Legislative Assembly

Tuesday, 12 May 1992

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

STATEMENT - BY THE LEADER OF THE OPPOSITION

Court, Richard, Elected the Leader of the Liberal Party - Barnett, Colin, Elected the Deputy Leader of the Liberal Party

MR COURT (Nedlands - Leader of the Opposition) [2.05 pm] - by leave: Mr Speaker, I inform the House that at the Liberal Party meeting this morning I was elected the Leader of the Liberal Party, and the member for Cottesloe, Mr Colin Barnett, was elected the deputy leader.

[Applause.]

The SPEAKER: From now on I will recognise the member for Nedlands as the Leader of the Opposition from the seat which he currently occupies.

PETITION - PORT KENNEDY AREA PROTECTION

Regional Park Creation - Golf Courses or Tourist Facilities Opposition

MR KIERATH (Riverton) [2.06 pm]: I have a petition in the following terms -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned residents of Western Australia urge the Parliament to protect the outstanding scientific, recreational and conservation values of the Port Kennedy area by creating a Regional Park as recommended by the Environmental Protection Authority. Furthermore we request that the Parliament refuse to allow the development of golf courses or large scale tourist facilities which could destroy the existing natural values of the Port Kennedy area.
>
> 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 208 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 34.]

ACTS AMENDMENT (PARLIAMENTARY, ELECTORATE AND GUBERNATORIAL STAFF) BILL 1991

Withdrawal

On motion without notice by Mrs Henderson (Minister for Productivity and Labour Relations), resolved -

> That Order of the Day No 23 be withdrawn from the Notice Paper.

MINISTERIAL STATEMENT - BY THE MINISTER FOR FUEL AND ENERGY

State Energy Commission of Western Australia - Encouraging Trends and Power Tariffs

DR GALLOP (Victoria Park - Minister for Fuel and Energy) [2.13 pm] - by leave: I would like to use this opportunity to comment on encouraging trends in the State Energy Commission of Western Australia's performance and Government strategies to consolidate and extend those gains. I refer to the article headed "Power tariffs hurdle hurts industry quest" by Paul Armstrong, published in *The West Australian* last Tuesday, 5 May. The article used research compiled by Swan Consultants for the Business Council of Australia to show that SECWA's industrial tariffs were higher than rates of 50 per cent of its overseas

counterparts. It would be stating the obvious to argue that SECWA's tariffs are also lower than rates of the other half of its overseas counterparts. In fact, when locations which rely on hydro energy are removed from the analysis, SECWA's tariffs compare more than favourably and emerge in the top three in each category examined. It is also important to understand that three comparisons made by Swan Consultants refer to industrial prices available to small consumers. Higher energy consumers, such as those in the mineral processing industries, are able to negotiate a better tariff owing to their higher and more continuous electricity demand.

A recent Bureau of Industry Economics' report provides a comparison for consumers who have a demand of 10 MW and a load factor of 80 per cent. The State Energy Commission has lower prices than 65 per cent of producers surveyed for such a load. Nonetheless, the Government recognises the need to achieve lower tariffs. Therefore, SECWA is committed to reducing average tariffs by at least 25 per cent in real terms in this decade. Indeed, SECWA's commercial tariffs have been reduced by more than 11 per cent in real terms over the past four years, a trend which will continue. This is evidenced by a range of encouraging achievements for which SECWA deserves credit: It has doubled its productivity since 1986. It is not increasing tariffs either next financial year, or probably in 1993. Its two per cent rise in 1991-92 was Australia's lowest. It has boosted its internal funding of capital expenditure to 47 per cent and is expecting it to rise to more than 80 per cent for 1992. As a result, no new borrowings will be necessary for 1993. It has reduced interest payments from 40 per cent of total expenditure to 25 per cent in 1992 owing to the combined effects of lower market interest rates and prudent debt management. It has achieved an 11.6 per cent improvement in power station availability in the past five years. Each one per cent improvement represents a saving of $25 million in new generating equipment. The total saving is $290 million. The State Energy Commission has reduced its work force by more than 10 per cent in the past 12 months. It is interesting to note that Professor Swan in his paper "Recent Productivity Performance of State Electricity Systems" has also cited SECWA as the utility with the highest growth rate in total factor productivity of all Australian power utilities since 1983-84.

Such trends are encouraging; however, they must be continued if Western Australia is to improve further the competitiveness of its energy prices. Members of the Opposition who are quick to criticise the appointment of Sir Roderick Carnegie to examine the structure of the State energy industry should also note that, according to *The West Australian*, Swan Consultants' Managing Director, Peter Swan, "blamed a lack of competition for some of SECWA's productivity faults." The Lawrence Government is not afraid of structural change and recognises the importance of competition. Far from being an indictment of SECWA's past performance, the Carnegie review has been commissioned to consider ways of encouraging competition and further efficiencies in the State's energy systems. SECWA is not resting on its laurels; it knows its performance must continue to improve vis-a-vis its competitors. This is happening, and SECWA and the Government are determined to maintain the momentum.

MINISTERIAL STATEMENT - BY THE MINISTER FOR HEALTH

Medical Act 1894 Review

MR WILSON (Dianella - Minister for Health) [2.17 pm] - by leave: I take this opportunity of informing the House about the completion of a most comprehensive review of the Medical Act 1894 which has been carried out by a working party under the chairmanship of the Commissioner of Health, Dr Peter Brennan. I instructed the working party to conduct a thorough review of the Act and prepare proposals for amending the legislation where appropriate. The working party comprised a cross-section of experience within the medical profession, including representatives of the Medical Board of WA, the Australian Medical Association, the Health Department, the University of Western Australia and the Royal College of General Practitioners, as well as a consumers' representative. The consultant to the working party was Professor Ralph Simmonds, Foundation Professor of Law at Murdoch University. Among other things I asked the working party to examine complaints and disciplinary procedures, registration requirements and procedures for granting registration, administrative procedures, funding and staffing, advertising restrictions and other related issues.

As a result of the working party's deliberations the review makes 40 separate recommendations. Among those are the drafting of a new Act and the suggestion that the Medical Act be introduced by a statement of policy specifying the purpose of the Act; that is, the protection of the public health and safety from identified dangers or potential abuses in the provision of medical services. The report further discusses the functions necessary for the board to give effect to protecting public health. These include: Determining educational and other qualifications required for registration, disciplining practitioners and the prosecution of unregistered practitioners who carry out activities which may be legally carried out only by registered medical practitioners. In making these recommendations the working party has drawn heavily on the recent experience of the board in administering the current Act. Many deficiencies have been noted.

In making these recommendations the working party has drawn heavily on the recent experience of the board in administering the current Act. Many deficiencies have been noted. The working party has drawn on the New South Wales Medical Board's 1990 Report "Proposals for the Introduction of a New Medical Act" which had in turn relied on changes made in Victoria. The final recommendations assume the establishment of a Health Complaints Bureau in Western Australia, legislation for which will soon be introduced into the Parliament.

Among the many proposals, the working party has recommended the appointment of community, legal and elected medical representatives to the board; retention of the present registration categories; and a new category of conditional registration to considerably improve the board's flexibility. The report's disciplinary provisions go beyond the present Act. The recommendations widen the basis on which disciplinary actions may be taken and draw on the provision of the recently debated Nurses Bill.

Finally, the working party considers there is a place for a New South Wales type medical tribunal made up of a member of the judiciary, medical practitioners and a lay person to review disciplinary decisions made by the board. This has been a most wide ranging review that has thoroughly examined the weaknesses of the existing legislation and its capacity to regulate in the community's interest the fair and equitable practice of medicine. The report is being released today and will be available for public comment until 31 July 1992, prior to the Government's formulation of the firm legislative proposals. I commend the report to the House and urge all members to read it and make comment. I seek leave to table the report.

[See paper No. 137.]

BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

DECLARATIONS AND ATTESTATIONS AMENDMENT BILL 1990

Council's Message

Bill returned from the Council with an amendment.

GOVERNMENT EMPLOYEES SUPERANNUATION AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Dr Gallop (Minister for Microeconomic Reform), and read a first time.

ELECTORAL AMENDMENT (POLITICAL FINANCE) BILL

Committee

Resumed from 7 May. The Chairman of Committees (Dr Alexander) in the Chair; Dr Gallop (Minister for Parliamentary and Electoral Reform) in charge of the Bill.

Clause 4: Part VI inserted -

Proposed section 175M: Relevant details of gifts -

Progress was reported after the proposed section had been partly considered.

Mr CLARKO: What is the reason for revealing the names of every executive committee member of an unincorporated association? Last week I said that I regarded this as a gross intrusion into the rights of the members of those associations. Is there any evidence that requiring the names of every member of the executive of an unincorporated association would improve public disclosure of donations? Is there any evidence in Western Australia that past donations by unincorporated associations have involved any improper action? Is it necessary to name someone from the executive of an unincorporated association in regard to these donations? Why can it not be, for example, the secretary - or someone else - who has been designated as the person to be publicly named for that unincorporated association?

I have been disappointed in the Minister's response and in his handling of this legislation to date. His performance has been contrary to his performances on other occasions, when he has been extremely competent. Last week many questions were asked of the Minister and he failed to provide worthwhile answers. It is not because he does not have the knowledge, but perhaps it is for some Machiavellian reason. The Minister has not answered the question about trusts. What is the reason for providing the names of trustees to these donations? I specifically asked last week whether it would be possible to have a trustee's name, which is that of a lawyer, so it does not reveal anything more than a postal name and address. What has the community gained if a trust or foundation is behind this person who is holding only a nominal position?

Last week I provided the example of the "Frankland River trust". The Frankland River trust could be operated by the Mafia and it could have as its named trustee the most respectable law firm, or lawyer, as the only required name. If that is not so, can the Minister explain whether this is one of the things about which he was concerned when he said in his second reading speech that it was "harder to regulate" in the foundations. I have been lead to believe that trusts will be able to hide the identity of the people who belong to organisations. As the Minister knows, the Labor Party owns a body in Canberra called Legacies and Gifts Limited. That body poured huge sums of money into the Labor Party in a past Federal election including, allegedly, the money that came from the famous "no gold tax" luncheon.

Does the Labor Party in Western Australia have such a trust at this time? If it has, does it plan to abolish it? Does the Labor Party intend to adopt a position in relation to this legislation so that it will not be possible for it to become involved in the sorts of schemes that its colleagues in Canberra and New South Wales have become involved in? Those schemes involved the present national secretary of the ALP, Bob Hogg, and the then chief executive of the NSW branch of the ALP, Stephen Loosely, who is now national president of the ALP. Bob Hogg was convicted for not declaring all of the money given to the party. I understand an additional $2 million might also be involved. Will the Labor Party in Western Australia become involved as its colleagues in two other places have become involved and set up those sorts of bodies so that it can do the things that are contrary to that which we are now discussing in this Parliament? It is important that we know this. It seems that the Government has watered down its position between the time the previous Bill was before Parliament and the introduction of this Bill. Last year it referred even more strongly to the dangers of trusts, foundations and out of State organisations. I understood from the Minister's interjection last week that he felt that out of State organisations could evade this legislation. Will trusts and foundations be able to evade this legislation in the sense that they will be required to provide only a name such as that of Leon Musca in relation to the Yosse Goldberg donations? If that were possible, it would require no skills for each and every member of this Parliament to become part of a trust with lawyers providing their names as front men and with those trusts providing money to the campaigns of every political party in the State. That would involve huge sums of money. The Minister failed to answer these queries last week and I would appreciate his being specific on these matters.

Dr GALLOP: I suspect the reason the member has difficulty with some of the answers is the same reason that very committed members of football clubs have difficulty talking about umpires because they come from a different position. The ability of candidates, organisations or groups to use trusts to shelter the ultimate source of donations to political parties has been covered in this legislation. That will be illustrated when we debate proposed section 175Q which deals with donations from other persons. If a trust gives money to a party or a candidate and that money is used for political purposes, the source must be disclosed.

Mr Clarko: Isn't that only for electoral purposes?

Dr GALLOP: It is for political purposes. It is covered in proposed section 175Q; the types of donations that have to be disclosed are revealed in a pretty extensive list. If that point has not been covered, we will be happy to look at ways of overcoming the difficulty. As I said last week, we tried to indicate to Parliamentary Counsel that we wanted that loophole closed and I believe it has been.

Mr Clarko: What happens in the case of Mr Musca being the front man - I do not wish to malign Mr Musca because he is a man with tremendous skills - for the Frankland River trust and he donates to my campaign? Is it possible to provide only the name of Musca for the Frankland River trust?

Dr GALLOP: The name of the trust would have to be indicated in the first instance. However, proposed section 175Q indicates that where money is donated for a political purpose, the source of that money also must be revealed.

Mr Clarko: The source of the money is the Frankland River trust and that is what he sets down.

Dr GALLOP: Yes, but where does the money come from?

Mr Clarko: That is my point. I understand that we cannot keep going back.

Dr GALLOP: Proposed section 175Q will require the trust to make a return if it donates money for political purposes and it will have to reveal the sources of its own revenue where it is above the threshold. It is covered explicitly in the legislation.

Mr Clarko: I thought legislation existed that inhibited people from going back further than one point. Otherwise the Frankland River trust could say it got it from the Blackwood River trust which could say it got it from the Swan River trust and eventually we would run out of rivers.

Dr GALLOP: No we would not, because, if it were above the threshold, we would have to find out the ultimate source. This legislation is designed to do that.

Mr Clarko: What if I went through every river in Western Australia and then said it came from the Fiji trust?

Dr GALLOP: The member has a point. If it were an out of State trust or foundation donating to a party there would be no problem because Commonwealth legislation requires the disclosure of the ultimate source of a donation and it covers all political parties in Australia. However, it does not relate to candidates who run for State elections only. Therefore, it would be possible for participants in a State political process to use an out of State trust to shelter their sources of revenue. That is why I have called for all of the States to get together on this issue.

The member referred to unincorporated associations. We fed from the Commonwealth legislation in relation to that clause. This legislation requires us to know who makes donations. If the names of an executive committee of an incorporated association were not provided, I wonder what one would know about that body. For example, the Swan River improvement society could be a name set up to channel money to a political party. Therefore, unless one knew who was involved, one would not know what was the organisation. It is necessary for the names of the executive committee to be listed so that we can identify the body.

Mr CLARKO: I have been a touch illuminated. I referred to the Frankland River trust with the name of a prominent lawyer fronting it. However, the Minister now says that the name of a prominent lawyer is not sufficient, but that person should be an executor of a trust. What happens if I receive $10 000 from the Frankland River trust for my campaign? The name attached to that, which must submitted by my agent to the Electoral Commission at the end of the campaign, would be the name of someone who is in a similar position to Leon Musca of, say, 200 St George's Terrace. I understand that the Minister is saying that would not be sufficient.

Dr Gallop: Given that the trust donated money for a political purpose, it will have to reveal the source of its revenue if it is above the threshold.

Mr CLARKO: In that case, the Frankland River trust would reveal that it received $10 000 from a company or trust that is listed in Suva, Fiji. If my agent submits that information to the Electoral Commissioner, would it be acceptable?

Dr Gallop: Obviously if it is an overseas trust the ability of the Western Australian legal system to know from where it is getting its money would be curtailed. If that loophole was being used, it would be exposed by the disclosure that came from the trust.

Mr CLARKO: The information that would be revealed to the public at a later date when it was tabled in this place would be that my campaign received $10 000 from the Frankland River trust and that it submitted a report to the Electoral Commission stating that it received $10 000 from the Fiji matchwood trust fund in Suva. The source of that money could be hidden because it could have come from a great friend of mine in Perth who sent $10 000 to Suva from where it was sent to me. That is the point I have been trying to make.

Dr Gallop: I have always acknowledged that point, but the important thing to note is that if the member tried to do that to avoid disclosure there would be full knowledge of the fact that he had done it. Without this legislation that would not be possible.

Mr CLARKO: There would not be full knowledge of it. The only information available would be that my campaign received $10 000 from the Frankland River trust which received money from the Suva matchwood trust fund.

Dr Gallop: The fact that the member adopted that approach would be fully revealed to the public.

Mr CLARKO: I think it was during the 1987 election that the Labor Party received funds from Legacies and Gifts Limited in Canberra. What does the community gain out of the fact that it is revealed that the Legacies and Gifts Limited of Canberra gave money to the Federal election campaign?

Dr Gallop: Within the existing Commonwealth and State legislation no political party in Australia can use that loophole. The only loophole the member is referring to relates to the use of an overseas based body to avoid disclosure. I can assure the member that if he did that it would be revealed and I would be campaigning very hard in his electorate pointing out to his electors that he is receiving money from the Suva matchwood trust and I would be asking who was funding his campaign. Without this legislation that is not possible.

Mr CLARKO: It blows the whole thing open. The only reason the Minister would have a marvellous argument to support him is if suddenly I became involved with a south west timber company and I introduced a private member's Bill for an agreement between the south west timber company and the Suva matchwood trust. If I did that I would expect the Minister to stand up in this place and say that the member for Marmion received money from the Suva matchwood trust and now, only a year later, he is promoting a deal between a south west timber company conjointly with the Suva matchwood trust. We are now starting to get somewhere. What I am getting at is corruption and that is the problem with this legislation.

At present in this State a large number of people, including the media, are putting out the story that the Labor Party's type of political donation is the same as the political donations made by Yosse Goldberg and others. I am trying to say that donations to organisations like the Spare Parts Puppet Theatre can probably be termed corruption and a court will decide that in the future. It has nothing to do with this type of political donation, especially when the names of people who donate a mere $200 to a candidate must be revealed. In the case of people who belong to unincorporated associations, which I gather can be a collection of people who come together and do not incorporate, the Government wants to know the names of the executives. Once this legislation is in place those associations will have an executive of one and that is how they will get around this legislation. In trying to close doors the Government is opening other doors and that is part of the weakness of this legislation.

Mr KIERATH: This clause should be known as the veil clause because it provides for the veil that will hide the true identity of the persons making the donations. What is the point of having legislation like this if there is a convenient mechanism in place to avoid identification? We have already spoken about how overseas agents can be appointed. Paragraph (b) of this clause concerns me because it states that -

> in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation -

(i) the names and addresses of the trustees of the fund or of the funds of the foundation;

Therefore, in the case of a trustee this clause requires the names and addresses of the trustees to be revealed. It is no secret that certain prominent entrepreneurs in this town have overseas trusts in Panama, the Cook Islands or the Channel Islands. It is well known that these people have trusts.

Dr Gallop: It will be better known with this legislation.

Mr KIERATH: The trust will be known, but the true identities of the people involved will not be known. If there is a trust, there must be a trustee and if another trustee company is used there could be as many as three trustees and the identity of the people concerned can be camouflaged. Overseas trusts will be set up and they will be able to act as agents. The real people involved will be those who have the resources to put in place mechanisms to prevent their identities from being known. The devious people - we have seen it at the Royal Commission - who give funds in return for favours will have no hesitation in setting up a trust in Australia or overseas and using it as a vehicle to get around this provision.

I remind the Minister that one of the difficulties the Opposition has with this Bill is that it is not genuine. It is a sham which will catch the honest people and the dishonest people will be able to keep their identities secret. This clause does not address that in any way. I ask the Minister to address this matter in his response. This proposed new section refers only to a trust fund and the names and addresses of the trustees. Therefore if there is a corporate entity from Panama or the Cook Islands, the trust is named. It may be the "Cook Island Trust for Political Reform". Some of the weird names around have the ability to give a trust a distinct label to try to hide its real purpose. Under this legislation the trust and the names and addresses of the trustees have to be declared. If there is another Cook Island trust, that is the end of it and this legislation goes no further.

Dr GALLOP: I repeat the point that as we are a sovereign nation and other countries are sovereign nations, certain tactics could be used by individual candidates or parties to avoid disclosure. However, the important point to note is that if a political party used that route to avoid disclosure, it would be fully revealed to the public and would be on the public record when the political parties made their annual returns. That would be a significant disincentive for that route to be chosen. I remind members that if this legislation is not enacted, we shall have no way of knowing where any money contributed to political parties comes from, except through the provisions of the existing Commonwealth legislation. The member for Marmion referred to the ALP's Legacies and Gifts Foundation, and I remind him that if it were not for the Commonwealth legislation we would not have known about that activity. Members opposite should note that it is impossible for the Government to legislate to gain control over information from other countries without some form of agreement with those countries. If a party or candidate tried to use that route, it would become fully revealed to the public and controversy would follow. That is a disincentive.

Mr Kierath: What about family trusts and the trustees appointed to those trusts? For example, my brother-in-law is the trustee of the Kierath family trust and if money were put into the family trust which then passed that money to a political party, the published names would be only those of the trust and the trustee. In that way the party donating the funds originally could be concealed.

Dr GALLOP: I take the member back to his earlier point which he seems to have ignored. Proposed section 175Q states that when money is passed on for political purposes the organisation passing on that money must make its own disclosure.

Mr Kierath: Not in the case of a discretionary trust.

Dr GALLOP: That organisation would be required to reveal the sources of any revenue fed into a political campaign when the amounts involved were above the specified threshold.

Mr Kierath: Not if it were a straight-out political donation that had come in another form.

Dr GALLOP: That is a different issue. The member is raising the issue of definition of political and non-political purposes. If the trust gave money for political purposes it would be required to declare that under the provisions of section 175Q.

Mr Lewis: It is significant that you refer to money having been given. What about the

beneficiary of a trust? In that case money is not given but is earned from the trust. That money goes across and is declarable in a taxation sense by the beneficiary. It is not a gift. I understand the ALP is the beneficiary of a trust in Canberra which has the discretion to distribute its earnings or profits from the trust directly to the party. That is the point being made by the member for Riverton. The ALP is currently doing this. Does the Minister concede that and does he propose to close that loophole?

Dr GALLOP: Where is the loophole?

Mr Lewis: It is not a gift.

Dr GALLOP: It is a disposition of property as defined at the beginning of the Bill.

Mr Lewis: It is a distribution of profit.

Dr GALLOP: Exactly. It is very clearly a gift.

Mr Lewis: For taxation purposes it has been earned.

Dr GALLOP: If it is passed to a political party or candidate it must be declared. That is clear from the definitions at the front of the Bill. As a transfer of property it must be declared.

Proposed section put and passed.

Proposed section 175N: Annual disclosure of gifts and other income received by political parties -

Dr CONSTABLE: The amount of $1 000 set out in proposed subsections (4) and (5) is inconsistent with the amounts included in Commonwealth legislation. I understood from the Minister's second reading speech that he intended that the thresholds in this Bill would be in line with those in the Commonwealth legislation. However, the Commonwealth legislation has been amended by increasing that threshold to $1 500 and, given that these thresholds were originally proposed in 1983 and that the amounts are no longer relevant, we should at least bring these amounts into line with the Commonwealth legislation. After all, $1 500 does not go very far when paying for advertisements for political campaigns. I indicate to the Committee that I shall move amendments to that effect, as listed on the Notice Paper.

Mr CLARKO: I am concerned about the requirement in this proposed subsection for the agent of a political party to lodge a return by 30 September in each year containing details of all gifts and other income received by the party. I am concerned about the gifts for the reasons I have outlined, but for the moment I will concentrate on the words "and other income". I wish to move an amendment to delete the words "and other income" and I understand it will be necessary to do so before the member for Floreat moves her amendments listed on the Notice Paper.

After the member for Floreat has moved her amendments, which I presume will be successful, I wish to move a further amendment to the effect that the amounts will be indexed according to the consumer price index annually on each subsequent 1 January. I propose to move that amendment for the simple purpose of retaining the value of the amounts specified. If the Committee is prepared to accept the member for Floreat's amendments, it will be very hard for it to take the contrary view and not accept indexation of the amounts which would do nothing more than retain the value of those amounts.

To what do the words "and other income" refer? I jotted down some of the possibilities. Reference is made in the Bill to donations a political party may receive from a person's will, and such donations are excluded. I include in my list rents from people who own property, and settlements, some of which, I guess, could come from outside the State. If one can mention the sale of property in relation to this clause, one can also mention the sale of services. A political party could use its computer system to do work for somebody thereby adding to its "other income". There are many other sources of income such as the administrative donations to political parties, which the Federal Government accepted until last year when legislation was introduced into the Federal Parliament requiring disclosure of such donations. I repeat, if donations were for administrative purposes they did not have to be disclosed. Some innocents in the community of Western Australia are wary about donations that come from a particular businessman who is dealing with the Government. One should draw a distinction between donations to help win an election and donations given to be used for the administration of a party.

Another form of donation we know about as a result of the Royal Commission is one where a party does not receive a donation because it is given to the Premier who places it in an advertising account that is not used for party political purposes. I understand such a situation would not be covered by this legislation. For instance, Mr Goldberg gave $300 000 to Brian Burke and said, "Take this $300 000. If you want $100 000 in cash, you can have a cash cheque." Mrs Brush cashed such a cheque and then said she could not remember what happened to the $100 000. Because of the way in which this legislation is framed, that would not be a political donation. That is the sort of thing that the people of Western Australia are particularly concerned about. Those sorts of amounts enter the area of probable corruption, which has nothing to do with this Bill. Some people in Western Australia say, "We cannot understand why you object to political donations being disclosed." It is because things such as donations to the puppet theatre were not disclosed. Such things only came out at the Royal Commission. I move -

Page 12, line 11 - To delete "and other income".

Dr GALLOP: The Government opposes the amendment; first, because new part VI includes a requirement that all gifts and other income received up to 30 June last must be declared; that is, to the end of the financial year. This is a means by which a check can be made on whether political parties are being frank and honest with their overall disclosures. Obviously, if a clear gap exists between the overall level of income a party has received and the amount of donations declared, questions will be asked. If other forms of income are listed and explained, that is an assurance for people. Secondly, political parties may be involved in a whole range of business activities, as the member for Marmion indicated. It may be that some of those business activities earn rents or profits. In a general sense, we are moving to an era when political parties will be publicly accountable because they are part of the political process. This will ensure that people know what is going on and that the processes being used are above board. If people know the general nature of how parties are receiving their income this provision will provide them with an assurance that those parties are working properly. This is a way of clearly checking on political donations and is part of the process of accountability now required of political parties.

Mr KIERATH: It is important to study the definition of "a gift". That definition covers all the scenarios the Minister seeks to cover relating to forms of disclosure. This clause includes a "gift or any other income" that should be included with the gift. This seems to be a catch-all clause with the Government saying, "We have done our homework well enough, but just in case we have not we will throw in this requirement as a lasso to rope in any area we have overlooked." That is not a good way to approach this matter. If the Minister wishes to amend the definition of "gift" to include things which are not included in that definition already and which provide any other income he should say so because political parties may have other forms of income that have nothing to do with political donations. All gifts come under this definition. If the words "any other income" appear in the clause the Minister is admitting that his definition of "gift" is not watertight and does not catch the people he intends to catch with it and this is a second bite of the cherry. That is not good enough. If any other matter requires definition the Minister should change the definition of "gift" to include it. If it is not good enough to make that change in the definition it should not be made in this clause.

Amendment put and negatived.

Dr CONSTABLE: I move -

Page 13, line 5 - To delete "$1 000" and substitute "$1 500".

Dr GALLOP: I will go through the reasons the Government chose the amount of $1 000 which appears in this clause before I comment on the amendment just moved. What the Government seeks to do involves a difficult process. I acknowledge the arguments put by the member for Marmion that this may appear to be an arbitrary move. However, it is difficult to determine what level of donation could count as a possible influence on the recipient. When talking about an individual candidate, if one looks at legislation around the world dealing with this matter one finds that the definition of "possible influence" is almost always different from place to place but is usually smaller for candidates than for parties. That was the logic behind having a smaller amount for a candidate and a larger amount for a party. I am somewhat hoist with my own petard on this issue because we also said that we

wanted some consistency with the Federal legislation because parties would be declaring for both State and Federal elections, and the member has pointed out correctly that there is a case for changing the level from $1 000 to $1 500 because that would be consistent with Commonwealth law. We still believe that there is a theoretical distinction, but, given the need for consistency with the Commonwealth legislation, we are happy to go along with the amendment.

Mr CLARKO: The Minister is hoist with his own petard because the level in the original legislation was $1 500, the Minister altered that to $1 000 to be consistent with what he thought would be the Commonwealth limit, and the Commonwealth has now provided a limit of $1 500, which has been picked up by the member for Floreat's amendment. My party wanted to await the findings of the Royal Commission about the disclosure of political donations, and to address when we are in Government, which I presume will be only 10 months away, whether there should be disclosure of donations and at what level. The amounts of $1 000 and $200 which are mentioned in the legislation are totally inadequate. I have been involved in many elections in this State, and it is vital that we do not cut out people who make donations of, say, $2 000 or $1 500. It is vital to our democratic system that people who stand for Parliament do not have to rely merely on their own resources because, if that were the case, they would have to be as wealthy as Rockefeller. A democracy should provide the opportunity for the average citizen to stand for election, and a person cannot do that unless he has access to sufficient funds. That is the reason that we need a figure that is higher than $1 500. A figure of $10 000 would not be inappropriate. I do not believe, contrary to what some people believe, that members of Parliament can be bought for the sums of money about which we are talking. A member of Parliament could be bought in a number of ways which do not involve a donation to his or her campaign.

Amendment put and passed.

Mr CLARKO: I move -

> Page 13, line 5 - To insert after "$1 500" the words "to be indexed according to the consumer price index annually on each subsequent 1st of January".

Dr GALLOP: I have no difficulty with the principle of the amendment but I would feel more comfortable if the member for Marmion would allow us to consider it further to see whether there may be other ways of achieving the same objective and to check that the words are okay, rather than rush it through at this point. If there are no difficulties with the amendment, we will be happy to move it in the other place.

Mr CLARKO: I take it that the Minister accepts the principle of the amendment but would like to check the form of the words to see whether they fit?

Dr Gallop: Yes. The amendment would need to apply to all gifts.

Mr CLARKO: I intend to move this amendment after each of the member for Floreat's amendments to this proposed section.

Dr Gallop: It may be better to insert in the Bill another clause which deals with this matter. Can the member take me on trust on that?

Mr CLARKO: I certainly can on this matter. I remember that a few years ago, the former Leader of the Opposition introduced and emphasised the need for sunset clauses in legislation. I believe that if we want to talk about like with like, fines should also be indexed. We know that in Federal excise legislation, on 1 August each year the amounts are indexed. I withdraw the amendment on the basis that the Minister has given a clear undertaking that he is prepared to support the spirit of the amendment and that his representative will move it in the Legislative Council.

Amendment, by leave, withdrawn.

Mr STRICKLAND: While the Minister is considering this amendment, will he consider also rounding off the figure to the nearest $100, otherwise we will end up with small amounts of dollars and cents and it will be a mess?

Dr GALLOP: That is one of the issues at which we will have to look to ensure that the amendment is carried through properly.

Dr CONSTABLE: I support the amendment moved by the member for Marmion because it makes good sense and will save a lot of worry from year to year. I move -

Page 13, line 11 - To delete "$1 000" and substitute "$1 500".

Amendment put and passed.

Mr CLARKO: My intention is that we index all the amounts in the Bill. Does the Minister support that proposal?

Dr GALLOP: We will try to make that apply to the whole of part VI, which is being added to the Electoral Act by clause 4 of the Bill.

Mr Clarko: Thank you.

Proposed section, as amended, put and passed.

Proposed section 175O: Disclosure of gifts received by candidates -

Mr CLARKO: This proposed section refers to candidates, and the sum of $200 is mentioned throughout. Earlier I thought there was a possibility that sitting members could have their affairs examined back to one month after the last State election, say March 1989. However, I understand from what the Minister said last Thursday that that will not be the case and that the period for which members will have to give details of their campaign funding will date only from the date on which this legislation comes into effect. I would assume, therefore, that if this legislation goes through both Houses of Parliament, within a couple of months it will be promulgated and the period for disclosure of donations and the like will be from the date of promulgation to one month after the next election. For instance, if this legislation were promulgated in July 1992 and if the election were held in February 1993, members would have to provide to the agent of their campaign for submission to the Electoral Commission information about their campaign finances from July 1992 to March 1993. I believe that is the situation, and it is certainly far preferable to what I first thought was the case; that is, that it would go back to one month after the 1989 election.

One thing which I believe should concern members who have taken the trouble to read this proposed section is that from the day this legislation is promulgated all of the financial details of the campaigns of members of Parliament will be revealed to the community following each election. However, proposed subsection (3) of proposed section 175O says in part -

> A gift does not have to be included in the return unless -
>
> (a) the gift was made to the candidate for a purpose related to an election;

I have made this comment once or twice today and I made it last week. Let us take the words "for a purpose related to an election", and let us suppose that I win the seat of Marmion at the next election and am elected to Parliament for a maximum of four years. Let us suppose also that a few months after the next election I am approached by an American cousin of mine who just happens to be named Rockefeller and who says, "Jim, I have heard that you are a marvellous member of Parliament; I have plenty of money and I am prepared to give you hundreds of thousands of dollars in order that you may take a world trip to develop yourself further in areas in which you are interested, such as education, local government, the environment, and so on." As I understand it, that is not related to an election. All he is doing is helping with my self-development - and I have a long way to go, so it could take a lot of money. If that applies I believe it represents a huge hole in the dinghy of disclosure of political donations which is getting bigger by the minute.

Mr Pearce: If ever you come across $100 000 I hope you have a better story than that.

Mr CLARKO: It is better than Brenda's, who says she has lost it and cannot remember what she did with it.

Mr Pearce: There is a great precedent for that. Lawrence of Arabia put on the final accounting of his funds to the British Government, "£1 000 in gold spent. I cannot remember how or where"; so she is not the first.

Mr CLARKO: I think Lawrence of Arabia was suffering from the heat then, as some of the Leader of the House's colleagues have been lately.

It is vital that this matter be considered. I just wonder how much one could do with this. For example, a gift would not be related to an election if I placed an advertisement in my local newspaper saying that if people need a hand with any State matter they should ring me at my

office and I will give them all the help I can. I do that from time to time, and I know some people do it regularly. I take it that that could be paid for by my good friend and cousin Rockefeller because it is not related to an election. We could go on from there. Teddy Rockefeller - and I call him that because it is a nice American name - could say, "I think people should know how good you really are, Jim. I think we should send a brochure to every person who lives in your electorate."

Dr Gallop: It sounds like electioneering to me.

Mr CLARKO: The brochure would just say, "Here is your candidate. He is about to take a trip around the world to look at the environment and see what should be done about it." Everybody would immediately fall to the ground and bow because the favourite word, environment, had been mentioned. The brochure could ask people in the electorate to put forward some suggestions about what I should examine on my trip, and so on. That does not relate to an election; or does it? If I did it all the time - say once a month, if Teddy kept coming up with the bucks - would it be about an election? I think one can argue very cogently that it would not. It would relate to an election when, some six months before an election, a group of people from my political party got together and put out pamphlets which said, "Vote for Jim Clarko, Liberal."

Mr Strickland: That is the key word. If it talks about voting for someone it is electoral material.

Mr CLARKO: That is right. Is what I have been talking about electoral material? I think it is not.

Mr Strickland: If it is, what about those pamphlets we are receiving from Ministers and departments about fairs being held, and so on? Is that electoral material?

Mr CLARKO: Do members recall what happened previously, in regard to seniors?

Dr Gallop: Or Job Bank?

Mr CLARKO: The Bill expressly excludes matters which are not related to an election. There is no definition.

Mr Pearce: Many people went to Job Bank and found the account was empty.

Mr CLARKO: What is the Leader of the House going to do for a job after the next election? He will probably have to get a bank to give him funds to tide him over.

I believe this is a very important matter; that is, a gift must be for a purpose related to an election. Proposed section 175O(3)(b) says the gift will be used solely or substantially in relation to an election. Teddy Rockefeller might say, "Jim, here is $100 000. I really believe it is desirable for you to increase your knowledge of politics by travelling around the world. I know it is only a few months before an election, but if you use part of the $100 000 - say, $20 000 - for the next election, I would not mind that. I understand that will fit your legislation because substantially the $80 000 will be used to travel around the world, and the rest will be for the election, Jim." We could drive a horse and cart, a whole group of Roman chariots, side by side, through this part of the Bill. Alternatively, the legislation could mean that a sitting member will be able to receive donations and it will not be necessary to disclose them if used for the purposes I have suggested.

Mr Strickland: That raises the question of the leader's account. When people donated money to that, was it for an election or was it for the leader to tell everyone about himself and his party? This area must be defined, otherwise we will get nowhere.

Mr CLARKO: Suggestions have been made about those donations, and people might think that is corruption. That would be handled by the legislation of Western Australia whether this legislation exists or not. We could tear up this legislation. If Mr Goldberg made a donation to Mr Burke for reasons tied in with Fremantle Gas and Coke that would not need to be covered by this legislation.

Mr Strickland: Those people would have a problem because they donated to the leader's account; they did not necessarily donate to the Australia Labor Party's election campaign. How do those people know whether it was a political donation or for an electoral account?

Mr CLARKO: It should be for purposes related to an election. Does that cover

advertisements in the newspaper regarding a member being available to help people in his electorate? That could be done for several years. What will be the effect if a person donates money and I give a marvellous lunch at Observation City attended by people of the community, and I spread my influence while being served cocktails and all the rest of it? Does the legislation apply to functions in general? What if a businessman says that he thinks it would be a good idea for me to broaden my horizons by travelling around the world, and offers me a first class air ticket? That situation is not covered by this legislation. Unless business deals are involved, that circumstance is not corrupt so I assume it is acceptable. What if a person gives money for general expenses, such as pamphlets which ask people to contact me if they require help? That is not a purpose related to an election. This legislation is full of holes, and as a result, the little people who are afraid of Big Brother will duck for cover and not give donations. However, people who are well advised - the wealthy people represented by lawyers - will be able to receive significant funds which will bypass this legislation.

Dr CONSTABLE: I cannot see the logic in having different thresholds for political parties and individual candidates. The assumption with the different thresholds of $1 500 and $200 is that somehow an individual candidate is less important - or more easily bought off - than is a political party. I accept that candidates are at least as important as political parties and that they should be subject to the same threshold. I am mystified by the Minister's comment about the threshold's reflecting an assessment of the level at which disclosure details are required to safeguard our democratic system. If a threshold of $200 and no more is applied to an individual candidate, and if there is a temptation of some sort, I do not see how our democratic system will crumble. In all fairness, the threshold should be the same across the board on any group or individual. On that basis, I foreshadow the amendments on the Notice Paper to bring these thresholds to the same level.

Mr DONOVAN: I support the foreshadowed amendments by the member for Floreat, whether they relate to this subclause or to persons other than candidates and groups of candidates further down the track. The argument for my support is substantially the same as that of the member for Floreat. However, I would go further than the member for Floreat and say that it would probably be substantially harder for individual candidates than it is for parties to raise the sorts of donations talked about. That is one side of the coin. Conversely, it is easier for candidates who are members of political parties to get around the problem by the central administration of donations that might be given to one campaign or another.

One concern expressed to me by the Minister a few weeks ago was the cost of the administration by political parties being a factor in the consideration of the thresholds, whereas the assumption is that individual candidates would not incur those sorts of administrative costs. While I can see that point of view, and certainly it is more often than not the case, I am not sure that that is an argument for this kind of preference. If the legislation is passed, effectively it will give to the parties an advantage that individuals do not enjoy, and I do not know that that is a legitimate advantage. It may be that the parties might want to reorganise the administrative and associated costs later, but I do not think it is a situation which should be recognised in a piece of legislation about a parliamentary system. Indeed, I go further and suggest that any efforts that are made in this place and others like it that might be seen in the public forum as advantaging political parties over independent and individual candidates would not enjoy popular support. The view in the community, of which we have been made painfully aware over the past few years, is one of suspicion of political parties, and the parallel view that is developing - and I have recently become the occupant of a position which is more likely to hear those sorts of concerns - is that people would like to see it made easier or more practical for individuals who are not party candidates to seek election to this place. So, not only is it not appropriate for parties to be advantaged in this way by a piece of legislation but also it would go down in the community like the proverbial lead balloon.

My comments on the thresholds will apply to all subsequent amendments. I have a hunch that, quite apart from the actions over the past few months of myself and others like me in this place and the other place, a set of circumstances is developing politically in the Australian community that may well see an increase in the tendency of individual citizens who are not necessarily party aligned to seek election to Parliaments. I do not see that as an unhealthy trend. Members can say that that may suit me politically, and that may be so. A

couple of decades ago one could perhaps say that political parties embraced in their platforms and politics most if not all of the interests or aspirations of the people they claimed to represent. That is no longer the case. The political process has become much more complex. The issues are much more varied. Political parties find themselves locked more into straitjackets around certain issues like the economy - this is not necessarily a criticism - and are not able to accurately reflect the political reality in the community. It is no longer the case that the electorate can be broken up into two or three camps.

Mr Cowan: What is the member for Morley going to do about breaking political parties into two or three different camps?

Mr DONOVAN: That is a very good observation from the Leader of the National Party which strengthens the point I am making. Given those viewpoints, and particularly the last one, we can no longer say that political parties represent the total make-up of the community. The legislation should not reflect a situation that is not true in the community and if these thresholds are held that would be the outcome. The amendment proposed by the member for Floreat addresses that problem and should be supported.

Mr AINSWORTH: I am concerned that this legislation has missed the mark if it was designed to give the public some confidence in the whole political process so that political donations cannot be used for purposes of self-interest by those giving the money. This legislation is full of loopholes and the disclosure of donors to the community is not covered adequately in the legislation. The now Leader of the Opposition who spoke on this matter a week or so ago said that the Bill would be three inches thick if it were to cover all the possibilities of avoidance. This clause presents a couple of possibilities for circumvention. The clause requiring the registration of gifts made by individuals not for political purposes but which may subsequently be used by a candidate for that purpose could cause difficulties. For example, if I were to receive in the mail a cheque for $10 000 from my aunty in Victoria to do with as I pleased and in six months' time an election is called and I use that $10 000 in my election fund rather than to buy a new car, or whatever it was my aunty thought would be useful, my aunty, who had no political intention in that gift and who perhaps may support another party, is suddenly listed as a donor for a National Party candidate. That could easily happen in many cases and would be very unsatisfactory for a lot of people. I do not doubt the ability of people to avoid this legislation, and probably the great winners out of this legislation will be the legal profession. In the case of an individual candidate the disclosure period is one year before the date of nomination and ends 30 days after the polling day. If a couple of weeks before an election a person were to say to a candidate that he wanted to donate but did not want to be identified, so he gave the candidate a cheque postdated for two months hence, which is after the final disclosure period, when is that donation deemed to have been received? Is it when the cheque is handed over or when the cheque is cashed and the money becomes available?

Dr Gallop: If the candidate wins the election he would have to disclose it in the next period.

Mr AINSWORTH: Let us suppose he did not win the election.

Mr Pearce: Then he is not in any position to give out favours so people would not make the connection.

Mr AINSWORTH: Certainly not, but a candidate who is standing as a candidate for a political party may be able to use part of that donation for the purpose of general advertising for the upper House ticket and that would advantage people who might subsequently be elected. So the donation could be used for political purposes in all sorts of ways. A candidate might say to his fellow candidates, "My good friend in the Terrace has given me a cheque for $100 000 but it will not be cashed until two months after the election because it has been postdated, but I can raise that money from my bank in the meantime because I know he will honour that cheque."

Dr Gallop: Do you think you could sleep with yourself if you did that?

Mr AINSWORTH: That is the whole point: A lot of people apparently are being judged in that light, otherwise the Government would not be bringing in this sort of legislation.

Mr Pearce: When this Bill is passed we will have to give all the Opposition speeches to the Electoral Commissioner so he can investigate what has been raised.

Mr AINSWORTH: I can assure the Leader of the House, firstly, that I have not received any cheques from my aunty and, secondly, that I am not likely to receive large amounts from the Terrace. I used those as examples. Some of the examples may be a little far fetched, but they reinforce the point made by me and in other speeches in the Chamber today and last week that the legislation falls far short of the mark if it is designed to catch all the people who wish to give political donations and expect favours and do not wish to have those donations made public. Those people will still find ways around this legislation. I have thought of two examples in 10 minutes and I am sure that someone with a legal background could drive several bulldozers through this legislation and not leave a mark. I have no doubt that those people who wish to circumvent the legislation as it is being presented to us will do so. If the legislation is really designed to do what is claimed, and not just to placate the public, it needs to contain a great deal more.

Dr GALLOP: Four points have been raised: The first was the issue of money given to an individual member of Parliament for "general purposes" such as travel, education and what the member for Marmion called "self-development". If members of the Opposition support the Premier's Members of Parliament (Financial Interests) Bill that matter will be fully covered. The Government looks forward to the support of the member for Marmion for that legislation because that will require members of Parliament to indicate all their financial interests. The general issue of "election purposes" is defined in the "Definitions" clause of this Bill as a matter intended, calculated or likely to affect voting in an election. Many of the issues raised in the member's speech come within the ambit of that definition.

Last week I said that these matters were subject to ultimate interpretation and further definition. I refer the member to the Australian Electoral Commission's electoral funding and financial disclosure handbook, not because it sets out the exact nature of the material that will come out of our own Electoral Commission, but to give the member some idea about how the matters will be followed up by the commission. Forms are included in that brochure which, when filled out, will indicate the details of the gifts. A process of clarification is gone through. Some of it will be subject to regulation and clarification through handbooks similar to the Australian Electoral Commission's handbook.

The members for Floreat and Morley referred to the $200 threshold for candidates. The Government is not particularly hung up on this point. Why are independent members particularly concerned about this? It is probably because they are not drawing the correct analogy. The analogy is not between the political party, the donations it receives and the individual independent candidate. The comparison to be made is between the party's candidates in any seat and the independent candidate. Candidates will be on a level playing field and under this Bill must declare donations above $200. Further, political parties contest not only one seat but also all elections. However, I will agree with the member for Floreat's amendment because the Government is not concerned about what the threshold should be. There is a distinction between the amount which would be required for an individual candidate and the amount for a party. The Government will not press that point, but these are, as the member said, matters for judgment. There is no perfect definition of the amount of money.

After a short reading of the Bill the member for Roe envisaged all sorts of possibilities of obvious loopholes in the legislation. If an individual thinks he can use the loophole of receiving a donation after the disclosure period, he would have to be working on the assumption that he will not win the election. Of course, if he wins the election and contests the next one he will have to declare for that election period. If the member for Roe thinks that the disclosure period is not adequate he should move an amendment. The disclosure period the Government has included is fair, particularly for those people who contest only one election. They can meet the requirements under this Bill after the end of the 30 days after the election. This will give them reasonable time to meet their legal requirements. It would be an inconvenience to those people to extend it. I do not think an amendment is necessary.

This proposed section deals specifically with the disclosure of gifts received by candidates. Despite having some reservations about shifting the threshold from $200 to $1 500, the Government, in the interests of consensus in the Parliament, will agree with the amendment foreshadowed by the member for Floreat.

Mr CLARKO: I intend to move an amendment to proposed section 175O(2)(b)(i) relating to the disclosure period for people who are not members of Parliament. The Bill states that the disclosure period for such people commences one year before the nomination of that person. That means a fresh candidate to the Parliament must reveal his source of gifts for a period one year prior to his nomination. The day of nomination is usually a month before an election; that means it will be 12 months, plus one month, plus the one month after the election, making it 14 months. It is not reasonable to subject a person to that requirement because there are at least two types of potential nominees for political seats, including those people who are the candidates for blue ribbon seats. Political parties tend to go through the political process by firstly preselecting their candidates for blue ribbon seats and finally candidates for the blue ribbon seats of their political opponents. In some cases people may not be endorsed until two months before an election and such a candidate would be required to reveal the details of his financial campaign affairs for one year.

Dr Gallop: They wouldn't have any.

Mr CLARKO: Therefore, is it sensible to cover that period?

Dr Gallop: It is sensible. The simple reason is that for most parties the preselections are occurring now, and a few months ago. That is roughly a year before the next election. They are moving into an election mode and it is only fair they declare for that electioneering period.

Mr CLARKO: That would mean an intelligent political party would ensure it nominated its people two years before the anticipated date of election. The party could then gather all its donations for the first year, and would need to disclose only those donations over $1 500 for the second year. That encourages people to play political games. It makes no sense for those people who are preselected approximately two months before an election to start revealing their financial details for the 10 months when they are not considering standing for a political seat. I do not know what is the right time, but a year is certainly a long time.

In the past week the Liberal Party has selected candidates for some seats, including one which has caused some consternation; that is, the seat of Dianella. The selection process took place only one week ago and an election will probably not be called until next February, nine months away. The seat of Dianella is one of the closest contested seats in Western Australia. The Government has chosen a poor time period. I move -

Page 14, line 11 - To delete "one year" with a view to substituting "three months".

Dr CONSTABLE: I am not sure whether I will support this amendment. Perhaps it should be one year or at the date of preselection, whichever is the longer. Some people may be preselected two years before an election and they could receive all their donations in the first year. There could be a real gap.

Dr Gallop: The member for Marmion in his enthusiasm started by arguing that it was too long a time and finished by arguing that it was too short a time.

Mr Clarko: It depends on how you react to it. It is a case of where this law could be used.

Dr CONSTABLE: I am worried because one year may be too short a time and the three months provided for in the amendment would definitely be too short a time. I suggest it should be amended to one year before the day of nomination, at the time of preselection, or when someone's nomination is ratified by the party, whichever is the longer period. When someone is nominated by a political party that is when his period of disclosure should start.

Dr ALEXANDER: The clause as it stands makes a reasonable amount of sense. If the period were shortened to three months the effect of the legislation would be narrowed. If it is kept at a year and if someone is not preselected until between three and nine months before an election, all he will be required to put on his return for the period up to when he was preselected is "nil". It is not an imposition to expect that. I understand what the member for Floreat is suggesting. I certainly think the period should be longer rather than shorter, but a year is sufficient. Most candidates would be in election mode a year before the election.

The member for Floreat has foreshadowed an amendment to the question of the threshold and there is a good deal of sense in making it consistent. Independent candidates do not have the backup of a party which candidates standing under a political party banner have. If the threshold is $200 for individuals and $1 500 for individuals under a party banner, we are

running the risk of discrimination. It would be open to individuals who are under a political banner to have donations go to their local branch or to some organisation under the umbrella of the party for which they are standing. Individuals standing as Independents do not have recourse to that sort of organisational capacity. It is a good move to make this consistent across the board so that regardless of whether one is an Independent candidate or a political party candidate the same threshold limits apply. I support the amendment which the member for Floreat will move because there is a very good reason for having that consistency.

Mr STRICKLAND: I think every member in this place would like to see a level playing field. Any reference to the date of preselection in this legislation does not take into account the fact that Independents are not preselected. Therefore, there is a difference in the way Independents and people who stand for political parties and go through the preselection process are treated. Members could not accept that if they want a level playing field.

I support the member for Marmion's amendment concerning the arbitrary choice of a year. I do not know whether anyone would be preselected prior to a year before an election. All sorts of situations could eventuate and, for example, campaign funds could be left over from a previous election campaign. Local branches of political parties may have held functions and put the money into a campaign account. Prior to a person's being preselected there could be well over $1 500 in that account and the money which has been raised may go into a holding account for the purpose of the forthcoming election. If a candidate were preselected three months prior to an election and that money was paid into his election campaign fund would he be required to disclose the fact that he received, for example, $5 000 from the political party's campaign account or would he be required to disclose from where those funds actually came? He may have to go back two or three years.

Dr Gallop: When the candidate receives the money is the point.

Mr STRICKLAND: The disclosure that is required will obviously be for $5 000 from the political party's account. Does he have to stipulate from where that money came? It may have been raised in a variety of ways.

Dr Gallop: That would be met by proposed section 175Q. There are different forms of declarations - candidates' declarations, parties' declarations and declarations by other persons. We will deal with these shortly.

Mr STRICKLAND: The money may have come to a branch in dribs and drabs from all sorts of functions and may total a figure of $5 000. I do not know how that will be handled. Would the candidate be required to find out exactly where the money came from? The records may not have been kept and it is conceivable that the amount may include a single donation of $1 500 or $2 000 towards the next election. I am hypothesising, but I have to because that is the only way to uncover loopholes in this legislation.

Dr GALLOP: I urge members to support the original proposition that the disclosure period for those people participating in an election for the first time remain at one year before the day of nomination of that person. The reason any of these figures is chosen is based on some estimate of what would be the most appropriate time. In this case our experience is that preselections usually occur one year before the election. It may be that one could go a little further as the one year period could be used as a loophole by those who are preselected two years before an election. It may be unfair on those who are preselected only a short time before an election but if they have not collected money for election purposes it would not affect their disclosure. We have to choose a certain time and in this case we have chosen one year. The evidence available indicates that that is the best time to capture the disclosure period. I urge members to support the original proposition.

Mr CLARKO: The situation is befogged by the fact that nobody other than the Premier of the day knows the date of nomination. It is guesswork. The Minister does not know that date. Even some of his friends, like Stephen Loosely, who are masters of getting around legislation, do not know. When is the date of nomination for the next State election?

Dr Gallop: The legislation states one year before nomination of the person as candidate in the election. It is covered. It also states, "30 days after polling day."

Mr CLARKO: That is not the nomination. The nomination is when one puts one's name down as a candidate for election. A candidate is not nominated by his political party. If I am wrong in saying that, the Minister should correct me. We now have a system under which

we nominate about 30 days before an election. This system was implemented by Brian Burke. A political party does not nominate; it preselects They are quite different things.

Dr Gallop: This new section involves the day of nomination for an election.

Mr CLARKO: The Minister does not know when that will be.

Dr Gallop: A person will know that he will be a candidate, so he will start to prepare to make disclosures because this legislation will be in place.

Mr CLARKO: The whole of the legislation is about disclosure of donations.

Dr Gallop: This legislation is about recognising the processes involved. Once that is done it will be quite easy and painless.

Mr CLARKO: The Minister cannot regularise matters by trying to give a date that he does not know. We do not know what will be the date of nomination, so when the Minister mentions a period a year before that date a person who wishes to address this problem seriously is unable to do so because he does not know the date of nomination.

Dr Gallop: Every election in Western Australia since the Second World War has been in or around January or February.

Mr CLARKO: It was about 1 February under Brian Burke because he was trying another stunt. He tried to hold the election when the printing shops were closed in January. That is what he sought to do by his announcement of the rush election we had at that time. I want a reasonable period to be outlined in this clause. It has been my experience as a candidate that most work is done in the three months prior to an election, or lately in the six weeks prior to an election.

Dr Gallop: With the member for Marmion's candidature that is probably true. However, all sorts of candidates now from all parties are campaigning already.

Mr CLARKO: I stood for election in 1971 having been endorsed in May 1970. Within two months of endorsement the first of eight pamphlets that were spread through the election period was issued. I was convinced of the date when the election would be. Nowadays that sort of thing is rarely done. I placed advertisements at all drive-in theatres at the time in the area where I live. I placed polling signs saying "Vote for Jim" long before anyone else. I also placed advertisements in the *Daily News* alongside the television programs; my ugly moosh was staring out at people, saying "Vote for Jim". Those things were done months before the election. My campaign was subsequently written up in *The West Australian* after I received a swing in Karrinyup of 12 per cent at the time of an approximately 12 per cent swing against the metropolitan Liberal Party. I was written up as having conducted one of the best campaigns ever in this State for a lower House seat. However, even then the campaign did not take the 12 months the Minister has chosen for this legislation.

Dr Gallop: Times have changed.

Mr CLARKO: The Minister has included a period of one year based on an unknown date. If, for instance, the Minister had the Mafia connections that his party has in the Eastern States -

Dr Gallop: That is not a problem.

Mr CLARKO: - how would he work out that period of a year so that the big donations could be dropped in his campaign chairman's account at the right time? The legislation is not definitive.

Mr Strickland: Government members may know about an election date, so it would be all right for them, but the rest of us would not have a clue.

Mr CLARKO: Yes. The Minister gains nothing by including the period of one year in the new section because the nomination day is unknown. The Minister could give me a likely date for the next State election of February 1993. However, what date would he choose for the next Federal election? That would be a bit harder. One might think one knows when nomination day will be, but one is not sure. The Committee should not allow this clause. The Minister has produced no evidence why it should be accepted and we are travelling in the dark.

Dr Gallop: We are not.

Mr CLARKO: Has the Minister any evidence that three elections back a person in Western Australia gave a $200 donation and as a result of that was able to gain the right to build a power station or a steelworks? Of course the Minister has not, because no such evidence exists! The Minister is working on information borrowed from his far right colleagues in the Eastern States who chose that amount of $200 at some time between 1976 and 1981.

Dr Gallop: The New South Wales figure is different.

Mr CLARKO: In the 1981 New South Wales election the figure mentioned was $200. A committee met for four or five years before choosing that amount. I am seeking to delete the words "one year" because the Minister has not shown the Committee any evidence that that is an appropriate period. I have proposed a period of three months. I would agree if the Minister proposed to change that period to six months.

Amendment put and negatived.

Dr CONSTABLE: I move -

Page 14, line 25 - To delete "$200" and substitute "$1 500"

Page 14, line 30 - To delete "$200" and substitute "$1 500"

Amendments put and passed.

Mr CLARKO: I take it that the Minister will again agree to the CPI factor being included in new section 175O?

Dr Gallop: Yes.

Proposed section, as amended, put and passed.

Proposed section 175P: Disclosure of gifts received by groups of candidates -

Dr CONSTABLE: I think most of the relevant points have been made about thresholds being consistent across all groups. I move -

Page 15, line 28 - To delete "$1 000" and substitute "$1 500"

Page 16, line 5 - To delete $1 000" and substitute "$1 500".

Amendments put and passed.

Proposed section, as amended, put and passed.

Proposed section 175Q: Disclosure of gifts received by other persons who incur expenditure for political purposes -

Mr CLARKO: I have raised this before, but I do so now in a different form. Let us suppose an arrangement was made whereby accounts for the cost of items which would normally be accepted by the local campaign committee as being for election purposes - such as the cost of newspaper advertising, printing of pamphlets and so on - were sent to the "Fiji Match Company Trust" in Suva. If a printer, say, who sent an account for a pamphlet subsequently received payment I gather that there is no requirement on the printer to make any disclosure. Would that be a way whereby the purposes of this Bill could be evaded?

Dr GALLOP: We discussed this matter earlier with the member for Marmion. If people are devious enough to use an overseas body to arrange the avoidance of the disclosure of the ultimate sources of income I am afraid it is very difficult for those of us in Western Australia to control that. However, I reiterate my fundamental point; that is, the use of that method would be fully disclosed to the public if this legislation passes through the Parliament. Candidates would have to declare the source of the money as being from that overseas trust or group.

Mr Clarko: How would they do that? All that happened was that somebody went to a printer and asked him to print 10 000 pamphlets on behalf of the member for Victoria Park; then somebody came in and picked them up and the account was paid by a company in Suva.

Dr GALLOP: That is clearly a part of that person's campaign expenses and it is clearly covered by the definitions in this Bill.

Mr Clarko: But the candidate might not know anything about that pamphlet.

Dr GALLOP: The agent takes responsibility, in that sense.

Mr Clarko: The agent might not know anything about it.

Dr GALLOP: The agent would have to know. Someone would have to authorise it and it would have to be campaign literature.

Mr Clarko: No, it would not have to be at all.

Dr GALLOP: Then that person would be totally breaking the law as it stands.

Mr Clarko: How? He would just be producing a pamphlet saying what a good guy the member for Victoria Park is.

Dr GALLOP: But that is for a political purpose, and candidates must declare the sources of the money they get to pay for that, under this proposed section. I acknowledge that what the member for Marmion says about the use of the overseas body is perfectly correct. However, firstly, that would be public; and secondly, because it would be public I believe there would be a strong disincentive for any person to use that avenue of avoidance. For that reason I think this legislation has great value for the community.

Mr CLARKO: At present proposed section 175Q provides that an amount of $1 000 or more must be declared, but the member for Floreat intends to move to amend that figure to $1 500. A trade union could give each Labor candidate for the 57 Legislative Assembly seats in Western Australia the sum of $1 499 at the next election, which would amount to approximately $85 000, and I understand that would not have to be declared. Is that right?

Dr Gallop: I think you are right.

Mr CLARKO: Similarly, a businessman could give to a political party's 57 Legislative Assembly candidates a donation of $1 499 and that would not have to be declared either.

Dr Gallop: Yes. Of course, we originally provided for a sum of $200 but that was changed by the member for Floreat.

Mr CLARKO: We are just playing with numbers.

Dr Gallop: I think $200 would have been a bit different.

Mr CLARKO: But playing with the numbers would get us back to what I said earlier. I do not know what is the right figure; I said something like $10 000. Even the $85 000 I have mentioned in my example probably would not buy a single candidate, although it might buy the political party, in a sense! Ten friendly unions could each give $1 499 to each of the 57 Labor candidates for the Legislative Assembly, so they could give $850 000 without disclosure. That is almost $1 million which would not have to be disclosed if it were given in that way.

Dr Gallop: If it were given by 10 different unions.

Mr CLARKO: Yes; or by 10 businessmen. I have here in my file a photograph from *Time* magazine of people belonging to a group called the John Curtin Foundation. The Minister could go along and get 10 of those people to give his party $850 000.

Dr Gallop: Not the party.

Mr CLARKO: No, the Labor candidates - the Minister included. I am referring to the 57 Labor candidates for the 57 Legislative Assembly seats. They could receive $850 000 and this legislation would not cover that. The Minister's seat of Victoria Park is so easy that anybody could win it.

Mr Thomas: Are you conceding now?

Mr CLARKO: It is the same with the member for Cockburn's seat. He does not need money at all; he is well covered. They could say to the member for Whitford - whose seat we all know is very marginal - "We will each give our donation of $1 499 to you."

Mrs Beggs: Thank you very much.

Mr CLARKO: Each of them could do that.

Mr Thomas: I can tell you now that we wouldn't.

Mr CLARKO: If members did, would that have to be disclosed? It does not really matter if

it would be or not, because if the money came from the campaign committee of Victoria Park or Cockburn and appeared in the books the member for Whitford produced for the Electoral Commission, and if the public of Western Australia could stickybeak, all they would see is that the $1 499 which came from each of the 10 businessmen had been laundered through the campaigns of the members for Victoria Park and Cockburn and passed neatly and sweetly to the member for Whitford for her to use as she wished.

Dr Gallop: But it could be used only by an individual candidate.

Mr CLARKO: That is what the Minister wants to do. However, let us consider a dicey seat which the Government desperately wants to win. Instead of two blue ribbon seat candidates passing on donations, 20 candidates could pass on $1 499 to the marginal seat. That would amount to almost $30 000, and one could run quite a significant campaign on that amount. That money could be provided by only 10 businessmen who had received favours from the Government - as the Government's record has indicated over the last few years.

Dr Gallop: It is a little tricky - as the member for Scarborough would appreciate as a former mathematician - to include 10 businessmen in your analysis.

Mr CLARKO: I showed the Minister a photograph of 10 businessmen who provided $1.8 million for the John Curtin Foundation, and Burkie collected $6 million from different sources. Goodness knows what else the Labor Party received! It would be possible for 10 businessmen to slide this money into a campaign without any problems. This serious piece of legislation is full of holes.

Dr GALLOP: This matter should have been raised while discussing the disclosure of gifts received by candidates provision. We have a threshold. If the threshold is $200, 56 candidates could provide $199, and the most that any person could be given is $11 144.

Mr Clarko: That would not be too bad.

Dr GALLOP: It is a much smaller figure than the one the member mentioned.

Mr Clarko: That could be distributed in the way I mentioned.

Dr GALLOP: However, the threshold has been increased to $1 500. It is true that the $1 499 could be received by each candidate and multiplied by 56. That could be as a result of the legislation we now have; the point the member makes is correct. However, the implication he is trying to make is not as significant as he may want us to believe. Even though candidates would receive $1 499 before disclosure, that money would be used for their own campaigns. If the candidate wanted more money from a businessman or a union, it would take the amount over the threshold and would have to be declared.

Dr CONSTABLE: I move -

Page 16, line 26 - To delete "$1 000" and substitute "$1 500".

Page 16, line 31 - To delete "$1 000" and substitute "$1 500".

Amendments put and passed.

Proposed section, as amended, put and passed.

Proposed section 175R: Gifts must not be accepted from unidentified donors -

Mr CLARKO: This is a draconian provision. The clause notes provided to me courtesy of the Minister and his adviser state that "any gifts above the relevant threshold value to any party, candidate or group must not be accepted from unidentified sources. Similarly, other persons must not use the gifts for political purposes if the relevant details of the donor cannot be provided."

I have attempted to provide examples of cases in which the source of money cannot be truly identified. I spent part of today talking about donations which are not fully identified. The Minister agrees with my Suva example. Also, a bucket may be passed around at a political fundraising barbecue, but how does one know who provided money? It is possible for $1 500 to be provided, but one would not know who made the donation. Do we need to know? What kind of policing measures would be necessary for this provision?

Dr Gallop: Interestingly, the Federal Electoral Commissioner says that we could take on board trust on these types of issues. His handbook indicates that he does not regard this as a problem. It will not be necessary to send people around snooping at functions.

Mr CLARKO: I have never received such donations at functions with which I have been associated, and I have been associated with many other than my own; however, in some cases people have passed around the hat or bucket, and people have said behind their hands, "Did you see so-and-so slip in a lot of money?" At a function about 20 years ago a businessman bought $100-worth of raffle tickets. The lady selling them almost collapsed because $100 was a hell of a lot of money at that time! My colleague, the member for Scarborough, raised this point the other day. If a quiz night were run by political friends and $2 000 were donated, that would not be regarded as offending under the Act, because the money was raised from people paying at the door or buying raffle tickets and so on.

Dr Gallop: In addition, the member for Floreat's amendments have the unintended consequence of reducing the possibility of this problem. The amendments have increased the threshold from $200 to $1 500, and it would be highly unlikely that an individual contribution to a bucket or a raffle would be of that amount. That was not the intention of the amendment, but that is an unintended consequence. The amendments will relate to the member's earlier comment about a number of donations just under the threshold being passed to a different candidate, as well as meeting some of the difficulties the member poses relating to hats and auctions.

Mr Strickland: Although the Minister says it would be unusual for that situation to occur - I agree with him - we all know that unusual things have occurred; we have read about them in the newspapers. If someone wanted to pay money into a campaign account, it could be done with anonymity under the administration of this legislation. A person will put money into the bucket, or by whatever means, rather than placing money into the leader's advance account, or whatever means was used in the past. If it is intended that one will be able to examine the linking of a donor with a campaign, it will not be possible in the circumstances I have outlined. Therefore, it will be possible for someone to deliberately make a donation without that person's name being associated with the donation.

Dr Gallop: It is theoretically possible.

Mr CLARKO: If the Victoria Park branch of the Australian Labor Party provides $2 000 for the Minister's next election campaign, will that be recorded as the Victoria Park branch of the ALP or will the president, the secretary, the treasurer and the vice presidents have to be named publicly also?

Dr Gallop: It would have to be placed on the return.

Mr CLARKO: I am aware of that. It is possible that the Minister will embarrass many of his friends in the Victoria Park branch of the ALP if eight or 10 of them are named on the front page of the local newspaper. Does the Minister believe they will all have to be named?

Dr Gallop: We have experience of this kind of legislation and this has not proved to be a difficulty with any donation passed into an individual's campaign.

Mr CLARKO: Does this legislation require the 10 members of the executive of the Victoria Park branch of the ALP to be named for the purposes of the record?

Dr Gallop: That may very well be the case; but I do not think it will be a problem.

Mr CLARKO: Will the Minister please examine the matter with a view to amending this proposed section? Why not provide that only the secretary of the Victoria Park branch of the ALP give his name? Surely that would be good enough. This proposed section could destabilise traditional parties like mine and the Minister's. No doubt the people in the Victoria Park branch were members before the Minister and have worked very hard for his party. Next year when people are nominated to be the Treasurer they will decline. That will not advance the cause of democracy among political parties in this nation.

Dr Gallop: I do not think those people will be particularly concerned about it.

Mr CLARKO: I am sure quite a number of people would not want to be named. I refer to proposed subsection (1)(d) and the words "unless the name and address of the person making the gift ("the donor") are known to the person receiving the gift ("the recipient")". I have asked the Minister repeatedly whether one could use a lawyer in such cases.

Dr Gallop: Is this clause not what we call the "brown paper bag" clause?

Mr CLARKO: I am concerned about how much this legislation will intrude into the lives of

ordinary people, particularly those people of a political nature. I refer to proposed section 175R(2)(b). In his earlier comments, the Minister did nothing other than indicate that a donation could be well hidden in, for example, Suva. I wonder whether the same situation could not arise in another State of Australia, for example, in Queensland. Perhaps, rather than being called the "Fiji Match Company Trust" it could be called the "Gold Coast White Shoe Brigade Trust", and it could provide the money. Will it be possible to trace those people?

Dr Gallop: The member for Marmion should examine the Western Australian as well as the Federal legislation.

Mr CLARKO: In a State election, a donation could be transferred from there to a candidate in Western Australia. The title of the "Gold Coast White Shoe Brigade Trust" is probably as far as one will get. If that is the case, it highlights what I said earlier.

Dr Gallop: That problem exists with any legislation which emanates from this Parliament and which requires the cooperation of other Parliaments. I have taken up the matter and I hope that some agreement can be reached between the States.

Mr CLARKO: Despite all the Minister has said, having moved from Suva to the Gold Coast I am not sure that a blind trust could not be set up in Perth.

Dr Gallop: No.

Mr CLARKO: I have received advice that blind trust accounts can be set up and that it is not possible to investigate the details of their funds. This is highly intrusive legislation. I know that this legislation provides that an anonymous donation, if revealed, must be passed to the Consolidated Revenue Fund. That is not a good use of the money.

Dr CONSTABLE: I move -

Page 18, line 19 - To delete "$1 000" and substitute $1 500".

Page 18, line 26 - To delete "$200" and substitute "$1 500".

Page 18, line 32 - To delete "$1 000" and substitute "$1 500".

Page 19, line 6 - To delete "$1 000" and substitute "$1 500".

Amendments put and passed.

Proposed section, as amended, put and passed.

Proposed section 175S: Returns as to gifts and income required in all circumstances -

Mr CLARKO: This proposed section is also highly intrusive. I refer to proposed subsection (1). I guess this is the "self-hanging" clause. It is incredible that one should be required to complete a return to indicate that one did not do something. That highlights again the character of this legislation.

Dr GALLOP: Another illustration of the very important philosophical difference between us is that the member for Marmion barracks for Claremont and I barrack for Swan Districts. The difference between those two clubs both philosophically and traditionally is as wide as a chasm.

Proposed section put and passed.

Proposed section 175T put and passed.

Proposed section 175U: Offences -

Mr CLARKO: Proposed subsection (1)(a) and (b) provides for fines of $7 500 and $1 500. Most legislation includes the words "up to". Will the Minister enlighten me as to whether the fines are to not exceed those amounts? They are extremely high fines. I have seen an example of where a person who killed someone with his motor vehicle was convicted of manslaughter and paid a fine of no more than, I think, $80. It is interesting that the Parliamentary Draftsman has included the words "not exceeding $1 500" in proposed subsections (3) and (4), but not in (1)(a) and (b).

Dr Gallop: The words "not exceeding" are mentioned in the preliminary wording of proposed section 175U(1).

Proposed section put and passed.

Proposed sections 175V to 175ZB put and passed.

Proposed section 175ZC: Public may obtain copies of returns -

Mr CLARKO: Again, this proposed section is unnecessary. I believe matters relating to the pecuniary interests of members should be dealt with by the Chief Justice. If a member of the public believed that something improper was occurring, that person should raise that matter with the Chief Justice's clerk. If the opinion of the Chief Justice were that there were grounds for bringing to the notice of the public the interests of the member because of his public behaviour, only then should it be revealed.

Dr GALLOP: The whole purpose of the legislation is to make public the source of funding of political parties. To deny the principles of proposed section 175ZC would be to deny the philosophy of the Bill.

Proposed section put and passed.

Proposed section 175ZD put and passed.

Proposed section 175ZE: Regulations under this Part -

Mr CLARKO: The fine of $3 000 included in this proposed section is extremely high.

Proposed section put and passed.

Proposed section 175ZF put and passed.

Clause, as amended, put and passed.

Clause 5: Section 199A inserted -

Mr CLARKO: The insertion of this proposed section proves the existence of the dangers to which I referred earlier. People will be suborned in various ways by this legislation. We cannot stop people saying, "I will not shop here because this businessman donates to the wrong political party." All forms of pressure of that kind are likely.

Dr GALLOP: We included this clause to overcome the problem that the member addressed. It is always possible for that type of thing to happen in society and it is important that this Bill make it clear to those participating in politics that donating to political parties is a normal part of our political process. We want to encourage the belief that there is nothing wrong or sinister with donating to political parties.

Clause put and passed.

Clause 6 put and passed.

Title put and passed.

Bill reported, with amendments.

WESTERN AUSTRALIAN LAND AUTHORITY BILL

Committee

Resumed from 29 April. The Chairman of Committees (Dr Alexander) in the Chair; Mr D.L. Smith (Minister for Lands) in charge of the Bill.

Clause 16: Powers -

Progress was reported after the clause had been amended.

Mr DONOVAN: My second amendment to clause 16 is an instrumental amendment. I remind members that my third proposed amendment to clause 16 will give it its effect. I move -

> Page 10, line 21 - To insert before "enter" the following -
>
> with the approval of the Governor in Council and subject to any conditions attached to the approval,

Members may recall a similar form of words being adopted in the East Perth Redevelopment Act. The point has been made, if not by this Minister then certainly by others, that it would be normal practice for arrangements or contracts of this kind and of the substance suggested by my amendment to go to Cabinet. I accept that may be normal procedure; however, I do not accept that without the amendment it would necessarily follow that course. In other

words, under the existing clause 16(2)(c) it is possible for the authority to enter into any contract or arrangement with a person, including a public authority or a local government authority, for the doing of anything that the authority is authorised to do under this Bill by that person, or by that authority for that person, or by the authority and that person on a joint venture basis.

The point has been made by a number of members, including me, that we must get past the legacy of problems, or at least the public perception of problems, inherited from the so-called WA Inc days in which the State Government entered into all sorts of arrangements and contracts that subsequently proved to be undesirable, or caused problems, embarrassments, or legal obligations to the State, and that the Government subsequently would have preferred not to get into. The only way to prevent that kind of situation occurring is to bring into the public eye the sorts of contracts and arrangements referred to. That is the intent of the next amendment I will move. In this case, unlike the first amendment, in which we sought only the Minister's authority - that is, in relation to subclause (2)(a) for the acquisition, management and disposal of land - we are looking for an authority from the Governor in Executive Council.

The amendment is not proposed lightly. As with the East Perth Redevelopment Act, we seek to add the words "with the approval of the Governor in Council and subject to any conditions attached to the approval". Cabinet or others may want conditions attached to any approval given under this clause, and there should be a capacity for those conditions to be attached. This amendment is a direct attempt to make sure that any of the contracts or arrangements that may subsequently prove difficult or embarrassing for the State or the Government are made with the best possible authority - in our system that constitutes approval by the Governor in Executive Council.

Mr LEWIS: This amendment is lifted from the East Perth Redevelopment Act. It sheets home the responsibility to Cabinet. Ministers have stated in the Royal Commission that they did not know what was going on with regard to activities in Cabinet. Only this morning in the media we heard the submission of the Premier, Carmen Lawrence, to the Royal Commission that while she was a member of Cabinet she did not know anything about it, and did not understand what was going on. The amendment moved by the member for Morley will quite decisively and without any contradiction establish that decisions made by Cabinet are collective decisions, therefore members of Cabinet will not be able to say that they did not understand the decisions or did not agree with them or did not know what was going on. Ministers of the Crown who are not aware of decisions being made by Cabinet could be accused of gross negligence. If that is a reflection on the Premier, so be it. If a member of Cabinet disagrees with a decision of Cabinet, and believes that the decision is not in the best interests of the State or is verging on illegality, the only proper course of action is for the member to resign his position. I hope that this amendment, if passed, will emphasise that point, particularly with regard to this legislation, and that these provisions will prevail in the future. I support the amendment.

Mr D.L. SMITH: The Government opposes the amendment. I ask members to read the provision with which we are dealing. It is to authorise or give power to the authority to enter into any contract or arrangement with a person, including a public authority, or a local government authority, for the doing of anything that the authority is authorised to do under this Bill, be that by a person, or by the authority for that person, or by the authority and that person on a joint venture basis. Clearly, subparagraphs (i) and (ii) would cover such things as a contract for the filling of land, a contract for the fencing of land, or for the development of roads, drainage or sewerage. Indeed, they would apply to almost any purchase made by the authority which required something to be done by another person, such as the supply of goods. Even if the authority wanted to purchase some stationery for the purpose of doing the things that it was authorised to do under this Bill, it would theoretically need to get approval from Executive Council. I cannot believe, even with the change of leadership, that members opposite really believe that it would be sensible for any business to conduct itself in that way.

Mr Lewis: That is being a bit extreme.

Mr D.L. SMITH: No. It is a simple interpretation of what the member for Morley, with the support of members opposite, is seeking to impose upon this authority. It is in no way comparable with the East Perth Redevelopment Act, because that involved specific contracts

which required Executive Council approval. This Bill is not so limited but extends to all contracts with a person, local government authority or public authority to do any of the things which the authority is authorised to do. There is no way that this authority could comply with that sort of constraint, nor could it discharge its business in a proper and efficient way. For those reasons, the Government opposes the amendment.

Mr DONOVAN: Section 19(2)(d) of the East Perth Redevelopment Act states that the authority may "enter into any contract or arrangement with a person, including a public authority or a local government authority for the performance by that person or body of any work or the supply of equipment or services." Section 19(2)(c) states that the authority may "participate in any business arrangement; acquire, hold and dispose of shares, units or other interests in any business arrangement". Section 19(2)(b) states that the authority may "subdivide, amalgamate, improve, develop and alter land". Presumably that will include roads, fencing, drainage and anything else in which the East Perth Redevelopment Authority intends to engage. The East Perth Redevelopment Authority is, therefore, required to obtain the kind of approval which we are seeking here and which is subsequently to be tabled in the House. The provision that we propose is not radically different from the provision in the East Perth Redevelopment Act; it is almost parallel.

The operations of the East Perth Redevelopment Authority are limited to East Perth. The operations of the Western Australian Land Authority will be limited only by the boundaries of the State and will, therefore, be on a much larger scale. It seems logical, therefore, that as a minimum rather than as a maximum, the qualifications and constraints that were required for the East Perth Redevelopment Authority be required also for the Western Australian Land Authority. I understand the difficulty to which the Minister is pointing in respect of the smaller activities which the authority may want to get into. However, that is no justification for excluding from this Bill the provisions that we seek, which are necessary for the much bigger arrangements and contracts into which this authority may enter. To say that the authority may have a difficulty when it wants to erect 100 metres of fencing is no justification for this Committee's refusing an amendment which is aimed at protecting the State and the Government against the implications of a contract which may involve a proposal for a multimillion dollar tourist resort. Members may think that is a bit over the top, but it is not. A number of multimillion dollar tourist resorts are planned for this State, and I am aware that at least two of them will involve this authority. The balance between the difficulties envisaged by the Minister and the purposes to be served by this amendment in protecting the State and the Government against the risks that may be attached to unsupervised and unaccountable arrangements and contracts which may involve large investments and deployments of public assets must come down on the side of protecting the State and the Government.

Mr D.L. SMITH: If the member for Morley looks at section 19(4) he will see that the only provision which is constrained in respect of the Governor's approval is subsection 2(c), which relates to participating in any business arrangement or acquiring, holding and disposing of shares, units or other interests in any business arrangement. It does not extend to subsection (2)(d), which, as the member for Morley has rightly stated, refers to entering into any contract or arrangement with a person, including a public authority or a local government authority for the performance by that person or body of any work or for the supply of equipment or services. The member for Morley has misread the East Perth Redevelopment Act in order to justify what he is seeking to do here; namely, to require all contracts to be referred to and approved by Executive Council. That would be an impossible way for the authority to do business.

Mr DONOVAN: I extend to the Minister, without hesitation, my apology for my erroneous oversight of the quite tight prescription of section 19(4) of the East Perth Redevelopment Act. Nonetheless, the arguments about the need for this provision remain. The arguments that both I and the member for Applecross have put are not in any way lessened by the argument around section 19(4) of the East Perth Redevelopment Act - although the Minister is correct, and I thank him for pointing out the error. However, I now point the Minister to section 19(2)(c) of that Act and the words "and participate in any business arrangement". A large question mark surrounds how we would define a business arrangement. Notwithstanding that that may be an academic question, I repeat that the arguments for the acceptance of this amendment are not lessened in any way by my erroneous reference to section 19(2)(c) of the East Perth Redevelopment Act.

Mr WIESE: I support the amendment and the rationale behind it. I have grave doubts about the open-ended situation before us. The clause is without restriction because the Minister or the authority is empowered to do virtually anything; therefore the sorts of developments mentioned by the member for Morley could be undertaken regardless of whether the Parliament or the people believe that to be desirable. We should consider also a couple of other clauses in the legislation which we appear to have already accepted. No great debate has taken place on that issue. Paragraph (a) refers to "acquire, manage and dispose of land". We are talking about substantial amounts of money. It could be possible for the authority to acquire, manage and dispose of pieces of land valued at hundreds of thousands or even millions of dollars. The member for Morley points out that as a result of an earlier amendment there will be a constraint in that ministerial approval is required for transactions in excess of $1 million. Having accepted that need for constraint perhaps we should apply the same constraint to paragraph (c). I accept the remarks of the Minister that were we to strictly interpret the words of this amendment we could have the situation where every minor charge on the authority could be required to go before the Governor in Executive Council. That is not the intent, but as the amendment is framed that could be the result. We should amend the paragraph to include a financial figure. Perhaps the Minister can suggest a further amendment to fulfil the intent of the member for Morley.

Mr LEWIS: I concede the point by the Minister that the effect of the amendment will be to make the legislation a nonsense. However, notwithstanding the argument by the members for Morley and Wagin, a financial constraint is necessary. I jotted down an amendment to the effect that the words "but for any transaction valued in excess of $500 000 or $1 million" be inserted or something to that effect, so that we could differentiate between trivial matters and those of more importance, and on which Cabinet should make a decision. I am not aware of the Minister's position on this point. Perhaps the Minister can consider the situation during the dinner break and frame an amendment to satisfy the situation. If not, perhaps the members for Morley and Wagin and I can put together a suitable amendment which would clearly flag the requirements of the Parliament.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr D.L. Smith (Minister for Lands).

[Continued below.]

STATEMENT - BY THE SPEAKER

Congratulations to Members for Nedlands, Elected the Leader of the Liberal Party and Cottesloe, Elected the Deputy Leader of the Liberal Party

THE SPEAKER (Mr Michael Barnett): I take this opportunity on behalf of all members of Parliament to congratulate the member for Nedlands on his election to the position of Leader of the Opposition, and the member for Cottesloe on his election as Deputy Leader of the Opposition. We wish them well in those positions and offer our congratulations to them both.

[Questions without notice taken.]

Sitting suspended from 6.00 to 7.30 pm

WESTERN AUSTRALIAN LAND AUTHORITY BILL

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Dr Alexander) in the Chair; Mr D.L. Smith (Minister for Lands) in charge of the Bill.

Clause 16: Powers -

Progress was reported on the clause, as amended, after the following further amendment had been moved -

Page 10, line 21 - To insert before "enter" the following -

with the approval of the Governor in Council and subject to any conditions attached to the approval,

Mr DONOVAN: Mr Chairman, I draw your attention to the state of the Chamber.

[Quorum formed.]

Mr D.L. SMITH: Prior to the suspension the member for Applecross suggested that the Government should consider an amendment to this clause along the lines of the one moved by the member for Morley but limited to a figure which would prevent the Government having to seek Executive Council approval to order paperclips, for instance. In my view, amendments of that kind moved on the hop do not advance the cause of the Bill and still impose restrictions not present in the Industrial Lands Development Authority Act, the Industrial Development (Resumption of Land) Act, and the Joondalup Centre Act, which this authority is effectively merging.

I am ever mindful of the need for greater accountability of the Executive to the Parliament. However, I believe that that can be achieved through the existing means of the reports required to be supplied to this House annually, and through the work done by the Parliamentary Commissioner and the Auditor General. We do not need the extra protection suggested in the amendment moved by the member for Morley.

Amendment put and negatived.

Mr LEWIS: I move -

> Page 10, after line 28 - To insert the following -
>
> > but where the value of any contract or arrangement exceeds $500 000 the ability of the authority to act shall only be with the approval of the Governor in Council and subject to any conditions attached to the approval;

During the dinner suspension I sought to sort out what the Opposition sees as the Minister's problem as to how the authority would be able to function if the limiting amendment moved by the member for Morley were passed. The Minister made the point that he believes this matter can be handled adequately on the basis of annual reporting. One could be cynical and say that we have heard all this before. It is for that reason that the member for Morley, and certainly both the National Party and the Liberal Party, cannot accept that that would be the case. No-one doubts the integrity of the Minister at the Table, but Governments come and go and Ministers come and go, therefore no-one will know how the process of administration of this legislation should be conducted in five or 10 years' time if it is not set out clearly in the legislation. It is important to spell out decisively in the legislation what is expected of the Government regarding its reporting and acceptance of Cabinet's responsibility across the board. More importantly, it places a great discipline on the authority and on the Government, because I do not think anyone in Western Australia would ever want to see the Executive of Government go back to those days in the late 1980s and perhaps the early 1990s when those very wrong things were going on. They were wrong in my estimation, anyway.

Mr DONOVAN: One of the things I have learnt in this place in the relatively short time I have been here is that one does not necessarily lose very much when somebody shows one that one is wrong. By his remarks before the dinner break the Minister showed me that the amendment I proposed and supported was insufficient for the task which had to be done. For that I commend him, because what he effectively did was to point us to the obvious concrete problem - indeed, the only concrete problem - with the amendment I proposed. In doing so in such a competent and compelling way he also drove some members of the Committee to overcome that problem.

The problem the Minister saw with the amendment proposed by me originally was that it left all sorts of arrangements and contracts - even, as he pointed out, to 100 metres of fencing - liable for a requirement that approval first be sought from the Governor in Executive Council. As a result of our dinner break consultations the member for Applecross has proposed that we apply a value to that. That amendment not only overcomes the problem, but also adds a great deal of quality and validity to this clause. So the authority will not have to get, first of all, the approval of the Governor in Executive Council to construct 100 metres of fencing, unless inflation is such that even 100 metres of fencing has gone up to $500 000 in value - and I am aware that in some parts of the rural landscape that may happen, but it has not as yet. The value the member for Applecross attaches to his amendment is a realistic one. If we are consistent with the spirit of the East Perth Redevelopment Act and the spirit which has been put about in this place over the last couple of years or so, there can be no

objection to a requirement that an arrangement or contract between the authority and any other party, where such arrangement or contract exceeds $500 000 in value, should come into the purview of the tabling requirement that will flow from the third amendment that I propose to move to this clause.

Mr WIESE: I am very glad the amendment has been moved by the member for Applecross. I would have found it very difficult to support the previous amendment and I am pleased that the member for Morley is such a quick learner and has appreciated the points that were made. I hope the Minister is also a quick learner and appreciates those points. The member for Morley has said it very well. I do not believe the inclusion of the sum of $500 000 will cause many problems for the Western Australian Land Authority. This amendment certainly takes care of the sorts of problems the Minister raised and I support it totally. I hope the Minister will do likewise.

Mr D.L. SMITH: Although I appreciate the change of heart by the member for Morley and the need for greater accountability by the Executive to Parliament, I am also very aware of the need for Government enterprises to be efficient and expeditious in the way in which they do things. Government agencies generally are already constrained in that when they are engaging anyone to do work for them, where the amount exceeds a reasonable amount they are obliged to go to tender. In this case what would be required is, firstly, approval of the Governor in Executive Council, in advance of going to tender, to enter into the contract in general terms; and secondly, after the tender was assessed and there was a recommendation there would have to be a return to the Governor in Executive Council for approval of the successful tender. Two advices to Parliament would be required - one of the approval to offer to tender and the other, later, to notify Parliament of the nature of the approval given by the Governor in Executive Council for the successful tender. That would provide extra delays and problems in the system. These problems and delays are not currently experienced by the Industrial Lands Development Authority, LandCorp or the Joondalup Development Corporation, which bodies this Bill is merging, and I do not see why we should encumber this agency in this way. For that reason the Government will oppose the amendment.

However, if the upper House should seek to impose a restriction similar to that which it imposed on the East Perth Redevelopment Authority, the amended clause is certainly much better than that originally suggested by the member for Morley. The only problems I would have with it are, firstly, the question of whether the amount of $500 000 is appropriate or whether, given the nature of this agency and the sort of work it will be doing, we should increase that amount; and secondly, whether it needs the approval of the Governor in Executive Council. The real intent of these provisions is to ensure that the text of the approval is brought before the Parliament and it does not matter whether it is ministerial approval or Governor in Executive Council approval, that would occur. Requiring it to go to Executive Council simply puts another step in the process: The Minister would have to approve it in the first instance, then it would go to the Governor in Executive Council, then it would go back and be tabled in the Parliament. Having been to Executive Council this morning and looked at much of the material still on the Executive Council agenda, and honestly believing that much of that is there for no other reason than historical protocol, I believe we should be conscious of the workload we are giving the Governor and Executive Council. If the intent of these clauses is simply to ensure that the text of the approvals given by the Minister and by the Governor are brought to the Parliament, it does not matter whether the approval is given by the Minister or the Governor in Executive Council, it would still happen. For that reason if the upper House is inclined to move a similar amendment, I would encourage it to make it relate to ministerial approval with the same tabling requirements which flow from that.

Mr LEWIS: I argue against the Minister's reasoning on why the Government cannot accept this amendment. Firstly, he says that in all these matters the Government is obliged to go to tender. That certainly was the normal course of government prior to 1983; however, under current and past Labor Administrations during the past nine years, those conventions have never been adhered to. In fact, a Select Committee or two have been formed on the basis of those activities outside the convention. Therefore, the Parliament no longer trusts the Executive Government. The Minister also raised the point that if these things had to be taken to Cabinet in the first instance to obtain approval for going to tender for any arrangement or contract, it would create a great deal of work. I believe he said that in his opinion it would be

necessary to return an opinion to Cabinet. That is not necessarily so because any approval out of Cabinet in the first instance could attach to it the power to act within the parameters of that approval.

The Minister suggested that we should not make these amendments on the run. Members should consider how the Committee of the Whole came about, and about the way legislation is drafted and agreed to within the parliamentary structure. I suggest to the Minister that such amendments are the basis for the Committee stage of the process, because during that stage members become interested in particular clauses and the effects of the legislation. Members see anomalies and loopholes which could impact on the community and could be unfair or inadequate. We are probably making legislation on the run in this case, but that is appropriate. That occurs in the normal course of the Committee stage, and amendments can be drafted and inserted into the Statute on the basis of arguments presented by members on either side of the Chamber.

The Minister also made the point that such an amendment would impose an obligation on the Cabinet, would cause delays and would place a great work load on the Governor in Executive Council. Unfortunately that is one of the facts of being the Executive, and that would happen in the normal course. Maybe the Minister made that comment with tongue in cheek, but that is not a valid reason to not insert this amendment into the legislation. In fact the opposite is the case. Perhaps that is what has been lacking in the administration of this State over the past nine years; namely, Executive responsibility of Cabinet, and that the Governor in Executive Council has not had the opportunity to preside over decisions which have had profound effects on the State. The Minister has destroyed his own argument in that instance.

As the Parliament demonstrated with the East Perth Redevelopment Authority legislation, the Parliament does not trust the Executive. It wanted safeguards in place so that decisions to expend large sums of money were accountable. That accountability should not apply to one Minister so that other Ministers could put up their hands and say, "Sorry, we did not know about that." The responsibility must be sheeted back to Cabinet and the Governor in Executive Council. That is a fundamental principle, and I assure the Minister that this amendment will be moved in the Legislative Council. Common sense will prevail at the end of the day, and we will be coming back to this Chamber to include the amendment in the legislation. I am sorry that we must waste the time of the Committee with this procedure; however, that is the way it is.

Mr DONOVAN: The strength of feeling both within the community and in this place has led former members of the Government benches to take action they would not otherwise take, and the extent of distrust in the community has been recognised by the Government. Courtesy of the member for Applecross we have attached a figure to this amendment which by anybody's definition is substantial, and the Premier has given repeated assurances inside and outside this place that she intends her Government to be accountable for these kinds of processes. Given all these facts, I find it absolutely strange that the Minister can say that he will accept an amendment of this kind from another place but not from this Chamber. This place is the seat of Government and contains the Treasury benches, and this Chamber contains the elected Premier of this State.

The Minister is well aware of the numerical support for this kind of proposal - as demonstrated with the East Perth Redevelopment Authority legislation - and the strength of political and community will for this kind of simple accountability process to be included in legislation. In another forum this Minister has been a strong proponent of the need for accountability, and I find it incredible that he should resist this amendment. The Minister has expressed in another forum the greatest concerns about the way in which this kind of issue has affected his party and its membership. Therefore, as a critic of the upper House, it is absolutely outrageous and unbelievable that he should say that he will accept an amendment moved in another place but not entertain one moved here.

My cynicism and the cynicism which grows in the community daily about politics in this State is strengthened when it is appreciated that the formal structures of this Chamber, and the responsibilities which go with members who accept formal positions in this Chamber, including the position which you, Mr Chairman, presently occupy, are formulated in such a way as to allow members to make themselves scarce so that a particular vote will have a

result which it would not have, were they not so scarce. They make themselves scarce in order that the result of a vote in this place will be quite different from what it would be were they available to you, Mr Chairman, for the duties for which they volunteered themselves at the start of this session.

The CHAIRMAN: I suggest the member confine his attention to the amendment before the Chair.

Mr DONOVAN: With respect, Mr Chairman, my comments are directed precisely to this amendment.

The CHAIRMAN: I do not think they are addressed to the subject matter and the member for Morley should address that.

Mr DONOVAN: I accept your ruling, Mr Chairman.

Mr Shave: I don't think there will be a split in the Independents' vote.

Mr DONOVAN: We held our phone box meeting today and we could not get a quorum then either! I remind members and anyone else who is vaguely interested in this kind of legislation that we are talking about the basic process of accountability in this State, about which we have endured a Royal Commission for the past couple of years. By-elections have been fought and people have demonstrated in the streets as a result of the Government's WA Inc involvement. I find it frustrating that, knowing as I do - and I suspect other members do - the mathematical balance in this place in favour of this kind of amendment, it cannot be passed because of the way certain members deploy themselves when a vote is about to be taken. Last week we debated parliamentary standards in this place. No wonder the community regards those debates as frivolous, irrelevant and unable to deliver anything by way of accountability in politics.

Let me nail the problem of this amendment on the head. Although the mathematical balance is in favour of it, as long as the Chairman sits in that Chair we will lose it. Members on all sides, the Minister, the Leader of the House, and those members who have volunteered themselves for Deputy Chairman roles know that. I find it scandalous that the mathematical balance of this place can be so easily turned upside down.

Be that as it may, as the amendment stands it meets all the criticisms the Minister properly levelled at it before dinner. If the amendment moved by the member for Applecross is passed this piece of legislation will be brought into line with other pieces of legislation which this Chamber has adopted. It will bring it into line with the general thrust in the community and in the political forums for accountability in this kind of Government activity. I can do no more than urge members to support the amendment.

Mr WIESE: Like the member for Morley I am very surprised at the approach the Minister has taken to this matter. I am sure it has nothing to do with his ability to count and is as a result of his belief in what he says. We should see whether what the Minister is said is valid. The Minister said that he would accept, albeit unwillingly, the amendment's being passed in the upper House; that is fairly astonishing. If he is willing for that to happen, I fail to see why he should not accept the amendment moved by the member for Applecross. Having said that, the Minister made a heart-rending plea that the amount of $500 000 will not be sufficiently high. I find that also hard to accept. We have taken account of the matters originally raised by the Minister concerning this amendment. We have ensured that all but the very largest transactions that the authority will undertake can be done by the authority under its own powers. This amendment writes into this legislation a requirement that where the value of the transaction exceeds $500 000 the Minister must take the matter to the Governor in Executive Council. In light of the opposition expressed by the Minister during the initial debate on the first amendment, that is an acceptable compromise. In raising the amount to $1 million we would not be widening the scope or giving the authority a great deal more ability than it has. Not a great deal of difference will occur among transactions of that size and nature. The amendment will require that large contracts and deals must be referred to the Governor in Executive Council; the rest the authority can do on its own.

The other plea made by the Minister was that he believed that, rather than send a matter which exceeds $500 000 to the Governor in Executive Council, the Chamber should consider giving the Minister the power to vet the deal. Perhaps the Minister is reaping the rewards for all the Government's sins of the past. I do not believe the Chamber is prepared to accept that

its giving the power to the Minister to grant approval will provide the accountability that we are endeavouring to write into this legislation. The aim of the amendment is to ensure that the greatest number of people will be involved in vetting propositions which the land authority will undertake. Therefore, rather than give the Minister sole responsibility, this amendment provides that the whole of the Executive Council - that is, Cabinet and the Governor in Council - can examine a proposal. That will avoid a situation where only one or two members of the Government may be aware of what takes place while the rest of the Cabinet is totally unaware of the matter. Our real fear is that it will be left wholly and solely with the Minister who could be compromised - I use that word with respect - because he will be vetting the operations of an authority for which he has responsibility. There will be no accountability in the requirement that the proposal go to the Minister for approval. We want to see the Executive Council involved and being aware of what is happening so that one or two people who are prepared to let something go are kept in check by other members of the Executive Council to ensure that everything is above board. That is what this amendment is all about. I am surprised and disappointed with the Minister for even putting up the $500 000 figure, because it is too low, and the proposition for ministerial rather than Governor in Council approval because I do not believe they meet the requirements of accountability, which this amendment is all about.

Mr D.L. SMITH: The effect of the amendment is that Parliament does not trust only the present Executive, but also any future Executive. The intent of the Bill is to merge the operations of the Joondalup Development Corporation, the Industrial Lands Development Authority and LandCorp. None of those agencies is subject to these constraints and there is good reason for that. A simple example is that of a land development agency wanting to develop 50ha of land for industrial development. Obviously, that involves clearing the land, in many cases filling the land, and providing roads and drainage. Ten or 11 contracts may be required for each stage of that development which would, under the suggested amendment, have to go to the Governor in Executive Council for approval.

Mr Donovan: Even if it is over $500 000 in value?

Mr D.L. SMITH: Invariably that would be the case for a development of 50ha of industrial land.

Mr Donovan: Is it not reasonable then that it should go to the Governor in Executive Council?

Mr D.L. SMITH: No, because it will have already gone to tender which would have delayed the process. Before the tender could be accepted, it would have to go to Executive Council and we know that the Governor in Executive Council always acts on the advice of the Minister or Cabinet. To that extent, this amendment would provide no further link in the chain of accountability. Accountability would be met by ministerial approval and the matter simply coming back to this Chamber. In any event, under the proposed amendment, the process would be delayed by 12 or 13 days between acceptance of the tender and Executive Council approval.

Mr Donovan: The Bill does not even require ministerial authority.

Mr D.L. SMITH: Even with ministerial approval it would take somewhere between five and 10 days for the person considering the tenders to make a recommendation to the Minister, for the Minister to consider that recommendation and for him to report back to the Tender Board or whoever did the tendering for acceptance. Where seven or eight contracts are involved, this amendment would delay the completion of the project by approximately eight to 10 weeks. Holding costs and other problems would add substantially to the cost of the land being developed. In the end, that would defeat the two objectives of the new authority, the first of which is to provide land in an efficient way, and the second of which is to provide the land at the least possible cost to the taxpayers of Western Australia. That is why I oppose this sort of check.

In relation to the upper House obliging me to change my mind, I do not recognise that that place has any greater say in matters than this place. Indeed, it is another fiction about accountability that some people believe that with two Houses we have greater accountability of the Parliament to the people. The member for Morley knows that the Labor Party has never had a majority in the other place and that the Council acts only to check what Labor

Governments do and not what conservative Governments do. The expense of maintaining the other place, supposedly for accountability reasons, is huge, but it is being used as a vehicle to frustrate Labor Governments when in office.

When greater accountability of this kind is added to legislation, we frustrate the business of Government to the extent that no Government agency will be able to do the work required of it, certainly not in competition with anyone in the private sector. It may suit members opposite to get rid of the Government in that arena, but I do not think it is the wish of the member for Morley and some other Independents that the Government be excluded from that kind of activity because of the inefficiencies that arise out of some mystical response to the notion of greater accountability. Under the provisions of the Financial Administration and Audit Act, the Burt accountability standards which are being implemented, the much more pro-active stance taken by the Auditor General, the Parliamentary Commissioner for Administrative Investigations, and the Public Accounts and Expenditure Review Committee, the degree of accountability required by the amendment is not necessary. It will lead to great inefficiencies and delays in the land development process and the taxpayers will be poorer because of that. Land prices will substantially increase if the Government is forced out of land development. I urge the Chamber to oppose the amendment and to wait and see what the upper House does. Then this place can consider its response.

Mr DONOVAN: "Wait and see what the upper House does"! I cannot help being reminded of how the battle of Long Tan came about in 1966. The tactics were, "Wait and see whether it is an advance party or a full regiment." It turned out to be a full regiment. How ridiculous the Minister's argument is! What can I say to the Minister, except that accountability volunteered is a hell of a lot better and more believable as far as the community is concerned than accountability imposed? Nobody trusts a Government that must be imposed upon; people trust Governments that volunteer information. They trust Governments that open up and volunteer accountability. They trust Governments that indicate they are in the business of serving the community's interests and demonstrate that by their actions. People do not trust Governments that will give no information unless they are forced to do so. They do not trust a Government that will not take certain actions until the Legislative Council - a House this Government does not accept - forces it to do so and then reluctantly is obliged to go along with. That is a nonsense argument and it is time we all grew out of it.

The Minister for Lands on many occasions in Labor Party and community forums in my view has been appropriately critical of the role the upper House in this place has played on so many fronts; however, his criticism goes down the gurgler when he makes comments such as those he has made this evening. It falls flat on its face when he says that if the Legislative Council tells him to do something, he supposes he must do it. What kind of constructive criticism is that of the parliamentary process when one of the chief critics of the other place says that he thinks it is wrong but if the Legislative Council directs him he must do it because it is right? How does he expect the community to believe him? More to the point, how does he expect the community to believe his Premier who, over the past two years since she has been in office, has time after time in this place, in the media and elsewhere said that this Government will not behave as its predecessors behaved? She has said this Government will be accountable, and that it will not entertain either WA Inc activities or the smell of those activities. She has said that this Government will live with the spirit of accountability as well as the letter of it. Here is an opportunity for this Government to volunteer in this place the accountability that is required, rather than wait until the Legislative Council imposes it on the Government. The Minister said that if we accept this amendment the Government, because of the inefficiencies the amendment will impose, will be excluded from the marketplace. This Government excluded itself from the marketplace months ago - not because it should not be there because in my view it should be there - it is not in the marketplace because no one trusts it. It is now accused, and undefended, of wasting millions of dollars through deals that were unacceptable as far as the community is concerned but which it could do nothing about because it did not know what was going on. It is not that this Government should not be in the business of commercial development, that is a proper place for a Labor Government to be. That it cannot be there is a direct consequence of the responses that this response typifies. That it cannot be there is a direct consequence of Governments in this State placing themselves outside the public purview. That is why people do not trust the Government in the economy. I cannot put it any more strongly than that. If the Minister wants to go to the

next poll with a community that will believe the leader of the Government because it has seen the Government's performance and its willingness to be accountable, and it has seen the Government's legislation and observed that when it organised all the arrangements in this State it did so in a publicly accountable way, he should have no difficulty with the proposed amendment. If, on the other hand, the Minister wants this community to go to the next election with the thought that after all the rhetoric the Lawrence Government will still best be known for its willingness to keep behind closed doors those issues that are essential to the community, on his head be it. It would be a tremendous and tragic waste of the efforts of many people.

The amendment seeks to do only that which has been demanded on occasion after occasion in this place and in the community. It seeks to make the big picture for which the Western Australian Land Authority will be responsible subject to the same ground rules as the little picture, for which the East Perth Redevelopment Authority is responsible - no more and no less. For this Minister to resist that trend is to contradict the achievements in debate on the East Perth Redevelopment Authority legislation and to tell the community of Western Australia that after all is said and done the Government will keep its business under wraps and the public can find out about it the best way it can.

Mr D.L. SMITH: This Government and this Minister believe in accountability. This Government set up the Burt Commission on Accountability. It has implemented every recommendation of that commission. The Burt Commission on Accountability did not recommend this type of clause because of the delay it would introduce into Government. Everybody knows that if people are tendering for contracts with an agency such as this and they know that between the actual lodging of the tender, the closing date and the acceptance of a tender there will be an extended delay of two months from the time it is considered, the recommendation is made and the paperwork is put in place and goes to Cabinet and Executive Council for approval, those people will add extra charges to their tenders. Therefore, the Government will be involved in extra cost and, rather than leading to any saving of taxpayers' money - which accountability is about - every contract worth more than $500 000 entered into by the Government will involve losses of thousands of dollars each time because of an overriding quest for accountability, which the Burt commission did not require and, as far as we are aware, very few Parliaments elsewhere seek to impose on their Executive.

Mr LEWIS: I put on the record the Liberal Party's view on this matter. It does not want the Joondalup Development Corporation and the Industrial Lands Development Authority to merge into this super agency. The Liberal Party considers that those two bodies should continue as they have so credibly in the past. The Minister and the Government want those two agencies to come under the umbrella of the proposed Western Australian Land Authority. His argument that it cannot be done because it would stymie those two agencies even further has no validity from the Opposition's point of view because it does not want the agencies merged.

I do not believe that this Bill will get past the upper House, and that the Minister and people in Government circles know that the Bill in its current form will not get past this Parliament prior to the next election. Therefore, what we are doing today may be a fruitless exercise. However, if the Government's intentions do come to pass, this authority will be a very powerful, super agency. If the Opposition's intentions come to pass, the land development operations of Homeswest will also come under the umbrella of this agency. It is appropriate, therefore, that these restraints and disciplines be placed upon the agency and upon the Government so that all members of Cabinet will know what is going on and we will not have this business of, "We did not know about it." I accept the Minister's point that $500 000 cannot be considered a large amount if we are talking about large urban development contracts. In my consultancy practice I was involved in these sorts of activities, and I would be prepared to accept that an amount of $1 million is an appropriate figure; perhaps the Minister can come through with some compromise to that effect. If that is the factor which inhibits the Minister from accepting this amendment, I challenge him to say that $1 million is not enough either; and, if he is not prepared to say that, the falseness of his argument may become manifest.

Mr Donovan: It is a bit silly if the Minister is not prepared to meet the kind of compromise you are proposing when in the other place no such compromise may be offered.

Mr LEWIS: The member for Morley is probably right. I challenge the Minister to respond, if he is dinkum about what he is saying.

Mr D.L. Smith: I am certainly dinkum about not wanting to delay the Chamber unnecessarily. If you are willing to go to $1 million and make it ministerial approval rather than the approval of the Governor in Executive Council, I will accept the amendment and we can get on with the next clause. Ministerial approval would still require the text of the approval to be tabled.

Mr Donovan: If the Minister will accept that, what is the Minister's response to the third and more important amendment in respect of tabling?

Mr LEWIS: I hear what the Minister has stated and I am prepared to accept that, conditional upon the subsequent clauses that would require the tabling of that ministerial acceptance within an appropriate period of time.

Mr D.L. Smith: The offer extends to that. That is a reasonable compromise.

Amendment, by leave, withdrawn.

Mr LEWIS: I move -

Page 10, after line 28 - To insert the following -

> but where the value of any contract or arrangement exceeds $1 000 000 the ability of the Authority to act shall only be with the approval of the Minister and subject to any conditions attached to the approval.

Mr DONOVAN: I commend the Minister for his willingness to allow this Chamber to do its job and reach a practical compromise that will achieve the results that I think all members want to achieve, and without surrendering that right to another place. If we could do that more often, we would probably achieve better results.

Mr WIESE: I will not filibuster against the inevitability of what we have just done, but I believe we have just compromised ourselves out of a great deal of accountability because, firstly, we have raised the amount to $1 million. I will not argue a great deal about whether the amount should be $500 000 or $1 million because, as I have said previously, it will not make a great deal of difference to the number of propositions or deals that will be sent by the authority to somebody for vetting and verification. However, I do not feel the same way about changing the approval of the Governor in Executive Council to the approval of the Minister. By referring the matter to the Minister we are allowing the Minister, to whom the land authority is responsible anyway, to be the person responsible for vetting any proposition that the land authority may put.

Mr Lewis: He must report.

Mr WIESE: Yes; I guess we have achieved that degree of accountability but the Minister is the person responsible for the land authority. We have not achieved a great deal by swapping one for the other. I do not accept the Minister's original statement that this would involve a great loss of time and added expense for the authority. That was a lot of nonsense; it was a furphy, because my understanding is that if we cannot process a matter from the land authority to the Governor in Council in less than one and a half or two weeks, one should question the ability and efficiency of the land authority. I accept the inevitable. I do not necessarily approve of it.

Amendment put and passed.

Mr DONOVAN: I move -

Page 11, after line 2 - To insert the following new subclause -

> (3) Where the Minister grants an approval under subsection (2), the text of the approval shall be laid before each House of Parliament within 28 sitting days after the day on which the approval is given.

I remind members that this amendment represents the nuts and bolts of the amendments to clause 16. Without it, the amendment which has been debated at length is worthless, and the amendment to clause 16(2)(a) also is worthless. The whole point of this process with this Bill over the past couple of sitting days is to bring these matters - namely the acquisition, management and disposal of lands, and entry by the authority into any contracts or

arrangements - into the forum of the Parliament so that they can be properly scrutinised by Parliament, and in that way effect the accountability upon which most members of this place, including Government members and indeed the community at large, now insist so stridently. It also brings the legislation into line with the East Perth Redevelopment Act and - whatever the Government may say from time to time - strengthens the Government's position in the community in respect of the land authority because it indicates to the community that we have a job to do, we have land to manage, and it is important for the economic development of the State that the land is managed in responsible and coordinated ways. That is the reason I supported the second reading of this Bill in such a forthright way. It states that, given the task we must do and the community's demand for accountability, this is our response to that demand. Despite the argument we have just had, I could not sit down without commending the Minister for producing exactly the proper wording of this latest amendment that achieves that goal. It will do credit not only to the Government but also to the arguments about the proper role of this House of Parliament that we were able to succeed - albeit by way of a compromise. I have sympathy for the point made by the member for Wagin on the last amendment. I do not love the form of the amendment but I prefer a compromise of the kind that protects its basics initiated in this place - the seat of Government - rather than imposed on us by another place which should properly perform the role of a House of Review. In that sense, it was pleasing that the Minister produced the wording for the amendment required to do the job that members in this place and elsewhere are demanding should be done. I urge members to support the amendment.

Mr WIESE: I appreciate what is being attempted here and I certainly support the intent of the amendment. Is it necessary to postpone the bringing of this approval before this Chamber for 28 sitting days, which in reality will be at least three months? That does not give this Bill sufficient accountability. The text of the approval I presume is a written document that has been given by the Minister and should be readily available. We are asking that it be brought into this Parliament and laid on the Table. I cannot see any reason that cannot be done on the first sitting day after the approval is given.

Mr LEWIS: I have similar thoughts to the member for Wagin and as he has quite aptly pointed out it would probably be nine weeks after the fact before Parliament sat and the Minister would be obligated to table the approval. This clause is similar to a section in the East Perth Redevelopment Act which was passed on the basis that the Government and the Minister said at the time that they would not want to compromise a particular business dealing that was in train by the Minister's having to table a commercially sensitive contract that was being negotiated. The period of 28 days was considered reasonable and the clause was ultimately inserted by an amendment in the Legislative Council.

Mr D.L. Smith: Isn't it logical that what is approved is approval to enter into the contract? The negotiation to complete the contract may well take longer.

Mr LEWIS: I am trying to be reasonable and I accept that Government must have certain abilities to act, but the overriding principle is that any Government -

Mr D.L. Smith: Everybody agrees it should be done as soon as practical after approval is given and 28 days is the maximum period given. It is approval to enter into a contract and very often after that approval has been given - as the member for Applecross would know with lawyers - it is not always possible to guarantee that the contract will be executed during that period. To tender the text of the approval when one is, in effect, still negotiating specific clauses of an agreement presents a problem.

Mr LEWIS: I accept what the Minister is saying and I must assume that one day I may be in the Minister's position.

Mr D.L. Smith: If your side of politics gets into Government in the future these clauses will not last. The member for Applecross will realise how much of a restraint this clause is on the efficiency and effectiveness of Government and how much extra it will cost the taxpayers to achieve what the member is seeking to achieve.

Mr LEWIS: I will argue that point. The Liberal Party does not see any reason to involve Government in this business other than to moderate at the bottom end of the market the development of urban land -

The CHAIRMAN: We do not need to go back to the basics of the Act.

Mr LEWIS: - and to ensure that those who do not have the ability or capacity or resources to look after their own housing are assisted. The Liberal Party does not agree with the philosophy of this Bill, but it accepts that a need exists in society to have such an agency. The Minister has said that the 28 days is the absolute maximum and the Government would, in the spirit of the intent, as soon as practical after the contract has been entered into and becomes final and cannot be compromised, table the direction in accordance with the clause that apparently will be passed. I respect the integrity of the Minister and that is the way it should be. That is how it would be conducted from this side of the Chamber as well. I do not necessarily expect that this side of the Chamber, when it assumes Government, will move to strike out this clause. A very long healing period will be required before the public recognises that maybe a Government of a different political colour would not do what this Government has done. It will take a period for the public to recognise that all Governments are not the same and for respect for the integrity of the Government to be accepted. I do not believe that this clause would be struck out, certainly not in the first period of an alternative Government. It may be struck out after the smell or the odium has passed and the healing process, from the public's point of view, has taken place and they once again trust Government. It is a sensible amendment and I am particularly pleased that the Minister has seen the futility of debating this clause hour after hour.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 17: Joondalup Centre plan -

Mr LEWIS: The Liberal Party intends to oppose this clause which will repeal the Joondalup Centre legislation and incorporate the Joondalup Development Corporation under the umbrella of the Western Australia Land Authority.

Mr D.L. SMITH: This clause deals with the essence of what is the intention of the Opposition; that is, although it supports the legislation it intends to castrate it completely by removing its involvement with the Joondalup Development Corporation and the Industrial Lands Development Authority. The Opposition intends to restrict the legislation to create a residential land development agency which will operate at only the lower end of the market. That will castrate the legislation which is to merge the operations of the three agencies. It will provide none of the savings and efficiencies or sharing of staff resources. The Government supports the clause.

Mr DONOVAN: I back the Minister in his support for this clause. It is at this point that the Opposition, particularly the member for Applecross, and I disagree about the value of this Bill. As the Minister said, this clause is integral to the Bill. The Joondalup Centre plan is very much a part of the Bill. If we start to hive off from the Western Australian Land Authority important components of its purview, like the Joondalup Development Corporation and the Industrial Lands Development Authority, we start to, if not defeat, then at least cripple the purpose of the legislation, which is, after all, to consolidate, coordinate and manage State lands in a responsible way.

It is true that the Joondalup Development Corporation has come so far down the track and there have been concerns about what would happen to its funds. Would they be farmed out and used elsewhere? I do not have any problem if that is the case; a State asset is a State asset. If the Joondalup Development Corporation has been in the unenviable situation of being unable to provide a lucrative return to the State by one means or another, I have no difficulty with those returns being deployed to useful purposes elsewhere.

Another concern is that the inclusion of the Joondalup Development Corporation within the authority will somehow contravene the future development of Joondalup. I have not been particularly persuaded to that point of view. In fact, I understand that the Western Australian Land Authority would oversee the job at Joondalup as well as, if not better than, is currently the case.

How can we most economically and rationally manage all of the resources in a coordinated way? That is done by this kind of umbrella legislation. Of course, there is no guarantee about what the authority will do in years to come. We can only guarantee that the legislative base is as good as it can be. For example, the debate on clause 16 showed a genuine attempt to try to make this Bill as good as it can be. I would not like clause 17 to be excluded from

the Bill. I agree with the comments made by the Minister which support the retention of this clause.

Mr D.L. SMITH: I thank the member for Morley for his support. It is critically important that if the authority is to be both successful and able to discharge its obligations, the organisations which it is absorbing include the Joondalup Centre plan along with the combined resources of ILDA, LandCorp and the Joondalup Development Corporation. The authority will be able to do a better job in discharging its current and future obligations to Joondalup and Wanneroo with those combined resources. It is critically important that this provision is included to ensure that the authority can complete the charter which was given to the Joondalup Development Corporation.

Mr LEWIS: Some reasons were given in the second reading debate for the intentions of the Opposition and the need for the Joondalup Centre to be amalgamated within the Western Australian Land Authority. The Opposition wrote to the City of Wanneroo asking its position on this matter and whether it believed that the Joondalup Development Corporation should be amalgamated with WALA. The City of Wanneroo replied that certain caveats would be given or that certain undertakings would have to be provided by the Government if the City of Wanneroo was to fully support the Government's intentions for the repeal of the Joondalup Centre Act and the incorporation of the JDC under WALA. The Opposition requires the Government to place on the Table the agreement between the Government and the City of Wanneroo. That has been made clear to the Government in this place and I am absolutely positive the same position will be put by the Liberal Party in the Legislative Council. Until the agreement is tabled the legislation will have a difficult passage through the Parliament. The Liberal Party has accepted the requirements of the City of Wanneroo as reasonable. I will point out the inadequacies of the Government in satisfying the requirements of the City of Wanneroo. The council's resolution is as follows -

"That Council -

1 stresses through the Minister to the Premier that funds for the infrastructure of Joondalup City and its environs in terms of civic, cultural and recreational facilities cannot be met by the City of Wanneroo alone;

Mr D.L. Smith: The Government accepts that.

Mr LEWIS: Very good. The letter continues

2 informs the Minister and the Premier that it does not oppose the amalgamation of the Joondalup Development Corporation with the Western Australian Land Authority Bill 1991, subject to the Bill being amended to incorporate:

(a) the Western Australian Land Authority being permanently based in the Joondalup City Centre;

Mr D.L. Smith: You and I both know that is not required in the legislation and that the Wanneroo City Council now accepts that.

Mr LEWIS: The Minister said previously that it would be centred at Joondalup.

Mr D.L. Smith: It already is.

Mr LEWIS: I know that, but it is not stated in the legislation. I accept it is the sort of thing that does not have to be enshrined in legislation.

Mr D.L. Smith: It is an undertaking which I repeat now: It will be centred at Joondalup while this Government is in office.

Mr LEWIS: The Government probably has only nine months left in office which means that the undertaking will be for only nine months.

Mr D.L. Smith: If that is your view I am sure that the City of Wanneroo would like to hear a similar assurance from you.

Mr LEWIS: I have no problem with the Joondalup Development Corporation remaining at Joondalup because it has been the mother and father of what has happened there.

Mr D.L. Smith: You know that we are talking about the Industrial Lands Development Authority and LandCorp as well.

Mr LEWIS: That is a different situation. The Opposition does not see ILDA coming under the umbrella of WALA.

Mr D.L. Smith: That is one assurance you will not write into the legislation.

Mr LEWIS: It is not the Opposition's legislation. The council's resolution continues -

(b) for a period of 15 years, the City of Wanneroo having two (2) Councillor representatives, of its own choice, on the WALA Board, with that number reducing to one at the expiration of the 15 years;

Has that been written into the legislation? Is it the Government's intention to honour that request?

Mr D.L. Smith: I have guaranteed that for 15 years the City of Wanneroo will have one councillor representative on the WALA board selected by the Minister from a panel of three names. I have also said that consideration will be given to a second representative, but given the scope of WALA's activities throughout the whole of the State the Government would draw criticism from other local authorities if it were enshrined in the legislation that there will be two councillor representatives from the City of Wanneroo.

Mr LEWIS: Is the Minister saying that the Government cannot agree to part 2(b) of the council's resolution?

Mr D.L. Smith: The City of Wanneroo has had my letter since 24 March and you are reading what its requirements were months ago.

Mr LEWIS: I want to know whether the Minister will accept the City of Wanneroo's requirement.

Mr D.L. Smith: I have said I will guarantee one representative on WALA for a period of 15 years and that person will be selected from a panel of three names provided to the Minister. I will not go beyond guaranteeing one representative. I am prepared to consider a further representative -

Mr LEWIS: Therefore the Minister cannot accept part 2(b) of the council's resolution. The council's resolution continues -

(c) a guarantee of financial commitment to provide for the immediate and long term development of facilities and infrastructure needs for Joondalup City Centre and the City of Wanneroo;

Has the Government made a guarantee to that effect?

Mr D.L. Smith: Yes.

Mr LEWIS: Is the Minister prepared to table that guarantee?

Mr D.L. Smith: We have set up a committee to define between -

Mr LEWIS: The Minister will have an opportunity to reply shortly. I want to know whether he is prepared to table in this Parliament his guarantee of a financial commitment to provide for the immediate and long term development of facilities and infrastructure needs for the Joondalup city centre and the City of Wanneroo. The resolution continues -

(d) a working party being formed comprising JDC/WALA and the City of Wanneroo, such Committee to establish civic, cultural, sporting and leisure facility priorities for the Joondalup City Centre and the City of Wanneroo on a five, ten and fifteen year forward plan;

Has the Government put in place a five, 10 or 15 year forward plan and is the Minister prepared to lay on the Table of this place the Government's agreement?

Mr D.L. Smith: You have asked me to say what I have to say in my response.

Mr LEWIS: I am pleased the Minister will do that. The resolution continues -

(e) the financial proceeds from the sale of the Joondalup Golf Course being committed to the establishment of facilities, including the Shopping Centre, determined by the Infrastructure Working Group."

Those are the council's caveats to the agreement between the City of Wanneroo and the Government. I challenge the Minister to place on the Table the agreement in accordance

with the City of Wanneroo's requirements. If he is not prepared to do that in this place or in the other place I suggest that his legislation will flounder until he understands that that is a requirement of the Opposition in support of the requirements of the City of Wanneroo.

Mr D.L. SMITH: For the record I seek to tender the letter to me from the City of Wanneroo and my response to it which sets out the undertakings I was prepared to give it and make it clear that it is not appropriate for them to be enshrined in the legislation. For the record I am prepared to table the correspondence.

The CHAIRMAN: It is not possible to table papers in Committee but they can be laid on the Table for the information of members.

Point of Order

Mr LEWIS: It is somewhat of a contradiction that a Minister of the Crown in the Parliament -

The CHAIRMAN: There are lots of contradictions in this place and this is one of them. Standing Orders require documents to be tabled only when the House is in session, not when it is in Committee. It is quite permissible for the Minister to have copies circulated if that is his wish.

Committee Resumed

Mr D.L. SMITH: I am happy to lay the documents on the Table on the basis that I will table them when the House resumes.

[The papers were tabled for the information of members].

Mr D.L. SMITH: The Government has not agreed to two Wanneroo City Council members on the authority as it may deprive country areas of representation. I am unable to give an express commitment about the proceeds of the sale of the golf course because of Treasury's requirements. I have already announced that the Government will be contributing substantially to the development of the local sports complex and will in the near future announce the development of the shopping centre. The total cost of those projects will exceed the total sale price of the golf course. However, a dividend may be paid by the Joondalup Development Corporation to consolidated revenue. In addition, a committee under the chairmanship of the member for Wanneroo comprising representatives from the Government and the City of Wanneroo is to examine future infrastructure needs of the city and the Joondalup area in particular. It has, in fact, already had two meetings. The Government has suggested that it commit itself to a program of contributions involving specific dates and amounts for the implementation of community infrastructure. I understand that the City of Wanneroo has considered that suggestion and deferred final approval for the time being. I expect final consideration of the matter will occur before debate on this Bill in the other place concludes.

Mr Lewis: The Minister is suggesting that the Government is spending the money on the shopping centre. What is its equity in that development? I understood that the Armstrong Jones group or one of its subsidiaries was the principal proponent.

Mr D.L. SMITH: The equity in the shopping centre is on a 50:50 basis and the Government's contribution through the Joondalup Development Corporation is in excess of $12.5 million. A public announcement will be made about a joint venture to develop the shopping centre in the near future. We must be careful to ensure that we do not violate any of the terms of the existing joint venture agreement.

Mr WIESE: The National Party has great difficulty in seeing the need for, or the benefits that can come from, the Joondalup Development Corporation's becoming part of the Western Australian Land Authority. Perhaps some of those fears arose as a result of the last piece of information that came from the Minister. We wonder what is the intent of this exercise to incorporate the Industrial Lands Development Authority and the Joondalup Development Corporation into this new authority.

The National Party has asked many questions about what will be achieved by the Western Australian Land Authority on behalf of the people of Joondalup and Wanneroo that cannot be achieved by the Joondalup Development Corporation. That has not yet been made clear to me. The National Party also wonders about the conditions imposed by the City of

Wanneroo on the Government. We should be perfectly frank and ask what is the position of the City of Wanneroo that it can impose conditions upon the Government.

Mr Lewis: It has an automatic right of representation under the Joondalup legislation.

Mr WIESE: It is certainly part of the Joondalup Development Corporation and the Joondalup Centre Act, but ultimately who will make the decisions about what will happen? Will it be the City of Wanneroo, the Joondalup Development Corporation or the Government which is in power at the time? I contend that the Government should be making decisions relating to matters of this nature. One must question the conditions the City of Wanneroo has been laying down in this matter; for instance, that the Western Australian Land Authority be centred at Joondalup. The reality and practicality of the situation is that regardless of whether this legislation passes the Parliament the Western Australian Land Authority, or whatever it may be, is to all intents and purposes already ensconced in the Joondalup area. The reality is that nobody will shift it out of that area in either the near or medium term. One would need a good reason to shift it from the area in the long term because it will already be there. The move has already been made and all of the bodies that will go into the authority have moved to Joondalup. As the bodies are already there, whether the Western Australian Land Authority becomes an entity will not make the slightest difference.

The Wanneroo City Council says that it wants two councillors to be on the board of the new land authority. I support the Minister's approach to that suggestion. If this body comes into existence to fulfil its Statewide role it will be difficult, if not impossible, to justify the demands of the Wanneroo City Council.

The fourth condition relates to the financial proceeds from the golf course being spent in the City of Wanneroo. I find this a bit confusing. The story being sold to members on this side of the House is that if they agree to this legislation that will result in a great body being formed that will earn large amounts of money thereby placing itself in the position to go outside the Wanneroo area and the boundaries of the Joondalup Development Corporation, and even outside the metropolitan area. That is the way this legislation has been sold to members of the National Party, who naturally have a great interest in their constituencies; that is, people outside the metropolitan area. That does not mean we do not have a strong interest in people in the metropolitan area or what happens in the metropolitan area because Perth is our city and we are proud and pleased to see development in the metropolitan area and the City of Perth. However, for as long as I have been in this Parliament, and I think for a long time before that, the National Party has been crying out for a fair bite of the cherry and a little bit of that development to be spread around.

That is beginning to happen now and it is good to see, and I commend the Minister for his very strong intent to see development move out of the metropolitan area and into regional centres in Western Australia. We totally support that, but this is not the vehicle whereby that will happen. If all the money that has come from the sale of the golf course is to be committed to Wanneroo or the Joondalup area, the only money that will be available for all the other regional development - if it is to be earned by the Western Australian Land Authority - will come from the sale of industrial land, which happens very slowly and will be a very slow earner of income for the authority, and from the operations of LandCorp. Possibly in the future that will be a reasonably profitable enterprise and will develop some finance for the envisaged land authority to expand its activities out of the metropolitan area into the country. However, large amounts of money will not be available to the authority to carry out that work in the non-metropolitan parts of Western Australia which is envisaged and of which the Minister speaks so highly. Therefore I have grave doubts that there will be any benefits for the Western Australian Land Authority from the incorporation of the Joondalup Development Corporation into that authority.

Another matter that has been stressed to us, and I am sure to other members of the Parliament, is that the Western Australian Land Authority will be able to carry out all those things that it is not able to carry out now. I have not yet been told what those things are which it cannot do now and which it will be able to do in the future. Section 5 of the Joondalup Centre Act states -

> There shall be developed on the land described in the Schedule -

That is, the land within the Joondalup Development Corporation's boundaries -

> - such infrastructure and residential, recreation, community, commercial, business, professional, industrial, trade and any other facilities as are necessary or desirable for housing and servicing a centre of population.

I cannot see what could possibly be envisaged for the Western Australian Land Authority that is not already covered by that list of things the Joondalup Development Corporation was set up to do and was able to do. It covers virtually everything imaginable. The definition of the Joondalup Centre contained in clause 15 of the Bill is -

> "Joondalup Centre" means the project for the provision of infrastructure and facilities for a centre of population (including infrastructure and facilities for community, cultural, recreational and sporting purposes) that before the commencement of this section were being carried on by the Joondalup Development Corporation . . .

So it is already within the ability of the Joondalup Development Corporation to carry out all those things which I believe we are being told are the reasons for bringing the Joondalup Development Corporation into the Western Australian Land Authority. I hope the Minister can tell me what the Western Australian Land Authority will be able to do that the Joondalup Development Corporation cannot.

Dr ALEXANDER: I want to raise a question in relation to the East Perth Redevelopment Authority, which has already been referred to a couple of times tonight. When this Bill was being drawn up and when the legislation for the East Perth Redevelopment Authority was under discussion last year, I wondered why if it was good enough to bring in organisations like the Joondalup Development Corporation which cater for a specific part of the metropolitan area, the East Perth Redevelopment Authority has not also been brought under this Bill. I still have not received a satisfactory answer to this question. It seems to me that there is very little logic in incorporating into WALA the Joondalup Centre development authority which in my observation, as somebody who is very interested in legislation and structures which cover metropolitan development, has been particularly successful in promoting the development of the Joondalup Centre. I cannot see any good reason for including it under this authority, but if that decision is to be made, why exclude another authority such as the East Perth Redevelopment Authority, which is also looking after a particular part of the city and is also in the business of assembling and disposing of land, and so on? I would be very interested to hear the Minister's opinion on that.

Further to what the member for Wagin just said, I cannot see that the Joondalup Development Corporation will function any more efficiently as part of a broader authority than it does at present. Contrary to the views of my colleague, the member for Morley - and perhaps there is a split in the Independents at this point - I believe the money generated by the Joondalup Development Corporation, which, after all, is community land value appreciation, should really be available to the community in that part of the northern corridor. It is one of the very basic tenets of town planning philosophy that values created by the community in the course of developing an urban area should accrue to that community. If we put the Joondalup Development Corporation under a wider authority and allow the possibility - as has already happened, evidently, with the golf course - of consolidated revenue taking over the proceeds of a development corporation and then distributing them to other parts of the region and the State, that might sound all very well in an overall equity sense but it is really taking away from Joondalup what is rightfully Joondalup's; that is, the increased value which should be used to pay for the amenities for the northern corridor. If all parts of the metropolitan region, and indeed rural areas, operated on that principle we would be far better off as a community, where the increased land values were being appropriated by that local community rather than by some State authorities or, more often, by private companies headquartered elsewhere. Even if WALA were headquartered in Joondalup I would be very surprised if it put money earned in and around Joondalup back into the development of the facilities that corridor so urgently requires, particularly in the way of employment opportunities currently lacking in that area.

Mr D.L. SMITH: I will deal first with the questions raised by the member for Perth. The reason that separate legislation for the East Perth Redevelopment Authority was required is that that authority has specific planning powers and we are practical enough politicians to know that if the legislation had not had the support of the City of Perth, the Opposition would have used the opposition of the City of Perth as a reason for opposing the legislation,

both here and in another place. For that reason we had to negotiate the terms upon which approval would be given by the City of Perth, and in effect that required two of the board members to be representatives of the City of Perth. It needed to be separate and apart primarily for that reason. That will not prevent the sharing of some resources between the Western Australian Land Authority and the East Perth Redevelopment Authority from time to time.

As to whether the assets of the Joondalup Development Corporation should be spent only in the northern suburbs, the basic assets came from the State in the first instance, not from the people in the northern suburbs.

Dr Alexander: The basic asset is the land, which belongs to the community.

Mr D.L. SMITH: It belongs to the community in the broader sense. It was owned by the community and vested in the JDC, but the general community could have an expectation that the value of that land will be returned to the general community rather than spent entirely in the northern suburbs. Of course, the concern of the Wanneroo City Council is that we will not only not spend all the money in that area, but also not complete our obligations with the JDC.

Mr Lewis: That is our worry, too.

Mr D.L. SMITH: The City of Wanneroo's concerns are acknowledged by the Government; its intent is to spend as much of the money as is reasonable in that area, and what is considered reasonable will be negotiated with the city council by a committee chaired by the member for Wanneroo.

I assure the member for Wagin that the JDC has substantial assets beyond the golf course proceeds and the shopping centre. It has still to sell a number of commercial and residential sites in the area.

Mr Lewis: For $60 million.

Mr D.L. SMITH: I would not like to indulge in conjecture because it depends upon the outcome of the sales. The Government does not intend the JDC to hold its half share in the shopping centre in perpetuity; it is intended this share be sold and the net asset be returned to the community, in its broader sense, and spent in Wanneroo and elsewhere in Western Australia.

Another concern of the City of Wanneroo is that some of the infrastructure is to be put into areas which are not covered by the Joondalup plan, and that this will not be appropriate for the overall needs of the city.

Mr Wiese: That means amending the boundaries.

Mr D.L. SMITH: It is true that we could amend the boundaries of the JDC, and we could amend legislation to enable us to do that.

Mr Lewis: You could leave the JDC where it is.

Mr D.L. SMITH: That will not achieve what is sought to be repeated in other areas; namely, the successful development of Joondalup which has occurred as a result of the skills of the employees of the JDC.

Mr Lewis: That is not true.

Mr D.L. SMITH: It is true.

Mr Lewis: How can you muck this up?

Mr D.L. SMITH: This is not just an average successful development; it is a magnificently successful development, and the primary credit for that success must go to the authority's staff. While we have that staff, it will be a waste of human resources if we were to allow the corporation to wind down its activities and let the staff go. We must repeat the Joondalup example elsewhere in metropolitan and country Western Australia. The employees of the JDC will be a most important resource available to the new authority's success, and that is why we want these people to be involved. If that is not done, the JDC will operate for another four or five years, and as its operations cease its assets at the time will come back into the Consolidated Revenue Fund; the staff will disperse and that will be the end of the matter.

I emphasise that if anyone has unwarranted suspicions that have anything to do with the Government wanting to get its hands on the JDC's assets, that is simply untrue. If we wanted to do that it would simply require a dividend to be paid to Treasury.

Mr Lewis: You cannot nominate the dividend; that is your problem.

Mr D.L. SMITH: That is not a problem at all. We could obtain a dividend from the assets of the JDC without any problem at all.

Mr Lewis: No, you couldn't.

Mr D.L. SMITH: That is not the intention of the Government. Whatever assets are held by the JDC will, in the main, be spent on the residue of its work and will be made available to the new authority to be included in work in the country centres.

Members should remember that Joondalup and Wanneroo have had the benefit of the expenditure not just of the JDC, but also the northern railway line and the development of the Mitchell Freeway and a great number of other projects paid for from CRF. It is appropriate that once we have completed the work in Joondalup and its surrounding areas, we recover some of the assets held in the area so we can respend it, so to speak. I hope this can be done on a similar recoup basis, although this will probably not apply in country areas, on the development of new regional centres.

I encourage the member for Wagin to recognise the benefit involved with the preservation of the JDC staff and its residue assets, because this will enable the Government to repeat the Joondalup exercise elsewhere in Western Australia. As long as I am Minister I will attempt to ensure that such developments include country regional centres, in which the member and I share an interest.

Mrs WATKINS: I can only endorse the Minister's remarks. I admit that I have been somewhat of a sceptic in the past regarding how the Western Australian Land Authority legislation would assist the northern suburbs.

What the Minister says about the Joondalup Development Corporation employees must be reinforced: These people have played a most extraordinary role in the development of the northern suburbs, and if we are lucky enough to keep these people to play the role encapsulated in this legislation the legislation will be nothing but a success.

Members have spoken about the authority diverting money from Joondalup, and others have said that it will keep money in Joondalup. Members are not stupid; they need only look at the growth of the northern suburbs to recognise that we have a boom on our hands. We need the expertise of people who know the district and for them to be part of the WA Land Authority. Therefore, the employees of the JDC will probably be the key players in the proposed authority.

Mr Trenorden: There is more to Western Australia than Joondalup.

Mrs WATKINS: I agree with the member. The employers have done very well in producing the goods, not just at Joondalup but beyond.

Mr Bloffwitch: A few of us would like to have the opportunity to do the same.

Mr Pearce: The land authority will do that for you; speak to your colleague.

Mrs WATKINS: I suggest that the member for Geraldton look at the expertise embodied within the Joondalup house; that is not just the JDC, but also people from ILDA and LandCorp. The available expertise is wonderful and this will provide an extraordinary link with the community which has never been known before. That link is the ability of the members of the Western Australian Land Authority to listen to the community. They will provide incredible services to the community. Irrespective of whether members have been in Parliament, as in my case, for the past nine years or, as in the case of the member for Geraldton, a short period, we are aware of the criticism that we do not listen. Governments, both present and past, are criticised for not listening to the community about planning for the future.

Mr Bloffwitch: That is an indictment on you if the Government is not listening.

Mrs WATKINS: The member for Geraldton should put on his ears and listen to what I say. Criticism has been levelled at Governments both present and past that they do not listen to

the community. The members of WALA will listen; they have the ability to plan "human services" for the future, to listen and to enact what people want. I do not understand the motives of members of the Opposition.

Mr Bloffwitch: Geraldton does not have a JDC. It is not provided with Government funds which ideally set up things. We must leave it to private enterprise to do our reckoning.

Mrs WATKINS: I congratulate the past Liberal Party for establishing the JDC. It has taken a long time for it to blossom. It has provided expertise, has given the community a voice, and has provided listening skills to people who are concerned about whether money will remain in Joondalup or be spread around the community. A commitment has been made by this Government, not too many members of which are here tonight. Most members will know that the Joondalup-Wanneroo area is enormous; it is growing very rapidly. If no facility is available to put in place some fairly good ideas in order to provide essential services -

Mr Bloffwitch interjected.

Mrs WATKINS: The Joondalup Development Corporation cannot do it on its own. The establishment of the Western Australian Land Authority will enable those services to be put in place. Members opposite should not fear for people who live in the Joondalup area. The money will remain there; it must. Members should forgive me for reiterating comments I made during the Address-in-Reply debate. Within the next eight years - by the year 2000 - the Joondalup-Wanneroo area will face the possibility of its population growing to 650 000. That will be huge. I congratulate the Minister for Planning and the Government for taking the bull by the horns and providing this legislation. The people in the northern suburbs will be looked after. However, more importantly, the people embodied in the legislation - the members of the WALA - and who are part of existing organisations will provide the expertise to ensure that other developments throughout our wonderful land will be handled properly. I do not understand members of the Opposition; they should support the legislation, for heaven's sake!

Mr Wiese: You should get out of Joondalup occasionally and you might see other needs.

Mrs WATKINS: I do.

Mr LEWIS: During the Minister's comments, I was interested that he implied that the shopping centre was part of the Government's commitment.

Mr D.L. Smith: You should not delay the House any further. Had you been listening to the member for Wagin you would have heard him raise the matter of the shopping centre as part of the expenditure of the authority on the infrastructure for Joondalup. In fact, in a way it will be a means of selling off the asset; initially a half share to encourage private development and later to sell its half share in the development. The proceeds of that sale will go back to the Joondalup Development Corporation and will be available for whatever else is needed.

Mr LEWIS: The Minister is misleading in the extreme when he suggests a shopping centre will be part of the Government's infrastructure and contribution to the Joondalup area. That is absolute nonsense because the Minister knows very well it will be a commercial undertaking. It is not a long term capital commitment by Government to the Joondalup area. It is a matter of the Government's committing some capital to undertake a commercial deal. That money will be repatriated on sale of that development and returned to the Consolidated Revenue Fund; the Minister knows that.

Mr D.L. Smith: It will not go back into CRF; it will go back to the JDC.

Mr LEWIS: It will subsequently go back to CRF because the JDC will be part of the Western Australian Land Authority and the Minister will direct it to pay those moneys to Treasury. We should not muck around with this matter.

Mr D.L. Smith: I know you have a very suspicious mind, but if you look at the commitment the Government is giving both to the City of Wanneroo and in this place -

Mr LEWIS: The Minister has not made a commitment. He speaks gobbledegook about how a $24 million shopping centre will be part of a commitment on the offsetting of the $22 million sale of the Joondalup golf course. That is fallacious in the extreme and the Minister is trying to mislead this Committee and the public.

Mr D.L. Smith: I am not.

Mrs Watkins: What utter nonsense.

Mr LEWIS: It is not nonsense; it is a fact. The Government is not proposing a capital commitment to the future of Wanneroo; it is proposing a commercial deal.

Mr D.L. Smith: You should have some commitment to the business of this place and get on with it.

Mr LEWIS: I cannot listen to the Minister -

Mr D.L. Smith: You are playing politics.

Mr LEWIS: - give false impressions and continue to put perceptions to the community about the good things the Government is doing. The Minister knows that commitment is false. It wants to call it a capital commitment and tick it off as part of the Government's commitment.

Mr D.L. Smith: You are jealous of our record in Wanneroo and Joondalup and you will have cause to be jealous in the future.

Mr Bloffwitch: The Government said it was the Liberal Government which set up the JDC and that it should be proud of it.

Mr D.L. Smith: The Liberal Government could not make it succeed.

Mr LEWIS: I challenge the Minister's comments that the Liberal Government could not make the JDC succeed. Sixteen years ago, in 1976, that land was so far from anywhere that no-one in his right mind would have believed at that time, or in 1981, that it was ripe for development. The Minister for Planning should have known better than to make a stupid comment like that. In the land development industry he knows -

Mr D.L. Smith: I am interested in this Committee's getting on with its business.

Mr LEWIS: The Minister should not make statements that the Liberal Party could not make the JDC work; that is untruthful.

Mr D.L. Smith: You should stop glorying in your own voice and get on with the business.

Mr LEWIS: It sticks in my craw when the Minister makes a stupid statement like that. He knows that in 1976 the land was 10 or 15 years away from maturity, when development could work. The fact is that it never worked until a person called Michael Kerry was appointed. Apparently, he could not get on with the Chairman of the State Planning Commission at the time and the Government had to find a job for him. He went to the Joondalup Development Corporation and he did a brilliant job. I am the first to congratulate him.

Mrs Watkins: Hear, hear!

Mr LEWIS: It was an accident that he was there.

Mr Pearce: Which Minister appointed him?

Mr LEWIS: Probably the Leader of the House.

Mr Pearce: It was I.

Mr LEWIS: I congratulate the Leader of the House. However, the Government had to put him somewhere because he could not get on with the Chairman of the State Planning Commission. Members opposite then pound their chests and tell us that they must keep the Joondalup Development Corporation going because of the staff and to keep the team together. The fact is that the Government dudded Mr Kerry, who then did a good job. However, it would not give him the position of chief executive officer of WALA and he has now gone to greener pastures in Queensland.

Mr D.L. Smith: As usual, you do not know your facts.

The DEPUTY CHAIRMAN (Mr Marlborough): Order! The member for Applecross should address his comments to the clause rather than become involved in wide ranging debate about all sorts of matters relating to Joondalup.

Mr Wiese: I thought he was opposing the clause fairly well, Mr Deputy Chairman.

The DEPUTY CHAIRMAN: I am not sure that he was. That is why I asked him to address the clause.

Mr LEWIS: The Minister made certain statements and I think it is reasonable for me to debate those statements if I do not agree with them. I do not want to delay the Committee but I am not prepared to listen to rubbish that conveniently comes from the Minister when it suits him.

The DEPUTY CHAIRMAN: Order! Let us concentrate on the clause.

Mr LEWIS: The Minister made the point that the money would be used to keep the staff together. I point out to the Minister that, if the Joondalup Development Corporation were to continue, there would be no need to shed staff. I hope that, after it completes its job, it will move on to other tasks and all that would happen in the course of good management and good administration is that the expertise involved in that corporation would move to another agency such as the East Perth Redevelopment Authority.

Mr D.L. Smith: After we pass new legislation.

Mr LEWIS: Come on! Staff is the Government's responsibility and it is wrong to suggest that it needs legislation to keep employing that staff.

Mr D.L. Smith: We would need ongoing tasks for the staff to do.

Mr LEWIS: The Minister knows that that remark has no substance.

I return to the reason the Government needs the Joondalup Development Corporation under the umbrella of WALA. The Minister said that, following the winding up of the Joondalup Development Corporation, the Government could get the surplus money if it wanted it. The Government has no ability under the Joondalup Centre Act to direct the authority. The only way it can get its hands on that money is through the provisions of section 45 of that Act, which refers to surplus money. However, for the Joondalup Development Corporation to have surplus money, it must declare it as surplus. To the chagrin of the Government over recent years, the authority has been putting money into a trust fund to complete its program of development at Joondalup, and for that reason the Government has not been able to get its hands on that money. With the demise of the Joondalup Development Corporation, those moneys will automatically go into the Consolidated Revenue Fund and come under the control of the Treasurer because, as I understand the legislation, when an authority's legislation is repealed and the authority goes out of existence, surplus money is transferred to the Treasurer. The Treasurer then has the ability to disburse those funds as he or she thinks fit.

Mrs WATKINS: I am baffled. I wonder whether the member for Applecross is hard of hearing.

Mr Lewis: If you don't speak up, obviously I can't hear.

Mrs WATKINS: Obviously he is. He has made a number of statements and I do not know whether he is dinkum. He said that the Government wanted to transfer the funds from the sale of the Joondalup golf course to another organisation. I suggest that the member come north of the river and talk to the people in Joondalup. Only then will he realise that they are happy with the Government's decision because the Government intends ploughing the money from the sale of the golf course into other areas. The member is opposing clause 17 because he said the Government is not honest.

Mr Lewis: I did not. Do you stand by the Government's record on honesty, integrity and accountability?

Mrs WATKINS: Yes, I do.

The DEPUTY CHAIRMAN: Order! I suggest to the member for Wanneroo that her addressing her comments through the Chair will assist the debate. The member for Applecross is easily excited from time to time and we need to get through this debate.

Mrs WATKINS: I apologise, Mr Deputy Chairman. It is incredible that the member for Applecross suggests that the Government, through this legislation and through this clause, does not have the correct intentions.

Mr Lewis: "Honourable" is the word.

Mrs WATKINS: Correct or honourable. The Government has been absolutely dinkum in what it has said about providing money for various facilities in that area.

Mr Lewis: Like a shopping centre.

Mrs WATKINS: The shopping centre is but one part. The member should get into his car, drive up the freeway, turn right off the freeway and left into Joondalup Drive. He can then have a look at the development of the Joondalup city centre. There is no way the Government could pull the pin on those things that are happening. The Government has made a huge commitment to ensure that development takes place not only in the Joondalup Centre but also in areas outside the centre. If the member for Applecross is correct in his statement that the Government is not prepared to put its money where its mouth is, why has the Liberal Party's endorsed candidate for the seat of Wanneroo said that Joondalup will become the cultural focus for the City of Wanneroo and that it was important that the planning and range of facilities were right before the bricks were laid? That comment was made in response to the big projects planned for the Joondalup city. Also, why did the Liberal Party's endorsed candidate for Whitford talk about the commitment by the Government to the sporting complex and support the Government's move? It would perhaps be appropriate for the member for Applecross and other members of the Liberal Party to talk to people in the City of Wanneroo who are also members of the Liberal Party. The Opposition should tell those people that they do not believe the Government is dinkum. The Opposition should ask those people to say they will not be part of this, and that they think the Western Australian Land Authority Bill is a load of rubbish. The Opposition should tell those endorsed candidates not to support the Government's move in this area. I would hate to be accused of repeating myself, but the reason the Joondalup Development Corporation will be part of the Western Australian Land Authority is that it has the expertise. I give the member for Applecross his due in that he waxed lyrical about Michael Kerry; I endorse those remarks. He has done wonders for that area but a whole range of other people within that corporation are also equal to the task. The Opposition is wrong to oppose this part, and its members should do themselves a favour and talk to some people in the community who will tell them they are wrong.

Mr D.L. SMITH: The only matter with which I will deal, because we are now playing politics rather than getting on with the business of this place, is whether we need this legislation in order for the Government to get its hands on some money. That is not the intention of the Government. The Government intends to spend enormous amounts of money in Wanneroo and Joondalup to provide the community infrastructure.

For the record, I indicate that section 45 of the existing Joondalup Centre Act states that -

> Where there is any surplus available in cash in the Account at the end of any financial year, the Treasurer may require the Corporation to pay to the Public Account the whole or any part of that surplus and the Corporation shall comply with any such requirement.

Even in its original form the Minister had the capacity to give directions. Following the Burt Commission on Accountability, section 26 of the amending Act passed in 1989 provided that -

> The Minister may give directions in writing to the Corporation with respect to its functions and powers, either generally or with respect to a particular matter, and the Corporation shall give effect to any such direction.

The Minister of the day would need only to give the board the direction to put money into the account and that money would be available to the Treasurer. The Treasurer could give directions for that money which would then go into the Consolidated Revenue Fund. There is absolutely no truth whatsoever in the fallacious suggestion that this is anything to do with the assets at Joondalup. It has only to do with efficiency, reduction of duplication, preservation of staff resources, and ability to use some of the surplus assets of the Joondalup Development Corporation in the long term for the development of other regional centres, especially in country areas.

Mr WIESE: I have listened very patiently to some of the comments made, especially those by the member for Wanneroo. It would have been more appropriate for that member to be present during the whole debate rather than her making political comments in the last few minutes. For the benefit of the member for Wanneroo, I indicate my objections, which are probably shared by members on this side of the House, which relate to the fact that the

Joondalup Development Corporation is already able to undertake all those developments spelled out in the legislation. Why is it necessary to include it in the proposed authority?

Mr D.L. Smith: How would you preserve the staff resources?

Mr WIESE: What is the real need to preserve the staff? Why not disperse that staff into other areas which need to be developed? The Minister talks about regional development that should take place in non-metropolitan areas. Why preserve the staff in the JDC? If the personnel are good, they will find work and they will be snapped up by other enterprises in the business of developments. If private enterprise were given the same opportunity that the JDC started with, those staff would be employed. They may even be used more efficiently and for the greater overall benefit of a much wider area of the State than Joondalup.

Mr D.L. Smith: Who will employ them in Wagin?

Mr WIESE: I will believe they are in Wagin when I see it happening.

Mr D.L. Smith: You have very little faith. Hanrahan recreated.

Mr WIESE: Hanrahan must have been observing what happens in bureaucracies all over the State when he developed his pessimism. Many people have no faith in the ability of metropolitan planning people to undertake developments in rural areas. We have been talking about regional development and making things happen in non-metropolitan areas for a long time. The Government is now moving into the coastal areas, but mainly because it has run out of room in the metropolitan area. The people have finally woken up to the dirty, filthy pollution and mess in the City of Perth that has been created by overdevelopment. That relates to the industrial development at the south western end of a major metropolis when the sea breeze comes from the south west and spreads pollution through the middle of Perth. If the Government is not careful, it will do the same thing in Geraldton.

How did the Joondalup development start? The member for Wanneroo has talked about the marvellous job done in the Joondalup area. However, publicly owned Crown land was passed to the Joondalup Development Corporation and it is the basis upon which everything has been done in the Joondalup area. It would not matter whether it was the Joondalup Development Corporation, Bond Corporation or some other private enterprise organisation; given that as a start, it would take a pretty incompetent group to mess it up and to not achieve what the JDC has been able to achieve. Let us look at the other bonuses, goodies and assistance that have been given to the JDC. The JDC has not paid any rates on all the land that it has been handling. Wanneroo Road has been opened up and other major road infrastructure has been provided to allow people to travel between Joondalup and the city. Hundreds of millions of dollars have been spent on extending the freeway to Joondalup.

Mrs Watkins: Is that a bad thing?

Mr WIESE: Of course it is not. I am saying that the development of the area from Scarborough to Two Rocks would have taken place without the JDC and without all the goodies and assistance that have been thrown at the JDC. The Government is spending about $140 million to provide a railway to the northern suburbs. I am not saying that is a bad thing either, because that is necessary and will be of benefit to the whole northern suburbs area, but that is the sort of assistance that has been provided to the JDC to enable it to act and to make the sort of moneys that it is now handling. The inevitable development of the metropolitan area has flowed through, and the Joondalup and Wanneroo area has benefited from that development.

I acknowledge the great experience and planning ability that has gone into the work of the JDC, but if the only reason that the Government is seeking to incorporate the JDC with the Western Australian Land Authority is to preserve the expertise that is resident in the people in the JDC, that is not a sufficient basis upon which to make that move. The Minister stated that the planning staff will have nothing to do when the work of the JDC is completed and that, "We need to provide them with something to do."

We have been told that the major reason for establishing the East Perth Redevelopment Authority as a separate authority and for not incorporating that with the Western Australian Land Authority was that that authority would undertake planning and have great planning powers. Why on earth can we not move to that authority the planners in the JDC who will now have nothing to do? There is no justification for the incorporation of the JDC with the

Western Australian Land Authority, and nothing that has been said by the Minister for Lands or by the member for Wanneroo has convinced me and a lot of other people that this move is justified.

Mrs WATKINS: I do not speak often in this place but I feel compelled to speak tonight. A plethora of ignorant statements are coming from the Opposition benches. Rarely do I knock the National Party, because it does a good job. Frequently I knock the Liberal Party. I would hate the member for Wagin to be sucked into the arguments that have been put by the Liberal Party. One of the main reasons that we should encourage the planners within the JDC to be embodied within the Western Australian Land Authority is that they are visionaries. When people have dealt with a Government development authority how many times have they thought to themselves, "Hang on a minute; they are not listening. They do not really know how many beans make five"? I suggest that the people who are involved in the JDC certainly know how many beans make five. They know how to be visionaries and how to deal with members of the community. It would be an awful pity to lose that expertise.

I have been in Western Australia for 21 years and I have been a member of lobby groups which have lobbied Governments which have not been prepared to listen. However, the people involved with the JDC are prepared to listen and have a vision for the future. They are not just "yes" people. They are not the people whom one of my good friends in the youth movement accused of being "shiny bums". They are people who are real. They are concerned about the community. They are not planners who say, "We have 40 hectares of land. What are we going to do with it?" They are planners who say, "We have 40 hectares of land. This is how many people we will fit into it. These are the things we have to plan for. What do the people think?" We cannot afford to lose that expertise. We need to take that expertise on board, nourish and nurture it, and ask it to show us and other authorities how the hell we can get it right. I can understand the member for Wagin's cynicism. I have been a cynic in the past. However, I am now almost like a born again advocate of the WALA and how we can make it work for the good of Western Australia.

The member for Wagin referred to the freeway. One of the reasons that the freeway has gone as far north as it has is the commitment by the JDC. The JDC put in a huge slab of money to extend the freeway because it had a vision not just for the area that we call Joondalup but also for the area beyond that. It is more than that. It had a vision for the people in the area whose lives have been stifled for so long by not having an adequate mode of transport. The member talked about the railway. For heaven's sake, people in the northern suburbs were promised a railway in 1901.

Mr Wiese: That was a tram track.

Mrs WATKINS: It was a railway. I am happy to provide a copy of *The History of Wanneroo*. The Government worked not simply with the Joondalup Development Corporation but with a plethora of developers. It worked with the City of Wanneroo and the community, and it came up with a railway. I am repeating myself, Mr Deputy Chairman, and I apologise for that. However, I wish that before members attack the Government's motives for incorporating the Joondalup Development Corporation in the Western Australian Land Authority they do themselves and the people of Western Australia a service and look at what is happening up there.

Mr Lewis: Does the member think that we never go up that way?

Mrs WATKINS: The last time I saw the member in the northern suburbs -

Mr Lewis: The member assumes things. She does not know where I go. She should not assume I never go up there.

Mrs WATKINS: I assume very little.

Mr Lewis: Don't go on with this nonsense.

Mrs WATKINS: I do not assume a great deal about the member because I do not think that he is worth thinking about. The member should talk to people in the northern suburbs. Mr Deputy Chairman, I do not want to address my remarks to the member for Applecross. I should direct them to you. However, for the benefit of the member for Wagin, who is a very genuine individual and one who is really concerned about the legislation - he does not grandstand like the member for Applecross -

Mr Lewis: And there is a large Press Gallery.

Mrs WATKINS: I could not give a stuff about the Press Gallery. The member does not know a great deal about me. If the legislation is passed the Western Australian Land Authority will play an integral part in the development of the State. To seek to leave out the Joondalup Development Corporation would be folly. The people involved at Joondalup will play an integral role in ensuring that the work will be well done. We cannot afford to lose that expertise. We should nourish it. I urge members to support the clause.

Mr D.L. SMITH: When I travel to country areas of Western Australia I am always encouraged to meet the pioneers, the men of great vision who recognised many opportunities and who were prepared to work hard to achieve their goals. Unfortunately, these days, the number of visionaries among us is declining. As everyone knows, vision is dependent on eyesight; the ability to hear is dependent upon acuteness hearing. When we talk of men of vision we are not talking about seeing with our eyes, and we are not talking about listening with our ears. We need the temperament and character of a visionary to see into the future, to see the opportunities, to maximise our achievements, to recognise what we need to do and to get on with the job. Unfortunately, the member for Wagin has spent too much time with people in the wheatbelt who have been despairing about the current situation.

Mr Wiese: I have not grown wheat since I was a child.

Mr D.L. SMITH: The member has been associated with people who are trying to make money from agriculture. He has certainly been too long with members opposite, who are the real pessimists in our community, who lack vision. For those reasons, he fails to see the vision which this authority would give for country areas. To say that, in some mystical way, people can transfer staff from an agency somewhere to repeat the Joondalup situation in some of the regional country areas of Western Australia, both on the coast and inland, is nonsense. There is no place for people to transfer to. The only way in which we can have something to transfer staff to, say, Wagin, Northam or elsewhere, is to have an agency in those places that is solely concerned with the development of those centres. The opportunity to group together the same sort of expertise as at Joondalup will simply not arise. While they are together their expertise can be seconded or hired either to support the development authorities in those areas or the community groups such as that in the Avon Valley to help achieve the vision those bodies have.

Sometimes when speaking to members of the Opposition it appears there is faint prospect that they will ever do anything for country areas. I assure the member for Wagin that the main intent of the legislation is to promote growth in country areas. I am sorry that he lacks the vision to see that, and the ability to grasp the opportunity that the people who preceded him in the region would have been only too willing to embrace.

Mr Wiese: The rural areas were developed because private individuals went out and did it themselves. They had no Government help; they made it all happen. That is how it will happen in future.

Mr D.L. SMITH: The member might wonder why Northam, Wagin, Narrogin and Katanning exist. It is because they are on the Government railway line, the result of the cooperative effort of visionary politicians who recognised what needed to be done to support private enterprise. I thought that was what the member's party was all about. I thought his party was about having a voice in Government to ensure that Government supports private enterprise in rural areas. Here is an opportunity for the member to deliver. The member has the Hanrahan complex; it is clouding his vision and does not enable him to grasp the opportunity.

The suggestion by the member for Applecross that persons could transfer to the Western Australian Land Authority could occur only if there were a task to be undertaken. If WALA were simply to be concerned with residential development at the lower end of the market - as the member's coalition colleagues wish - there would be no point in transferring to WALA. There would be a point in doing that only if they were to be involved in regional development of the kind previously practised by the Joondalup Development Corporation. There is no reason for this lengthy debate. It is obvious that this is an opportunity for country members to help development in their areas, and I urge them to grab the opportunity.

Division

Clause put and a division taken with the following result -

Ayes (22)			
Mr Michael Barnett	Mr Grill	Mr Pearce	Mr Thomas
Mrs Beggs	Mrs Henderson	Mr Read	Mr Troy
Mr Catania	Mr Gordon Hill	Mr Riebeling	Mr Wilson
Mr Cunningham	Mr Leahy	Mr Ripper	Mrs Watkins *(Teller)*
Mr Donovan	Mr Marlborough	Mr D.L. Smith	
Dr Gallop	Mr McGinty	Mr P.J. Smith	

Noes (21)			
Mr Ainsworth	Mr House	Mr Omodei	Mr Watt
Dr Alexander	Mr Kierath	Mr Shave	Mr Wiese
Mr Bloffwitch	Mr Lewis	Mr Strickland	Mr Bradshaw *(Teller)*
Dr Constable	Mr McNee	Mr Trenorden	
Mr Court	Mr Minson	Mr Fred Tubby	
Mr Grayden	Mr Nicholls	Dr Turnbull	

Pairs	
Mr Taylor	Mr Blaikie
Dr Watson	Mrs Edwardes
Mr Graham	Mr Clarko
Dr Edwards	Mr MacKinnon
Dr Lawrence	Mr Cowan
Mr Bridge	Mr C.J. Barnett

Clause thus passed.

Clause 18 put and passed

Clause 19: Compulsory taking of land -

Mr LEWIS: This is probably the most important clause in the Bill because it gives the Government a new ability to resume land for urban development. The Liberal Opposition has flagged its intention to fight this clause to the end because it is not reasonable for a Government agency to resume alienated land in private ownership for the purpose of developing it for urban use. I readily accept the need for the compulsory taking of land for the purpose of industrial development, and the Industrial Land Development Authority can do that under the provisions of the Public Works Act. That is the way it has always been done but this clause will give the Western Australian Land Authority a further dimension. When I was involved in the survey industry there was much controversy and debate when the Tonkin Government wanted to use the powers of the Public Works Act to resume privately owned land, in other words, to alienate those rights of ownership from the private sector and transfer them compulsorily to the Crown so the Crown could develop those lands for urban development to satisfy what the Government then saw as a housing need. If my memory serves me right that was defeated and the Government backed away from that intention. Since that time it has been the accepted convention that the Government does not use the Public Works Act to subdivide for urban development via Homeswest. Under the provisions of the Town Planning and Development Act, the Public Works Act has been used to facilitate town planning schemes where there is a multiplicity of owners and the only way to get a comprehensive urban development together is to resume land. It was used only on the basis that profit generated from those town planning schemes went back to the proprietors on the day prior to resumption. The resumption was used to consolidate the land into one parcel with the profit at the end of the day being disbursed to the original owners. This clause seeks to give WALA the ability to resume land in its own right without the necessity of the Minister's having to deem it a public work. Therefore the legislation gets around that particular obstacle through the Government pursuing its policies to socialise all land development in Western Australia.

Mr D.L. Smith: The rhetoric is 20 years behind the times.

Mr LEWIS: It is a fact, and we have only to look at what the Government wants to do in this Bill. Let us look at the need for the resumption clause within the Industrial Lands Development Authority Act. As I mentioned in the second reading debate the development of industrial land is an entirely different circumstance or function from the development of urban land for the purpose of servicing the needs of those who cannot properly look after their own housing requirements. Many elements affect industrial land, whether it be emissions from chimney stacks, noise, noxious industries, heavy industry, transport corridors, the need to be near vast resources of cooling water and those other essential components which must fit into that unique parcel of land, which in the main must be a large parcel of land; such land needs to be set aside from time to time to provide for the ongoing industrial needs of the State. There is an entirely different case in setting aside industrial land. That principally is one matter the Liberal Party will be pursuing in repealing the ILDA legislation. However, it is readily accepted that for the development of industrial land, the State must be able to use sections 17 and 18 of the Public Works Act to carry out its functions.

Obviously, the Government thought it was being smart. It thought it could move ILDA into this Act because of the need to set aside industrial land. It does not necessarily follow that the existing resumption powers within the ILDA legislation mean that this authority should also have those resumption powers on the basis of ILDA being transferred across. Indeed, the Joondalup Centre Act also has resumption powers which were provided by the former Liberal Government which, as the member for Wanneroo recognised, was visionary in putting in place the legislation.

Mr D.L. Smith: Things have changed over the years.

Mr LEWIS: It is just like the gas pipeline which the Government has embraced. It is now basking in the glory of the wise and visionary decision made by a previous Administration.

Mr P.J. Smith: And wallowing in the debt you left us with, too.

Mr LEWIS: That is absolute nonsense, especially when we consider that the Government came to office with a $2 billion debt and has now increased it to $10 billion.

The DEPUTY CHAIRMAN (Mr Kobelke): Order! The Committee is discussing clause 19 and the discussion should refer to that clause.

Mr LEWIS: I am happy to do that Mr Deputy Chairman; however, it is reasonable that I should be able to contradict interjections.

Mr Cunningham: You don't have to.

Mr LEWIS: I am not prepared to listen to untruthful rubbish.

Resumption clauses are included in the Joondalup Centre Act and they are necessary so that the authority can perform according to the provisions of the Public Works Act. If the Government is setting aside something like the Joondalup Development Corporation, which is dedicated to vast acreages, there is probably a requirement for this clause. However, it has never been used. I accept that resumption clauses need to be included in the Western Australian Land Authority Bill, but if ILDA is excluded and the Joondalup Development Corporation is not brought under the umbrella of WALA that sort of clause is not needed because the Government is working with the long term convention that resumption powers are not used for resuming alienated land for the development of urban estates. Clause 19 will remove the need for the Minister administering the Public Works Act to deem it a public work. In other words, this authority, with the approval of Cabinet, would have that power in its own right.

Mr D.L. Smith: That is not true; it deems the objects of the legislation.

Mr LEWIS: That is what I said. Does it not remove the need to abide by that convention?

Mr D.L. Smith: It simply deems it a public work.

Mr LEWIS: It does remove the need to abide by the convention that has been held for many years.

Mr D.L. Smith: No.

Mr LEWIS: It vests in the Minister administering this legislation the right to resume people's land, to sequester people's land, to compulsorily acquire that land - land that is owned by other people who have rights and privileges associated with that land - and then to use that land for the so-called public good. The Opposition cannot accept that in any shape or form because it is draconian in the extreme.

Mr D.L. Smith: Do you accept that it is necessary for industrial land?

Mr LEWIS: The Minister has obviously not been listening to what I have been saying. It is very necessary for industrial land because it is unique. There are so many elements to setting aside industrial land that it is reasonable and responsible to have those powers. Notwithstanding that, the ILDA legislation does not give the unfettered right to the Minister administering the ILDA legislation to deem it a public work and to resume the land. It must still go through the processes of the Public Works Act and the Minister responsible for that Act then must declare it a public work. That is accepted.

Mr D.L. Smith: The specifics of clause 29 are much the same as the first part of the legislation.

Mr LEWIS: This clause will change the accepted rules. With the removal of ILDA and the Joondalup Development Corporation - which the Opposition thinks it can achieve - the Opposition will not accept these resumption clauses remaining in the legislation.

Mr DONOVAN: It seems that every member is sensitive about resumption powers. Will the Minister outline what will be the actual impact of this clause? What is the impact of applying the Public Works Act 1902, as set out in subclause (2), on the condition specified in subclause (3)? What does that mean in terms of the stock of land that could be included as against, for instance, the land which may already be resumed but for which there has been no progression towards the purpose for which it was resumed and is still available to the State?

Mr D.L. SMITH: The intent and effect of clause 19(1) is to maintain the existing capacity of the Industrial Lands Development Authority and the Joondalup Development Corporation to compulsorily acquire land by applying the powers of the Public Works Act.

Mr Donovan: Why does it not specify that?

Mr D.L. SMITH: It specifies it in the context of the Industrial Lands Development Authority, JDC and, I might add, the East Perth Redevelopment Authority.

Mr Donovan: Can you not see a need for some explanation because "land" is that which is defined in clause 3 of this Bill and that definition is -

(a) any legal or equitable estate or interest in land; and

(b) land, sea-bed and subsoil covered with water, whether continuously or not;

Mr D.L. SMITH: I remind the member that the Joondalup Development Corporation and the East Perth Redevelopment Authority are not limited to industrial land in that sense; it extends to commercial land and land in East Perth that might be acquired for the purpose of public housing. It might be used in places like Joondalup or other regional development centres for the purpose of providing residential land. The primary purpose is to enable it to continue what it had been doing under ILDA. It has not exercised its powers under the JDC. Certainly when it moves to country areas where there are small centres surrounded by large areas of farming land there may be a need to resume a considerable number of hectares to obtain the necessary land to complete the regional development. Clause 19(1) really does no more than to continue what ILDA and JDC have been able to do. The most likely use is for industrial purposes and the resumption powers are essential only as a last resort to enable them to discharge their prime and strategic roles outlined in the legislation. In the case of ILDA it was also outlined by the functional review committee which looked into ILDA's affairs in securing land for use in relation to the objects of the legislation.

The second part of the clause really deals with two different situations. One is where land vested in the authority has been acquired for other public purposes but is still held by the Government and is vested in this authority. It will remove the effect of section 29 of the Act which refers to land which is not used for the purpose for which it was acquired through resumption and provides that normally it must be offered back to the people from whom it was resumed.

Mr Donovan: Does this relieve you from the obligation to offer it back?

Mr D.L. SMITH: It relieves it only in the same context as it was relieved in East Perth where a compromise was reached; this legislation reflects that compromise.

Mr Donovan: I will use as an example the east side of Lord Street, Bassendean, which has been the subject of resumption in favour of subsequent Lord Street extensions and widening. There is argument from all sides that the work should not go ahead. Should it not go ahead, what is the impact of this legislation on the properties which have been resumed? Does it mean that the Government can go ahead and use the land in some other way, or is it offered back to the people from whom it was resumed?

Mr D.L. SMITH: If the land is vested in the authority it could be used in some other way. However, subclause (2)(b) states -

> section 29 of that Act does not apply to land that was taken or acquired under that Act before the commencement of this Act and that becomes vested in the Authority by Schedule 4 of this Act.

Mr Donovan: Therefore, you are relieved of that obligation.

Mr D.L. SMITH: Yes, but I must point out that it really removes only one step in the current process because the Minister has the capacity to waive that requirement.

Mr Donovan: It has a retrospective application in the Bassendean case and I am sure there are dozens of similar cases in the metropolitan area.

Mr D.L. SMITH: I do not want to talk about the Bassendean example because it is not directly relevant to this legislation. The Bill is not seeking to vest that land in this authority.

Mr Donovan: The legislation allows you to do that. Your intent is for ILDA and JDC and I understand that. However, the Bill allows for a much broader application.

Mr D.L. SMITH: It allows it only in relation to land which is already vested in some other authority.

Mr Lewis: That is not true.

Mr D.L. SMITH: I refer members again to subclause (2)(b).

Mr Lewis: They must abide by the provisions of the Public Works Act.

Mr D.L. SMITH: Subclause 2(b) of the Bill has the effect of not requiring that in relation to land vested under schedule 4 of this Bill.

Mr Donovan: It doesn't, does it? It is misleading. Section 29 of the Act does not apply to land that is taken or acquired under the Act before the commencement of this Bill. By implication it is relieving you of the obligation to offer the land to the original owners in the case of the Lord Street, Bassendean issue.

Mr D.L. SMITH: Subclause (2)(b) applies only to land that was taken or acquired under the Public Works Act before the commencement of this legislation. Subclause (3) relates to land under subclause (2)(b).

Mr Lewis: Land acquired before the coming into operation of this legislation will not have to be returned if it is not used.

Mr D.L. SMITH: It is only land acquired prior to the commencement of this legislation, and which is vested in the authority, which does not have to go through the process of section 29 of the Act. Subclause (3) actually requires land which is acquired in the future to go through those processes.

Mr Lewis: That is a very important point.

Mr D.L. SMITH: That is the compromise we reached in the East Perth legislation.

Mr Donovan: Are you saying that land which is subsequently appropriated under this legislation would have to be offered back if it were not used for the purpose for which it was acquired?

Mr D.L. SMITH: Yes.

Mr Donovan: Why is it applied to land which is to be resumed under this legislation and not to land resumed previously?

Mr D.L. SMITH: Because a lot of the land vested in this authority has been in Government hands for a long time and tracing the titles would be a very difficult exercise. In any event, there is power under section 29 for the Minister to waive that requirement and very often he does. This clause applies only to land which is already acquired for some other public work and which is vested in the authority under schedule 4. In relation to future acquisitions and for the purpose of this legislation section 29 would apply. No doubt the courts would have regard to what I have said in interpreting the provision, if the member has any doubts.

On the question of whether the authority should have this resumption power, I repeat that because this Bill is merging ILDA and the JDC and both of them have resumption powers for good reasons which were identified by the conservative Government that introduced them, it is necessary in the overall intent of the legislation. It would be in only exceptional cases that resumption would occur for residential purposes and it would be done almost only in association with a major development like that of the JDC. That is the reason the resumption power was included in the JDC legislation.

Dr ALEXANDER: I am grateful to the Minister for the clarification. I find this clause difficult to understand. There still remains some doubts in my mind about the wisdom of this clause. If the words "rare and exceptional circumstances" are not defined in legislation, they have the habit of becoming very common and accepted as the norm. The problem is that the "rare and exceptional circumstances" to which the Minister refers are not defined in the clause and therefore there is no guarantee -

Mr D.L. Smith: There will not be rare and exceptional circumstances in relation to industrial lands; there may not be rare and exceptional circumstances in relation to land involved in the development of regional centres; but there would be rare and exceptional circumstances in relation to any resumption for residential purposes.

Dr ALEXANDER: However, the Minister cannot guarantee that.

Mr D.L. Smith: I can certainly give an undertaking.

Dr ALEXANDER: The Minister can, but it is the old story of today's Minister giving an undertaking that tomorrow's Minister breaks! A future Government may interpret the legislation differently. Residential land occupies a big proportion of urban development. I think a dangerous precedent could easily be set by its use for that purpose and I would like to see that power circumscribed. That is my first point.

My second point is that I do not accept this distinction between the use of compulsory purchase powers for industrial and residential land. I guess I am at odds with the comments of the member for Applecross. If he is going to oppose compulsory acquisition except in exceptional circumstances - I think we would all like to see its use minimised - it does not make any sense to say that it is okay to do it for industrial land, but it is not okay for residential land.

Mr D.L. Smith interjected.

Dr ALEXANDER: I have regard for people's rights of property ownership despite having a socialist base to my philosophy. I see ordinary, working class people repeatedly kicked around by arbitrary State actions on compulsory land acquisitions. I have a file full of examples of people who have come to see me on that basis over the last several years.

Mr D.L. Smith: I would be happy if you passed on those complaints to Ministers, including me.

Dr ALEXANDER: Passing them on does no good because I know the people will not receive justice. Once it is done it is done.

Mr D.L. Smith: That is nonsense. You are not prepared to do the work involved in conveying those complaints to Ministers.

Dr ALEXANDER: Is that right? I am now not prepared to do the work! Is that the reason these people have been disadvantaged - because their local member is not prepared to do the work? What next? This place is really like Alice in Wonderland. It is extraordinary.

Mr D.L. Smith: How is the Minister expected to know of the complaints if you don't pass them on?

Mr Shave: Why should the member have to rectify your faults all the time?

Mr D.L. Smith: You would think as a matter of course that the member would pass them on to the Minister responsible.

The DEPUTY CHAIRMAN (Mr Kobelke): Order! The member for Perth has the call.

Dr ALEXANDER: Very often, as the Minister is aware, people come to see their local members as a call of last resort. They have already done the rounds of Ministers, courts very often, and other tribunals without success. They come to their local members to air a grievance, not really with much chance of expecting that grievance to be redressed, even though they think that, because one might have made a public statement which agrees with their point of view, somehow one can miraculously reverse the situation. I have to tell them that that is not possible. In the cases where I have taken up these cases with the Minister concerned, it has not been possible to do something retrospectively. I am trying to say that once land is resumed, it stays resumed, and there have been very few cases where this buy back clause has been enacted.

Mr D.L. Smith: I would be happy to introduce you to a couple.

Dr ALEXANDER: Okay, it is good if it works in some cases. However, I do not like to see people's rights to their security of tenure, whatever my socialist beliefs might be, booted around by a public authority acting in a very arbitrary manner and not in the public interest, difficult though that may be to define. That is how I reconcile that apparent discrepancy. I am happy to send the Minister a paper on that topic, for what it is worth.

There is a compromise in this clause. However, if under some circumstances it allows greater discretion to the authority to not allow people to have access to a buy back clause, there will be problems in its application. As I suggested during the Minister's previous remarks, he is aware of people in East Perth who approached the Government to repurchase their land after it was decided that the land that was acquired for highway purposes was no longer required for that purpose. They found that they could not buy it back even though the land was no longer required for the highway purpose. Presumably, this clause or something similar was used.

Mr D.L. Smith: It was not this clause; section 29 in its current form was used. We do not need these clauses to waive that requirement. I suggest the member read the Public Works Act.

Dr ALEXANDER: The Minister should correct me if I am wrong. What he said earlier makes it easier for this authority or the Minister in charge of the authority to waive that requirement in certain cases.

Mr D.L. Smith: It means that it does not need an approach to the Minister for lands or the Minister for works of the day to gain approval to waive section 29.

Dr ALEXANDER: That is exactly the point about which I am worried. It does not extend that power to the future and the Minister is right to point to subsection (3). However, land acquired for purposes for which it is no longer required is a fairly common occurrence because very often planning is not enacted as quickly as it should be and planning goals change over time.

Mr D.L. Smith: All it is doing is giving this authority the security to get on with the development of the land vested in it.

Dr ALEXANDER: It is a retrograde step if it makes it more difficult for people who have been adversely affected by an industrial land resumption in suburban or even rural areas which land, because of planning changes, is no longer required for those purposes to get their land back. People should be able to expect that they can buy back land which was compulsory acquired, often under conditions of hardship or some disruption to their lifestyle and for which they might have received some compensation, although invariably not enough to compensate them for that disruption. I have doubts about the application of this clause, the compromise explained by the Minister notwithstanding.

Mr WIESE: My initial reaction is that the acquisition of land has always been a very sensitive area. Inevitably, it seems to cause a great deal of hardship and ill feeling. I have been involved with a couple of cases, one very recently in my electorate. The major problem

with the compulsory taking of land is that the authority invariably seems to use it as a lever for not going through all of the processes. That is the sort of process that is really spelt out very well in the ILDA legislation. In my opinion the process set out in the Industrial Lands Development Authority Act should be followed. In that case the development authority may purchase or otherwise acquire by agreement of the owner of the land concerned any land situated outside the metropolitan area. That Act refers to the authority purchasing or otherwise acquiring land, and I assume that refers to swapping pieces of land. Those are the first steps.

Mr D.L. Smith: Those are the first steps also with this authority.

Mr WIESE: Section 7A(2)(b) of the ILDA Act states that the development authority may -

> in default of agreement referred to in paragraph (a), with the prior consent of the Governor compulsorily acquire land referred to in that paragraph under the Public Works Act 1902 as if that land were required for a public work within the meaning of that Act.

That ultimately is a reasonable way in which these things should happen. The authority may enter into a negotiating process and if the person from whom the land is to be acquired refuses to negotiate, and his refusal holds up a development, for whatever reason, it is necessary for the authority to have compulsory acquisition powers. However, that should be the absolute last resort. A similar provision exists in the Joondalup Centre Act whereby it may resume land, but it is required to seek the consent of the Governor before compulsorily acquiring any land. It appears from my reading of this Bill that these procedures have been abandoned.

Mr D.L. Smith: That is not true. The clause merely states that any land required is deemed to be a public work for the purposes of the Public Works Act and the authority must comply with that Act in the way it approaches the issue.

Mr WIESE: The clause makes no mention of negotiation or discussion, buying arrangements or anything like that. The person is confronted with the compulsory acquisition. I have seen this in operation and often the authority that requires the land will confront the landholder with the situation that if he does not sell the land the agency will compulsorily acquire it. The agencies often put enormous pressure on the person to sell and drive down the price the person will be paid for the land.

Mr D.L. Smith: If the Government resumes land it is obliged to pay the owner 10 per cent above the valuation price and it must pay injurious compensation on top of that.

Mr WIESE: The 10 per cent above valuation figure is the crux of the matter. Invariably, the valuations are conservative because valuers tend to be that way by nature. The net result is that the land is compulsorily acquired whether or not the owner likes it at the lowest price possible. It could, for example, be land that has been owned by the family for a hundred years. I understand the feelings of farmers whose families have owned land for generations and the feelings of the people in Servetus Street who were confronted with the compulsory acquisition of their land.

Mr D.L. Smith: We can all understand how they feel but no matter what party is in office Governments will continue to resume land for the public good.

Mr WIESE: The ultimate judgment of what is the public good is a difficult one. I have some reservation about the statement at the beginning of the clause that any land is considered a public work for the purposes of the Public Works Act. I accept that that power is included in the Industrial Lands Development Authority Act and the Joondalup Centre Act but there are constraints in that legislation in that the agencies are required to try to acquire the land by negotiation and other means, and to seek the consent of the Governor. Those provisions do not appear to be included in this Bill and I would like the clause to be modified to include those provisions.

Mr D.L. SMITH: The resumptive power in this legislation is the same as that provided for in other legislation; it is simply making the object of the legislation a public work for the purposes of resumption, and the resumption is then conducted entirely within the confines of the Public Works Act. The only land which is separated is that already in Crown ownership but which is being vested in the authority by virtue of schedule 4. It is intended to give the

Western Australian Land Authority the security of knowing that it can get on with the development of that land without doing a land title search to establish how it came into Government ownership in the first place, and without the worry about whether it was acquired for some other public purpose in the past so that it would be necessary to offer the land back to the original owner before it commenced any development works. I do not think those provisions are of major concern. However sensitive we may be about impinging on people's rights in the resumption of land, Governments in the past have resumed, and eternally into the future will resume, land for what are loosely called public works deemed to be for the public benefit. Although I may share many of the sentiments of the member for Perth, that power is required and, where the land has been vested in the Government for a long time, it is often a difficult exercise to trace the person who would be entitled to it currently or, for other reasons, it may be appropriate under existing legislation to waive the effect of clause 29.

The Opposition, including the National Party - or its predecessor the Country Party - supported the ILDA and JDC legislation, and more recently the East Perth Redevelopment Authority legislation, all of which allowed for resumption. I cannot see why objection to resumption should be raised in the case of this authority. The provision will primarily be required for industrial land and regional centre development. On rare and exceptional occasions it may be necessary for a residential land component but only when the Government of the day thinks there is good reason for that to occur in the public interest. I can understand the concerns held by the member for Perth about abuse of that power. Wherever it is abused it is up to the Government and committees and officers of this Parliament to investigate those happenings and, if need be, report to the Parliament where the Executive has breached its duties under any legislation. An obligation also exists for members of Parliament who become acquainted with cases where they think that has happened to bring them to the notice of the Minister of the day, whether or not he is the Minister responsible for the injustice. I assure the member for Perth that when breaches are reported we do our best to investigate them properly and to ascertain whether anything needs to be done to redress the situation. There will be very few cases related to resumptive powers involving this legislation as there were very few cases involving the Industrial Lands Development Authority and potentially the Joondalup Development Corporation and the East Perth Redevelopment Authority, but I urge the Committee to leave those resumptive powers in the legislation.

Mr DONOVAN: The Minister should know by now that I am desperate to find ways to support this legislation. He knows I support the purpose of this Bill. We have established this evening that the members for Applecross, Wagin, and Perth and I hold concerns about this matter; so at the very least this clause has generated confusion about what is actually meant to be embraced by it.

Mr D.L. Smith: The member for Morley should look at two issues: Power of resumption and the effect of section 29 on land held by this authority.

Mr DONOVAN: Before we get that far, I wonder whether the intent of this clause is as the Minister says - and I have no reason to doubt him - that is, that it is intended to operate basically for the Joondalup Development Corporation and ILDA. If so, why does the clause not state that instead of leading us around in circles?

Mr D.L. Smith: It is not just for the Joondalup Development Corporation but also for any future regional centres we choose to develop in Perth or country areas.

Mr DONOVAN: The general resumptive issue is a problem for the member for Perth. I also hold concerns about that matter. We have talked about pre-existing matters and the Minister says an appeal can be lodged with the Minister of the day and that will probably achieve the justice sought. Surely it would be easier to frame this clause in a specific way so that nobody is in any doubt about what it includes. I understand what the Minister is saying about there being times when Government's have to do these things. Let us put a human face on the matter in order to appreciate the concerns held about the resumptive powers which were expressed by the member for Perth and which I share.

When the Tonkin highway was proposed to go through Morley - which it has now done - and over Morley Drive intersection it was said that there would be no need for a diamond interchange for about 20 years but that it was clear the capacity was needed to locate that

interchange later. It may well be because of the performance of the Reid Highway that when that 20 years is up there will be no need for that diamond interchange; in other words, the existing intersection may very well stay. The resumption around that intersection included the home of an old pensioner couple who had lived in their house for the previous 44 years. They were moved to accommodation in a small pensioner unit not far away from their old home. They now see their house still sitting there and no-one has touched it since they shifted, and nor will it be touched. It is on the patch that in 20 years may become the northeastern aspect of a diamond interchange. That is the kind of real human issue involving ordinary people affected by resumption that we are talking about; hence the concern held, especially when confusion exists as to what is included in this Bill. I do not know how the Minister will address this problem. He needs to address the confusion because this clause is one of the more convoluted ones I have seen seeking to express a specific purpose.

Mr TRENORDEN: The Minister has said that the Industrial Lands Development Authority has always had the power to acquire land compulsorily. Can the Minister tell the Committee how many times that power has been used?

Mr D.L. Smith: Quite often.

Mr TRENORDEN: I would have thought that ILDA did not need the power to acquire land.

Mr D.L. Smith: The member for Avon should have told his colleagues that when they gave it that power.

Mr TRENORDEN: The fact that someone gave that power sometime in the past does not make it right today.

Mr D.L. Smith: I assure the member for Avon that if he looks at the example of Northam he will see that the whole development there has been frustrated by a single landowner.

Mr TRENORDEN: The people driving the Avon Community Development Foundation, which is driving the Meenaar development, are saying that if land has to be obtained compulsorily they do not want it. The foundation does not want that attitude to the development to prevail because it wants the community to be totally in favour of it.

Mr D.L. Smith: Is the member saying that if one landowner opposes the industrial development and holds the community to ransom with the price he asks the development should not proceed?

Mr TRENORDEN: That is what I am saying.

Mr D.L. Smith: If so, the member for Avon has just killed off the Meenaar development.

Mr TRENORDEN: The Minister should not be stupid. He is starting to talk drivel because it is late at night. We have been working on the Meenaar development for four years and the Minister has been working on it for only two minutes.

Mr D.L. Smith: Have you acquired the land?

Mr TRENORDEN: No. The owner has given us an open option to purchase the land.

Mr D.L. Smith: At what price?

Mr TRENORDEN: The price has not been negotiated.

Mr D.L. Smith: So you have not agreed to the price, but you have an option. Some option!

Mr TRENORDEN: If that land is not available, that is not the end of things. ILDA moved in and offered the owner $190 an acre for his land when the farm next door was selling for $640 an acre.

Mr D.L. Smith: The member should get himself up to date on this matter.

Mr TRENORDEN: That was the original position. The Minister is saying he would have screwed the owner to get the land at $190 an acre.

Mr D.L. Smith: That is not the point at all. I am saying that an individual in the member's community should not be able to hold that community to ransom, or any industrial development to ransom, by holding out for a totally unreasonable price for his land. The member's version is that we should be willing to pay two or three times the valuation of that land, yet that is the very sort of thing members opposite criticised the Government for in relation to WA Inc.

Mr P.J. Smith: Absolutely.

Mr TRENORDEN: The member for Bunbury has been force fed by this Government. He is in a position where his community benefits well beyond all others in Western Australia and yet he is crying poor. I asked a simple question; namely, whether that acquisition power had been used in the Industrial Lands Development Authority; and apparently the answer is yes.

Mr D.L. Smith: And at Bunbury, I might say.

Mr TRENORDEN: The way this Government operated at Bunbury, I have no doubt that is correct.

Mr D.L. Smith: Not just this Government but also past Governments.

Mr TRENORDEN: I gather from the aggressive attitude of the Minister that I have hit a nerve. The Minister has convinced me that we should oppose his position.

Mr D.L. SMITH: I despair at the National Party. The National Party is anti development. National Party members come into this place and claim the protection of Government. They want Government marketing agencies, they want to protect the Wheat Marketing Board, the Wool Marketing Board and the Potato Marketing Authority, and they want Government subsidies through railways, yet when it comes to an individual in the community holding to ransom the Government and the community, they want the Government to pay that landowner two, three or four times the value of the land, regardless of some accountability. We in this place are meant to be legislators. The power of resumption was put into the ILDA and JDC legislation by members opposite, and only last year this Chamber accepted that provision in the East Perth Redevelopment Authority legislation. This issue and the sort of bunkum raised by the member for Avon is simply a device by members opposite to frustrate the business of this Chamber and to make sure that we have to sit here until 3.00 am or 4.00 am in order to achieve what are absolutely common clauses in other legislation simply because they are in the business of frustrating the development of this State, and particularly of country regions. Members opposite are full of rhetoric but have no intention of helping this Government or this community to achieve anything in this State.

Mr LEWIS: The Minister has stated that because this provision is in the East Perth legislation -

Mr D.L. Smith: And also in the JDC and ILDA legislation.

Mr LEWIS: - it should also be in this legislation.

Mr D.L. Smith: Because the Western Australian Land Authority will be the amalgamation of the JDC and ILDA.

Mr LEWIS: We do not accept that.

Mr D.L. Smith: I thought the National Party might have some reason to accept it but it obviously does not have much interest in the development of country areas in this State.

Mr LEWIS: The East Perth Redevelopment Authority has a dedicated task within certain geographical bounds. In order for it to facilitate its task and in order for people to have the responsibility of stewarding that legislation, from time to time it may be necessary for that authority to use its resumption powers. However, those powers are not all embracing. The authority has to use the powers that exist under the Public Works Act. The responsible Minister cannot just decide that a person's property will be resumed for a public work. He has to go through the processes required by the Public Works Act. While that administrative part of Government can probably be circumvented, nonetheless another Minister is usually involved. There is a great difference between this legislation and the East Perth legislation.

Mr D.L. Smith: It is exactly the same. The resumption has to be according to the Public Works Act. Are you a drongo or are you being deliberately obstructive?

Mr LEWIS: Please do not get personal.

Mr D.L. Smith: It is difficult not to. There are people in this Chamber who are interested in the Government's getting this legislation through and who have obligations to their constituents and others tomorrow and do not want to be held up here until 3.00 am or 4.00 am for what are perfectly normal clauses. We have dealt tonight with only four clauses in nine hours.

The CHAIRMAN: Order! I can understand the frustration of both sides at this point but we are nonetheless debating clause 19 and I ask both speakers and interjectors to keep to that point.

Mr LEWIS: The point I am trying to make is that this clause will give the authority special powers which do not exist within the East Perth, ILDA or JDC legislation; namely, that if the authority wants to do something, it is deemed to be a public work. I understand that the Public Works Act states that definite provisions have to be followed in order for a work to be deemed a public work. Secondly, resumption alienates or removes a person's right to property. It is the Government's reclaiming the fee of that land. On that basis, a person's rights are sequestered or compulsorily acquired. Resumption powers give the Government or agency of Government a preferred position and an advantage in negotiations. All the Government has to do is say, "If you do not fall into line, you will be resumed."

Mr D.L. Smith: You know that a whole system is behind the resumption process. We have to pay 10 per cent more than valuation, and if the landowner disagrees he can go to court and the court will determine what is a fair value. Anyone who is experienced in resumption would know that under the resumption process we usually end up paying 25 per cent or 30 per cent more than the valuation.

Mr LEWIS: I sat on the Finance Committee of the Metropolitan Region Planning Authority for many years, and it used to disturb me that about once a month the authority would resolve to resume because it had run up against a brick wall and could not get any further in its negotiations. My experience with the resumption process is not what the Minister said at all; namely, that a 10 per cent saladium is paid, plus injurious affection. My experience is that there is no ability for the Government to pay any more than a 10 per cent saladium. They are the facts of it.

Mr D.L. Smith: They are not.

Mr LEWIS: They are. I can assure the Minister that the Public Works Act prevents any additional payment other than 10 per cent above valuation. I can accept that during the negotiation phases of resumption and, indeed, probably now and again, more than 10 per cent is paid. Resumption powers would put the authority into a strong and solid position because it could go to a landowner and say, "You must fall into line or you will get only your 10 per cent, at best." The Government has not denied that its intention is to have this agency compete with the private sector and other land developers. As the Government virtually controls the powers of rezoning, in my experience when it goes to a court for adjudication of a valuation the court can consider the value of the land only on the basis of the existing zoning, notwithstanding its potential to be rezoned to give it a higher value. That is where the Government will always win. I have seen cases where zonings have been withheld or not agreed to on the basis that the Government would require the land later on, and as it would be acquiring it rezonings were not approved because they would give a higher value to that land.

Mr D.L. Smith: In which year did that happen?

Mr LEWIS: It happened when I was on the authority, which was up until 1985 or 1986. It was during the Minister's term of Government.

Mr D.L. Smith: It was prior to 1983, I bet.

Mr LEWIS: It was during the Minister's term of Government. He should believe me, because that is a fact. That gives a great power and advantage to the Government.

Mr D.L. Smith: Cite me the case.

Mr LEWIS: I can cite the Minister a case that happened at Wanneroo, with his major Neerabup amendment.

Mr D.L. Smith: Are you going to oppose Neerabup?

Mr LEWIS: I am just giving the Minister an example about Neerabup. The member for Wanneroo was at a public meeting where it was said there would not be any rezoning.

Mr D.L. Smith: We are talking about resumption. Give me an example about resumption.

Mr LEWIS: I am telling the Minister what his Government did. It bought land from a bank

because the bank had taken over the estate of a pretty large nursery. Then, because the Government saw that it could make a big fat quid out of it, it set the planning process in place and will have the land rezoned. That will be the Government's will and the Government will do very handsomely out of it. The Government can target and identify land ahead of the zoning process and say to the owner, "This is what we will pay you. The land is currently zoned rural and that is all it will be valued on because that is all the courts can recognise. We will give you 10 per cent above its rural value, or perhaps 20 per cent. If you do not like it we will resume the land and you will get only 10 per cent because that is all we are allowed to pay you." As soon as the Government does that, it rezones the land. That is what the members for Morley, Perth and Wagin, and I, are afraid of.

[The member's time expired.]

Mr DONOVAN: I remind the Minister that we are here late partly because of a very protracted campaign on the part of the Government earlier this evening in respect of clause 16. It has not all been a matter of members obstructing this Bill.

Mr D.L. Smith: It is simply a matter of members obstructing this Bill, and no more than that.

The CHAIRMAN: I suggest that, rather than members arguing about why we have taken so long to reach this point, they try to progress beyond this point and actually debate the clause.

Mr DONOVAN: Thank you, Mr Chairman. I suppose I resent the sorts of implications that have been made and I certainly do not accept legislation by coercion.

As I have said on a number of occasions, I am trying my hardest to support this Bill. I want it to go through. However, I do not want people met with a situation whereby they cannot interpret for themselves from this legislation and require a lawyer to do it for them, only for them to find, as the member for Perth pointed out earlier, that they may not have a leg to stand on. I have made it pretty clear what I want from the Minister. I want to know that that clause is specific, that what is embraced by it is what is said to be embraced by it, and that what is not included in it does not, by some implication or convoluted turn of parliamentary language, end up being included. That is not desirable in legislation. I am willing to support the Minister in this clause if I can have an assurance from him that he will seek ways of tightening it up, making it clear and specific as to what it includes and what it does not include, and then introduce the appropriate amendments through his colleague in another place when the Bill gets there. That has been done many times in the past few years. I want that kind of assurance so that, whether it be Lord Street in Bassendean or Servetus Street in Swanbourne, I know that a future Minister or a future Government will not pick up something this Minister does not intend to be picked up, and there is no recourse afterwards. That is the situation I am trying to protect against. I understand resumptions. Like everybody else I do not like them. I accept that sometimes they must happen but I want to make sure that this clause does what the Minister intends and not what might, by implication, be allowable within it down the track. With that sort of clarification I suppose I would be willing to support the clause.

Mr D.L. SMITH: What does it say about Parliamentary Counsel that the member for Morley should be making that request? Does it say that, somehow, Parliamentary Counsel has not expressed it clearly enough for people to understand?

Mr Lewis: He has not.

Mr D.L. SMITH: Does it say that Parliamentary Counsel, combined with the provisions of the Interpretation Act which allow the debates of this place to be used for the interpretation of the legislation, is not enough? I am quite happy for the member for Morley to meet with Parliamentary Counsel and for Parliamentary Counsel to explain it to him if he will not accept my assurances. We are dealing with perfectly clear legislation and perfectly normal resumptive provisions. They are resumptive provisions which were included in the Joondalup Development Corporation and Industrial Lands Development Authority legislation and allowed for in the East Perth Redevelopment Authority legislation. If I sound frustrated it is because I simply cannot understand why we are taking this lengthy time on a very normal clause which has been explained by me and which is fairly clear on the face of it. People may postulate that they are in support of this legislation, but my view is that they are not and that they are determined to frustrate it by filibustering for as long as they can in the hope that someone will misunderstand what they say enough to misunderstand the

legislation and persuade someone in the upper House to support the Opposition and kill off this initiative of Government.

Mr LEWIS: Obviously the Minister has not got the message that this clause is difficult to understand. I have read section 29 of the Public Works Act and tried to relate it to clause 19(3). It is rather confusing. It might be okay for the Minister with his legal training but members on this side do not have that advantage. We forget that we are writing legislation for the ordinary people, who should not be faced with a situation when land is about to be resumed where they must pay a fortune to solicitors to be told what should be explained in every day language in our legislation. That is the point that the member for Morley made, and one which I endorse. I am sorry that the Minister has not received the message. The point is that the Minister says that the clause will not be used for urban development; that it must be a special, extraordinary situation for it to be applied to urban development. However, I refer to the legislation that put in place the metropolitan region town planning scheme. Clause 33(a) of that legislation is a minor amendment clause. It was discovered that that Act was silent on minor amendments, vis-a-vis amendments to cardiographic areas and survey delineation. In other words, that clause was intended to be used for minor corrections to the metropolitan region town planning scheme. Unfortunately, with the passage of time, and as a result of some creative thinking on the part of the Government - and I do not blame the Government entirely even if it has developed it into an art form - section 33(a) amendments have become the principal way to amend the regional scheme, although it was never intended to do that.

Mr D.L. Smith: One day I will go through the way that section 33(a) was used by the member's side when in Government.

Mr LEWIS: I said that we would not take a holier than thou attitude - but the Government did not have the guts to bring the amendments to the Parliament.

Mr D.L. Smith interjected.

Mr LEWIS: When the Minister brings the recommendations of the planning committee and the rest of it to the Parliament and places them on the Table we will consider them. I will give my opinion at that time, because that will be the proper time to do that. The Minister's argument that the Government will never use the clause in that way is not valid. That is the reason that we must be vigilant to ensure that these things are not placed in the legislation and later used by another Government after a reshuffle of the Ministry. In that way, the Government could contradict what it said previously. We will not accept this resumption clause because it may be used by the Western Australian Land Authority - which is supposed to be competing on a level playing field with the private sector - to resume land and pay a lousy 10 per cent above the rural land values for it. It could use inside information, buy land on the basis of the threat of resumption, obtain it on the cheap, and use the land - saying all the time that it has competed with the private sector; that it cost only so much in the global estate. The clause will give a complete advantage to the land authority; it could kill any private sector developer trying to compete in the marketplace. The Minister is aware of that, and that is the reason for the inclusion of the clause. The Minister will use the clause to obtain urban land. As true socialists, members opposite want to socialise the land development process in Western Australia.

Mrs WATKINS: I am staggered. The specious arguments by the member for Applecross do not bear thinking about. The member for Applecross would do well, as would other members of the Opposition, to consider clause 19 and think about the remarks by the Minister regarding the taking of land. Members opposite should also consider other Acts of Parliament which relate to the resumption of land. The member for Applecross has talked about paying people 10 per cent above the value of rural land. The member should be realistic; that does not happen. He may wish to invent a situation. I refer to a number of issues -

Mr Lewis: I remind the member of a couple of her constituents.

Mrs WATKINS: I know about them -

Mr Lewis: Those people were not dealt with fairly by the Government, and the member knows it.

Mrs WATKINS: I suggest that the member for Applecross re-examine the cases after the event.

Mr Lewis: After a nervous breakdown and a heart attack.

Mrs WATKINS: The member is being dramatic. He would do well with the Royal Shakespearean Company. He will discover that the Government has dealt with those people fairly. Members opposite should take little note of the member for Applecross. If members opposite are smart - and I am sure some members opposite are smart from time to time - they will consider other Acts of Parliament which talk about the compulsory taking of land. They will see that it is not special or extraordinary. I urge members to support the clause.

Division

Clause put and a division taken with the following result -

Ayes (21)

Mr Michael Barnett	Mrs Henderson	Mr Pearce	Mr Troy
Mrs Beggs	Mr Gordon Hill	Mr Riebeling	Mr Wilson
Mr Catania	Mr Kobelke	Mr Ripper	Mrs Watkins *(Teller)*
Mr Cunningham	Mr Leahy	Mr D.L. Smith	
Mr Donovan	Mr Marlborough	Mr P.J. Smith	
Dr Gallop	Mr McGinty	Mr Thomas	

Noes (17)

Mr C.J. Barnett	Mr Lewis	Mr Strickland	Mr Wiese
Mr Bloffwitch	Mr McNee	Mr Trenorden	Mr Bradshaw *(Teller)*
Dr Constable	Mr Minson	Mr Fred Tubby	
Mr Grayden	Mr Omodei	Dr Turnbull	
Mr Kierath	Mr Shave	Mr Watt	

Pairs

Mr Taylor	Mr Blaikie
Dr Watson	Mrs Edwardes
Mr Graham	Mr Clarko
Dr Edwards	Mr MacKinnon
Dr Lawrence	Mr Cowan
Mr Bridge	Mr Nicholls
Mr Read	Mr Court
Mr Grill	Mr Ainsworth

Clause thus passed.

Clause 20 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr D.L. Smith (Minister for Lands).

BILLS (2) - RECEIPT AND FIRST READING

1. Mines Regulation Amendment Bill

   Bill received from the Council; and, on motion by Mr Bradshaw, read a first time.

2. Acts Amendment (Confiscation of Criminal Profits) Bill

   Bill received from the Council; and, on motion by Mr D.L. Smith (Minister for Lands), read a first time.

NURSES BILL 1991

Returned

Bill returned from the Council with amendments.

House adjourned at 12.15 am (Wednesday)

QUESTIONS ON NOTICE

WOODCHIPS - CONVERTED FROM SAWMILL RESIDUE, 1988-91
Marri Sawlogs - Royalty Reduction; Sawn Timber Recovery Rates

52. Mr KIERATH to the Minister for the Environment:

(1) Further to question on notice 2039 of 1992, third session, of the sawmill residue converted to woodchips in 1988-89, 1989-90 and 1990-91, how much was -

(a) karri;

(b) marri;

(c) other?

(2) (a) When was the royalty on all marri sawlogs reduced to $12 per cubic metre;

(b) is this $3 below the royalty for marri chiplogs?

(3) Was the amount of sawn timber recovered from marri sawlogs -

		sawlogs	sawn timber	recovery rate
(a)	1988-89	22 241 m3	4 755 m3	21 per cent
	1989-90	41 460 m3	5 389 m3	13 per cent
	1990-91	126 451 m3	6 866 m3	5.4 per cent

(b) if so, how does the Department of Conservation and Land Management explain the huge decrease in the amount of sawn timber recovered from marri sawlogs over the past three years, and the abysmal recovery rate of 5.4 per cent in 1990-91?

Mr PEARCE replied:

(1) Information not available.

(2) (a) One royalty rate for marri sawlogs of $12 per cubic metre was introduced effective from January 1990 as a result of a general review of royalties conducted in 1989. Previously there had been two marri royalties: First grade sawlogs at $14.72 per cubic metre and second grade marri sawlogs at $10.50 per cubic metre.

(b) Yes.

(3) (a) Yes.

(b) Contrary to your assertion, there has been an increase in the recovery of sawn marri of over 2 000 cubic metres in 1990-91 compared with 1988-89. This is because of the Government's commitment to the principle of value adding at all levels. For high grade logs large royalty increase resulted from the 1989 royalty review which makes it financially unviable to convert high grade logs into anything other than high value products. For low grade logs such as marri chiplogs, a royalty incentive was given to encourage companies to recover even small quantities of sawn timber from each log.

GOVERNMENT MOTOR VEHICLES - MINISTER FOR THE ENVIRONMENT
Statistics, Allocation Policy, Public Service Officer Classification Level

248. Mr NICHOLLS to the Minister for the Environment:

(1) How many motor vehicles are attached to your department?

(2) What is your policy of allocation to and usage by public service officers and/or sub-departments?

(3) What is the classification level of the public service officers to whom the motor vehicles have been allocated?

Mr PEARCE replied:

See Premier's response to question 246.

TAFE - ASSOCIATE DIRECTORS (ACADEMIC)
Qualifications in Responsible Study Areas

376. Dr CONSTABLE to the Minister representing the Minister for Education:

(1) Do all Associate Directors (Academic) in Colleges of Technical and Further Education have qualifications in the study areas over which they have responsibility?

(2) If not, which study areas are involved?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1)-(2)

Associate Directors (Academic) are required to manage a range of study areas. However, as Associate Directors (Academic) are non-teaching positions it is not essential for the occupants to have qualifications in particular study areas. However, they must have educational qualifications and a high level of management expertise.

TAFE - LEEDERVILLE TAFE CAMPUS
Canteen Catering Tender - Staff Notice

383. Mr KIERATH to the Minister representing the Minister for Education:

(1) With respect to the catering facility at Leederville TAFE, has the canteen operation been given out to tender? If so, why, and what notice was given to previous staff?

(2) How many staff were employed prior to the tendering process, and of these how many have been retained by the successful tenderer?

(3) Have any of those who lost their jobs due to the tendering process been redeployed? Of those not redeployed, how many received a severance package, and what did this include?

(4) Were existing staff asked to show and explain the facilities to the tenderers?

(5) Has any consideration been given to either a severance package or compensation payments, and what are the reasons for the Minister's decisions?

(6) Has this whole exercise been handled properly, with due consideration given to staff who have completed long period of service, and what action will the Minister take to apologise to the staff for the manner in which they have been treated?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) Yes. In 1990, the Department of TAFE made a decision that it would no longer be involved in the management of canteens on TAFE campuses. Progressively, contracts to manage such activities have been let out to tender. A condition of the tender was that all current staff be offered employment with the successful tenderer. Staff were advised on resumption of duty after the vacation on 10 February 1992 and given two weeks' written notice of termination on 14 February 1992.

(2) Six staff were employed prior to the tendering process including one staff member who was on workers' compensation. All staff were offered jobs by the successful tenderer except the person on workers' compensation who will be offered a position when fit to resume. Two staff resigned before the expiration of the two weeks' notice, and three

staff declined the offer of continued employment with the successful tenderer and finished work on the expiration of the notice on 28 February 1992.

(3) All canteen staff were temporary employees and as such are not entitled to any redeployment severance package other than normal industrial award entitlements, which included wages owing, and pro rata annual leave and long service leave entitlements, which was not required under the award.

(4) Yes.

(5) No, for the reasons outlined in (2) and (3) above.

(6) Yes. The interests of the staff were protected, as a condition of the college tender was that all existing staff be offered continued employment. Those staff who wished to continue in like employment had the opportunity to do so. In addition, staff were paid all their industrial award entitlements, and were also paid unused sick leave entitlements. In the circumstances, no apology to staff is considered necessary.

COMMONWEALTH EMPLOYMENT SERVICE - MOBILITY ASSISTANCE SCHEME

Assistance Statistics and Relocations

466. Mr HOUSE to the Minister for Productivity and Labour Relations:

(1) In reference to my question without notice 38 of 1992, in relation to the Federal Government's mobility assistance scheme, will the Minister undertake to approach the appropriate Federal Minister in order to provide the following information -

(a) how many Western Australians received assistance under this scheme in the past 12 months;

(b) how many people received assistance under this scheme to relocate either -

(i) from the country to Perth;

(ii) from Perth to the country;

(iii) from one country location to another;

(iv) from outside Western Australia to Perth;

(v) from outside Western Australia to regional Western Australia?

(2) If the Minister will not undertake to seek this information from the appropriate Federal Minister, can she provide an explanation for not doing so?

Mrs HENDERSON replied:

(1) Yes.

(2) Not applicable.

WEST ED MEDIA - BUDGET

471. Mr AINSWORTH to the Minister representing the Minister for Education:

(1) Was the budget of West Ed Media increased from $1.45 million to $2 million immediately before its closure last year?

(2) What amount was budgeted for West Ed Media in the 1990-91 Budget?

(3) Was this amount increased in the 12 months before its closure?

(4) If so, for what purpose?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) No.

(2) West Ed Media did not operate as a separate budget but was contained within the budgets for the communications and publishing services sections of the ministry. The budgets for the communications and publishing services sections of the ministry in 1990-91 totalled $3 198 448.

(3) No.

(4) Not applicable.

GOVERNMENT EMPLOYEES HOUSING AUTHORITY - BUNBURY HOMES
Disposal Plans

506. Mr MacKINNON to the Minister for Housing:

(1) Is the Government planning to disperse of Government Employees Housing Authority homes in Bunbury?

(2) If so, how many homes are to be so disposed of?

(3) Who currently occupies the homes which are to be disposed of?

(4) What discussions has the Government had with the relevant agencies whose employees currently occupy the homes to be disposed of?

Mr McGINTY replied:

(1) Yes, although I have presently put this on hold while the unions, whose members will be affected, comment on the plan. The plan is to withdraw the homes when they next become vacant. No employee will be required to vacate a house as a result of this plan. It is expected that it will take five years to fully implement.

(2) There are 126 units of GEHA accommodation and 27 units owned by other Government agencies in Bunbury of which it is intended to dispose of 136 units. The balance are on the prison, police station, power station and harbour sites and cannot be disposed of.

(3) The accommodation is occupied by Government employees from various Government agencies. Of the 2 076 Government employees in Bunbury, only 153 are accommodated in Government owned accommodation.

(4) All agencies were notified in September 1991 of the plan. It has been known by all Government agencies and unions for some years of the long term intent to withdraw from Bunbury. To this end, GEHA has not provided additional houses in this area since 1984.

SEPTIC WASTE DISPOSAL - ENVIROGARD CONTRACT
Tender Procedures - Charges Increase

528. Dr CONSTABLE to the Minister for Health:

(1) With regard to septic tank waste disposal, what tender procedures were followed before selecting Envirogard as the sole contractor in the metropolitan area?

(2) Will the Minister explain why the Envirogard charge for septic waste disposal increased from $26 to $36 on 1 October 1991 and to $47 on 1 April 1992, given the Government's undertaking to keep all rate and fee increases within Consumer Price Index increases?

(3) Who approved escalation of charges provisions in the Envirogard contract?

(4) What is the exact nature of the escalation clause?

(5) What action can be taken to cancel the Envirogard contract and recall tenders?

(6) Is the high cost of treatment of septic waste encouraging or causing any of the following -

(a) part or full treatment in locations other than those approved by the Health Department of Western Australia;

(b) the use of alternative strategies such as the installation of an additional soak-well to avoid the need for cleaning clogged ones;

(c) illegal dumping of waste to avoid fees?

(7) Has the Government's decision to extend deep sewers influenced the quality of effluent treated by Envirogard?

(8) Was an estimate of the quantity of waste to be treated given to the contractor prior to tender?

(9) If yes -

(a) who provided this estimate;

(b) has the estimate proved to be accurate?

Mr WILSON replied:

(1) A notice was placed in *The West Australian* calling for interested parties to finance, design, construct and operate a septic waste facility; 15 submissions were received. Six of the submissions were shortlisted and asked to present their proposals to an interdepartmental technical committee. Two were selected and asked to tender. Envirogard was chosen.

(2) The treatment rate for septic tank waste prior to 1 October 1991 was $30.19 and increased on that date to $35.82/kL. The rate increased again on 2 March 1992 to $43.12/kL. The charges for treatment of waste are determined in accordance with the terms of a contract between Envirogard and the Minister for Health. The increase on 1 October 1991 reflects a small increase in the CPI and a substantial reduction in the volume of effluent received at the plant. The increase on 2 March reflects the cost of providing new facilities requested by liquid waste transporters.

(3) The Minister for Health.

(4) The rise and fall clauses for the treatment rate are based on changes in the CPI and volume of effluent received at the treatment plant.

(5) The normal courses of action available under contract law could be used to cancel the tender. It is possible such action would result in the Government suffering financial penalties. It is doubtful that recalling tenders would result in lower prices.

(6) (a) No.

(b) Yes.

(c) Possibly. It is difficult to correlate the volumes lost through illegal discharges to the rate increases.

(7) No.

(8) Yes.

(9) (a) The Health Department provided the estimate based on information obtained from the documentation system required to be completed by the waste transporters and to track wastes; and volumes of waste calculated on trucks discharging at the various sites.

(b) No.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE, DEPARTMENT OF - ASBESTOS MATERIALS HANDLING POLICY

Local Government Responsibility

531. Mr HOUSE to the Minister for Productivity and Labour Relations:

(1) What is the policy of the Department of Occupational Health, Safety and Welfare concerning the handling of asbestos materials?

(2) What is the responsibility of local authorities concerning the issue of the handling of asbestos materials?

Mrs HENDERSON replied:

(1) The policy of the Department of Occupational Health, Safety and Welfare for handling asbestos materials is that any handling shall be carried out in accordance with -

(i) The Occupational Health, Safety and Welfare Regulations 1988;

(ii) the National Occupational Health and Safety Commission "Asbestos Code of Practice and Guidance Notes 1988"; and

(iii) the report by the WA Advisory Committee on Hazardous Substances on asbestos cement products, 1990.

(2) Local authorities are responsible for issuing demolition licences for all buildings including those containing asbestos materials. Licences may be issued subject to certain conditions. Local authorities are also responsible for managing the landfill sites where asbestos materials are disposed of. If further clarification is required the matter should be referred to the Minister for Local Government.

WYNDHAM AIRPORT - TRANSPORT AND COMMUNICATIONS, DEPARTMENT OF
Transfer Negotiations - State Government Involvement

549. Mr COURT to the Minister for North-West:

(1) Is the State Government currently involved in negotiations for the transfer of the Wyndham Airport from the Commonwealth Department of Transport and Communications?

(2) If yes, who would the Government prefer to have operating this airport?

(3) What financial assistance will the State provide to ensure this airport remains operational?

Mr BRIDGE replied:

(1) No.

(2)-(3) Not applicable.

LAND - LEEMING, OTHER THAN LOT 574 BEASLEY ROAD
Government Ownership - Development Plans

565. Mr MacKINNON to the Minister for Housing:

(1) What land, other than Lot 574 Beasley Road, is currently owned by the Government in Leeming?

(2) What plans does the Government have for the development of this land?

Mr McGINTY replied:

(1) Homeswest has recently acquired Lot 558 Beasley Road, Leeming.

(2) A development of 10 three-bedroom homes, utilising Green Street principles, is planned for 1992-93

HOSPITALS - PRINCESS MARGARET
Orthopaedic Ward

575. Dr CONSTABLE to the Minister for Health:

(1) Has there been an orthopaedic ward operating at Princess Margaret Hospital since November 1991?

(2) If no -

(a) which wards are accommodating orthopaedic patients;

(b) what savings have been made by closing the orthopaedic ward?

Mr WILSON replied:

(1) The designated orthopaedic ward 5A has been closed for refurbishment since 25 November 1991 and is scheduled to reopen on 25 May. This is part of a continuing process at Princess Margaret Hospital in which a ward is refurbished in this manner every year. Orthopaedic patients have been accommodated elsewhere.

(2) (a) Ward 8A has accommodated the majority of orthopaedic patients but under times of pressure the patients have also been accommodated in other wards. They are also accommodated in the overnight short stay ward attached to the emergency department, which is specifically designed to handle short stay patients of all types including orthopaedics.

(b) The savings by having ward 5A closed for six months will be $150 000, less the cost of refurbishment of $65 000. Total net savings are $85 000.

WOMEN'S INFORMATION AND REFERRAL EXCHANGE - OPTIONS COMMITTEE
Report - Membership

583. Mr MacKINNON to the Minister assisting the Minister for Women's Interests:

(1) When did the Government request the options committee to report on the future of the Women's Information and Referral Exchange?

(2) Who were the members of the options committee?

(3) Who appointed the committee?

(4) Has the report been made public?

(5) If not, why not?

(6) What has the Government's response been to the committee's recommendations?

Dr WATSON replied:

(1) In mid January the Government requested the options committee to report on the future of the Women's Information and Referral Exchange.

(2) Members of the options committee were -

Liza Newby (Chairperson)	Susan Hartley
Maxine Murray	Brian Stewart
Robin Terry	Kate Ellis
Robyn Daniels	Liz Byrski
Terri-ann White	John Hannan (Executive Officer)
Eric Barker	

(3) The committee was appointed by the Premier.

(4) A summary of the committee's report has been distributed to peak women's groups for comment.

(5) Not applicable.

(6) I have asked that organisations provide me with their comments on the option committee's recommendations by 22 May 1992. Similarly, comments on an alternative proposal are required by 22 May 1992.

SCHOOLS - BICYCLE HELMETS STORAGE SPACE
Minor Works Scheme Funding

592. Mr HOUSE to the Minister representing the Minister for Education:

(1) With regard to question on notice 294 of 1992, where the Minister indicated that schools should apply the district based minor works scheme for funding to provide storage areas for bicycle helmets, what will be the cost of providing storage areas for the schools which have requested the facility?

(2) Has the Minister increased the amount of funds available under the minor works scheme to handle the additional demand imposed by the provision of helmet storage space?

(3) If so, what has the increase been?

(4) If not, why not?

(5) Will the Minister be increasing funding to the minor works scheme in the 1992-93 Budget in order to provide storage space for bicycle helmets?

(6) If yes, what will the allocation be?

(7) If not, why not?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) The cost of the provision of storage will depend upon each school's proposed solution.

(2)-(3) Minor works funding was increased by $2.5 million for the 1991-92 financial year over the previous financial year.

(4) Not applicable.

(5) The details of the 1992-93 Budget have not yet been finalised.

(6)-(7) Not applicable.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - JURIEN POWER TRANSMISSION
Route - Line Types and Losses

605. Mr McNEE to the Minister for Fuel and Energy:

(1) With reference to question on notice 441 of 1992, would the Minister detail the exact route via which power is provided to Jurien?

(2) What are the types and lengths of lines used on this route?

(3) What are the standard power losses incurred per kilometre by such types of line?

Dr GALLOP replied:

(1) Power is supplied to Jurien via a distribution line from SECWA's substation at Eneabba. The distribution line operates at 33 kv and generally proceeds south from Eneabba and supplies numerous customers in the area.

(2) The distribution line conductors are made of multistrands of aluminium wound over a central steel core strung on wood poles over an appropriate route length of 60 kms.

(3) The electrical loss in a conductor is dependent on its length and the current flowing in it. The current depends on the combined load of the customers at any instant in time and is continually varying, therefore the losses are continually varying in time and are different at different locations along the line length, depending on the total number of customers supplied beyond that location. Typically, the average losses between Jurien and Eneabba substation would be approximately 30 kva (kilovolt amps). The average load at Jurien is approximately 500 kva and proportionate losses are therefore 15 kva.

CYCLING - PUBLIC HIGHWAYS REGULATIONS
Breaches - Third Party Insurance Disqualification

607. Mr McNEE to the Minister assisting the Treasurer:

With reference to question on notice 101 of 1992, would the Minister provide answers to parts (4) and (5) regarding the State Government Insurance Office?

Dr GALLOP replied:

Part (4): Payout for any injury caused to a rider by collision with a Western Australian registered vehicle is determined on an individual basis taking into consideration the circumstances leading to the accident. Breach of any regulations by a cyclist may result in the damages being reduced on the basis of the cyclist being guilty of contributory negligence. Any breach must have contributed to the happening of the accident for this to occur.

Part (5): Reply to (4) applies to all regulations.

SCHOOLS - COUNTRY HIGH SCHOOL HOSTELS AUTHORITY
Auditor General's Report - Colleges or Authority Inclusion

609. Mr WIESE to the Minister representing the Minister for Education:

(1) Referring to the Country High School Hostels Authority does, the Auditor General's Report, recently tabled, include all residential colleges or only the Authority?

(2) What steps will the Minister take to ensure prompt monthly financial reporting to residential college boards of management in view of recent staff changes and forthcoming staff leave by members of the Authority staff?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) The Auditor General's Report refers to the Country High School Hostels Authority. It does not include an internal audit of the residential colleges.

(2) Some difficulties were experienced in obtaining and training replacement staff. The colleges' monthly financial reports are currently being prepared. There are no plans for authority staff to take extended leave in the near future.

PROGRAM OF AIDS FOR DISABLED PEOPLE - GUIDELINES REVIEW PLANS
Aids and Equipment Provision - Incontinence Pads and Pants Inclusion

612. Mr BRADSHAW to the Minister for Health:

(1) Are there plans to change the guidelines in the provision of aids and equipment under the Program of Aids for Disabled People (PADP)?

(2) If so, when, and will incontinence pads and pants be included?

Mr WILSON replied:

(1) No.

(2) In the south west region discussions are currently occurring with the Bunbury Regional Hospital, community health staff and consumer groups to review incontinence programs. Information is being gathered from hospitals in the south west region to determine the level of support being given to incontinent patients and procedures that have been implemented to assist in the prevention or treatment of incontinence.

TAFE - COLLEGES
Visits by Members of Parliament - Minister for Education's Office Notification

615. Mr TUBBY to the Minister representing the Minister for Education:

(1) Why is it necessary for the Technical and Further Education colleges to forward a briefing note to the Minister's office about proposed campus visits by members of Parliament?

(2) What purpose is achieved by the Minister's knowing the date, time and specific details of the visit?

(3) Does this policy also apply to pre-primary, primary, secondary and educational support schools?

(4) If not, why are TAFE colleges being singled out for strict surveillance by the Minister's office?

(5) How long has this level of surveillance been a practice of the Government?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1)-(5)

It is not necessary, nor is it a matter of policy, for a briefing note to be prepared for the Minister on a visit to a TAFE facility by a member of Parliament. The Minister's office has asked only to be notified of such visits as a matter of courtesy.

RURAL ADJUSTMENT AND FINANCE CORPORATION - ASSISTANCE LEVELS

621. Mr HOUSE to the Minister for Agriculture:

What has been the total level of assistance given by the Rural Adjustment and Finance Corporation in the year March 1991 to March 1992 for each of the following categories -

(a) capital restructuring;

(b) capital restructuring (interest subsidy);

(c) farm management assistance grants;

(d) increase capital intensity;

(e) increase farm size;

(f) increase farm size (subsidy);

(g) out-placement grant;

(h) household support;

(i) re-establishment;

(j) farm water supply;

(k) farm water supply (grant);

(l) farm water supply (interest subsidy)?

Mr BRIDGE replied:

(a) $2 437 910
(b) $3 581 779
(c) $1 197 555
(d) $380 000
(e) $915 000
(f) $71 946
(g) $125 491
(h) $392 173
(i) $1 327 051
(j) $4 548
(k) $93 777
(l) $1 045

RURAL ADJUSTMENT AND FINANCE CORPORATION - ASSISTANCE LEVELS

622. Mr HOUSE to the Treasurer:

What has been the average level of assistance given by the Rural Adjustment and Finance Corporation in the year March 1991 to March 1992 for each of the following categories -

(a) capital restructuring;

(b) capital restructuring (interest subsidy);

(c) farm management assistance grants;

(d) increase capital intensity;

(e) increase farm size;

(f) increase farm size (subsidy);

(g) out-placement grant;

(h) household support;

(i) re-establishment;

(j) farm water supply;

(k) farm water supply (grant);

(l) farm water supply (interest subsidy)?

Mr BRIDGE replied:

(a) $187 531 per loan
(b) $12 480 per int. sub.
(c) $3 245 per grant
(d) $63 333 per loan
(e) $152 500 per loan
(f) $14 389 per int. sub.
(g) $3 486 per int. sub.
(h) $8 004 per grant
(i) $34 026 per grant
(j) $4 548 per grant
(k) $2 131 per grant
(l) $522 per int. sub.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - SECURITY DEPOSIT SCHEME
Current Amount - Interest Payments

629. Mr MacKINNON to the Minister for Fuel and Energy:

(1) How much is currently held by the State Energy Commission of Western Australia in deposits from consumers who are required to pay deposits as part of the security deposit scheme administered by the SECWA?

(2) What was the same level of deposit held by SECWA at the same time in each of the last four years?

(3) Is interest paid by the SECWA on deposits held?

(4) If not, why not?

Dr GALLOP replied:

(1) As at 30 March 1992 - $19.879 million.

(2) 30.3.91 - $17.978 million
30.3.90 - $15.961 million
30.3.89 - $14.395 million
30.3.88 - $13.206 million

(2) Yes. Currently 12.9 per cent per annum.

(4) Not applicable.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - BILLING INDUSTRY METHODS
Changes Since 1 July 1991

630. Mr MacKINNON to the Minister for Fuel and Energy:

(1) Has the method of billing industry by the State Energy Commission of Western Australia been changed since 1 July 1991?

(2) If so -

(a) what changes have been made;

(b) when were they introduced?

Dr GALLOP replied:

(1) No.

(2) Not applicable.

GOVERNMENT DEPARTMENTS AND AGENCIES - PRINTING CONTRACTS
Services Outside State Print

631. Mr MacKINNON to the Minister for Services:

(1) Can Government departments or agencies obtain printing services from sources outside State Print?

(2) If so, what conditions apply to obtaining these services?

Mr McGINTY replied:

(1) Yes.

(2) CRF agencies which obtain quotes from private printers are also required to obtain a quote from State Print. In addition, agencies are required to provide State Print with details of quotes obtained for all external printing work valued in excess of $2 000.

HOSPITALS - NON-TEACHING
Hydrotherapy Facilities Construction Allocation

632. Mr MacKINNON to the Minister for Health:

(1) Will the Budget this year include any allocations for the construction of hydrotherapy facilities at non-teaching hospitals in Western Australia?

(2) If so, what is the allocation for which hospitals?

(3) If no allocation has been made, why not?

Mr WILSON replied:

(1)-(3)

Budget details for 1992-93 are yet to be finalised.

WATER AUTHORITY OF WESTERN AUSTRALIA - WINDICH ROAD, BULLCREEK
Five Year Capital Works Program Listing

633. Mr MacKINNON to the Minister for Water Resources:

(1) Is the area around Windich Road, Bullcreek listed on the five year capital works programme for the Water Authority of Western Australia?

(2) If so, when is this work expected to commence?

(3) If it is not listed, why not?

Mr BRIDGE replied:

(1) No.

(2) Not applicable.

(3) Low priority area for infill sewerage as determined by the Health Department, EPA, local authorities, the Department of Planning and Urban Development and the Water Authority.

ABORIGINAL AFFAIRS PLANNING AUTHORITY - ABORIGINAL TRADITIONAL CUSTOMS
Encouragement Policy

637. Mr GRAYDEN to the Minister for Aboriginal Affairs:

(1) Is it the policy of the Aboriginal Affairs Planning Authority to actively encourage the revival of traditional Aboriginal customs?

(2) If so, does such encouragement apply generally or only to specific customs?

(3) Are departmental social workers encouraged to attend Aboriginal initiation ceremonies?

(4) If so -

(a) how common is the practice of social workers attending such ceremonies;

(b) for what purpose do the social workers attend the ceremonies?

Dr WATSON replied:

(1) It is the legislated brief of the Aboriginal Affairs Planning Authority to actively encourage Aboriginal culture.

(2) The AAPA does not have a brief on specific customs.

(3) No.

(4) Not applicable.

ABORIGINES - TRADITIONAL INITIATION RITES
Central Aboriginal Reserve, Male Children Not Initiated - Male Children Statistics

642. Mr GRAYDEN to the Minister for Aboriginal Affairs:

(1) Are there any male children of the appropriate age on the Central Aboriginal Reserve who have not undergone traditional initiation rites including tooth evulsion and sub-incision?

(2) What specific Aboriginal communities in Western Australia currently practise traditional initiation rites in respect of male children of the appropriate age?

(3) Approximately what percentage of male Aborigines of the appropriate age in Western Australia have undergone traditional Aboriginal initiation ceremonies?

Dr WATSON replied:

(1)-(3)

These issues are not the matter of Government record.

WILDLIFE - HUNTING FOR FOOD
Unrestricted Rights Rationale

643. Mr GRAYDEN to the Minister for the Environment:

What is the Minister's rationale for permitting approximately 40 000 persons in Western Australia, none of whom are dependent on native fauna for subsistence to have the unrestricted right to take protected birds, animals and other fauna for food purposes?

Mr PEARCE replied:

The Government does not view the taking of fauna purposes by Aboriginal people as being in contradiction with the intention of the Wildlife Conservation Act, provided that no fauna species is endangered by this traditional practice. I have previously put this view to the member both in this place and in correspondence to him. He has yet to provide evidence that any fauna is endangered by Aboriginal people taking fauna for food.

DUGONG - ROEBUCK BAY HUNTERS
Traditional Subsistence Hunters Category

644. Mr GRAYDEN to the Minister for the Environment:

(1) Do the members of the family group which apparently accounts for the major part of the hunting effort for Dugong in Roebuck Bay and which is referred to in the Department of Conservation and Land Management technical report *Dugong in Northern Waters* fit into the category of traditional subsistence hunters?

(2) If so, in what respect?

Mr PEARCE replied:

(1)-(2)

I refer the member to my answer to question 643. I am advised that the persons referred to by the member are of "Aboriginal descent" as defined in the Wildlife Conservation Act.

MARRON - GRAZULIS, VICTOR
Farming and Sales to Aquarium Industry Proposal

645. Mr HOUSE to the Minister for Fisheries:

In relation to the proposal of Mr Victor Grazulis to farm and sell cobalt blue marron to the aquarium industry, can the Minister outline the following -

(a) when will the Executive Director of Fisheries be delivering his final recommendations on Mr Grazulis proposal to the Minister;

(b) how long has the Fisheries Department been reviewing Mr Grazulis proposal;

(c) if the Executive Director's recommendation is positive, what sort of special conditions will be imposed on Mr Grazulis;

(d) when will Mr Grazulis be informed of the Minister's decision?

Mr GORDON HILL replied:

(a) The executive director is currently in the process of finalising a policy for the sale of marron to the retail aquarium industry.

(b) An initial application for the sale of specific coloured marron was received from Mr Grazulis in April 1991. However, at that time Mr Grazulis did not hold a fish farm licence to sell marron. A licence was granted in October 1991 permitting the sale of legal size marron only. Mr Grazulis now seeks to sell all sized marron to the aquarium industry. However, because of concerns about the protection of wild stocks, current arrangements do not permit such sales. This issue has required detailed consideration by the Executive Director of Fisheries.

(c) Any conditions imposed on any person intending to sell undersized marron would relate to audit and enforcement requirements as currently in place for marron sold to the food market.

(d) I expect to inform Mr Grazulis of my decisions shortly.

MULTANOVAS - FINES
Information Maintenance Responsibility

646. Mr HOUSE to the Minister representing the Attorney General:

In relation to my question on notice 459 of 1992, can the Minister indicate which Government department or authority maintains the following information -

(a) the total amount of fines collected from the operation of the multanova;

(b) how much of this figure is derived from offences committed in the -

(i) metropolitan area;

(ii) non-metropolitan area;

(c) the total amount of fines collected from the operation of the multanova;

(d) how much of this figure is derived from drivers resident in the -

(i) metropolitan area;

(ii) non-metropolitan area?

Mr D.L. SMITH replied:

(a) Crown Law Department.

(b) No such records are maintained.

(c) This part of the question appears to duplicate (a).

(d) No such records are maintained.

AUCTION SALES ACT - AMENDMENTS PROPOSAL
Wool Brokers Maintaining Trust Accounts for Growers' Wool Auction Proceeds

647. Mr HOUSE to the Minister for Agriculture:

(1) Has the Government either proposed any changes to the Auction Sales Act 1973, or new legislation, to require wool brokers to maintain trust accounts for growers' wool auction proceeds?

(2) If yes, what is the proposal?

(3) If no, why not?

Mr BRIDGE replied:

(1) No.

(2) Not applicable.

(3) The question of the security of growers' wool auction proceeds has been discussed with industry which is currently divided on the need for further legislative intervention. The Crown Law Department suggests the legal obligations of a broker who carries on the business of a wool auctioneer are governed by the Auction Sales Act 1973 and the statutory trust obligations established under that Act. Unless brokers have some proper basis for a different legal view about the duties of wool auctioneers, they must conduct their affairs and accounts in accordance with the operations of the Auction Sales Act.

The views of the WA Wool Selling Brokers Association have been sought including advice on how its members satisfy their trust obligations under the Act if they agree with the Crown Law Department's opinion, but the association response is not yet to hand. Once the brokers' views are available, there will be a better understanding of industry practices and obligations and a more informed basis for practical assessment of the risk exposure confronting growers. To the extent that risks were to remain, there would appear to be commercial risk reducing mechanisms available to both industry and individuals to respond according to risk preferences and the benefits and costs of particular risk reducing strategies.

MARRON - AGRICULTURAL FARMERS
Sales to Licensed Fish Farmers

648. Mr HOUSE to the Minister for Fisheries:

(1) Are agricultural farmers permitted to sell marron direct to a licensed fish farmer?

(2) If yes, does the agricultural farmer need a permit/licence to grow and sell marron in this way?

(3) What is the cost of this permit/licence?

(4) How often does this permit/licence need to be renewed?

(5) What other conditions are imposed upon farmers growing and selling marron in this manner?

(6) Would the Minister consider allowing agricultural farmers to grow and sell marron from their farm gate, as an additional diversified source of income?

(7) If yes, what conditions would the Minister place on such an arrangement?

(8) If no, why not?

Mr GORDON HILL replied:

(1) Yes, if approved, to licensed fish farmers for broodstock purposes.

(2) Yes.

(3) $200 for a trapping licence; $25 for a dam draining licence.

(4) Annually for a trapping licence; one off for a dam draining licence.

(5) There are two types of licence: A trapping licence can only sell legal size marron to an approved nominated licensed fish farmer; a dam draining licence can sell all sizes of marron from that property for that occasion only to an approved nominated licensed fish farmer.

(6) Not at this time.

(7) Not applicable.

(8) This matter was extensively reviewed by the Fish Farming Legislative Review Committee in 1985 and 1986 and the policies recommended are essentially those now in place. I will send a copy of the report of the committee to the member for his information.

BUILDERS' REGISTRATION ACT - JURISDICTION EXTENSION PROPOSAL
Plantagenet Shire, Tambellup Shire, Denmark Shire, Albany Shire and Town

649. Mr HOUSE to the Minister for Consumer Affairs:

(1) Has the Government proposed to include any of the following local government areas within the jurisdiction of the Builders' Registration Act 1939 -

(a) Shire of Plantagenet;

(b) Shire of Tambellup;

(c) Shire of Denmark;

(d) Shire of Albany;

(e) Town of Albany?

(2) If yes, which of the above local government areas are to be affected?

(3) Why has the Government proposed to include these local government areas under the Builders' Registration Act?

(4) When will the Minister be introducing the amendments to the Act?

Mrs HENDERSON replied:

(1)-(2) An amendment to extend the jurisdiction of the Builders' Registration Board to the Town of Albany, the Shire of Albany and the Shire of Plantagenet is currently being prepared.

(3) Following proclamation of the Home Building Contracts Act it is the Government's intention to extend the protection of the Builders' Registration Act to the whole of the State over the next 12 months.

(4) A timetable is being prepared for this extension of jurisdiction.

RURAL ADJUSTMENT AND FINANCE CORPORATION - APPLICATIONS
Turnaround Time Since 1 March 1992

651. Mr HOUSE to the Minister for Agriculture:

What has been the average turn-around time for applications received by the Rural Adjustment and Finance Corporation since 1 March 1992?

Mr BRIDGE replied:

Twenty-seven working days for all schemes.

SNAILS - IMPORTED GREEN
Threat to Agriculture, Forestry and Indigenous Flora

665. Mr GRAYDEN to the Minister for Agriculture:

(1) Are the imported large green snails that are ravaging pastures, gardens and other areas of vegetation in parts of Kelmscott and Wanneroo regarded as a serious threat to agriculture, forestry and the indigenous flora in Western Australia?

(2) If so, why is not an effective spraying program being implemented to eliminate the problem before it gets completely out of hand?

Mr BRIDGE replied:

(1) Green snails can cause substantial damage in market gardens. The threat to other agriculture and indigenous flora is unknown.

(2) Control activities from 1982 to 1988 proved eradication was not achievable. A surveillance/containment program is in place to minimise further spread.

CRAYFISH - COCKBURN SOUND-BUNBURY CRAYFISHING REGULATIONS
Changes

668. Mr NICHOLLS to the Minister for Fisheries:

(1) Is there to be an alteration to crayfishing regulations in respect to any area between Cockburn Sound and Bunbury, in the foreseeable future?

(2) If so, has the industry been informed of such changes?

(3) Has there been any public announcement regarding this issue in recent months?

Mr GORDON HILL replied:

(1) Yes.

(2)-(3) No.

GOVERNMENT EMPLOYEES SUPERANNUATION FUND - BENEFITS TO RECIPIENTS
Increases - Consumer Price Index Calculations

669. Mr NICHOLLS to the Minister assisting the Treasurer:

(1) In respect to recipients of payments from the Government Employees Superannuation Fund -

(a) how many people are receiving benefits under the old scheme;

(b) how many people are receiving benefits under the new scheme;

(c) how many additional people have sought benefits from the fund in each year since 1 July 1989?

(2) How is CPI calculated for the purposes of measuring any increase in superannuation benefits - i.e., what are the specific indicators measured and formula used?

Dr GALLOP replied:

(1) (a)-(b) As at 30 April 1992, the number of persons receiving payments from the Government employees superannuation fund and the number of members of the pension and lump sum schemes were as follows -

Pensioners	13 958
Pension scheme contributors	2 029
Lump sum scheme contributors	27 440
Lump sum scheme non-contributors	60 116

(c) The number of persons granted benefits from the Government

employees superannuation fund in each financial year since 1989 were -

1989	1 122
1990	1 119
1991	1 369

(2) Both the Superannuation and Family Benefits Act and the Government Employees Superannuation Act contain provisions which define CPI for the purposes of those Acts as meaning the table described as the consumer price index numbers - all groups index - for Perth published by the Commonwealth Statistician under the Census and Statistics Act 1905 of the Commonwealth.

QUESTIONS WITHOUT NOTICE

PREMIERS' CONFERENCE - DEBT LEVELS MANAGEMENT STRATEGIES

152. Mr COURT to the Premier:

What strategies were discussed at the Premiers' Conference for the management of the State and Federal Government's debt levels?

Dr LAWRENCE replied:

I am glad that the new Leader of the Opposition has raised this issue because it was one we hoped to discuss in the context of a matter of public importance which we thought would be debated today; however, events overtook that. It gives me the opportunity briefly to say to Parliament that the Premiers' Conference drew to the attention of the Federal Government the very significant problems that all States face because of the decline over a decade - indeed, over 25 years - in the funds available to State Governments for use in their constituencies.

Mr MacKinnon: Some States more than others.

Dr LAWRENCE: The member for Jandakot will find that is not correct. Every single State is at one on this question and each has various reasons for having a problem but they are all basically able to be sheeted home to a very strong centralist tendency of Governments of all colours in Canberra. I hope the new Leader of the Opposition, as I might say has typically been the case of the former Leader of the Opposition, will support the Government in getting a better deal out of Canberra. State Governments are faced with a need to provide services - some 80 per cent of services - with a declining revenue base. It is not possible for any State Government to continue to do that without borrowing, without going into debt. It makes no sense for the Commonwealth Government to make a hero of itself by providing surpluses by reducing its own debt if the consequence of that is greater indebtedness on the part of the States.

Mr Cowan interjected.

Dr LAWRENCE: The Prime Minister gave us rather a long lecture on the Commonwealth's financial position and rather reversed the usual tenor of events, a prospect all of us regarded with some amusement. But as a result, the Premiers with one voice, regardless of political colour or geography, speaking to the Federal Government - and it is not a battle we will win overnight - got three important concessions: The first is predictability. We do not want to go to Canberra every year and get a June statement about what will be available to us the next year. In future we will have forward projections which will enable us to plan. The second is growth. We can expect growth in the State's revenues, which is the first time we have had that message from the Federal Government for a long time. The test will be in June. The third is flexibility. A reduction in the number of tied grants, a greater capacity to deliver our own services and provide for our own needs without going further into debt. No doubt at some stage, given the character

of the new Deputy Leader of the Opposition, we should debate this level of State debt very carefully and in a national context. It is not something we can continue to ignore. We must manage it and we have always agreed to that. We must keep our repayment level to a reasonable level, but we also must make a distinction between debt that the State incurs because of its day to day services and capital works as opposed to debt that the Government trading enterprises incur. The Minister for Fuel and Energy today through a ministerial statement indicated clearly the improvement in the State Energy Commission of Western Australia, which has been one of the great borrowers in Western Australia and is one of the reasons for the high level of debt in Western Australia.

BROKEN HILL PROPRIETARY CO LTD PETROLEUM - NEW OFFSHORE RESOURCE DEVELOPMENT

Benefits

153. Mr LEAHY to the Premier:

What benefits can Western Australians expect from the decision by Broken Hill Proprietary Co Ltd Petroleum to invest $660 million in a new offshore resource development?

Dr LAWRENCE replied:

I hope that this is something that all members of Parliament would welcome; it is certainly something that we on this side of the House have been working towards for a long time. We congratulate Broken Hill Proprietary Co Ltd on its foresight in this decision. It does in my view represent a very considerable vote of confidence in the State's economy, and I note with interest that the Leader of the Opposition appears to share that vote of confidence. It is important as Western Australians that we recognise a very substantial investment of some $660 million on the Griffin field development plan. The Government is looking now to approving the project and obviously will be expediting that as a major project in Western Australia. It represents not only a significant new investment but also a guarantee of new jobs as the project gets under way. It is very good for Western Australia and for the nation's economy. In fact, the project in its present form is really something of a coup for Western Australia because we have not only the development of the oil field but also the use of gas. Most of the projects we have seen in the past have favoured the flaring off of gas which is a very expensive waste of resource. I am pleased that part of the BHP decision is that it will not flare that gas and will build a pipeline to link up with the existing Government owned pipeline. Our decision to put that under a separate authority and to open up the field to competition, which has been welcomed by industry, has made that particular part of the investment much more desirable. It means there is a market for BHP, an independently owned and operated pipeline, one which will introduce competition in that very important area and which will mean we will recover significant amounts of gas - some 10 per cent of that being piped down to Perth from the North West Shelf gas project. It is not a small project in that sense. It is a good earner for Western Australia and a competitor too in the market having the capacity to drive down gas prices in this State. I hope that everyone welcomes that outcome.

INTEREST RATES - CUTS

Stamp Duty Refunds on Transfer of Mortgages Extension Consideration

154. Mr HOUSE to the Premier:

In view of the continual reluctance of the banks to pass on interest rate cuts, will the Premier consider extending the Government's scheme of refunding stamp duty on the transfer of mortgages for rural refinancing to other mortgage holders?

Dr LAWRENCE replied:

Do you mean in the whole State?

Mr House: Yes.

Dr LAWRENCE: It is not a proposition that has seriously been put to me before, but I endorse the sentiment behind the deputy leader of the National Party's observation - that is, the very significant reductions not just in interest rates but in real interest rates have not been passed on to anything like the extent that many would expect. The banks have apparently been reluctant to pass that on in several categories of their lending. The best course of action is not to extend the program of which the member spoke, which is designed specifically to assist farmers in the rural sector with special needs over the current economic difficulties, but to keep the pressure on.

Mr House: It is one way you could put pressure on banks to perform.

Dr LAWRENCE: Frankly, the taxpayers of Western Australia should not foot the bill for the banks' failing to pass it on. The banks should take that on board and all of us should pressure them as I know, for instance, the Minister for Consumer Affairs has, and as I and Federal Ministers have done to ensure a better result for borrowers, particularly those in the business sector.

FISHING - SHOOTING
Ban Plans

155. Mr P.J. SMITH to the Minister for the Environment:

Is the Government planning to ban all shooting and fishing in Western Australia?

Mr PEARCE replied:

The Government is not planning to ban all shooting and fishing in Western Australia. I continue to be surprised by the campaign which is being waged by the WA Field and Game Association Inc which is attempting to reverse in the Legislative Assembly the decision made in the Legislative Council on the banning of duck shooting. It is continuing to run what can only be described as a most dishonest and, indeed, ineffective campaign. The ineffectiveness of its campaign is increasing as it goes on because I am advised that an advertisement under the association's name which appeared in the *South Western Times* titled "Equal Rights?" and which carries a photograph of an Aboriginal person which can hardly be described as flattering of Aboriginal people and which makes a whole series of claims about the Government's policy has resulted in people at long last ringing the member for Bunbury about this issue, not just from Perth but from his own electorate. They have rung to complain about this advertisement. They said to the member for Bunbury and other members that this advertisement is particularly racist and I share that point of view. The advertisement states under the title "Equal Rights?" -

> Under Labor, Aboriginal people can shoot ducks. But other West Australians cannot.

It raises the issue which has been raised so many times in the House by the member for South Perth. At my first meeting with the WA Field and Game Association Inc when I became Minister for the Environment I made it clear that I proposed to move for a ban of duck shooting, and its members said, "Let us tell you that if you do that we are going to raise the Aboriginal issue." I thought that was a particularly despicable thing to say and I told them bluntly that if they wanted to campaign on these things they should campaign on the issue and not seek to raise racist issues. It is bad enough that that group would run an advertisement in that way, particularly with a drawing of an Aboriginal person that might have been considered typical of the 1920s or 1930s - it is certainly not appropriate or acceptable now.

I will refer this matter to the Equal Opportunity Commission to see if any law has been broken.

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS - TEACHERS CREDIT SOCIETY

Liberal Party Damage Rejection - Apology

156. Mr LEWIS to the Minister for the Environment:

Will the Minister apologise to the Liberal Opposition on the basis that the counsel assisting the Royal Commission has stated that there were no grounds or evidence that the Liberal Party was involved in the promotion of any run on the finances of the Teachers Credit Society? If not, why not?

Mr PEARCE replied:

It is a bit of a bad start. I understand that the member's new leader has been on television and radio saying the Liberal Party is proposing to address the issues and not the personalities these days.

Mr Lewis: Answer the question.

Mr PEARCE: Here comes the old faithful hit man - faithful to a new leader now. It is amazing how quickly these faiths transfer, but play the same old game. Many of the matters which I raised in the Parliament on those occasions came back in the Royal Commission embarrassingly to haunt the Liberal Party. In fact, the former Leader of the Opposition - and I can quote chapter and verse of this - told a different story at the Royal Commission about who phoned him and what he knew from what he said to the Parliament.

Mr MacKinnon: It is not true.

Mr PEARCE: I should not be taking this out on that member today.

Mr MacKinnon: It does not matter because it is not true.

Mr PEARCE: He misled the House or lied to the Royal Commission.

Withdrawal of Remark

Mr MacKINNON: I ask that the Leader of the House withdraw those words. They are not parliamentary as the Minister should know by now.

The SPEAKER: My attention was diverted and I would like some assistance in this matter. I did hear the word "lied" used. I do not like it used in this place at all under any circumstances, but there have been circumstances under which I have not demanded that it be withdrawn. If it were used about a member of this place it must be withdrawn immediately. However, it is not necessary for me to stand and make any comment at all about that word because members know that it should not be used.

Mr PEARCE: I am happy to withdraw.

Questions without Notice Resumed

Mr PEARCE: The member for Jandakot either misled the Parliament or misled the Royal Commission. In fact, yesterday the counsel assisting the Royal Commission in his summation made a series of propositions to the commission about this matter and relied on a rather ambiguously worded section of the minutes of the Liberal Party's parliamentary meetings. At the same time the Royal Commission had before it Mr Simpson who had to admit that he was at meetings which had involved the former Leader of the Opposition and Mr Lightfoot, at which the Teachers Credit Society matter was discussed. The lawyer for the Royal Commission can make his submission on what he thinks to be the case. Lawyers for other people will be making other submissions to the Royal Commission of what they believe from the evidence to be the case.

Mr Court: There is a court case pending in relation to this.

Mr PEARCE: Who asked the question for heaven's sake? Fair go! Up pops the member for Applecross to ask a question about the Teachers Credit Society and when I start to answer it his new leader flusters around and informs me

that there is a court case about this matter. If that is the case the question should not have been asked. If the Opposition cannot put up with the answers it should not ask the questions. Other lawyers will be making their submissions and when the Royal Commission makes its findings we will then have this discussion.

WATERSIDE WORKERS FEDERATION - POTATO SHIPMENT, MAURITIUS
Picket Line Condemnation - Contract Labour, Impact on Waterfront Reform

157. Mr MARLBOROUGH to the Minister for Transport:

(1) Will the Minister condemn the Waterside Workers Federation's actions in putting a picket line on the Fremantle docks to prevent the shipment of 700 tonnes of potato on the Jill Coast?

(2) What impact would the use of contract labour have on the waterside reform process?

Mrs BEGGS replied:

(1)-(2)

I thank the member for the question. In regard to the first part of the question, the answer is no. I do not condemn the Waterside Workers Federation's actions because the federation is seeking to protect its members' rights. This is something that has been discussed in this House and across Australia for some time. Those actions were a blatant move to go beyond the accepted principles in the waterfront reform process.

Mr Omodei: It is an absolute disgrace and you know it.

Mrs BEGGS: The member for Warren should let me finish because it is not a disgrace and the member for Warren does not understand the issue.

Mr Omodei: Don't I?

Mrs BEGGS: Has the member for Warren spoken to the stevedores at the wharves?

Mr Lewis: I have.

Mrs BEGGS: What have they said?

Mr Lewis: That you don't understand it and you don't even know what you are doing.

Mrs BEGGS: When did the member for Applecross speak to those people and what did they say?

Mr Lewis: They said that you did not understand it.

Mrs BEGGS: Which stevedoring companies did the member speak to?

Mr Lewis: That is my business.

Mrs BEGGS: Thank you. In the interests of all parties in ensuring that reforms proceed in a dispute free environment, picket lines are certainly not the way to go about the reform process. However, I emphasise that neither is the complete disregard for the legitimate processes that - despite what members opposite may claim - are confrontationist in the extreme. It has been said in this Parliament before that we should go in with the army. The former Leader of the Opposition has said that. Now that he is no longer the leader does that mean he does not have to support Fightback junior?

Mr House: You must be joking! That cost people 400 per cent more to load the potatoes and for you to defend it is a joke.

Mrs BEGGS: The captain of the vessel concerned claimed publicly he could load the cargo for $7.50 a tonne compared with quotes from existing stevedores of between $30 and $36 a tonne. This rate was calculated on paying a weekly wage to his labourers of $600 and $400 in costs for forklifts. This is where things become farcical because in this morning's *The Daily Commercial News* the captain admits his total costs were $4 a tonne leaving him a profit of $3.50

a tonne - that is on the stevedoring costs alone. Therefore, the reality is that the labourers were to get $3.34 a tonne between them to load the cargo - or only about 83¢ a tonne each. However, no commitment was given by the captain to be responsible to meet the costs associated with other parts of the waterfront reform process, especially funding the transitional labour list that makes up the pool of surplus waterfront labour. In other words, he wanted to come and pick up some casual labourers, hire a forklift, load his cargo and shoot through, leaving the rest of the industry, including other port users, to pick up the tab. Does the member for Applecross understand the issue now?

This is the impact that such action has on waterfront reform. It opens the way to pit worker against worker, employer against employer and ship user against ship user. It undermines the real progress that is being made because it takes waterfront reform back to the dark ages which gave rise to many of the practices which were condemned and which the reform process is now dismantling successfully. We should never accept that one individual can bring down all the good work that has been done. The Opposition should receive a briefing from the stevedores.

SWIMMING POOLS - ISOLATION FENCING REGULATIONS
Changes Decision

158. Mr STRICKLAND to the Minister for Local Government:

(1) Will the Minister be introducing changes to the regulations which will require pool owners to provide isolation fencing?

(2) If so, will this be prior to 30 June 1992?

(3) Will those regulations be introduced separately or conjointly with any other regulations considered necessary to resolve the swimming pool inspection crisis?

Mr D.L. SMITH replied:

(1)-(3)

As members will be aware, a working party was established comprising representatives of the industry, the Health Department, the Western Australian Municipal Association and the Department of Local Government to examine the issue of swimming pool control and inspection. That committee has reported to me. I have made the appropriate decisions on the recommendations and the matter will be discussed by Cabinet in the near future with a view to any changes becoming operative from 1 July this year. I expect to make a formal announcement in the next three weeks about the exact nature of the changes.

Mr Strickland: What about the regulations on isolation fencing?

Mr D.L. SMITH: The member will have to await the announcement in three weeks.

HOMESWEST - RENTAL INCOME ASSESSMENTS
War Disability Pensions Inclusion

159. Mr TRENORDEN to the Minister for Housing:

(1) Does Homeswest include as income disability pensions paid by the Department of Veterans' Affairs when assessing rentals charged to returned servicemen?

(2) Is the Minister aware that this pension is viewed as compensatory in its nature by the Department of Veterans' Affairs?

(3) Can the Minister assure the House that this discriminatory action against returned service personnel will stop?

Mr McGINTY replied:

(1)-(3)

Homeswest's rents are assessed on the basis of a person's capacity to pay. Therefore, two tenants who are living in exactly the same sorts of house and

whose incomes are different will pay rent based strictly on their capacity to pay. Given that war disability pensions are paid not to meet specific costs incurred by the veteran but rather are in the nature of a general payment, it very much affects the capacity of that person to pay the rent. All members of this House know that Homeswest's rents in the area where people's source of income is a pension from the Government, regardless of whether it is from the Department of Veterans' Affairs or the Department of Social Security, are extremely heavily subsidised. If we were to say that that payment to veterans should be excluded from the rent people pay, we would be further subsidising someone who has the capacity to have that amount included in his payment.

Mr Trenorden: What about health costs?

Mr McGINTY: Where a payment is made specifically to meet the cost of a wheelchair or a pharmaceutical benefit it is not included in income for the purpose of assessing rent. Where it is a payment made for a general purpose, it is included for the purpose of assessing rent. I can understand the emotive argument that these people fought for the country and what they receive now should not be included as income for rental assessment purposes, but when one looks at the extent of the subsidies which already exist it is appropriate to include those payments as income for the purpose of determining that person's capacity to pay his heavily subsidised Homeswest rent. I am aware that disability pensions paid by the Department of Veterans' Affairs are included as income, and we do not intend to change that position because quite clearly it is founded on proper principles.

PREMIERS' CONFERENCE - TAFE FUNDING

160. Mr FRED TUBBY to the Premier:

(1) Was any progress made during yesterday's Premiers' Conference concerning the future funding of technical and further education?

(2) Does the Premier support the Federal Government's move to take over the funding responsibility for TAFE?

(3) If so, how does this fit with the Government's desire to rationalise duplication of responsibilities between the State and Federal Governments?

(4) Could the objective of upgrading TAFE services be just as effectively accomplished by increasing grants to the States?

Dr LAWRENCE replied:

(1)-(4)

That is a very perceptive question. It is precisely the grounds of the argument that we put. We do not believe there is anything to be gained from the Federal Government's proposal to take over the funding of TAFE - it would have a joint committee to work out policy and outcomes and then leave the State to run the show. That is precisely what we are arguing against and that is the reason that Western Australia, Queensland, South Australia, Tasmania and the Northern Territory were at one on this question. Victoria supports the Commonwealth's position and New South Wales is sitting on the fence for reasons I do not understand; I think there is a division between a central agency such as the Premier's office and the Department for Education or the department responsible for technical and further training. We said that if the money were to be provided for TAFE training, as the Federal Government promised in its One Nation policy, it would make not one bit of difference how it is to be provided. We all agreed that there should be a greater level of participation in the TAFE sector and that the standards need to be higher and the provision needs to be more clearly linked to industry needs. We are obviously doing that through our industry employment and training councils and the State Employment and Skills Development Authority process. As far as I am concerned, if the Commonwealth wants to suddenly rediscover a commitment to TAFE, a commitment which under successive Governments has been waxing and waning with electoral demands, it is a matter for the

Commonwealth Government. The Commonwealth is not about to take the $400 million-odd it is proposing to spend on TAFE around Australia and allow that tail to wag the $2 billion TAFE system that the States run. That is the argument which was put very firmly. We have not reached agreement on it but in my view the Commonwealth will see that as long as we are maintaining a consistent effort in the TAFE area, which we will, and we have agreement on targets and outcomes, if the Commonwealth wants to provide additional funding for TAFE, as it should, the matter of the way it is funded should not be an argument. We have been the sector of Government running TAFE in the past and we intend to continue to do that.

SCHOOLS - SAFETY CROSSING COMMITTEE
Recommendations

161. Mrs EDWARDES to the Minister for Transport:

(1) Has the school safety crossing committee chaired by the member for Balcatta made its recommendations?

(2) If so, when did the Minister receive those recommendations?

(3) When will those recommendations be made public?

(4) When can we expect the Government's response and action.

Mrs BEGGS replied:

(1)-(4)

The recommendations of that committee have been made available to me. I am now seeking advice from the various agencies which had an input into the report - for example, the Police Department and the Main Roads Department. I have some questions I need to ask of various school bodies and I hope to be in a position to make a decision on those matters within the next two months.

PREMIERS' CONFERENCE - AUSTRALIAN GOVERNMENT'S COUNCIL
Terms of Reference

162. Mr COWAN to the Premier:

(1) What is the composition of the proposed Australian intergovernmental committee?

(2) How often will it meet?

(3) What are its terms of reference?

(4) Will the State Government have some input into those terms of reference?

(5) Do they include resolution of issues concerning fiscal equalisation, tied grants, Commonwealth encroachment into State responsibilities and health funding?

Dr LAWRENCE replied:

(1)-(5)

I am sure members will be aware that one of the results of yesterday's meeting of Premiers, Prime Minister and Federal Treasurer was that we had agreed to meet regularly. It is one of the ironies of the Australian political system that we have an annual meeting of Premiers, Prime Minister and Treasurer to discuss that year's finances and apart from the recent series of special Premiers' Conferences there has been no opportunity to meet to discuss a range of policy issues. Since we have done that a large number of issues have been resolved. For instance, yesterday we agreed in principle to the legislation that will see uniform recognition of goods and services throughout Australia. It is a significant breakthrough and it is only at that heads of Government level that those outcomes can possibly be achieved. We have something like 47 ministerial councils and that number should be reduced. Many of them meet several times a year and, frankly, the Commonwealth has used the technique of sending issues with significant financial implications to ministerial councils and Ministers often do not have

sufficient notice of the decisions they are required to make. They come back somewhat belatedly to Governments around the country - I am not making any criticism of my Ministers - with commitments which make a significant difference to Commonwealth-State funding relations and to control. Those matters of fiscal equalisation and tied grants are on the agenda.

One of the items that Victoria and New South Wales keep putting on the agenda - it is something for all Western Australians to be wary of - is the provision of a subsidy to remote States. Their argument is that the redistribution of what is now a small package of funds under the Grants Commission arrangement sees higher per capita amounts going to each State in remote areas, like Queensland and Western Australia. In fact, they become increasingly less as our population grows because our dispersion diminishes somewhat. Those States claim that the voters in New South Wales and Victoria should have that funding. I simply point to them and say, "What about the heavy tariff barriers you have had in place nationally which cost Western Australian taxpayers at least $2 billion a year?" In comparison, that is a very large amount compared to the additional funds which flow to remote areas. The other point is that these States, particularly Western Australia, are the wealth generators of this nation. Are they suggesting that we should have all the population huddled under tariff protection barriers in New South Wales and Victoria at the expense of Western Australia? That is an argument they will not win and there will be a revolt by the remote States if it gets past stage one. Again, I hope for strong support from members opposite, particularly the Leader of the National Party.

These issues are on the agenda and we will meet at least once a year. The terms of reference have not yet been determined and we will be involved in framing them. We will have the financial Premiers' Conference and another meeting at least once a year - I believe it will be more frequently. The Commonwealth will chair the meetings, they will be held in different States on a rotational basis, and, most importantly, there will be a secretariat which will be controlled by the total council and it will derive its resources from each State as it moves around. There will be no Commonwealth control of the secretariat, which is one of the ways that the Commonwealth has rorted the system in the past.

POTATO MARKETING AUTHORITY - POTATO SHIPMENT, MAURITIUS
Government Funding Proposal - Question Mostly out of Order

163. Mr KIERATH to the Minister for Transport:

(1) Has the Minister, the Government or the Western Australian Potato Marketing Authority had under discussion or consideration any proposal to finance the shipping or cartage contract of shipping approximately 700 tonnes of potatoes from the Western Australian Potato Marketing Authority?

(2) Will this proposal use taxpayers' money to fund inefficient work practices and rorts on the waterfront?

(3) Was the threat of legal action under the Trade Practices Act a factor in the Minister's decision?

The SPEAKER: Order! I will leave the Chair until approximately 7.30 pm. The reason I am doing this is that I think most of the question is out of order.