. BARNETT: It has not, actually. The member for Collie will be aware that over the last two years the Coal Industry Consultative Council has primarily worked on issues relating to the Collie power station, effectively behaving as a lobby group. Although I do not mind the people involved doing that, that has been the case. It was also set up under the Department of Minerals and Energy and had an annual budget of approximately \$150 000. Earlier this year the Government abolished the Iron Ore Industry Consultative Council, a body that had not met for some 18 months. Consistent with that, in consultation with its members, we have closed down the Coal Industry Council. However, there will be a consultative group in its place, which will meet at least twice a year and on demand as issues arise. I am quite prepared to be judged on the record. I put it to all members that whenever the coal unions have wanted to meet me I have been available and they have met me.
