

Legislative Assembly

Thursday, 14 November 1991

THE SPEAKER (Mr Michael Barnett) took the Chair at 10.00 am, and read prayers.

PETITION - FERAL CATS AND FOXES

Control Legislation

MR WATT (Albany) [10.02 am]: 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, request the Government to take urgent legislative action to combat the threat to our native wildlife from feral cats and foxes.

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

The petition bears 1 270 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 140.]

PETITION - JUVENILE CRIME

Legislation Amendments

MRS EDWARDES (Kingsley) [10.03 am]: I have a petition couched 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, on behalf of the innocent victims of juvenile crime, call on the Parliament to legislate the following changes to our laws -

1. Minimum Terms, Mandatory Sentencing
Mandatory minimum terms to remove judicial discretion.
Maximum terms retained, for use in extreme penalties.
Prior sentences to be taken into account.
Sentences for each crime to be served separately and cumulatively.
Prosecution to continue its case after plea and sentencing.
2. Pre-Sentence Reports
Mandatory for Judges to consider before sentencing.
3. Victim Impact Statements
Mandatory offer to victims (including families and close friends) whether defendant pleads guilty or not guilty.
4. Age Limits
Those living away from home on their own resources, automatically classed as adults.
Adult crimes to be defined and punishments to fit.
Review of under 18 juvenile classifications.
5. Restitution
Mandatory, either monetarily or through enforceable work orders.
Improved examination of defendants' resources.
6. Public Education

Community education programmes to inform citizens of their legal rights as victims of crime.

Government assistance programmes for victims (legal, psychological, financial).

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 214 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 141.]

MOTION - GOVERNMENT BUSINESS

Closing Days of Session

MR PEARCE (Armadale - Leader of the House) [10.08 am]: I move -

That, unless otherwise ordered,

- (a) Government Business shall take precedence on Wednesdays as on other days;
- (b) Standing Orders Nos 224 and 225, relating to Grievances, be suspended; and
- (c) that so much of the Standing Orders be suspended as is necessary to enable Bills to be introduced without notice and to proceed through all stages on any day and to enable messages from the Legislative Council to be taken into consideration on the day on which they are received.

This is a normal motion which allows the Notice Paper to be cleaned up as far as possible during the last couple of weeks of the session. I have followed a consistent practice since becoming Leader of the House of not moving this motion any further out from the end of session than two weeks. That was a substantial change to the approach taken by some of my predecessors from the conservative side who would introduce such a motion up to four or five weeks before the end of the session at which time the House was asked to relinquish all other business and attend to Government business. I have moved the motion in this case in the knowledge that 47 items are still on the Notice Paper.

Mr House: You put 30 on in the last week.

Mr PEARCE: That is not the case. A small number of Bills were introduced during the past few weeks. It is proposed to leave most of them until the autumn session next year to allow members an opportunity to study them. Further Bills will be introduced between now and the end of session for a similar purpose - to provide members with an opportunity to look at legislation over a long time because some members opposite do not seem all that quick in working out what Bills mean or in deciding their attitude to those Bills.

Mr Cowan: We can add up. The Leader of the House should put in his order for Christmas dinner.

Mr PEARCE: I have absolutely no objection to that. I point out also that the Joint House Committee has advised me that it has arranged for the members' dinner to be held on Wednesday of the next sitting week, and it has requested that the House adjourn at 5.00 pm on that day. That will make a significant hole in the time available to members to discuss legislation. In order to accommodate that arrangement, it will probably be necessary, depending upon the amount of progress we make during the next sitting week, for the House to sit on the Thursday evening of that week and also of the week after, which will be the last sitting night in the normal course of events, when we will just go until we finish.

Mr Cowan: The National Party will oppose that part of the motion.

Mr PEARCE: I thought the National Party members would follow their normal practice and shoot through half way through Thursday afternoon, leaving the rest of us to conduct business. This renewed interest of the National Party in politics is very refreshing. I still

believe that with a bit of goodwill we will be able to get through the majority of the important matters which are left on the Notice Paper, and we mostly do.

MR CLARKO (Marmion) [10.11 am]: I have said here previously, probably to my disadvantage from time to time, that there are many ways in which this Leader of the House is superior to his predecessors. He has never argued with me about that statement; I think it is the only thing about which he has not argued with me. Many of the things that he does, such as giving us notice about future sittings of the House, are excellent. However, we have once again run into a log jam with regard to our legislation. There is still some private members' business that we would like to progress beyond what was agreed to yesterday. I have on the Notice Paper a motion to disallow the Building Amendment Regulations in respect of swimming pools. That is an important issue. It is affecting the community at the present time, and penalties of up to \$500 will be imposed upon people who do not comply with the regulations. I have come up with an approach in which I believe even the Minister sees some merit. That is not a lengthy matter, and I would like to have it dealt with. I am not sure whether the Independent members have any urgent matters with which they would like the House to deal. Is the Leader of the House still open to the possibility of providing a few hours to deal with some specific matters about which understandings have been reached in respect of the brevity of the motions?

Mr Pearce: Depending upon progress, the Government would obviously be able to consider that, but when I announced three or four weeks ago that I proposed to move this motion today, the Opposition provided me with a list of the items with which it wanted to deal during the last two sitting weeks, and if we debate those matters expeditiously we will be able to cover every item, with the exception of one.

Mr CLARKO: The item about which I am talking was originally on that list.

Mr Pearce: You substituted one item yesterday, and in the previous week I think we dealt with all but one item. In fact, we are doing more business on private members' day than we are getting through in Government time.

Mr MacKinnon: Whose fault is that? There is a message there.

Mr Pearce: The message is that Government members help Opposition members by keeping the length of debate to a reasonable minimum. We then sit down and argue with each other for eight or nine hours at a time about retirement villages legislation! The Government has been more expeditious in helping the Opposition with its business than is the reverse situation. If we receive the level of cooperation from Opposition members that Government members have shown the Opposition, we will be able to achieve what you are asking for.

Mr CLARKO: Is it likely that Bills will be received from the Legislative Council which are not on that list? I commend the Leader of the House for producing a list which had on it "must do" and "would like to do", and that is of considerable advantage, but I know that in other years it has been necessary to accommodate additional Bills that are received from the Legislative Council.

Mr Pearce: That will happen, but those Bills will be dealt with on the last day when it is too late for us to send items to the Legislative Council. When we get to the last couple of sitting days, there will be no point in our dealing with business that originates from the Legislative Assembly and we will then tidy up those Council Bills.

Mr CLARKO: Perhaps penultimately rather than ultimately, does the Leader of the House have in mind introducing legislation of major importance which has been promised for a long time; for example, freedom of information legislation?

Mr Pearce: We hope to introduce that Bill before the end of the session so that members can read the Bill and the explanation for it, but it will not be brought on for debate until the autumn session.

Mr CLARKO: In the ultimate, can one envisage that the Government will prorogue Parliament at the end of this session or some time before the commencement of the autumn session, or is it likely that the Parliament will just adjourn and that the matters which have not been dealt with will remain on the Notice Paper so that we will commence the autumn session with a carryover from the previous session? I can understand it if the Leader of the House does not wish to reveal that to me, but has he reached the point of making a decision?

Mr Pearce: We are required under the Constitution to prorogue the Parliament once every year, and we have indicated in the past that we are happy to look at having a single four-year session without any prorogation part way through, but there have been all sorts of arguments about that and the matter has not been settled. The Parliament will have to be prorogued at some point between the end of this session and the beginning of the next session, but we will seek to reinstate Bills by way of motion.

Mr CLARKO: Is the expectation that the Government will prorogue the Parliament and that the legislation which is currently on the Notice Paper will fall off it and will survive only if it is reinstated in the autumn session?

Mr Pearce: Yes. We are required to prorogue. We have no discretion in that matter.

MR COWAN (Merredin - Leader of the National Party) [10.16 am]: The Leader of the House stated that this motion is usually introduced into the Parliament much earlier than this, as we get to the close of a session, and I must acknowledge that this is the one area where the Leader of the House has given the Opposition parties much greater opportunity to pursue private members' Bills than have other Ministers or Leaders of the House who have been responsible for the management of this place. However, the accolades end there. I have never seen such an untidy Notice Paper as this Notice Paper.

Mrs Beggs: You said that last year.

Mr COWAN: Last year was bad; this year is worse. It is very rare that a Government seeks to introduce more than one or two Bills when only two weeks of a session remain. Those Bills that are introduced at a late stage can usually be fairly evenly divided between Bills which are to be placed on the Notice Paper for public examination, and where everyone knows that they will be carried over until the next session and perhaps reintroduced should the Parliament be prorogued, which is usually the case, or Bills which have some importance attached to them and which must be passed. The Australia and New Zealand Banking Group Limited (NMRB) Bill was a typical example of the latter. Agreement Bills which ratify or give statutory force to agreements which have been signed between the Government and joint venture companies which are seeking development projects in Western Australia often also come into the category of legislation which is brought into this place and is rushed through. However, the number of Bills that have been introduced by the Government in this last week have no precedent. It is not appropriate for the Leader of the House to tell us that we are responsible for the slow passage of legislation, particularly when we did not see that legislation until last week. However, if we are responsible, I suggest to the Leader of the House that he need only read *Hansard* for the early 1980s and late 1970s to determine who has been obstructive in Opposition. During the last few weeks, members of the Opposition parties have been referring back to *Hansard* for those years and have been taking a lesson in history by looking at the performance of the Leader of the House and some of his colleagues, and I can assure members that the Leader of the House at that time was one of the star performers, along with four or five other members, most of whom are no longer with us in this place. I do not think the Government can handle the pace. The Leader of the House will have to cop it sweet.

Mr Pearce: I have become wiser and more mature.

Mr COWAN: In conclusion I would like to say to the Leader of the House that we recognise he has always given the Opposition parties a greater opportunity than his predecessors to pursue private members' business as close to the end of the session as possible; we acknowledge that. The only alternative was for private members' business to be conducted somewhere between one o'clock in the morning and breakfast time. I do not think that is appropriate. The Leader of the House can take my remarks as a compliment that at least he gives us the opportunity to have private members' business conducted at a reasonable hour.

After that, we do not accept any responsibility for the Government's being unable to pass its legislation through this House. We believe very strongly that the whole of the parliamentary system is built around the principle of preserving the status quo. If we want change, we have to indicate on a number of occasions that the majority of members support that change. For that reason we will continue to debate matters and legislation for as long as we think necessary. If the Leader of the House has an untidy Notice Paper, and if he cannot get his business through, that is his problem, not ours.

DR ALEXANDER (Perth) [10.22 am]: Mr Speaker -

Several members interjected.

Dr ALEXANDER: If I can get a word in edgeways -

Several members interjected.

The SPEAKER: If you cause a hiatus, members will fill it.

Dr ALEXANDER: My point is in relation to private members' business. Clearly, the Independents have some stake in this matter. While I do not expect any special treatment, and while I appreciate the Leader of the House's negotiating with us on various matters, we only heard about this motion, usual though it may be, via the Opposition parties.

Mr Gordon Hill: Are you speaking on behalf of all Independents?

Dr ALEXANDER: No, of course not; I would not seek to do that. That would be a dangerous position to adopt. I speak on my own behalf to say that I was disappointed that I found out about the suspension of private members' business through the Opposition parties rather than from the Leader of the House direct.

Mr Pearce: I spoke to several of your colleagues.

Dr ALEXANDER: The Leader of the House assumes that we communicate with each other, which is a big assumption.

Mr Pearce: I gave notice a couple of days ago.

Dr ALEXANDER: The Leader of the House gave notice in the Parliament yesterday, but the knowledge about this motion was around two or three weeks ago. I heard about it indirectly.

Mr Pearce: I apologise if I did not discuss it with you personally; I thought I had discussed it with all the Independents.

Dr ALEXANDER: I just wanted to bring that point to the attention of the House.

Several members interjected.

Dr ALEXANDER: The Minister is talking about the Fitzgerald Street incident. I think I found out about that through the Opposition parties. That is the point I am making.

Several members interjected.

Dr ALEXANDER: I have seen the Minister try that in the past.

Another point concerns 27 and 28 November. I understand that this dinner has been arranged by the Joint House Committee. That is fine, but it seems that on the one hand we are trying to extend parliamentary business on Wednesday nights, and on the other hand we are having to cancel one Wednesday night's business. That is peculiar. It is extremely annoying to find that as a result we may be sitting on Thursday night, which is not usual and which will inconvenience country members, in order to go to a dinner on the 27th.

Several members interjected.

Dr ALEXANDER: It is a new alliance. There is obviously a lack of coordination between what the Government is trying to achieve on the one hand and what the Joint House Committee has decided on the other. It is unfortunate that that dinner has been scheduled for a normal sitting time.

MR BLAIKIE (Vasse) [10.25 am]: In relation to the function on Wednesday week, members need to understand very clearly that the Joint House Committee made a request to the Government, to the Leader of the House in the Legislative Assembly and to the Leader of the Government in the Legislative Council, and both gave their approval. I want to ensure that the responsibilities are very clearly understood. The Government could have decided not to proceed if it believed the business of the House was more important. That was a decision for the Government to make.

Notwithstanding those comments, the Standing Orders motion is a normal motion which always comes up at this time of the year. We have seen a fairly disappointing lack of performance by the Government on a real legislative program, but with the Government in disarray, what else can we expect?

Question put and passed.

SELECT COMMITTEE ON RIGHT TO FARM*Report and Appendix Tabling*

MR HOUSE (Stirling) [10.27 am]: I have pleasure in presenting the report of the Select Committee on the Right to Farm and the appendix to that report. I have for tabling the minutes of proceedings, the transcripts of evidence and the submissions. I move -

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

The tabling of this report brings to fruition something I feel very strongly about. The work of this committee has placed before the Parliament, and now the people of Western Australia, a very comprehensive report which brings together a number of issues of concern to all rural people, not only to farmers. It became very clear to me and to the committee members that we were quite wrong, and I was quite wrong, when I originally called this the Right to Farm Select Committee. That gave the wrong message to a broad section of people. Indeed one of the recommendations of the report is to introduce into the Parliament an agricultural practices Act, and that would have been a far more accurate reflection of what I was trying to achieve, and ultimately what the committee was trying to achieve. I hope that those people who feel that it gave the wrong message will take the trouble to read the report because it explains that problem.

Mr Gordon Hill: I have been talking to the mining companies and to the Chamber of Mines to reassure them about that position.

Mr HOUSE: I appreciate that interjection. A number of mining companies were very quick to make submissions to the committee outlining their points of view. Now that the committee has reported, I intend to hold discussions with the Association of Mining and Exploration Companies and others to explain the point of view, and we have indicated that in the report. I know the Select Committee on the Right to Farm will be extinguished as from today but it is important that I take some lead to try to explain to them thoroughly and officially what we are trying to achieve.

When the Select Committee started the task of assembling this report very little official material about the structures of agricultural practices was available. In fact, there was probably less material available than has ever before been the case for a Select Committee starting out on a task. One of the first things we found was that Commonwealth and the other States had almost no information and had not bothered to put the information they had together in any concise way. However, information was to be found in other parts of the world where this sort of legislation has been enacted - in Canada, America and Europe - and that material was gathered together and the committee started from that point to assess how it would affect us in Western Australia.

I want to quote a very important paragraph from the report -

The Executive Summary and Recommendations contained in this report, together with explanatory background, outline the Committee's views on how urban-rural and equally significant rural-rural conflicts could be resolved at minimum cost, without necessity for protracted civil action.

That paragraph forms part of the first major recommendation in the report and is at the seat of the committee's desire to see put into practice a set of machinery procedures that will overcome problems that have arisen previously in rural areas, where rural and urban people are mixing together because of the spread of urbanisation, and where people in the agricultural business feel that there is a problem with urbanisation of their areas. It also establishes a principle of resolving conflicts between two neighbouring farmers in the same way, which is a very important point in the broad principle. In the end it was fairly simple to come up with a mechanism which actually did that, and while there are some 36 recommendations in the report that is the first major recommendation.

The second major recommendation is that the Parliament set up a different structure of planning; that is, that town planning and development be coordinated in such a way as to establish green belts and pockets of urbanisation, and that they be established in a way which will stop what has been a rather uncoordinated urban sprawl in many areas. I would be the first to acknowledge that that set of recommendations will not meet with universal support and I am sure quite a deal of disagreement will arise, amongst not only rural people but

probably also town planning people. However, it was the committee's unanimous view that the major thrust in the future should be not to try to solve conflict but to try to solve the problem that created the conflict in the first place. The committee very quickly came to realise that its major task would be to look at planning and the way planning laws were established, and how we might recommend that planning be coordinated in an orderly system in future rather than continue in its present ad hoc way. So we are shifting the major emphasis from the resolution of conflict to the resolution of planning problems.

Members will be aware that the recommendations contained in this report are recommendations to the Government; now the committee must seek broad agreement from this Parliament to see whether we can implement these recommendations into legislation. We must tackle very quickly the problem of planning. We can no longer allow it to be carried out on an ad hoc basis, nor can we allow it to be changed as Governments change from time to time. The general thrust must be to set in concrete a principle that can be adhered to by all Governments in the future so that we have a very coordinated system of planning.

I want to place on the record my thanks to the Deputy Chairman of the Select Committee on the Right to Farm, the member for Balcatta, Mr Nick Catania; and also to the other members of the committee - the member for Marangaroo, Mr Ted Cunningham; the member for Warren, Mr Paul Omodei; and the member for Bunbury, Mr Phil Smith. Representing all of the parties in this Parliament we worked together in a very harmonious way and it made the work of the committee easy that we were able to solve the differences we had largely by talking them through in a sensible and reasonable way. I must say that at the end of most of our conversations there were very few issues about which we had any serious disagreement. The committee's report contains some areas with which not all members of the committee would totally agree, but all recommendations have the broad support of all of the members and therefore all of the parties represented in this Parliament. It is a very important part of a Select Committee's work to come up with recommendations that have broad scale, across the board acceptance.

This Select Committee would not have worked at all if not for the magnificent efforts of the technical adviser to the committee, Dr John Paterson, who was seconded to the committee from the Department of Agriculture. I thank Dr Michael Carroll, the Director General of the Department of Agriculture, for allowing Dr Paterson to work for us. I also place on record my thanks to Lorraine Corsbie and Chiquita Mellema, who did the main bulk of typing in relation to the report; and to Mr Doug Carpenter, the Clerk to the Select Committee, who helped coordinate the work done by the committee and by Dr Paterson.

As to the assistance Dr Paterson gave the committee, first of all it is no exaggeration to say that we could not have got the material together if it had not been for his expertise. He worked many weekends and evenings to bring together the material that allowed us to make a start on the report. Having done that, he put it to us in such a clear and concise way that it made the committee's task much easier. However, after our deliberations and meetings the really important work was to pull together those recommendations in a form that enabled us to work our way through them. The committee was assisted tremendously by Dr Paterson's expertise with legislation, and his ability to understand what the committee members wanted and to sort his way through the wheat and chaff in the submissions made to us, picking out the problems and the good points in the legislation gathered from other countries and bringing them all together in this report. We certainly could not have acted without his marvellous support. I have the highest regard for Dr Paterson and his professional ability. He is one of the most competent people I have ever worked with in any committee in my term in public life. I thank Dr Paterson, who is sitting in the public gallery now, for the magnificent job he did for us.

Mr Omodei: Hear, hear!

Mr HOUSE: I hope that people will read the report thoroughly; that they will understand that we will have made a major step forward, if the report is accepted by the Government; and that it was the desire of the committee to achieve something of some magnitude. We have done that with the hard work and cooperation of all committee members. Once again, I thank my parliamentary colleagues for their contribution and effort.

MR CATANIA (Balcatta) [10.41 am]: Speaking as a city based member of the Select

Committee on the Right to Farm, having been through the committee process, the matters that we examined added another dimension to my knowledge of the concerns and problems facing farmers under threat of urban expansion and intrusion onto land around cities and towns in Western Australia. It did not take long for the city based members of the committee to recognise that similar concerns and fears were held by city constituents involved in horticulture and poultry farming. We soon realised that they faced similar problems to those faced by what we call the general farmers around the whole country.

I will direct my comments towards the situation in the city constituencies because the city based members on the committee appreciate the evidence gleaned from our investigations. The people we met in and around the cities, especially the City of Perth, were forced to move to the north, south and east of the city as a result of the expansion of Perth and the desire to create more urban lots. It was an expensive exercise where people were forced to uproot themselves and their families. The electorate of Balcatta characterised the situation; it has a deep history of horticulture. The market gardeners helped to establish the area of Balcatta, and most of those people have been forced to move north to Landsdale and Wanneroo. Although such exercises are expensive, people have been partly compensated by selling land and receiving a reasonable price for it. However, having shifted north these people now face a similar problem. Once again, urban sprawl has caught up and once again they are being threatened. Some people must consider another move, and the next move will be even more expensive because the gardens established in the northern suburbs of Wanneroo and Landsdale, north of Balcatta, Osborne Park and Stirling, have required the input of much energy and capital investment.

Mr Cunningham: Why should they shift?

Mr CATANIA: That was a consideration of the committee. We considered the huge cost of such a shift and the fact that people would be faced with extra transport costs to deliver their produce to market. We considered the fact that many people would not make the move because it would mean an upheaval of the family again. Perhaps the sons of the family who would normally go into the family business would be lost to the unemployment queues because they were not prepared to make the move. This was one consideration that struck the city based members of the committee. We realised that all around us people are affected by urban sprawl and the requirement for additional housing lots.

The accent of the report is that proper planning ought to be considered immediately. The chairman of the committee, the member for Stirling, alluded to this point. Ad hoc decisions should not be made about urban planning resulting in intrusions into horticultural land and poultry farms around the State. A planning process should be established immediately. As the chairman said, some of the recommendations in the report may not be universally accepted. However, it is a report that will engender discussion; it displays the urgency with which planning should be undertaken.

The risk is that with urban sprawl and expansion, the rich agricultural land may be lost. This is an irreplaceable resource. Once rich agricultural land is developed, we cannot retrieve it. Without a proper plan, farmers will not have the security they require to continue production, and to continue to make a major contribution to the State's economy. When a proper plan is implemented, the activities of farmers can be regulated; they will be forced to consider the landscape and the environmental resources which must be protected.

Another recommendation contained in the report is that a body should be set up for the settlement of disputes. Many farmers do not take action against neighbours, planning authorities or councils because of the cost and trauma of such action. The creation of a disputes mechanism whereby disputes can be settled cheaply and quickly is an important recommendation.

The committee realises the difficulty that the Minister for Planning has when he is faced with demands for extra urban housing lots. If the recommended planning process is put into operation, the decisions and difficulties faced by the Minister for Planning will diminish. That is an important consideration. We must have proper planning to avoid ad hoc decision making in the development of land and to promote urban landfill so that we can fully utilise the land and also place less pressure on funding for the necessary public infrastructure and services as more land is developed. A proper planning process will give farmers security for the future; it will protect the environment and ensure the proper use of already developed

areas; it will also result in a financial saving when setting up the infrastructure required when land is developed.

The establishment of an agricultural practices Act, and a simple mechanism for hearing grievances of affected farmers, is desirable. That message came through as a result of discussions with and submissions from interested parties. That focus would enable the impact of certain planning decisions to be assessed without the high cost of litigation, and would enable compensation also to be assessed. I have always found it difficult to accept the high cost of litigation in Australia. If we can establish a mechanism for quicker, easier, less complicated and less costly settlement of disputes, that will be desirable. That is one of the major recommendations in the report. The chairman of the committee alluded to the fact that this does not reduce the responsibility of farmers to conduct proper farming practices, and it does not override the responsibility to ensure that farming practices respect accepted environmental standards. In fact, the report recommends that if farmers are conscious of an improved mechanism, they will not be irresponsible to their land or to their environment.

The focus of the report is on planning to ensure that agricultural land is protected; to ensure that the resolution of disputes occurs quickly and is less costly; and to retain people in employment in the farm sector. If farm areas are allowed to be subdivided into urban lots, many people who work the land will be lost to the industry. The creation of green belts of rich agricultural land will also facilitate this situation. The creation of green belts around the city will protect the horticultural and poultry sectors, and this land can be used for another very quickly expanding industry; that is, the tourist industry. Australians are well known as the most efficient farmers in the world, and these areas could be used to attract people to see the processes used in Western Australia.

Other nations have taken stringent action to protect agricultural land, and in some cases this action has been taken after the horse has bolted. This may have been due to population growth and cities expanding into agricultural and horticultural areas. In that case stringent regulations have been used to establish green areas; often it is stated in Statute that land cannot be used for any purpose other than agriculture, and in some areas it is insisted that the land must be sold to neighbouring farmers. In that case the neighbour has the first right of refusal to ensure that agricultural practices remain on the land. Those stringent measures may not be necessary in Western Australia as we still have an uncomplicated system by which our planning procedures can ensure that land is protected. Proper city and town planning practices will ensure that the farming community will remain secure and be a major contributor to the economy.

This report should be used as a means of developing policy to maintain the security and health of our agricultural land. As the member for Stirling stated, protests about the report's recommendations will certainly be heard from local authorities. However, if the report is used in the manner in which it is intended - as a benchmark and tool for discussion - these problems will be overcome. When a clearly defined plan is put in place, the authorities will feel more relaxed and will decide to adopt most of the recommendations of the report. This will help the authorities to be clear on the decisions they must make within their municipalities.

In conclusion, I endorse the comments made by the chairman of the committee regarding the excellent and professional work done by Mr John Paterson. The committee would have been left floundering if he had not contributed his expertise to the drafting of this report. Also, I thank all members of the committee for their cooperation. I have been a member of one other Select Committee during my time in this place, and the cooperation from members on the committee under discussion, from all parts of the political spectrum, was demonstrated to the highest degree.

I commend the report to the House and hope that as many members as possible will read it. We will ensure that it is sent into the community for feedback. Therefore, in future we may see proposals before this House in the form of an agricultural practices Act, and I hope we can put a mechanism in place so that people can go before a tribunal to air their grievances or to obtain a hearing for compensation when land is required for urban expansion. In that case, we will not be dealing with the unplanned situation we face today. I hope members will read the report and will support the proposed legislation when it comes before this House.

MR OMODEI (Warren) [10.57 am]: This report represents a good base for a better

understanding of what is happening in the agricultural industry today. It will enable members to extend their knowledge of some of the planning problems confronting the industry and urban planning. The Select Committee resulted from a concern from a broad section of the agricultural industry that nuisance litigation would cause real problems.

Interestingly, as a result of the motion to form a Select Committee, many people who made submissions to the committee expressed concern about its nomenclature in relation to people's rights. I endorse the comments of the member for Stirling who indicated that while the report was known as the "Select Committee on the Right to Farm, Final Report", many people with whom we spoke realised that the relevant legislation should not be necessarily known as the right to farm Bill. The comments of the mining industry highlight the situation: It believes that if right to farm legislation is to be introduced, there should be right to mine legislation, or right to do everything else legislation for that matter. However, our concern was that farmers' rights would be diminished over time if we did not maintain the nomenclature of this report.

Everywhere we travelled collecting information this sort of legislation was known as either right to farm legislation or agricultural practice legislation. The terms of reference of the Select Committee were fairly broad, the main one being to investigate whether right to farm legislation was needed in this State. The terms of reference include whether there should be a code of practice for farmers, whether farmers should be indemnified - in other words that agriculture should take priority over any other pursuit - and the effect of any such legislation on local government, and whether there should be a definition of what is an agricultural operation. Of course, arising from that would be the necessity for compensation for any resumption of land. The terms of reference allowed us to investigate a broad spectrum of views within the community. We received submissions from the mining and poultry industries, farmers' organisations, planning authorities, the Water Authority of Western Australia and many other Government instrumentalities.

The report that has come out of our investigations will be in the forefront of what is known as right to farm legislation in Australia. It will promote discussion across the length and breadth of Australia and will also be regarded by other States as a forerunner on some of their deliberations on the right to farm. I say that in the knowledge that many other States will be looking at Western Australia once it decides to proceed with right to farm legislation. Dr John Paterson, our chief technical officer, had discussions in other States and of course we had extensive discussions with people in the United States and Canada, where most States and Provinces have right to farm legislation. He also spent some time investigating and taking evidence in other countries such as Italy and France. I found the work very invigorating; it was a subject close to my heart and the members of the committee were good to work with.

While the committee started out to investigate nuisance issues and nuisance litigation, its report has developed into a very useful document on the whole spectrum of planning, including urban and farmland planning. Our investigations have highlighted the need for coordination between Government departments when planning decisions are made in this State. I reiterate the importance of planning in urban and farmland interface, and I refer to the issues raised by the member for Balcatta where this is a problem; for example, where poultry and mushroom farms, that have a smell associated with them, have been established for a number of years and where some industries have dust or noise problems. As the suburbs of Perth spread many problems will emanate from that urban/farmland interface. When urban land spreads to industry, industry has further impositions placed on its production, or on its normal farming practices. At some stage the local government authority will want to close down an industry in the interests of people who have spread toward the industry. In that case the question of compensation does not always cover the total cost of relocation of that industry. For example, in the case of a poultry farm, the total value of the land on which the enterprise is based may be \$3 million but the actual cost of relocation could be anything up to double that cost. Who then compensates for injurious affection and would the State be involved in that? I am sure this report will create debate, and I hope the local authorities and planning authorities take a note of the recommendations in the report.

The report not only refers to that issue but also contains a number of other recommendations on the nuisance aspect, and farmer to farmer conflicts. Having been a farmer for many years, I know that farmers in the main get on well together, but when they fall out they fall out in a

big way. The main recommendation of this report is to establish a Statute entitled the "Agriculture Practice Act". That will go a long way towards setting up a structure to mediate between parties and to come to some sensible solutions. That covers the question of nuisance but not the question of planning. As cities spread across the State there must be proper planning for the establishment of special rural zones and special residential zones, a capacity to plan for green belts, and, most importantly, to maintain viable agricultural and horticultural industries. In Perth the city has spread to the market garden areas of Spearwood and Wanneroo and good horticultural and agricultural land has been lost to urbanisation. The Select Committee report goes a long way to suggesting how planning authorities and local authorities can put in place a means of communication and coordination so that one Government department knows exactly what the other Government department is doing. I know that Government departments claim to have a great deal of overlap, but in my 16 years of public life I have found that in the main most Government departments proceed down their own line with very little cooperation or communication with departments alongside them. For example, I refer to the Department of Planning and Urban Development and the impact it has on agriculture and on local authorities. As a result of this report we may find that in the future a coordination Act will be needed that will force Government departments to coordinate with each other when making planning decisions.

Rather than go over some of the things that have been said before I would like to join with the other members of the Select Committee in commending our technical officer, Dr John Paterson, who was our scribe and mentor during our deliberations and our investigative travels. Dr Paterson is a highly regarded member of the Department of Agriculture and his experience in local government stood the committee in good stead. The committee had a good mix of members from the political parties, and Dr Paterson was the ideal person to act as the author of the report. I hope that he gets due recognition for the work he has done in compiling the report. It will be read across the State and the nation and other States will use it as a benchmark when formulating their own right to farm Statutes. The Deputy Clerk of the Legislative Assembly, Doug Carpenter, was our minder during our term and his good humour was well received by all members. I would also like to commend the other members of the Select Committee, the members for Bunbury, Balcatta, Marangaroo, and our chairman, the member for Stirling, who led a very good team. We were well received in the places that we visited. I would like to think that committee members were good ambassadors for Western Australia while overseas.

This report is worthwhile, as was the time and expense spent by the State. It is a good point from which to start settling problems associated with nuisance litigation involving mainly agriculture and the urban farmland interface. It also provides a good starting point for future legislation to establish coordination and to force the Government to consult when making decisions. I support the tabling of this report.

MR P.J. SMITH (Bunbury) [11.11 am]: Previous speakers have covered parts of the report well so I will attempt to fill in a few gaps. When I was asked to become a member of this committee, along with the members for Balcatta and Marangaroo, I wondered why three city based members had been asked to become members when the committee would be dealing with rural problems. It became apparent after the committee began receiving submissions and evidence that most of the problems occur at the rural and urban interface and in the heart of cities and rapidly developing areas. As more changes occur in Western Australia more members will be presented with problems affecting those people already established in horticultural and agricultural pursuits, who find urban development conflicting with their rural pursuits.

When the committee visited Wisconsin we found that every State in the United States has right to farm legislation which protects legitimate agricultural activities. In Wisconsin I was interested to first hear the phrase, "The problem of the human glacier." The United States experienced a glacial age some 250 000 years ago which affected large parts of the land mass. The United States is now experiencing a similar problem with the expansion of urban areas into prime agricultural land. The American authorities are faced with the problem of trying to work out what can be done to contain that human glacier. In the late 1980s Western Australia experienced the human tide coming from the Eastern States and which resulted in increases in the demand for land. Every member would be aware that the Government has experienced problems in keeping up with the demand for extra land and housing. It concerns

me and most members of Parliament that in recent years there has been ribbon development of arboreal areas radiating from the city centre. These areas in between have resulted in the creation of agricultural and horticultural pursuits such as chicken and mushroom farms and intensive piggeries in what is still the heart of the metropolitan area. Suddenly a demand has arisen to infill these areas with urban development and that has resulted in intense pressure to rezone and subdivide those areas. This pressure will encroach on pockets of fertile land which have been used for years by the horticultural and agricultural industries.

An unfortunate part of human nature is that when people begin to live in nice semi-rural areas on the edge of bush they expect that everything should be sanitised and that they will experience no problems. If those people smell bad odours or are subjected to loud noises their first thought is to get rid of the source of that smell or noise. They do not consider that they have created the problem by settling there but that the farmer is the problem. This will create problems for us, as members of Parliament, as the human glacier pushes away from the coastal sandhills into the more intensive agricultural areas, particularly those popular areas around rural towns in the south west. Many rural subdivisions are located in country areas on the outskirts of town in which there are mixtures of hobby farms, retired people who have purchased a hectare of land to live on and others carrying out legitimate agricultural pursuits. This report not only addresses the problem of how to protect legitimate agricultural practices, but also it provides a process for resolving disputes. The committee found - and it was criticised for this - that not many disputes have occurred in Western Australia to date. However, from what we learnt in the United States and Canada I predict that before long more disputes will arise, particularly as people become more militant. Before recognising that an industry was first located in a certain area, people tend to protest and run to their members of Parliament or try to take legal action. Only three cases have occurred in Western Australia and people asked why the committee wanted to do anything about them. Again, the experience overseas shows that it starts with only a few cases and gradually the complaints start to snowball as people think it is their right to remove anything that annoys them.

Mr Blaikie: Where have those cases occurred in Western Australia?

Mr P.J. SMITH: I cannot remember all of them. One involved a bird scaring device, but I think they are covered in the report.

Mr House: One occurred at an intensive poultry farm.

Mr P.J. SMITH: Most of those cases occurred in the urban-rural interface. An important point mentioned by all speakers is that strict zoning and planning processes must exist. It is not sufficient for those involved in planning and local government to make ad hoc decisions as pressure for more land is applied. Often that pressure is applied by people who own pieces of rural land and as the urban areas spread others start to push for that land to be rezoned. That matter is addressed in the report. Rural, semi-rural and buffer zones should not be changed overnight because it should be a slow process. The experience in Wisconsin shows the need for long term planning. They are planning for not the next five or 10 years but for the next 100 years to make sure that belts of agricultural land are not affected by the urban spread.

The report recommends that an agricultural practices board be established to provide a disputes resolving procedure. I am sure all members have heard the complaints of hundreds of their constituents objecting to the establishment of something in their neighbourhoods which, members know in their own hearts, is a legitimate activity and should stay in that area. Often, members are subject to the pressures of their voters and are forced to do things a certain way or they will not receive their support at the next election. An agricultural practices board will go a long way towards helping people with problems and it will also get much of that political pressure off our backs.

I thank the people who took the time to address us personally and to put their views, particularly those who presented views against right to farm. It was important that we heard those opinions because they are the people who may be making the complaints in the future. I thank also the Government officials and citizens in the United States of America and Canada for their hospitality, friendship and courtesy. Because I am a backbencher, I was very impressed by the top brass who were lined up to meet and assist us. There were often five or six people who were equivalent to our directors and who were only too willing to

answer our questions, give us advice and recommend the way we should go. I thank also the chairman, Mr Monty House, whose leadership and determination ensured that we worked hard. He just about killed us on our tour. I thought it was going to be a pleasant trip but we survived - just.

Mr Blaikie: You made a remarkable recovery.

Mr P.J. SMITH: I did not; Mr House did. However, it was an enjoyable way to work and I thank Mr House and the rest of the committee. We worked very well together under some very trying conditions. I thank also Doug Carpenter who was our minder. I could go on and on with the stories I could tell. One would have thought Doug was 30 years of age with the energy and organisation he had to show. Keith Kendrick, our clerk, did a lot of work for us. It was probably unfortunate for him that he missed out on the overseas trip; perhaps that will come in the future. The undoubted skills and knowledge of John Paterson, our research officer and adviser from the Department of Agriculture, were of great assistance to the committee. His obvious interest in the subject and his unique ability to summarise, and to bring all of the points together so that we had the information at our fingertips to more easily make decisions, made our job so much easier. We have made our recommendations on the way the Parliament should address the problems that exist and anticipated future problems. I support the motion and urge all members to at least read the recommendations if not the whole report.

MR CUNNINGHAM (Marangaroo) [11.25 am]: I rise also to support the report of the Select Committee on the Right to Farm. The problems we saw in California, Arkansas and Colorado were no different from the problems that I see on a daily basis in an area such as Landsdale in the electorate of Marangaroo. Landsdale is on the edge of urban development. It is prime horticultural land which has been used by horticulturists for many years. However, now it is on the verge of being raped by planners. I know that is a fairly heavy statement to make. In that regard, I will read recommendation 15 of the report which states -

Subject only to an imperative need for other purposes, there should be no further excision of good agricultural land included in Class I, II or III, as defined under the Department of Agriculture's Land Capability Assessment Methodology, wherever such land can be assembled into parcels which can be made to comprise "agricultural" or "green" belts.

A typical example of the sort of planning I am referring to is where Mirrabooka Avenue goes through the heart of Landsdale which, as I said, is prime horticultural land that is badly needed in this State. Many other places like Landsdale are having the same problem, especially areas near Bunbury and Gnowangerup, which is in the electorate of the member for Stirling. I do not believe that local government bodies have sufficiently addressed the rural urban interface through their planning powers. There seems to be very little coordination between various Government departments. I have great fears that recommendations 3, 13 and 15 will be ignored. The most important recommendation, I believe, is recommendation 36 which could be the core of the future education of our young people because it recommends that the Ministry of Education introduce at primary level agricultural awareness and home economics programs along the lines of the Ontario "Ag in the Classroom" program. We have something similar in this State but not to the same extent that we saw in Ontario.

I express also my appreciation to other members of the committee for the extremely hard work they performed. I especially mention the member for Stirling and commend him for the way he chaired the committee. I have been on three Select Committees, the members of which have worked harmoniously. One would think that we would have got on each other's nerves at times during our 22 day trip. However, we went through the 22 days without a harsh word being spoken. The Deputy Clerk of the House, Mr Doug Carpenter, had a lot to do with that. He was a great minder, especially for one member - I will not mention his name - who had trouble with passports and airline tickets. We all had those moments and there were many times when the Deputy Clerk said, "There are certainly moments like these that I need Minties." He did a tremendous job and was a great minder on this very exhausting trip which I would recommend only for the hardy and the fit.

I compliment also the committee's technical adviser, Dr John Paterson. He is extremely professional as can be seen from the report produced by the Select Committee. I thank him

for his advice and assistance because, naturally, a couple of us were a little lost in our new roles as farming experts. I place on record my appreciation to my colleagues, the members for Warren, Balcatta and Bunbury who also made that exhausting trip. We had some lighter moments, especially on our last night when we were full of the flu. I helped the member for Warren out of a problem and he owes me for that. I support the report of the Select Committee on the Right to Farm.

MR BLAIKIE (Vasse) [11.30 am]: I congratulate the Select Committee on the Right to Farm on its report and I support the motion before the House. There were some good and compelling reasons for the Parliament to agree to the appointment of this Select Committee. The result of this Select Committee's inquiries over the last 18 months has now been tabled in the form of a report.

In a number of areas in Western Australia agriculture is at risk and agricultural pursuits have been severely hindered by planning and industrial actions. In illustrating how some agricultural and industrial pursuits have been hindered I will refer to the experiences I had when I served on Select Committees and other committees which took evidence on this subject.

I draw the attention of the House to the alumina refinery at Wagerup which was developed on land previously owned by 18 or 20 of the most productive irrigation dairy farmers in Western Australia. Today that land is being used for a completely wrong purpose; that is, as caustic mud lakes. In considering the legacy of that decision we ask why it was made. Surely less productive land was available within the general area of the refinery which would have left the more productive land for a more useful purpose.

Another example concerns the Select Committee which was appointed to inquire into the viticulture industry. The member for Swan Hills was the chairman of that committee and I was the deputy chairman. The principal recommendation that came out of that Select Committee was to recognise the importance of specific high quality viticultural land to the viticulture industry not only in Western Australia but also to Australia as a whole. The committee acknowledged the importance of providing some protection for the land used by that industry. It is recognised across Australia that the grapes grown in the Swan Valley produce the finest quality fortified wines of any viticultural area in this country. That Select Committee posed a series of questions: First, could the grapes be grown elsewhere? The answer was no, because the quality of the grapes grown in the Swan Valley could not be reproduced elsewhere. Secondly, the committee asked whether the clay materials in the soil in the grape growing areas could be obtained from other areas and the answer was yes. Thirdly, we asked whether it was necessary to have urbanisation in the viticulture area and we were told that it could be done elsewhere.

I reiterate that the Select Committee recognised that the land in the Swan Valley was ideal for growing quality grapes. Therefore, the people who own that land surely deserve some form of protection and assistance to keep their properties. Incentives are available to people involved in agricultural pursuits to sell their properties; for example there are planning incentives. However, there are also taxation disincentives. If these people do not give consideration to subdividing their properties they will be rated out of existence. We must have a formula whereby areas of importance to the agriculture industry can be recognised and protected. People must be given some incentive to retain the land instead of being taxed out of it or being forced off it because of planning constraints.

I refer now to the decision to relocate La Porte Australia Ltd's titanium dioxide plant to Kemerton. The decision incorporated a change in company and the plant is now owned by SCM Chemicals Ltd, which is an American company. The major problem with that plant is that for 30 years the effluent had been pumped across the Leschenault Inlet at Australind into the sandhills. This practice caused a major environmental problem. The previous company realised that a change was needed, thus the reason for the change in ownership of the plant. SCM Chemicals has made every endeavour to rectify the environmental problem and I compliment the company for its actions. It relocated the plant to Kemerton, a major industrial park which is approximately 20 kilometres north of the previous site. The company changed the processing method from a sulphide to a chloride process. In spite of that, a decision on where to dump the effluent, which has a high saline content, was made. The company entered into negotiations with Associated Minerals Consolidated Ltd, a

mineral sands mining company, and it undertook trials at a disused mine site situated at Ruabon. Based on the company's current production, approximately 375 000 tonnes of effluent will be dumped annually. Both companies consulted the local community on this matter and they were very responsive to the community's needs. The community requested information on the cumulative effect of dumping that effluent on the disused mine site over a 30 year period. Eventually the company decided not to proceed with using that site because of the environmental risk.

A gripe I have had for many years is that the agricultural industry is the last industry to be considered when it comes to planning matters. The industry is always put in the category of the poor country cousin. Another issue causing some concern in my electorate is a suitable route for transporting mineral sands. The Select Committee on the Right to Farm has given consideration to a number of matters which are of importance to this House. This report was introduced into the Parliament today and it has been moved that it be adopted. I have been on a number of committees where that procedure was followed. The Parliament is inadequate in handling these reports. I compliment the committee for its early work and its members for the long hours they put in. The Parliament should note a report and then four or five weeks later, after members have had time to study it and understand its ramifications, an opportunity should be provided for a wider debate in this place if members wish it. After that wider debate members could take issue with any Government that ignored the recommendations of the report. Committees often do outstanding work above the normal call of parliamentary duty. Too often their reports are ignored from that day onwards. I recommend that the Standing Orders Committee have regard to my suggestion that a mechanism be set in place so that such reports can be introduced, noted, and be considered for some weeks before the Parliament debates them. The Parliament may then decide that of 50 recommendations made it agrees with only 49. That having occurred, responsibility would then be back on the Government to implement those recommendations.

The DEPUTY SPEAKER: Order! The level of background conversation is too high. I appreciate the point that the member is raising, but the motion before the House is that the report be printed and I think he is moving beyond the scope of that motion.

Mr BLAIKIE: I support that motion and will endeavour to ensure a further mechanism is established so that such reports can be considered and then returned to this Parliament to be debated.

Mr Cunningham: Is the member suggesting that we should have another look at urbanisation in other parts of the world?

Mr BLAIKIE: We should see how my suggestion is received. I again congratulate the committee on the report and trust the Government acts appropriately on it.

MR COWAN (Merredin - Leader of the National Party) [11.43 am]: I will look with interest at this report when it is printed and made available to members. No doubt this matter, which was once referred to as the right to farm, can now, as the deputy leader of the National Party has said, appropriately be referred to as agricultural practices. A number of areas of conflict have arisen for people who have occupied properties for agricultural purposes for many years and whose livelihood is threatened by changes to the use of their land. Two examples of that which come to mind are urban sprawl and mining. One can find conflict in both those examples. Perth, with its urban planning and development, is not immune from this problem.

From your knowledge of planning matters, Mr Deputy Speaker, I am sure you would agree that an examination should be made of how that conflict can best be resolved. In recent times evidence has appeared of disputation between people who believe in a certain quality of lifestyle on the periphery of Perth and others. These people are of the view that urbanisation of the city is threatening their lifestyle. They object to expansion of the urban area for urban workers seeking a rural or semi-rural lifestyle. This involves the same principle because those genuinely employed in agriculture who wish to remain in that industry are facing the threat of urban workers seeking to take on a semi-rural lifestyle. Such people make demands on agriculture because of the use of chemicals, or for other reasons. This is not necessarily unique to agriculture. People see the use of chemicals close to urban areas as a matter of serious concern particularly in this day and age when the environment and environmental health are paramount in the minds of many more people than was the case previously.

That is one aspect of agricultural practice, if I may use the term used by the deputy leader of the National Party, that must be examined. The other issue requiring examination is conflict of land use. A good example of that is the mining industry. For a long time people in Western Australia involved in agriculture who held title to their properties, either in fee simple or on a conditional purchase basis or lease, had the privilege of determining whether mining would proceed on their properties. That is commonly known as "the farmers' veto". In my view calling that right a "veto" is a nonsense. It really allows a person who had prior use of a property an opportunity to determine whether they will continue to pursue their vocation as opposed to their being told they must leave their property so that the land can be put to an alternative use; in other words, be exploited for its mineral resources.

Mr Gordon Hill: The mineral resource is the property of the Crown. Your argument says it is the property of the farmer.

Mr COWAN: That is not correct. This is one of the reasons why people involved in the farm sector become so frustrated with the bureaucracy and the Minister. I have been talking about a conflict in land use. I was mentioning a person who had prior right of use to land being told a conflict had arisen. Such a person may lose the right to operate his property because someone wishes to exploit the mineral resources on it. The Minister has just told us something we already know - that minerals are the property of the Crown. However, the fact is that in making a determination that a resource will be exploited the Crown in many cases requires a farmer to relinquish his livelihood. I can understand the Minister being the champion of mining because if he were not he would not be doing his job properly and the mining industry needs a few champions at the moment. One can mention projects such as the nickel operation at Kambalda, and the mining projects at Marandoo or Yakabindie which could proceed and which would create jobs in Western Australia. Where is the Minister for Mines on those matters?

Mr Gordon Hill: Look at the record. One does not always have to be making noises.

Mr COWAN: How long would that take, half a minute?

Mr Gordon Hill: Empty vessels make the loudest noises. One does not have to be making noises to achieve things.

Mr COWAN: I know, but I am quite sure the Minister would place on record any of his achievements. I point out that his record is a short one. A number of agricultural practice issues place pressures on farmers and other people involved in the agricultural industry. I have cited two examples, the first is urban sprawl where people who work in urban areas seek a semi-rural lifestyle, and the second is mining. One must remember that as a result of the choice those people make about urban dwelling they will have a tendency to be more conscious of the environment and environmental health. As a result, the normal application of chemicals in agricultural pursuits and the use of other such products may raise concern about the health of the people living in those urban areas. That concern results in pressures being placed upon agriculture in those areas. I hope that when this report is printed it will assist parties in dealing with that conflict and pressure.

The issue that I was raising before my attention was diverted by the Minister for Mines was the question of mining, and I am referring in particular to mining on private land, although one should not really leave it at that because there is clearly a conflict of land use between mining companies and even pastoral lessees.

Mr Gordon Hill: There is potential for conflict. What is your position in relation to allowing a third party - perhaps a tribunal, with representation from farmers - to make recommendations to Government about removing the veto in the case of exploration, not mining, as a first step?

Mr COWAN: That question has been raised previously on many occasions by various Governments, and it is certainly a question that could be pursued in any follow up to the work done by this committee. However, I do not support that. I would prefer a situation where there was direct negotiation between the explorer and the property owner. In that instance one would find also that where there was some reasonableness on behalf of both parties they would invariably reach agreement.

Mr Gordon Hill: I accept that that is often the case.

Mr COWAN: However, there are one or two occasions where agreement cannot be reached, and that gives mining companies the opportunity to howl their protest long and loud. We must remember that mining companies have available to them huge resources to protest against anything that stands in their way, and that in turn sends a message to those involved in agriculture, who then dig in their heels. Therefore, while that matter has been advocated in the past, and it may be something that could be addressed in conjunction with the recommendations which may be included in this report, it is not something that I favour. I would prefer to see a system of mediation between mining companies and the people involved in agriculture. We should bring in such a measure only where mediation does not work. The number of occasions where direct mediation does not work would be quite small and would not, in my view, warrant the intervention of a formalised tribunal. However, that matter can be looked at. I do not support that concept, but if the percentage of people who found themselves in dispute and who could not negotiate amicably an agreement to allow exploration became relatively high - and it would have to be much higher than it is now - one could argue that case. However, at the moment there is reasonably good access to land for exploration purposes.

Mr Gordon Hill: A lot of companies, knowing that that impediment exists, do not bother to take the first step of meeting the farmers in question. I know for a fact that they think that is not worthwhile.

Mr COWAN: I question the facts that are available to the Minister. I know for a fact that that is not the case.

Mr Thomas: You cannot both be right.

Mr COWAN: Exactly.

The DEPUTY SPEAKER: Order! We are getting slightly away from the topic of the motion, which is that the report be printed.

Mr COWAN: Mr Deputy Speaker, I am sure you are right, but I was responding to the interjection made by the Minister for Mines.

The three issues that were addressed by the committee in its report were the high level of urbanisation of this country, and our dependency on the development of our mineral resources and on the continuity of production in our agricultural base. Although the member for Vasse has expressed a view about how we should treat reports of this nature in this Parliament, the fact of the matter is that the report should be read widely, and action should be taken by the Government and by Opposition parties to ensure that these critical issues are addressed. There is no doubt that as we become a more urbanised nation, if that is possible given that we are already the most urbanised nation in the world, increasing pressure will be placed on people who are involved in agriculture on the periphery of the cities, and because of our dependency on mineral and resource development in this State, in conjunction with agriculture, those two industries will compete for their right to utilise land. For that reason, I commend the deputy leader of the National Party for the work that he and his committee have done in bringing this matter to the attention of the Parliament and for giving it a much higher profile, because I believe, like most people - and I am sure you will agree with this, Mr Deputy Speaker, as a person who is involved in planning - that it is appropriate that we have more planning procedures and look far enough ahead to avoid some of the obstacles and pitfalls that so often seem to occur in today's society.

DR TURNBULL (Collie) [12.01 pm]: I have great pleasure in speaking on this motion today. It is commendable that the chairman of the committee has addressed the title of the Select Committee and expressed his opinion that it should have been titled the Select Committee into Agricultural Practices.

Agricultural land in the south west of Western Australia is very valuable. Western Australia comprises an enormous land mass; it is a huge State, and one of the most sparsely populated areas in the whole world, but the agricultural land is not user friendly to agricultural production because of the enormous expense involved in ensuring that it can produce the maximum crop possible. Agricultural land in the south west is much more capable of supporting agriculture than land anywhere else in Western Australia.

Agricultural land in Western Australia would not rank very highly in comparison with prices paid per hectare on world markets, but in the context of Western Australia, land in the south

west is very valuable. Urbanisation and planning developers are starting to cast covetous eyes on the most beautiful parts of the south west, and those are the most productive parts. They are the parts of the land which are capable of sustaining lush bush valleys, creeks, ponds and tall timbers, and those are the areas which the developers wish to cover with the ravages of urbanisation. As a result we have this conflict. The urban areas wish to expand into the south west of Western Australia and take over the most potentially productive agricultural land. Every shire in the south west has encountered this problem, and it consumes an enormous amount of shire councillors' time.

There is a conflict in the planning process in the south west in that those people who are charged by the Government with responsibility for the future planning of the south west belong to a department called the Department of Planning and Urban Development. That department is trying to develop plans for the future land use of the south west. The office based in Bunbury is preparing regional plans for the different districts of the south west, and it covers the whole south west division. Those plans cover Murray, Wellington, the Blackwood valley and many other areas. All sorts of regional plans have been prepared, and seminars, forums and conferences organised. People from the department approach the people in the region and ask them, "How do you see the future development in your region? We want to know what you who live in the region think should be the future development in this area."

A seminar was held in Collie to consider the development of the Bunbury and Collie regions. This think tank was organised to put on paper our concept of what we would like to see in the future development of our area. It was found that we did not want any change; we wanted to keep our rural identity. We wanted to keep the area as it was and retain rural-type pursuits. We did not want urbanisation; we did not want any part of a possible 200 000 people in the south west by the beginning of the next century. I attended a meeting later where the Department of Planning and Urban Development was discussing its development plans for the future. The department said that it did not think it should call any more of these forums because when the people were asked what change they wanted they answered that they did not want any, and that was no good for the department. That is the most ludicrous waste of planning money that I have come across. The department says, "We have to plan for the future; we will ask the people what they want." The people say, "We have paid good money to come down here; we do not want any change." The department says, "That that does not conform with what we are proposing."

All around the south west we have shires trying to maintain the usage of their valuable land for rural purposes, but there must be some degree of urbanisation. How do they provide for holdings zoned special rule when, after two or five years, someone will come along and divide those pieces of land up so that different practices can proceed on those properties? These are very serious problems. This report is the beginning of an approach to accommodate and resolve some of those problems. The Department of Planning and Urban Development sees its charter as having to plan for the future, but it will have to take into account the fact that the future involves rural activities.

Recommendation (4) highlights what I am talking about. It says that the recommendation should apply only to land zoned for rural purposes as this will simplify the definition problems, and will also tend to make statutory land planners more aware of the ramifications of ad hoc urban zoning. That is the problem in my electorate, which includes Boyup Brook, Collie, Greenbushes, Balingup and Boddington. The shires are concerned with this conflict of urban planning intruding into rural land. If a shire wants to designate land to be special rural, and in that have smaller holdings, people must be able to pursue farming on that land.

I shall give a small example from Collie. A shire president came to a shire council meeting - I shall not name the shire president or the year so that the person is not identified - and said, "We will have to apply a few rules and regulations to that special rural land we have at Allanson because the people are building farm sheds down there and destroying the view. It looks disgusting as you drive past it on the road because you can see farm sheds and chook yards." That is wrong. The purpose of zoning special rural is not to have a pretty picture as one drives down the road; the purpose is for people to conduct rural exploits on that land if that is what they intend to do with it. If someone wants to have a rabbit farm on the land and that conforms with the effluent disposal programs of the area and sufficient acreage is available, he should be able to have a rabbit farm on that land. Not many hectares are needed

in order to have a rabbit farm. As long as a pursuit conforms to the current Environmental Protection Authority Statutes and requirements, it should be allowed. It is possible for a man and his family to derive a complete income from a persimmon orchard on two hectares of land, and I think that is a wonderful usage of land. That kind of intensive farming is the way we will have to go. People with land zoned special rural must be able to use their land for rural pursuits.

The DEPUTY SPEAKER: Order! Would the member for Collie please resume her seat. The level of background conversation in the Chamber is too high. When I look around I see that at least a dozen conversations are being conducted, some not so loud but some very intrusive. The Hansard reporters have told me twice that they cannot hear the member on her feet, and the main reason for that is that there is too much background conversation.

I take this opportunity of reminding speakers to the motion that the motion is that the report be printed. Most speakers have drawn attention to the fact that they are justifying that motion, but I believe we are reaching the point where members are not necessarily introducing material in support of that motion. Clearly the subject matter of this report is very wide, but the motion is that the report be printed and members' remarks really should be related to the motion.

Dr TURNBULL: Thank you, Mr Deputy Speaker. I will quote recommendation 5 of the report in the context in which it relates to the printing of the report. It says -

The proposed statute should not differentiate between rural/urban and rural/rural conflict, and should offer an equal opportunity for conflict resolution in both contexts.

This is a very important aspect of the report. In the community conflict occurs between urban-rural and rural-rural sectors, and this is particularly evident in the smallholdings which are zoned special rural. That is the sort of conflict to which I was referring when I said that certain people purchase such holdings in order to have a lovely vista to look at through the window. They can see rolling green hills in the Preston Valley or the Collie Valley, or they can see the Balingup Brook and through to the Blackwood Valley. That vista is important, but if a person says that a rural pursuit on surrounding holdings is destroying his vista and that produces a conflict between neighbours, that must be considered.

The report raises some extremely important issues which must be addressed, and the more widely it can be distributed throughout the community so that people can discuss it and see it applying to their own lifestyles and their own areas, the better. The report should have a very wide distribution, especially within the Department of Local Government and the Department of Planning and Urban Development. This Government must know that there is a counterbalance to a department which says, "This is how things will be in 2000 and the fact that you do not want your rural pursuits to change will not carry much weight with this department." I can assure members that that actually happens. In Collie the Department of Planning and Urban Development worked the other way around. It did not ask anyone's opinion about the road that would by-pass Collie; it simply put out a map on which the by-pass road was drawn. Because the Department of Conservation and Land Management's land is immutable and cannot be cleared in order to put through a road, the Department of Planning and Urban Development put the road through 22 small rural holdings and said that it did not matter.

Mr Gordon Hill: It is a discussion paper.

Dr TURNBULL: That is true, but people with small rural holdings must know that they have some backing, and the only people to whom they can apply are those who drew the map for the discussion paper in the first place. Are they to be the judge and the jury? Of course they are.

Mr Gordon Hill: There has been a great deal of discussion with local government authorities and other organisations in the region.

Dr TURNBULL: The committee has existed since 1982.

Mr Gordon Hill: And now it is open to community submissions and ongoing discussions by Government.

Dr TURNBULL: Does the Minister for Mines know that the name of the State Energy

Commission's representative on that committee was not even known by the person who designed the route for the SECWA lines through the Collie area?

Mr Gordon Hill: What does that have to do with the motion?

Dr TURNBULL: I agree that it is getting off the point entirely. The most important thing we must discuss today is the value of the rural land in the south west of Western Australia. Its value is in rural production. It is the best rural production land we have in Western Australia and to have it urbanised without any redress by those people who want to carry out rural activities will be to the detriment of the whole State's future. This Select Committee on the Right to Farm will have been worth every cent that has been spent on it if this report generates an open discussion which allows people to realise that they can have input to the future development of Western Australia and that farming in the most productive part of the south west of the State will have as high a priority as any other priority placed on the land use. I commend the report to the House and support the motion that it be printed.

Point of Order

Mr STRICKLAND: We are debating whether the report should be printed, but I have seen those copies which have already been printed and in fact there is an indication that it is being presented to the House today. It states that the report has been ordered to be printed.

Mr Pearce: Somebody is in contempt - you have hit upon something here!

Mr STRICKLAND: I take the point made by the Leader of the House, but I am just raising the question: If we are debating that the report be printed but it has already been printed, what is the House doing? Perhaps someone can explain to the House what is going on.

The DEPUTY SPEAKER: It is an interesting point. The Chairman of the Select Committee is not here to elucidate, but I understand that there is nothing to preclude the Select Committee's actually arranging for the printing of the report prior to its presentation in Parliament, despite the wording of the motion. Members will understand that when Select Committees report there is an immediate demand for their product, particularly in the case of what every member who has spoken so far has assured us is a report of absolutely top public interest, the demand for which will be so high that we will be rushed off our feet. I believe that this practice has arisen because if the report is not formally printed until the motion is passed we would have to wait for some time for it to be available. Therefore, in answer to the member for Scarborough's question, this motion puts the parliamentary stamp of approval on the printing but, as I understand it, does no more.

Mr Blaikie: What would happen if the Parliament did not pass the motion?

The DEPUTY SPEAKER: In that case presumably the report would not be distributed.

Debate Resumed

Question put and passed. [See papers Nos 770 to 774.]

ACTS AMENDMENT (REPRESENTATION) BILL

Third Reading

DR GALLOP (Victoria Park - Minister for Parliamentary and Electoral Reform) [12.20 pm]: I move -

That the Bill be now read a third time.

This Bill has taken up a lot of the attention of Parliament in the last few days. Some members opposite and some others have commented that this is a less important issue than some other matters that come before us. It is an issue that relates to our Constitution; it is an issue that relates to the very system that puts us into Parliament. It would seem to me that that is a fundamental issue that we need to address in our own Chamber. Indeed, there is probably no more important issue than the Constitution upon which our system is based.

Under this Bill all the boundaries will be drawn up by the Electoral Distribution Commissioners who will be given some discretion about what to include in the three metropolitan regions for the Legislative Council. At the moment we have the metropolitan boundary laid down by the Statute itself. The actual processes that will see the drawing up of the boundaries will not be changed from the current system and it will make available the

possibility of full public participation. The second feature of the Bill is that a redistribution of the enrolment in each of the 57 districts will be set by the electoral commissioners within a margin of allowance of 10 per cent below or above the State average. In other words, it incorporates the principle of one-vote-one-value. Thirdly, the general structure of the six existing Legislative Council regions is preserved but the precise boundaries will be drawn by the electoral commissioners. Finally, the Electoral Distribution Commissioners will be given discretion to decide the number of members to be elected from each region, as opposed to the current system where the number of members in each region is laid down by the law. In giving power to the commissioners to do that, we have included a table in the Bill that will guarantee a fair balance among all regions in the number of districts per member that exist. They are the fundamental changes that are embodied in this Bill. They build upon the 1987 reforms and they take those reforms through to the logical conclusion of one-vote-one-value. Many arguments have been put against the changes but underneath all the arguments is the central proposition that we need to preserve the bias that exists in our system in favour of voters who reside in the non-metropolitan areas of our State. I understand why the National Party holds that view; the non-metropolitan areas of the State are the constituencies of the National Party.

Mr Clarko: Do you know which party has the most country members?

Dr GALLOP: Let me finish my point. The National Party, first and foremost, is a country party; that is its role in our political system. What about the Liberals? I am somewhat puzzled by their attitude. It is true that they have non-metropolitan area members, just as indeed the Australian Labor Party has many non-metropolitan area members in this House, and also in the upper House. However, I would hope that the reason that the Liberal Party is opposing this Bill is not simply that it has a good dose of non-metropolitan members in this Parliament.

Mr Clarko: We represent areas from one end of the State to another.

Dr GALLOP: Yes, but I would hope that the reason the Opposition is rejecting the Bill is not the interests and needs of those members as much as some considered argument about the electoral system we should have. It is puzzling because all the Australian branches of the Liberal Party, except Western Australia, believe that one-vote-one-value should be an integral part of the Liberal platform. The Western Australian branch of the Liberal Party now stands out as the only branch that does not support one-vote-one-value. The other puzzling thing to me in this debate is why one of the Independents, the newly elected member for Floreat, did not speak during the debate - an important debate about our constitutional system - and, secondly, opposed the changes proposed in this Bill. As someone who fought a by-election on the basis -

Several members interjected.

The DEPUTY SPEAKER: Order!

Dr GALLOP: Our party is firmly in support of this, and has been consistently. I found it puzzling that the paragon of principle in a recent by-election, the member for Floreat, voted against this legislation.

Several members interjected.

The DEPUTY SPEAKER: Order! Interjections as a result of such a remark are understandable, but when they come from two people at the same time, at a loud volume, it is difficult to follow. As the Speaker says on such occasions, I guess it is because it is Thursday, at the end of a long week, that we have had such trouble this morning. I suggest that the interjections be a little more moderate.

Dr GALLOP: How they yap when their interests are affected.

Mr House: You can't expect protection from the Chair when making those sorts of comments.

Several members interjected.

The DEPUTY SPEAKER: Order! Perhaps members did not hear what I said.

Dr GALLOP: It is disappointing that the attitude of members opposite is that the current bias in our electoral system should persist. Australian politics since the late 1960s and early

1970s has been characterised by one consistent feature throughout the States and the Commonwealth. It started in South Australia where we saw the efforts of Mr Steele Hall, on the one hand, and Mr Don Dunstan, on the other hand, begin the process which is now inexorable. That process has been characterised by the drive for electoral reform, the drive for one-vote-one-value throughout our country. It has been most interesting that once achieved in the various States and in the Commonwealth there has been no move to turn back from one-vote-one-value. It is interesting to reflect on why it is that once the one-vote-one-value principle is established there is no turning back. A simple reason exists for that; such a system provides clarity, consistency and principle to our electoral system. Also, it is interesting to note why the drive for the establishment of a one-vote-one-value system has been so persistent; that is because the basic principle of one person with one vote and one value has attracted not only people's attention, but also their support. That support has eventually come to a conclusion as law reform in most of the States and in our Federal system. As we have seen in this debate, the conclusion drawn in those Parliaments is that ideas win in the face of interests rather than interests winning in the face of ideas. That is why this issue above all others has attracted a wide range of support from within both the Liberal and Labor parties and smaller parties throughout the Australian political system.

On 2 September 1991 *The Australian* editorial dealt with the Queensland reforms which will become effective on 30 November this year. It reads -

It cannot be denied that people living in remote areas suffer many disadvantages. It would be fair to provide rural voters and their parliamentary representatives with additional facilities so that their views can be adequately represented in Parliament. But voters can face many disabilities other than geographical remoteness. A civilised society should take account of such disabilities, but not at the cost of distorting the democratic process by making the votes of some citizens more valuable than those of others.

Whatever arguments there may have been for a loading in favour of country voters when communications were much more primitive than today, unequal apportionment can no longer be justified.

Mr Clarko: Who said that?

Dr GALLOP: It was taken from the editorial from *The Australian*. Editorials such as that have been written consistently throughout the 1970s and the 1980s. Once one deviates from the one-vote-one-value system, one's argument has no rational basis, and that is ultimately transposed to the electoral system. Maybe conservatives, such as the member for Marmion, believe that rationality does not mean much. However, once one enters the world in which the concept of rationality is not given any meaning, one is taking a great risk; anything is possible in that world. As we look at conservatives throughout history, we have seen them flirt with irrational tendencies. This can be contrasted with another prominent political tendency in the 20th century - social democracy. That is a rock solid principle, to which people have been rock solid in their commitment.

Mr Clarko: The Nazis were democratic socialists.

Dr GALLOP: That is an appalling interjection! The social democrats or democratic socialists, or whatever term is used, have been at the forefront of the campaign throughout Europe this century in order to defend democracy from communism and fascism.

We have a smaller case study in this State. As the member for Darling Range indicated in discussing the electoral redistribution in 1981, anything can be possible for a conservative. Firstly, one ignores principle, secondly, one considers the numbers in the Parliament, and then one acts. Members opposite know what it is like to live in a world where one's actions are not based on rational principles. That happened in the 1981 redistribution in Kalamunda and the Kimberley. The conservatives had the numbers, lacked the principle and acted. I ask members to reflect on the words spoken by the member for Darling Range, who was there at the time. He saw it happen. He saw the cynicism on which the Liberals based their actions. That is what happens when one enters a world in which rationality and principles are not important and self-interest is paramount. We do not want to make that possible again. In 1987 we went part of the way towards that goal by establishing an independent Electoral Commissioner, to whom we gave guidelines under which to carry out his duties. We need to go one step further and establish the principle of one-vote-one-value.

Vote juggling is not only difficult to define in the face of democratic principles, but it also leads one to ask whether it ever offers solutions to the problems outlined by the Opposition. Those problems were twofold: First, disadvantages are experienced by country people because of the remoteness of their living conditions - that is acknowledged. Second, the Opposition pointed to the failure of metropolitan people to fully understand the needs of those all important, non-metropolitan wealth makers. Those concerns are legitimate and must be addressed by any Government and any Parliament. However, vote juggling does not solve those problems.

I now quote from a former Speaker of this House, Mr John Hearman, of Fleet Street, Donnybrook, who wrote to the *South West Times* on this subject. This gentleman writes many letters to newspapers, and I always find them interesting. He was obviously a person who contributed enormously to the Parliament and continues to do so in his retirement. He wrote -

Like Mr Dexter Davies -

And he is referring to the State President of the National Party -

- I too am concerned about the "one-vote-one-value" proposition.

He expresses his general concerns in this very telling letter, which continues -

However, with only eight per cent of the total electorate involved in agriculture I cannot see how any acceptable alteration of electoral boundaries can possibly reflect the economic importance of the agricultural community and those that service them.

I am aware that these people earn between 30 and 40 per cent of our export income as well as feed and substantially clothe Australia.

Their electoral salvation will not come from juggling electoral boundaries, it will come when the 80 per cent of the electorate who live in the cities and big towns understands and respects the agricultural problem.

That hits the nail on the head. We need understanding, not vote juggling. Those of us in the Australian Labor Party who reside in metropolitan electorates certainly respect the views of those who live in non-metropolitan regions, and we understand the need to take into account the needs of many wealth producing areas in non-metropolitan areas of this State.

Those quotations from Mr Hearman indicate that vote juggling is never a long term solution to the issues that have been raised by members opposite. There is no way one can provide consistency, which is an important feature of any Constitution, or clarity - an equally important feature of any good Constitution - and ultimately stability, by incorporating malapportionment in an electoral system. Inconsistency and lack of clarity will automatically mean instability and change. It is interesting to note that in all the electoral systems which are based on one-vote-one-value a stability has been introduced into the electoral argument and the electoral system. We must answer a very simple question in this debate: Will Western Australia become the State with the worst vote weighting in our nation when on 30 November this year Queensland's new boundaries become effective?

Mr Clarko: Queensland does not have one-vote-one-value.

Dr GALLOP: The member for Marmion is correct; five out of 89 seats in the Queensland Parliament will still have some weighting given to them because of their remoteness. I agree with an editorial in *The Australian* which said that Queensland should be given two and a half cheers, but not three. Will Western Australia become the State with the reputation of having the most vote weighting of any State in this nation? We will be the target of humiliating criticism; that is something we cannot afford. It has been interesting to listen to the arguments of the National Party. They were expected because of the National Party's basic rural origins and history. It has been interesting that the Western Australian Liberal Party is now the only Liberal Party in our country that defends vote weighting in the electoral system. We need the clarity, the consistency and the principle that comes with one-vote-one-value.

MR CLARKO (Marmion) [12.43 pm]: The Minister during the passage of this Bill has repeatedly argued that its prime basis is the principle of one-vote-one-value and they were virtually his concluding remarks. *The Concise Oxford Dictionary* defines a principle as a general law, a fundamental truth.

Mr Donovan: That is one definition; go to definition 8 in the same dictionary.

Mr CLARKO: The member for Morley can give me the information if he likes. As members would know, the definition of any word has many different parts, and we select the part that relates to what we are talking about when we use a word. The definition of principle also refers to the question of morals, but I do not think that the Minister at any stage has suggested that he is talking about a moral principle. I have looked at the definitions and the one that I apply for a principle which relates to a political matter is, a general law and fundamental truth. If the concept of one-vote-one-value were a principle, it would need to be the basis for political systems around the world or most of the world. One could not have a political principle for just Western Australia, surely?

Mr Donovan: Definition 8 says a principle is a method of formation, operation or procedure exhibited in a given case, for example, a community organised on the principle of one great family.

Mr CLARKO: That does not apply at all; that is sheer nonsense. The member for Morley must have borrowed the dictionary from the person who is sitting next to him.

The DEPUTY SPEAKER: Which side are you taking about?

Mr CLARKO: A very good point, Mr Deputy Speaker. It is the best thing that has been said this morning. There is no fundamental principle of one-vote-one-value. We could not have a political principle applying just to Western Australia, or to Leonora, or to Eucla; that would be nonsense. I challenge the member for Morley that a political principle would have to apply to a very significant part of the world, if not a majority of the world. Such a principle cannot be applied to a place here and a place there; that would be sheer nonsense. That is not a principle.

Several members interjected.

The DEPUTY SPEAKER: Order! While the Minister was on his feet I drew attention to the barrage of interjections from the Opposition benches, and the reverse is now occurring. This could be avoided in two ways: One, by members of the Government restraining their interjections to reasonable ones, rather than their being over the top; and, two, by the member for Marmion addressing his remarks to the Chair.

Mr CLARKO: If we had a political principle of one-vote-one-value we would find examples in various parts of the world. So if we looked at North America we should find that in the United States and Canada a universal one-vote-one-value system applied; but it does not apply in those countries and it cannot apply to a federation. Do we see the principle of one-vote-one-value in the continent of South America? Of course we do not. Do we see one-vote-one-value in any country in Africa? We do not. Do we see the principle in Europe or Asia? No, we do not. If we go to any continent we would not find the principle of one-vote-one-value. I have repeatedly challenged the Government to find one country that is universally one-vote-one-value. It cannot find one.

Dr Gallop: Holland, Israel!

Mr CLARKO: Holland has a representative in the United Nations and once it does that it does not have universal one-vote-one-value.

Dr Gallop: Sweden, Denmark!

Mr CLARKO: Sweden has a representative in the United Nations.

Dr Gallop: Germany!

Mr CLARKO: Germany has a representative in the United Nations. Germany has a population of 50 million and it has one representative, as does China which has population of a billion-plus. The United Nations is the main political forum of the world; so we do not have one-vote-one-value. Australia does not have one-vote-one-value because we have an equal number of senators which gives a factor of 10:1 for Tasmania versus New South Wales. The Constitution that established the Australian House of Representatives by laying down that Tasmania shall always have five members of Parliament irrespective of the population gives us a Constitution which is totally contradictory to one-vote-one-value. I am very proud of the system in Western Australia. Obviously the Labor Party is not, because since its inception it has moved increasingly in the direction of trying to have power based in

Canberra. The Labor Party has never cared politically about the people of Western Australia; it never has and it never will. I do not know what the Labor Party will find to replace its discredited policy of socialism, which has been the greatest failure of any political theory in the twentieth century. Socialism has seen a total period of collapse, but in this isolated part of the world the Labor Party still calls itself socialist. Western Australia has never had one-vote-one-value. Clearly there is no principle of one-vote-one-value if it does not exist in any of the continents. It is sheer nonsense for anybody to suggest a principle exists, as set out in clause 12 of this Bill. It is completely apart from the truth.

In its repeated claims during debate about this legislation, the Government is clearly not serious that every vote must be equal. It has also claimed that the party with the majority of votes must have the majority of seats in Parliament to be in Government. That is certainly not true. If this Government were serious about one-vote-one-value the Bill would be different. It would provide one electorate for both the Legislative Council and the Legislative Assembly, elected according to a proportional system. That is the only way for every person's vote to be representative. The Government's aim is grossly inconsistent and shows how weak this legislation is. Under the proposed arrangement, on an equal electoral basis, the 57 separate Legislative Assembly seats, will have approximately 17 000 electors in each. That will not ensure that the party with the most votes will get the greatest number of seats. During the 1989 State election - the most recent in the State's history - the Liberal Party received more first preference votes than any other political party, yet the Labor Government got 31 seats and the Liberal Party got 20. The Opposition does not complain about that situation. During an election in 1993 -

Mr Graham interjected.

Mr CLARKO: The member for "Eucla" should dry up. He is so far back on the back benches that if the Government had another bench he would sit there.

The DEPUTY SPEAKER: Order! The member for Marmion's speaking style is unique. However, on occasions his voice rises, particularly in response to interjections which are also too loud, and the situation gets out of hand. He should be a little more moderate without toning down his unique style. At the same time interjections from members on the Government side do not need to be shouted.

Mr CLARKO: You will appreciate, Mr Deputy Speaker, that if the member for Pilbara shouts and uses his microphone against me, I will shout also. Unless I am to reflect on you, Mr Deputy Speaker, which I do not want to do, I will speak louder than the member for Pilbara. If, in 1993, an election is held based on one-vote-one-value the Opposition will thrash the Government. It gained more votes at the last election than the Labor Party despite the fact that the Government's campaign was funded by millions of dollars from various groups. Now that the community of Western Australia has seen, through the Royal Commission, that a disgraceful group of people are in the Government and once they have had a chance to vote the Opposition will receive even more votes.

Several Government members: Vote for the Bill then.

Mr CLARKO: I will not because it is not the fair thing to do and it is not a world system.

Several members interjected.

Mr CLARKO: If members will stop shouting and interrupting me they will hear what I have to say. In his speech during the second reading debate the Minister said -

We have said we will have a lower House which elects its members on the basis of single member constituencies. A majority of votes and a majority of seats is required to form a Government.

That is false. In support of my argument I quoted the election results of 1989 in which the Opposition received more votes but has fewer seats in the House.

Dr Gallop: There must be a majority of votes and a majority of seats.

Mr CLARKO: The Government did not get the majority of votes; the Opposition got them. The Minister has said in his speech that the ruling party must have a majority of votes and a majority of seats.

Dr Gallop interjected.

Mr CLARKO: The Minister did not say that.

Dr Gallop: It is incorrectly put.

Point of Order

Mr GRAHAM: The member for Marmion is quoting from the daily *Hansard* from which one is not entitled to quote.

The DEPUTY SPEAKER: The member is correct; it is not permissible to quote from an uncorrected *Hansard*. However, the member indicated that he was referring to it.

Debate Resumed

Mr CLARKO: I am not surprised the member for "South Eucla" should interrupt as he did. During the Minister's speech a member asked by interjection who was complaining. That person was talking about Western Australia not having one-vote-one-value along the lines of the argument I have just put that the Liberal Party had received more of the votes and fewer of the seats. Without any shame the Minister referred to the Australian Labor Party and all its supporters. They are the whingers. They have always whinged because they think they have not had a fair go, despite the fact that the Labor Party gained 31 seats compared with 20 for the Liberal Party when it received fewer primary votes. The Labor Party is advantaged but that does not stop its whingeing. The Minister highlighted the main reason that the legislation is before the House; that is, because of the whingers of the Labor Party and their supporters who seek to advantage themselves politically. They have no other motive. The Minister revealed that when he dropped his guard for a moment.

Mr Pearce interjected.

Mr CLARKO: I object when the Leader of the House wanders into the House and takes over from where other interjectors leave off. I can handle him quite easily in a variety of ways.

The DEPUTY SPEAKER: I suggest you do so.

Mr CLARKO: It is not fair when Government members pick on other members at various times. The procedures must be fair. We now know why the Australian Labor Party and its voters and supporters want this legislation. It is a cynical exercise and the Government's argument is inaccurate. During his second reading speech the Minister wandered down the path of how the poor Labor Party has never had a decent chance of being represented fairly in the upper House. What a dreadful thing! The fact is, in Western Australia's history it has never had a majority of the vote in the Legislative Council.

Dr Gallop: Rubbish! It had a majority in 1983 and in 1986. You were referring to the seats when you said that.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on p 6806.]

Sitting suspended from 1.00 to 2.00 pm

[Questions without notice taken.]

MATTER OF PUBLIC IMPORTANCE - HAMERSLEY IRON PTY LTD

Marandoo Iron Ore Project Approvals

THE SPEAKER (Mr Michael Barnett): Earlier today, within the appropriate time, I received a letter from the Leader of the Opposition seeking to debate as a matter of public importance the provision by the Government of the necessary approvals to enable Hamersley Iron Pty Ltd to develop the Marandoo iron ore deposits.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, 30 minutes will be allocated to members of the Opposition, 30 minutes to members of the Government, and if necessary five minutes to members who at the moment are Independents, for the purpose of this debate.

Point of Order

Mr THOMPSON: My point of order is designed to ensure that everyone in the Parliament is advised when a matter of public importance is to be dealt with. Mr Speaker, your ruling with respect to matters of public importance required certain notices to be given from one side to the other. There are times when the Independents are acquainted of a matter of public importance that is to be moved, but on other occasions they are not. In this case none of the Independents has been advised by the people who have promoted this move. A couple of them were advised from another source, but that was only fortuitous. I suggest that it is common courtesy, if nothing else, that when anyone intends to promote a matter of public importance, all entities in the Parliament be advised, just as you, Mr Speaker, require the other side to be advised.

The SPEAKER: Order! At the moment I am not aware of any requirement that anyone other than I am advised that a matter of public importance is about to be introduced into the Parliament. As a matter of course my office provides to members of the opposing side - or not necessarily the opposing side - a copy of that matter of public importance. I think the member for Darling Range has an excellent point. However, in reflecting on what he has said I perceive some difficulty in my staff's tracking down the further five, at the moment, people who might be anywhere at the time I receive it. I am prepared, though, to give serious consideration to posting on our notice board immediately behind this place a copy of a matter of public importance when it is received.

Debate Resumed

MR MacKINNON (Jandakot - Leader of the Opposition) [2.37 pm]: I move -

That this House calls on the Government to move as a matter of urgency to provide Hamersley Iron Pty Ltd with all of the necessary approvals to enable it to begin its major investment program to develop the Marandoo deposits to ensure its continuing operations and viability and indicates that it will support legislation designed to achieve this result and fast track the development, on the basis that this legislation should be introduced into the Parliament and passed prior to the end of this current session.

The Opposition brings this matter of public importance to the Parliament on a day when the national focus is on the Prime Minister's response to the nation on the unemployment crisis. The pathetic nature of the Prime Minister's response is highlighted by this motion. If this State Government were able to get its act together, we would see far more achieved in Western Australia in one project than our Prime Minister has been able to promise to the people of the whole nation in his magnificent statement in response to a crisis.

Mr Kierath: Because they would be real jobs, not bandaid treatments.

Mr MacKINNON: Absolutely, and they would address the real issues. The Prime Minister has failed yet again to address the real issues. He made no commitment to tax reform, industrial relations reform or regulation reform; in fact, he is yet again papering over the cracks. To demonstrate how pathetic was the Prime Minister's response, the \$300 million-odd commitment he has given is not even twice the amount this Government is responsible for losing in the Government Employees Superannuation Board, as announced today. I predict that the Prime Minister will not be in his job within a fortnight. The weak nature of his response will almost certainly be the final nail in his coffin as a leader in this country and I cannot wait for the day he departs the scene.

This motion also comes to the Parliament at a time when Western Australia has an unemployment crisis of unprecedented proportions. I seek leave to incorporate in *Hansard* a schedule of unemployment statistics and graphs highlighting the position.

[The material in appendix A was incorporated by leave of the House.]

[See p 6814.]

Mr MacKINNON: The statistics indicate that in November 1989 this State had 44 400 people out of work; that was 5.5 per cent of the population. In October 1991, two years later, that figure blew out to 97 800, which is 11.6 per cent of the population. That is an absolutely alarming statistic; more so when one realises that the situation will get worse, not better. It also comes at time when we have a paralysed and moribund Government which does not or

cannot act. We have seen countless examples in this State in which the Government could, and should, have acted. They include the Yakabindie project, the situation at Kambalda - about which we have discussed so much this week - the Marandoo project and all the other instances in which the Government has failed to make a decision and has held up significant job creating projects. Arnotts' closure resulted in the loss of 2 400 jobs, yet no Minister left his chair or his comfortable car to travel to the Eastern States to negotiate an alternative plan with the company. That was despite the urgency of the situation and the pain involved with the loss of these jobs.

We have had no recognition from this Government of the urgent need for action. In fact, we have seen the direct opposite! This can be seen when one considers the matters Parliament has spent the majority of its time discussing during the past two weeks. Last week we dealt with daylight saving, which will not create one more job in this State and will not progress the Yakabindie, Kambalda or Marandoo situations, and will not save the lost jobs at Arnotts. What have we done this week to restore the economic health of this State? We have dealt with one-vote-one-value. This Government believes that this will be a daylight saving/one-vote-one-value led recovery. Members opposite are myopic. They fail to recognise the urgency of the situation at Marandoo, which is the largest project waiting for approval in this State. No Bill has been forthcoming to indicate action by the Government to resolve the problems.

The member for Nedlands, the Shadow Minister handling these projects, will highlight the details of the Marandoo situation; I shall refer to it in broad terms. The project was referred to in an editorial in last Saturday's *The West Australian*, and four points arise from that article. Firstly, it reads -

Proposals by Hamersley Iron to seek formal approval to disturb two Aboriginal sites in the mining tenement are the latest attempt by the company to force the matter to a head. They are a measure of the company's frustration that a project which has been on the drawing boards for 20 years still has important hurdles to overcome.

For 20 years - including the full life of this Government - the processes have not been put in place for this project to ensure that an investment program is ready so that the project can commence. Still this Government has not acted, and it gives no indication of when it intends to do so.

Secondly, the editorial reads -

Indeed, the latest anthropological survey conducted under the control of the local Karijini Aboriginal Corporation talks of areas "not clear of cultural heritage concerns".

The Aboriginal people with most interest in the issue live 300 km from Marandoo - apparently by their own choice - and there is no evidence that they return to the area regularly.

Has the Government given this matter its full attention? Will the Government facilitate the investment program to create jobs, or will it protect the Aboriginal sacred sites for some reason or other? Judging by the newspaper report, the Aboriginal people the Government is supporting live 300 km away from the so-called important area which needs protection.

Thirdly, the article reads -

Aborigines should avoid being drawn into an unseemly auction involving cash compensation for the loss of cultural sites. Sacred sites should be protected at all times and never become the subject of horse-trading.

If the Karijini people want compensation - which I understand is the case, and the case the Government is supporting - that should not be given. If the sacred site exists, the Government must protect it; it cannot be horse-traded.

The fourth point is the most important and reads -

Marandoo has become another sad symbol of the failure of WA's Aboriginal heritage law to work quickly and effectively when conflicts arise between development and the need to protect sacred sites or those of major significance to Aborigines.

That is agreed. What has this Government done about it? In April I asked the Minister for Aboriginal Affairs -

Is the Government still conducting a review of the Aboriginal Heritage Act?

The answer was yes. The Minister further replied -

I am hopeful that the review will be completed by August 1991.

In September it was indicated that the review was not completed, but that the amendment "would be considered by Cabinet shortly". In October the Minister for Aboriginal Affairs, who likes to go around the State making people feel good but does nothing to solve the economic problems, gave the following answer to a similar question, "We are looking at the matter, and with a bit of luck we might get it into the Parliament during the autumn session." This is a State of paralysis! With 97 800 people out of work the Minister has formed a committee to look at the situation. If the Minister is involved with that committee I would hate to see the action which will follow! We will hear, "We might get around to do something in a year." This problem has been lingering for a year and it has become worse. The Minister has established a committee of six persons, who all represent Aboriginal interests. What kind of a review will that be? Will it produce a sensible direction statement? Not likely! This Government is presiding over the worst unemployment rate recorded in this nation, and the Federal and State Governments do not understand the fundamental need for change; they are fiddling around the edges. What responses do we see? We hear that a review of the Aboriginal Heritage Act is under way, yet the Government spends all its time in Parliament talking about daylight saving and one-vote-one-value. This Government is not prepared to take the tough and sensible decisions to introduce legislation to get the important projects off the ground. The statement issued today by the Prime Minister is not worth a crumplet! In one day the Government could do far more good by introducing a Bill into the Parliament to get these projects under way. If it does so the Opposition will fast track the approval process so that the projects can commence and the much needed jobs will be created.

MR TAYLOR (Kalgoorlie - Minister for State Development) [2.49 pm]: I would have thought that the Leader of the Opposition would have some support from members opposite on this motion. However, the Government indicated its support for the Marandoo project last year when we excised an area from the Hamersley Range National Park; that allowed the Marandoo project to go ahead. That excision of the western corridor, the creation of a temporary reserve and an eastern corridor for the project, allowed Hamersley Iron to conduct negotiations with Mr Lang Hancock regarding the return of that temporary reserve. Since that time we have tried to work with Hamersley Iron Pty Ltd to bring about a resolution of a number of issues, including the Aboriginal heritage question. I do not agree with the Leader of the Opposition's suggestion that because a small group of the Karijini people are involved in this issue, their needs and views should be pushed to one side. We do not say, "You are but a small group of people, you can get lost; we are not interested in you." The Government does not work that way. The Leader of the Opposition was part of a Government that tried to work that way some time ago. Clearly that approach failed. I have made it very clear in this House that the Government is not in the business of taking a Noonkanbah approach to Marandoo. That is all there is to it.

The Government is taking positive steps and I am very pleased to advise the House today that, under section 18 of the Aboriginal Heritage Act, notification of clearance of the western corridor and the minesite will proceed. The project has been given an environmental clearance for a major exploratory drilling program from today. The documentation for the clearance will be considered by the Aboriginal material and sites committee at its very next meeting. That clearance will relate particularly to the four sites of interest that have been identified by the anthropologist employed by the Government to obtain clearance for Hamersley on this project. I expect also that the application will be such that there will be a section 18 clearance, as required, for both the TR and the western corridor.

The Environmental Protection Authority has also been working very closely with the Department of Mines and the Department of State Development concerning Hamersley Iron Pty Ltd's requirements at Marandoo to ensure the project will proceed. At a dinner the CRA Exploration Pty Ltd board held in Western Australia about, I think, six or seven weeks ago I was informed that Hamersley Iron was anxious to proceed with some drilling and some small mine shafts. It also wanted to take a major bulk sample from the existing sample pit of which some members who visited the Marandoo site would be aware. Having received that

advice from Hamersley Iron, CRA wanted to proceed urgently. The officers responsible met and worked out a proper approach. I am sure the member for Pilbara will be very pleased to know that an EPA clearance has been given, I think today, for the drilling and sample program to commence and for that bulk sample to be taken from the existing sample test pit. That can then be sent to Japan so that the Japanese buyers can assess their programs prior to the Marandoo project beginning production.

Mr Court: Do you know that they have taken 200 000 tonnes?

Mr TAYLOR: I know; I have been there.

I am also pleased to say that the Government has been in touch with the Karijini people today concerning the Aboriginal Heritage Act clearances and the testing and sampling program. The Karijini people are more than happy with the Government's approach and are very supportive of it. That is an example of how success can be achieved by people working together in a cooperative manner. The Leader of the Opposition referred to the editorial in last Saturday's *The West Australian*. I took a good deal of interest in what that editorial had to say about this project. In its series of articles it paid very close heed to the issues associated with the Aboriginal people. The Government has given no encouragement whatsoever to the Karijini to suggest that they should be making trade-offs for clearances of sites of interest for funding or anything else.

Mr Lewis: Is that not what they are doing?

Mr TAYLOR: As I understand the situation, that is exactly what they are not doing. They are trying to ensure employment and training opportunities are provided for the Karijini people and Aboriginal people in general as a result of this project. The Karijini people are coming to Perth from Onslow next week and I will be more than happy to make the time available to meet with them on Wednesday. They have compiled a program on this project to see how it can benefit not only them but also other people in the Pilbara. That is a proper approach and one I have come to expect from the people involved.

Mr Lewis interjected.

Mr TAYLOR: The Karijini people have a genuine interest in that land. We can argue about whether they live there -

Mr Fred Tubby: Some of them do not even know where it is; they have been known to go to Tom Price and ask for directions on how to get there.

Mr TAYLOR: I have heard that story from Hamersley Iron also.

Mr Lewis: They are not dinkum, are they?

Mr TAYLOR: The stories that emanate from Hamersley Iron bear no relevance to the outcome of this project; they also contribute very little towards bringing about better relations between Hamersley Iron and the people about whom we are talking. They do not help anyone.

Mr Cowan: If it were true, it would indicate that somebody was taking advantage of the system.

Mr TAYLOR: I doubt that it is true. It is not difficult to find Marandoo. I do not understand why a company like Hamersley Iron should spread those stories.

Mr Court: Who said it was spreading those stories?

Mr TAYLOR: Exactly the same story was told to me by an officer of Hamersley Iron. I said that circulating stories like that did not help the situation very much. The best thing Hamersley could do is work with those people, and I have been encouraging it to do that for some time now. CRA's record of dealing with indigenous people, not only in Australia but elsewhere, is not exactly one of which it should be proud. That company has some waking up to do.

Mr Court: Do you not think CRA has a good record?

Mr TAYLOR: The Bougainville and the Rudall River projects, as well as Marandoo, are examples of its record.

Mr Court: It has done a terrific job at Argyle and Rudall River.

Mr TAYLOR: It has tried at Argyle, I admit that.

Mr Court: It has tried a damned sight harder than your Government. You have it in for these companies; you reckon they are -

Mr TAYLOR: Not at all. If I have a chip on my shoulder it is because I represent a mining electorate and have received more criticism for supporting the mining companies than otherwise. In fact, I am in a reasonable position to make judgments and, as I have said to the mining industry on many occasions, if people such as I who are friends of the industry cannot provide an honest assessment of the position, who can? I will continue to do that. Some people in the industry have listened to those suggestions and are now working very hard to deal with not only environmental matters but also Aboriginal matters. The member for Nedlands knows that; it is exactly the right approach to take and is the approach endorsed by this Government.

Mr Court: Before you criticise CRA's handling of the Aboriginal people, look at your own track record. What about the kids at Newman?

Mr TAYLOR: I am happy to compare our track record on Aboriginal issues with any track record of either Federal or State Liberal Governments.

Mr Court interjected.

Mr TAYLOR: Only this Government has paid close attention to the needs of Aboriginal people throughout Western Australia, and it will continue to do so.

As I said, I am very pleased to advise the House, particularly the member for Pilbara, that the decision to seek notification under section 18 of the Aboriginal Heritage Act for the western corridor and the minesite will go ahead with the support of the Aboriginal people. This will involve a widespread drilling and sampling program and it will mean a significant advance for Hamersley Iron and its ability to provide information on the metallurgy and the materials handling aspect of the ore. It will also enable a formal endorsement to be made of the company's product by the major customers in Japan. They need that in the sense, as we know and certainly those who attended the briefing with BHP know, that the issue of quality in iron ore is a very big issue these days. The issue is being addressed not only by Hamersley Iron but also by other producers of iron ore. That is a major step forward and one that the Government is pleased that it has driven along to ensure that not only was the anthropological study done but also the State was in a position to go ahead with the notifications for section 18 clearances and that sample program. Unfortunately for the Opposition, the MPI was well timed for the Government because it gave me an opportunity to make those announcements.

MR COURT (Nedlands) [3.01 pm]: It is interesting that the Minister for State Development is proud to be making announcements about this project when he has been procrastinating for so long. Members opposite should understand that the Labor Party has become a joke among workers. Firstly, the working people of this State watched the Labor Government jump into bed with certain high flyers around this town to get their money. It wanted their money. We have gone through the old funds for favours routine because the Government needed the money to stay in power. Secondly, the working people of this State have watched this Labor Government being dictated to by every minority group that one can think of. It has allowed those people to dictate their agenda, the end result of which is that it has been extremely hard to get developments off the ground. Western Australia's unemployment rate has reached nearly 12 per cent. The working members of the unions to which the Government believes it is so close now fear this Government because their livelihoods are being threatened by the actions of the Government. When the Minister for State Development goes to the Pilbara - I am sure he goes there regularly - he should ask his former supporters what they think of his Government's handling of Marandoo. He will find that they are absolutely disgusted. The polling that the Government is conducting up there will reveal that the people are sick to death of the uncertainty associated with the way in which the Government is handling the issue. That does not apply only to Marandoo; it applies also to a number of other mining projects.

Mrs Henderson: They are not supporting you.

Mr COURT: It is interesting that the Minister said that because she would be surprised how many people at Kambalda and Marandoo identify themselves as former Labor Party people and now want to support the Liberal Party.

Mr Taylor: Nonsense.

Mr COURT: The Minister for State Development should have answered my telephone over the last couple of nights and heard the people from Kambalda say that they were absolutely disgusted with the way the Government had handled that issue.

Mr Thomas: Why don't you relinquish your endorsement for the seat of Nedlands and contest Ashburton?

Mr COURT: Ashburton would be a safer seat for me to win than Nedlands in the current climate.

The Marandoo issue has been beaten up, not by the Aboriginal people, but by people using the Aboriginal Legal Service - Noel Olive and his crew. They have tried to make Marandoo a precedent for the approval by Aboriginal people before these projects go ahead. In 1977, that site was cleared. It went through the various Government committees which had to approve it before the mine could go ahead. However, there was one problem with the minesite - a cave. More experts, including archeologists, were called in to assess that site and the matter was resolved. That was in 1977. As soon as Hamersley Iron Pty Ltd began developing its plans to begin the operation, the Karijini Aboriginal Corporation was formed, and who is its front man? Who is always in the media talking for the corporation?

Mr Taylor: You tell us.

Mr COURT: Noel Olive. He handles all its publicity and is using Aboriginal Legal Service funding to set a precedent. That is not the purpose for which that funding should be used. As the Leader of the Opposition said, these people live 300 kilometres away. They have not been near the site for 40 years, but we do not hold that against them. If they believe they have a genuine interest in the area, they can be a part of the process for clearing this site for development. They were consulted when the studies were done in 1977. However, now they have come running to the Government which has told them that it will fund a new independent anthropological study of that area. When the results of that study were announced, it was an independent study that was "directed" by the Karijini people.

Mr Taylor: It was not directed; you are wrong.

Mr COURT: It is on the front page of the study that it was "directed" by the Karijini community and at the bottom of the first page the corporation has its copyright on that study. That study identifies four sites on which it is believed more work needs to be done and two of those sites are in the mining area. One is the cave which was addressed in 1977. This is all about trying to establish a precedent.

Mr Taylor: Here we go; feed the company lion.

Mr COURT: I am not feeding the company lion. In the newspaper today, Aboriginal people are now making a number of claims on the Mt Keith development, and further Aboriginal claims are being made on the Yakabindie development. The Government's lack of action has established a precedent whereby anyone can have a dash at using legislation to hinder -

Mr Taylor: Yakabindie has all of its -

Mr COURT: Has the Minister for State Development not heard the latest? Legal action is pending because it is believed someone lives in that area. That person will be used to further that claim.

Mr Taylor: How would you stop it?

Mr COURT: The Premier talks about vexatious claims. We are giving the Government a solution today. If the Government believes that the project should go ahead, it can pass legislation in this House to make sure that it goes ahead. Have members opposite had a look at the Marandoo site?

Dr Watson: Yes.

Mr Taylor: Our people will be up there on Monday or Tuesday.

Mr COURT: One Minister says they have and the other says they are going up next week. After they look at the site they will understand that it is a relatively simple mining operation.

Mr Taylor: It is not a simple mining operation.

Mr COURT: What is difficult about it?

Mr Taylor: One of the problems from a mining point of view, as you would know if you had listened to the briefing, is difficulty with water. That is a technical point you may have overlooked.

Mr COURT: Let us take another example - Mt Whaleback. What chance would there be of getting approval to mine at Mt Whaleback under this Government? Not a hope in hell. I worked at Mt Whaleback before mining started; the area is riddled with caves, many of which were full of rock pythons. I would hate to see that mine try to get off the ground today, yet it is probably regarded as the world's best deposit of iron ore. The position at Marandoo is comparatively simple; only one cave has caused any concern and that concern was addressed in 1977. However, it has continued to hinder the development of this project. The Minister for State Development has made a lot of noise about fast tracking these projects and said that the Government would establish a one stop shop. For the seventh time in as many years the Government has reorganised all the development portfolios and put all these areas into one State Development Authority - the supposed one stop shop. The Minister for State Development is fully aware that it has become a five stop shop. Instead of developers applying to one Minister and that Minister approving all facets of the development, they must still do the rounds of the departments of Aboriginal Affairs, Environment, Mines and so on to obtain all the necessary approvals. As that system has not worked, the Government has formed a Ministerial Council. Yesterday the Premier said that the Ministerial Council met every other week. I do not know what it does at those meetings, because the delays are increasing and no projects are being approved. The Federal Government has placed Kambalda on the list of projects to be fast tracked. No sooner was that announced than 150 people lost their jobs and \$100 million of new investment was canned. That is not a good track record. The Government knows only too well the political pain it is experiencing as a result of the delays to this project. Hamersley Iron Pty Ltd exported more than \$1 billion worth of iron ore last year, and the jobs of 15 000 people are tied directly or indirectly to the success of that operation. However, the Government has been prepared to put it in jeopardy as a result of the delays that have occurred. The Leader of the Opposition said that one project alone was worth double the amount of money the Prime Minister referred to in his announcement about phoney employment opportunities today. The member for Pilbara must know only too well that the delay in this project is costing him dearly in his electorate. At least he supports the iron ore industry, which is more than can be said of other members opposite. He is aware from the feedback he receives from his constituents of their concerns about the delays.

Members opposite, including the Minister for State Development, were elected to govern and make tough decisions. Of course, it is not easy to get projects off the ground and it is always necessary to overcome a number of obstacles. In the next year or so the Government will face further problems involving Mt Keith and other projects but, unfortunately, it has set a precedent in this case. It is becoming almost impossible for projects to get off the ground. Marandoo is a classic example of the Government's willingness to pander to - rather than listen to - various interest groups. In this case it is allowing one articulate person, who is legally trained, to take control of a group of Aboriginal people and use them as the vehicle with which to hinder development in this State. These delays are responsible to some extent for the 12 per cent unemployment rate in this State. If there were a continuous stream of new investment in this State, it would not be necessary to worry about unemployment levels.

The Opposition has made a very practical suggestion today; that is, if the Government is finding it difficult to obtain the necessary approvals for this project, it should introduce legislation into this Parliament that will override other legislation that may be hindering the development. There are precedents for that action. For example, some problems arose with the development of the Argyle diamond mine because of doubt about ownership of the titles. To settle the matter once and for all, the Government introduced legislation clearly indicating that the titles belonged to certain people, and the project was able to proceed. The Opposition has suggested that the Government introduce legislation in this House, and indicates that we will support its passage within the next two weeks.

DR WATSON (Kenwick - Minister for Aboriginal Affairs) [3.15 pm]: I want to make two brief points, but preface my statements by challenging the member for Nedlands about his statement that the Government is pandering to Aboriginal interests. Hamersley Iron Pty Ltd

has never had legal consent to mine. It was necessary for the Government to make a very tough decision to break the impasse that had been reached. It provided anthropologists to work with the Karijini Aboriginal Corporation, and an anthropological survey was carried out with the cooperation of the whole community. Representatives of the 300 members of that group were involved in that survey of the temporary reserves in the western corridor. That had not been done previously. In fact, approximately 11 archeological and anthropological surveys had been carried out previously, mainly of that small area on the temporary reserve, using only one informant. It is particularly important to emphasise the links that the Karijini people have with their land. Three language groups are represented in the Karijini Aboriginal community. Aboriginal people have never had a choice about dislocation. They have been dislocated because of pastoralists, miners, and Government policy. However, if members had been privileged, as I was, to receive that anthropological report from the Karijini elders, they would have no doubt about the continuing affiliation those people have with their land. The Karijini Aboriginal community discussed this among themselves and made a decision to present the report at a place that not all the Karijini people had been to, because such is the knowledge that it must be preserved among the elders. We visited a place on Hamersley Station, some distance outside the boundaries. We went to a burial tree on which was a platform where a certain woman's grandfather was buried. In fact, his bones are still there. Before she presented the report she sang a song to us that had been passed down through that line of her family. Without doubt, that song is sung to her grandchildren. No clearer indication could have been given of the links those people have with their country. Some of the elders who were informants for the anthropologists had worked on Hamersley Station until recently. They know their country. There are difficulties for them in getting back to it because they live 300 kilometres away, and they must have transport and the means to support that transport. That is not always easy. I cannot stress enough that Aboriginal people have never had a choice about this whole sorry history of dislocation.

The Department of Conservation and Land Management and the Karijini Aboriginal Corporation are in the process of negotiating a means of joint management of Karijini Park, while preserving living areas that continue to be important. Secondly, I want to underline the fact that there are no short cuts.

The ACTING SPEAKER (Mr Kobelke): Order! The Minister is addressing the Chair, and a number of members seem to be carrying out loud conversations among themselves. If they wish to have those conversations or to talk to each other across the floor, would they please leave the Chamber and carry on such conversations outside.

Dr WATSON: I commenced by saying that there was never valid consent for what Hamersley Iron wanted to do. That consent will have to be gained with the approval and advice of the Aboriginal Cultural Material Committee. The section 18 notice will go to the Trustees of the Museum. The trustees delegate their authority to the ACMC. The ACMC will examine all the reports that have been written before it will provide me with information, advice and recommendations, and it is on that advice that consent of the Minister for Aboriginal Affairs will be given. There are no short cuts to that process, but the Minister can request the ACMC to sit. Its next meeting is scheduled for the week before Christmas. We can bring that date forward and request a special sitting. The ACMC will then consider the information that it has about the sites in light of section 5 of the Aboriginal Heritage Act. The Leader of the Opposition will know that the Aboriginal Heritage Act is a complex piece of legislation, and it continues to be reviewed. Two major amendments need to be made to the Act: One in respect of the resolution of disputes, and the other in respect of a code of practice for developers, Aboriginal people and all interest groups.

Mr Court: Are you saying the meeting will take place a week before Christmas?

Dr WATSON: That is the next scheduled meeting.

Mr Court: The committee will advise you and you will decide whether Hamersley can mine the area?

Dr WATSON: Not at all. The Minister for Aboriginal Affairs will consider the advice of the ACMC.

Mr Court: Before you will give your approval for the site to be mined?

Dr WATSON: Yes, and that consent can be given unequivocally or with some conditions attached.

Mr MacKinnon: That will not happen until December.

Dr WATSON: What I was saying before, had the Leader of the Opposition been listening, is that the Minister can request a special sitting of the ACMC, but we are a month away from the next scheduled meeting. The members of the committee have a lot of reading of reports to do. I conclude by saying that the Government has done everything that it can. The Government has never wavered from its commitment to develop Marandoo, and neither have the Karijini. The Karijini have made it clear from the start that they are not opposed to mining, but that if mining does go ahead they will want jobs and justice for themselves and for their children.

MR DONOVAN (Morley) [3.24 pm]: I preface my comments by alluding to the point of order of the member for Darling Range. Unlike last week, when the matter of public importance was certainly floated by the Independents on this side of the House, I am not quite so surprised that today's motion was not floated by us on this side of the House because I suspect the mover knew exactly what the member for Perth and I would be likely to do with it. Nevertheless, I shall oppose this motion. I am mystified by a number of things; firstly, the implicit suggestion in this motion that this House should endorse the proposition that the Government should move at any pace that is necessary, and across its own legislation, if necessary, to bring about a result. My advice is that Hamersley Iron Pty Ltd has not yet submitted its environmental review and management program. The situation is a bit like that which occurred yesterday, when we wanted to create an Act that could not be operated. We are trying today with this motion to say to the Government that we want it to cut across its laws - to behave unlawfully - in order to bring about a speedy or speedier resolution to this problem. If that is not a contempt of Parliament, it is certainly a contradiction. No Parliament should endorse the proposition that a Government be asked to behave unlawfully.

Secondly, I am, as always, concerned about the idea of pursuing the quarry at any cost because of the environmental concerns and also because of the very real - and, let us face it, they are real, no matter how frustrating or difficult they may be - concerns of the Aboriginal people in that area. Their concerns are not so easily met as are the decisions that might otherwise have to be made about development projects. Miners understand exactly what must be done in their economic, industrial and administrative interests. It is not quite so easy to say to Aboriginal people, "Look, we are in a rush, so I am afraid you will have to fit into our timetable." That does not work. It has never worked that way under Governments of the right and it has never worked that way under Governments of the left. Every time a situation like this has been rushed through without thought, it has caused downstream problems. We should by now have grown up to the stage where we do not accept that that is a viable thing to do.

I must say that it is fairly offensive to say that the Aboriginal people of the area do not know their way to Marandoo. The Minister for Aboriginal Affairs tried to educate us a bit about the problems faced by these people. I want the Leader of the Opposition - because he is the only person I can think of who would have been in the Government party at the time - to cast his mind back to the question of the Millstream problem in 1975-76, where in order to get across the message about the importance of the site, because that could not be described and dealt with accurately according to our conventions, the people of the area pantomimed for the Government, the Public Works Department of the day and the then Federal Minister for Aboriginal Affairs, Hon Ian Viner, the story of Millstream. The Government of the day paid great attention to that pantomime, and Millstream was not dammed. It is important in considering these issues that we consider the dilemmas under which these people operate as well as the dilemmas under which the company operates; and, as I said at the outset, in any event, not to ask the Government to behave unlawfully.

MR GRAHAM (Pilbara) [3.30 pm]: It is interesting for me to speak yet again on the Marandoo project. I spoke about it when I first entered this Parliament.

Mr Court: Your father worked there 25 years ago.

Mr GRAHAM: That is right, and my uncle introduced the initial Act of Parliament for Marandoo into this place in the early 1970s, so I suppose I should declare an interest. It has been interesting to watch the development of this project and the process by which some

members on the other side have become instant experts. Until very recently members opposite had never been to the Pilbara in their lives. I am not picking on the member for Nedlands, but some members opposite have become instant experts on how to get a mining development project off the ground, although none of them have done it. Today's motion is another exercise in political cynicism by the Leader of the Opposition. His comments about Marandoo were made in passing. I suspect he made them in concert with Liberal Party leaders across Australia as a Bob Hawke bashing exercise. It had very little to do with Marandoo. The Leader of the Opposition did not move the previous motions of urgency and public importance on Marandoo; they were moved by the member for Nedlands. I know he has long been interested in Pilbara matters, so I am not going to have a go at him, although he said that he may come up and run in the Pilbara. I look forward to that. The Leader of the Opposition has run up a motion in this Parliament calling on the Government to do certain things as a matter of urgency. This is not a course that he has taken before in this Parliament; with all his venom and vigour, it is not something that he has raised before, but he has raised it today on a day which happens to coincide with a speech by the Prime Minister. We must regard this motion in that context.

The member for Nedlands raised a number of points, most of which we heard during the last motion. They are essentially about the concern that he has for the Government's ability to deliver resource projects in this State. When we debated this matter in August he asked me whether I would support the motion put forward by the Liberal Party, and I said I would not because the basis of that motion was that a Labor Government could not deliver resource projects in this State, and that is quite clearly not the case. As I said in August, and no-one has ever picked me up on it, the value of the mining industry in Western Australia during the eight years of the Labor Government has increased by 250 per cent.

Mr Kierath: That is due to Robe River.

A Government member: Don't set him off again!

Mr GRAHAM: Do we have time? The fundamental premise that Labor Governments cannot deliver resource projects is challenged not by rhetoric but by the facts. Having some idea of what would come up to day, I asked the Minister for Mines during question time what had happened to the mining industry. Members opposite, particularly the Leader of the Opposition, for political expediency, argue that the mining industry is in diabolical shape in Western Australia. What did I have as an answer? In the last year, when members opposite would have us believe that we were in crisis, the mining industry grew by 20 per cent to \$12.5 billion.

Mr Bloffwitch: Did you have anything to do with that?

Mr GRAHAM: Who was in Government? If we are supposed to have caused the problem, surely we are entitled to claim the credit for that growth! The reality is that the attempts by the Opposition to score a cheap political point, either in the Pilbara or nationally, as a result of the Marandoo development have failed.

Another argument is that in some way the Government has not done something. Members opposite are not sure what the Government should have done.

Mr MacKinnon: Something; anything will do.

Mr GRAHAM: If the Opposition were in Government today it would do something or anything.

Mr MacKinnon: This project would have been up and running.

Mr Court: There would have been a train in there picking up products.

Mr GRAHAM: When we had this debate in August, there was some merit to it. It is not easy for me to say that there was merit in what the member for Nedlands said. It was difficult for me to involve myself in that process. Members on my side of the House know the conversations I have had privately, and they know my views about the mining industry generally. My position is no great secret. But let us look at what I said in August when I had those concerns.

The Premier had indicated in the debate in this House that she would involve herself and her Government in the impasse between the two groups at Marandoo to ensure that the project

would go ahead. She also gave this Government's absolute commitment to the Marandoo project. Here we are, a couple of months after those commitments from the Premier, and it seems from the announcement made by the Premier that the impasse will be broken and the obstacles at Marandoo will be removed. However, we come in today and find with surprise that the announcements made today reinforce the commitments given by the Premier and the ministerial task force about what will happen at Marandoo. The Government has not only said publicly that this is what it will do to get the development off the ground; it has actually produced the goods. It has not said, "We will do something." It is very easy to be gung ho and say from the Opposition benches, "We will do something." That is not the answer to resource development in this State.

Aboriginal and heritage matters must be dealt with by a process. Environmental matters must be dealt with by a process. A developer, be it a caravan park developer or a mining industry developer, has a reasonable expectation that he will be able to go to the Government and say, "We want to develop a project; what do we have to do?" These people have a right to expect an answer from the Government about what they must do. In this case the Government has indicated to Hamersley Iron what it is required to do. I can vouch for that, because I organised the meetings and I attended the meetings where the company was told what it had to do. It was not told, "We will do something." What the company had to do was outlined in detail. The Government has followed through on each and every commitment it gave that company. It has followed through on all its obligations. That process, that mine and that development, will get off the ground on time and it will produce the iron ore it is required to produce for the world market. This progress will not be helped by the Leader of the Opposition taking cheap political shots on the back of a major resource development.

MR COWAN (Merredin - Leader of the National Party) [3.40 pm]: I support the motion. If we look at the record - and in some instances members of Parliament have selectively quoted the record and used statements to their advantage - the truth is that the Premier said in August that the Government would produce a result in relation to the Marandoo project within a month.

Mr Court: She said that in July.

Mr COWAN: It certainly was well beyond a month before we saw any progress made. No-one can deny that some progress has been made to move the Marandoo project closer to production. However, the entire saga of the Marandoo project indicates clearly that all the actions about which the Government speaks and all the things it has said it will do have yet to bear fruit. It is said that processes will be put in place to fast-track project developments, yet the first time that is tested - at Marandoo, Yakabindie, and I am sure other areas - the Government is found wanting. For that reason, the Leader of the Opposition is right to remind the Government that it does not meet its obligations in relation to the development of this State in a proper and meaningful way.

One other point deserves mention; it has not been mentioned so far. I am disappointed that the Minister for Aboriginal Affairs is not here. I hope that she is using the facilities of the House to hear what I have to say. It is clear that some people, particularly people within the Aboriginal Legal Service, are trying to milk projects such as Marandoo and Yakabindie as much as they possibly can.

Mr Taylor: They are no longer involved at Yakabindie.

Mr COWAN: They were. I made a general statement that the Aboriginal Legal Service tried to milk projects such as Marandoo and Yakabindie to the maximum extent. It does not necessarily amount to something of value to the local Aboriginal communities. I am sure of that. No doubt that approach by the Aboriginal Legal Service must apply to Yakabindie. It is in those areas that the Government should take action to ensure that the Aboriginal Legal Service is given a proper perspective.

Mr Taylor: That is a federally funded organisation.

Mr COWAN: And does the State Government not have some ability to make it clear to the Federal Government -

Mr Taylor: I have made my position clear. If the member says that the Karijini people should not rely on the Aboriginal Legal Service, I say that Hamersley Iron has relied on a

group of lawyers for advice. The first advice should be commonsense. The more we leave out the lawyers, the better.

Mr COWAN: I did not say that the Karijini people should not rely on the Aboriginal Legal Service. The Aboriginal Legal Service should be given the opportunity to re-examine its brief, and its goals and objectives. I do not think the Aboriginal Legal Service in the latter stages is operating a brief from the Karijini; it is a brief completely outside the community.

Mr Taylor: I am not sure about that.

Mr COWAN: The Minister is not sure. I have no proof to deliver but that is the view of many people, and it is shared by many people about many other projects. If the Minister is saying that the State Government has no direct influence over the Aboriginal Legal Service because it is a Federal body, I accept that.

Mr Taylor: I have personally spoken to them.

Mr COWAN: The Minister cannot say that the State Government has no influence - although it may be proved that it has not, given the comments made today about the Prime Minister's economic statement because it appears that the State Government was not told about the contents of that statement. The Government could not answer a series of questions today.

Mr Taylor: I had other matters to deal with, and I did not read the economic statement.

Mr COWAN: One must read the statement to know what is in it. I have digressed slightly. Australia is facing economic difficulties. We have a centralist Federal Government that is not even prepared to consult with State Governments before it announces an economic package. That represents a communication gap. A copy of that economic statement would be something; however, it is time that the Aboriginal Legal Service examined its brief. I also acknowledge - and I think this was stated by the member for Pilbara or by the Minister for State Development - the need for a different attitude by companies when dealing with Aboriginal people. They dealt well with the environment and they can do the same with the Aboriginal people.

[The member's time expired.]

MR GORDON HILL (Helena - Minister for Mines) [3.46 pm]: The Opposition holds the view that legislation solves everything. Every time a problem occurs in the community, the Opposition says that we should legislate to solve that problem. Legislation does not solve every issue, and I can give many examples to support that view. This Government is not a Government of conflict. We are well past the time when we can deal with mining issues in the same way as the former Court Government dealt with the Noonkanbah situation. We can no longer deal with conflict in that way. It is not appropriate to do that today.

[The member's time expired.]

Division

Question put and a division taken with the following result -

Ayes (24)

Mr C.J. Barnett	Mr Cowan	Mr MacKinnon	Mr Strickland
Mr Bloffwitch	Mrs Edwardes	Mr McNee	Mr Fred Tubby
Mr Bradshaw	Mr Grayden	Mr Minson	Dr Turnbull
Mr Clarko	Mr House	Mr Nicholls	Mr Watt
Dr Constable	Mr Kierath	Mr Omodei	Mr Wiese
Mr Court	Mr Lewis	Mr Shave	Mr Blaikie (Teller)

Noes (28)

Dr Alexander	Dr Gallop	Mr Leahy	Mr P.J. Smith
Mrs Beggs	Mr Graham	Mr Marlborough	Mr Taylor
Mr Bridge	Mr Grill	Mr McGinty	Mr Thomas
Mr Catania	Mrs Henderson	Mr Pearce	Mr Troy
Mr Cunningham	Mr Gordon Hill	Mr Read	Dr Watson
Mr Donovan	Mr Kobelke	Mr Ripper	Mr Wilson
Dr Edwards	Dr Lawrence	Mr D.L. Smith	Mrs Watkins (Teller)

Question thus negated.

BILLS (3)

Messages - Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. State Government Insurance Commission Amendment Bill
2. State Government Insurance Office Bill
3. Western Australian Treasury Corporation Amendment Bill

CRIMINAL LAW AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Pearce (Leader of the House), read a first time.

Second Reading

MR PEARCE (Armadale - Leader of the House) [3.51 pm]: I move -

That the Bill be now read a second time.

[Leave granted for the following text to be incorporated.]

Since 1983 the Government has initiated amendments to more than two-thirds of the Criminal Code. This Bill is a further step in the continuing commitment to modernise the criminal justice system. Most of the provisions in this Bill deal with issues which have been the subject of considerable community interest. These include a change from the offence of unlawfully using a motor vehicle, to stealing. The Bill also amends the provisions of the Criminal Code to extend a person's right to use force to defend his personal property. The Government has announced other amendments to the Criminal Code which are planned to be introduced later in the current session. These include a new offence of deliberately spreading HIV or other infectious diseases, and provisions to facilitate DNA testing of suspects by compulsory procedures for taking bodily samples.

The Bill now before the House deals with six main areas. These are -

- (a) an amendment to section 19 to replace the present maximum fine of \$250 000 with a discretion in the courts to impose fines of unlimited amounts;
- (b) a new provision dealing with pre-empanelment procedures in criminal trials;
- (c) changes to chapter 28 to repeal the year and a day rule;
- (d) amendments to chapter 26 concerning citizens' power to protect personal property;
- (e) amendments to section 371A of the Criminal Code and similar provisions in the Road Traffic Act concerning motor vehicle stealing; and
- (f) amendments to chapter 39 dealing with housebreaking offences.

I will deal with each of these in turn.

Maximum fine: Section 19 of the Criminal Code empowers courts to impose fines and the maximum amount of a fine has always been specified since the Code was introduced in 1913. At that time the maximum fine was £500; that is, \$1 000. The maximum fine was last increased in 1988 when the then maximum of \$50 000 was increased to \$250 000. This Bill proposes to remove the statutory maximum. Judges will then have a discretion to impose whatever fine they consider appropriate in the circumstances of each case. This will allow a more adequate penalty in such cases as large scale fraud where very large sums of money are involved. There are other cases where a greater fine could remove the need for imprisonment or where a greater fine plus a lesser term of imprisonment would be more appropriate than longer imprisonment without a fine. The amendment recognises disparities in personal wealth and that, although \$250 000 would be a fortune to most people, to others it may be a small price to pay. The amendment will not require judges to impose fines of any particular amount. That, as has been indicated, will be a matter for the court's discretion.

Pre-empanelment proceedings: To streamline proceedings which take place before a jury is sworn in, clause 7 of the Bill proposes a new section 611A of the Code. Before a trial commences, it should be possible for the court to decide on the admissibility of evidence, settle questions of law which affect trial strategy, or ascertain what the defence and prosecution are prepared to concede. At present, these questions can be determined only after the empanelment of a jury. The court must then decide the questions in the absence of the jury. A jury, having been empanelled, may immediately be excused from attendance for a considerable time while argument on questions takes place. This procedure can lead to considerable inconvenience and waste. The Murray review of the Criminal Code recognised that a procedure is needed to permit these questions to be determined after the accused is arraigned but before the jury is empanelled. Even with such a procedure, parties who are determined to cause as much delay as possible could still withhold questions until after the trial begins. This possibility is more appropriately dealt with by Supreme Court practice directions; for example, by placing an obligation on the prosecution and defence to raise all appropriate questions during the preliminary proceedings. The amendment outlines the steps which may be taken before the jury is sworn or before evidence is tendered. Courts will be given power to direct defence and prosecution counsel to confer for the purpose of deciding whether such steps should be taken. The amendment also permits a judge to preside at the trial although that judge was not the presiding judge when the preliminary steps were taken. This amendment will increase the flexibility of the courts and improve efficiency in trial listings, and the use of judicial and court time. Some savings in court costs should also be achieved.

Abolition of the year and a day rule: Section 276 of the Criminal Code now provides that -

A person is not deemed to have killed another if the death of that other person does not take place within a year and a day of the cause of death.

That is, a person is not legally responsible for killing another if death did not occur within 366 days of the cause of death. This rule, which apparently dates back to the thirteenth century, imposes an artificial cut-off point for criminal responsibility. Advances in medical science can now keep victims alive for very long periods after an injury. In these circumstances, and with associated advances in pathology, the year and a day rule is now clearly inappropriate and it is proposed to repeal it.

Clause 6(3) of the Bill refers to part A of the schedule. It makes consequential amendments to the Road Traffic Act so that the offence under that Act of dangerous driving causing death will be dealt with consistently with the repeal of section 276.

Defence of property: There has been considerable community concern about the extent and limits of a person's current right to use force to protect personal property. The member for Stirling recently introduced a Bill to deal with these issues by aligning those provisions of the Code which deal with the use of force to protect personal property with those which permit force to be used when protecting a dwelling house against forcible breaking and entering. Although that Bill was defeated, the Government agreed to review the relevant provisions of the Code as some anomalies did appear to exist and a more extensive review of them was required.

In 1983 the Murray review proposed only minor changes to these provisions. However, the Government recognises that the Criminal Code should be more substantially amended to provide better protection for victims of crime and to provide citizens with a clear indication of the circumstances in which "reasonable" force may be used in the protection of property. Under the Code, people are not now permitted to use force in protecting their possessions if that causes bodily harm to another. The broad interpretation of "bodily harm" which has developed has the result that a person attempting to prevent property being stolen is, in effect, unable to inflict any injury which interferes with the health or comfort of the offender. This may lead to the result or perception that people who defend their cars or other property could face more serious charges than those who steal or try to steal them. The Government is proceeding on the view that the existing restrictions to which I have referred are excessive. It should be noted that some Code provisions which deal with the defence of property provide that defence not only to the actual owner, but also to any person in "peaceable possession" of property. As a result section 252, for example, could allow a thief in possession of property to resist an owner who attempts to reclaim possession. It is clearly

not appropriate in such a case to permit the use of such force as may cause bodily harm. To meet that situation the proposed amendments do not include a change to section 252.

Section 256 of the Code also deals with a special sort of dispute which should properly be settled before the courts and not by action causing bodily harm. Accordingly, the Bill does not propose to extend the degree of force permitted by section 256. On the other hand, section 251 deals with defence of moveable property. This covers an owner who is attempting, for example, to prevent a thief from taking his motor vehicle. Here, the Government supports the community view that the law should not prevent an owner of property from using reasonable force to protect that property, even if bodily harm does occur. The amendment to section 251 will allow an owner or other person in peaceable possession, or a person acting with his authority, to use such force, but less than that which is likely to cause death or grievous bodily harm, to resist a thief or other trespasser. It is proposed to amend section 253 in a similar way. That section permits a person in possession of property under a claim of right to use force to defend property.

Clause 10 proposes to insert a new section 254 which will permit force to be used in the defence of premises against trespassers and for the removal of disorderly persons. Dwelling houses are dealt with under section 244 and a person defending a house has wider powers. Clause 10(1) expands the definition of place so that the proposed new section 254 applies to vehicles, land and vessels. Although the degree of force permitted to be used is proposed to be extended by subclauses (2) and (3), the persons permitted to use that force will be limited. This is because section 254 is not intended to allow persons employed to eject disorderly persons or remove trespassers - for example, nightclub bouncers - to use such a degree of force as is contemplated by proposed new section 254. However, people employed to remove disorderly persons may come within other provisions of the code which allow force in specified circumstances and which may apply to bouncers and others in the performance of their employment. These include power to use reasonable force to prevent breaches of the peace, or in response to an assault committed under provocation, or to prevent the repetition of an assault, or in self-defence against a provoked or unprovoked attack. The relevant provisions are in section 237 and sections 246 to 249 of the Code. As a result, persons employed as bouncers, for example, will not be vulnerable to assault charges if they use only reasonable force. The proposed amendments retain the current requirement that any physical force used against a person for the protection of property must be reasonable and necessary. Here, as with the use of force for self-defence, the use of more force than is justified under the circumstances will remain unlawful.

The amendments to the defence of property provisions have required careful consideration of the scope and interrelationship of each section. They have been very carefully framed so as not to permit, promote or encourage vigilante groups, or the use of more force than is appropriate. The amendments recognise the community's concerns and the need for clear and extended rights under the law for those citizens who are unfortunate enough to be placed in the position of needing to defend their property.

Stealing motor vehicles: The offence of stealing is in section 371 of the Code. It is defined as the fraudulent taking or conversion of property. The term "fraudulent" is defined in section 371(2) in terms of intent. In general, that intent must be to permanently deprive the owner of possession of the property. If a person takes a motor vehicle, drives it and abandons it, and is then charged with stealing, the offender can argue under current provisions that he was merely joyriding and had no intention of permanently depriving the car owner of possession. As a result of this defence to car stealing, an unauthorised use offence was created in 1932. Unlike stealing, the prosecution need only prove use of the car without the permission of the owner or person in charge of the vehicle. A perception is held by some in the community that unlawful use of a motor vehicle or joyriding is less serious than stealing; the amendments are proposed to dispel that view. Part V of the Bill will repeal the offence of unauthorised use of a motor vehicle in section 390A of the Criminal Code, and insert a new offence of stealing a motor vehicle in proposed section 371A. The new offence will cover the same elements as now constitute the offence of unauthorised use or joyriding.

Housebreaking offences: Part IV of the Bill will permit summary disposition of specified housebreaking offences. In 1987 the Government expanded the ability of the courts to deal with burglary offences summarily where the offence related to property of a specified value. The 1987 amendments did not include housebreaking offences. However, the same rationale

for summary trial applies to burglary and housebreaking offences. Where a case can be adequately dealt with in petty sessions, and the accused so elects, this course should be followed. Apart from other benefits, this should result in a considerable saving of the time of the superior courts and assist in keeping court lists more up to date.

The amendment distinguishes between burglary involving a dwelling house and that involving other buildings. The summary penalties set out in proposed section 401 are greater for burglary involving housebreaking; that is to reflect the seriousness with which the Government and the community regard the latter offence. Also, under the proposed amendment there will no longer be separate offences for burglary involving a dwelling house and burglary involving other buildings. Instead, the new offence will apply to all places, and circumstances of aggravation are specified.

In conclusion, this Bill maintains the Government's ongoing commitment to the reform of the State's criminal law. I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

ACTS AMENDMENT (REPRESENTATION) BILL

Third Reading

Debate resumed from an earlier stage of the sitting.

MR CLARKO (Marmion) [3.53 pm]: The Minister has made grossly misleading claims which have exposed his political ignorance of legislation which has been rejected in the Legislative Council. The Minister quoted statistics on how many Bills were knocked out in the time of the Hawke and Brand Governments. He showed a palpable ignorance for a person of his background. When a Liberal-National Party coalition exists the Minister must surely have realised that the members of the coalition sat in joint party meetings and put forward their views on various matters. In addition, in a coalition system members of the Cabinet do not vote on the various issues. When a Liberal-National Party coalition is in Government and members meet to discuss a Bill, none of the Ministers vote; the number varies, but there would probably be 15 Ministers. That would mean that coalition members of the Legislative Council make up something in the order of half the membership of that meeting, sometimes more. It would not be surprising - if the Minister were to put that great brain of his to work - to realise that if those people do not like something they knock it out right there. That is unlike the Labor Party in Government, because the only opportunity its members have to knock something out is on the floor of the Legislative Council. I am surprised that neither the Minister nor many other people appreciate that very fundamental point which destroys the Minister's argument altogether. It is not surprising there was only one misunderstanding in the life of the Court and O'Connor Governments.

Dr Gallop: A misunderstanding!

Mr CLARKO: The Minister said that the person did not turn up; I use the word misunderstanding, the Minister can use any word he wants. There should be no rejections except for the fact that members of our party have the right to make their minds up on all issues; so the Minister was able to correctly point out that six Bills were blocked during the time of the Brand Government from 1959 to 1971. That is the reason the Minister's argument is totally fallacious and I am surprised the Minister did not understand that from the little piece of knowledge I gave him.

I have asked members on the Government benches several times to tell me one country in the world that has a one-vote-one-value system. I was privileged to represent the Parliament of Western Australia at the eighth Australasian and Pacific Regional Parliamentary seminar held at Norfolk Island in November 1986. A discussion came up on this very issue, and I challenged that conference, which was composed of representatives from Hong Kong, Malaysia and the South Pacific - a whole diversity of people from separate countries - to name one country in the world with universal one-vote-one-value. Only one reply was given and that was by a man called Carpel Singh who, as well as being a politician, is a lawyer. He represented Geoffrey Chambers in that very famous drugs case as a result of which eventually Chambers was put to death. Carpel Singh said there were no countries with one-vote-one-value and the representatives of the other roughly 20 countries were silent. I will continue to put that question throughout my political career in any forum, and I will be

surprised if I ever get somebody saying a country has one-vote-one-value. Even if one country were found out of the 130-odd countries of the world, it would not prove that I was wrong; it will give us that one exception, as they say, to prove the rule.

What happened in Western Australia at the 1975 Federal election under the House of Representatives' system that the Minister would call one-vote-one-value? The Liberal Party polled 60 per cent of the vote, but won 90 per cent of the seats. The Labor Party got 40 per cent of the vote, but won 10 per cent of the seats. This is the scheme the Labor Party loves! In 1977 another election was held under the Labor Party's one-vote-one-value system and the Liberal Party with 60 per cent of the vote won 10 seats and the Labor Party with 40 per cent of the vote won nine per cent of the seats. That is the scheme the Labor Party wants for Western Australia.

Mr Kierath: Is that what it calls one-vote-one-value?

Mr CLARKO: That is right. Even the dust mites in this place would accept, on my argument this morning, that there is no principle in one-vote-one-value. I referred to almost all countries and used examples from every continent and from every State in Australia to prove that the one-vote-one-value principle is not universally applied. The Minister for Parliamentary and Electoral Reform referred to the great progress made in 1986-87 when the last changes were made to the electoral system. He said that the weighting in Western Australia had changed and he used the figures of 11:1 and 8:1. I have pointed out before that the relationship between Tasmania and New South Wales in the Senate is 10:1. The Legislative Council in Western Australia, to which the Minister referred, has a ratio of less than 3:2 and the Legislative Assembly has a ratio of less than 2:1. I will now come back to something that Government members have been waiting for. They have witnessed my demolition of their arguments for one-vote-one-value and I will now turn to the positive side of the argument for weighting; that is, not the waiting which members opposite have patiently and sometimes rudely been doing, but weighting.

Vote weighting is a worldwide practice in which a political system deliberately structures the representation afforded to parts of a country. It usually occurs in areas which have relatively small populations, are remote and are places in which farming, mining or animal husbandry occurs. They are usually large areas and vast distance is often a significant factor. In some cases vote weighting is afforded to racial groups. For example, in New Zealand the Maori people are represented by a fixed number of representatives in the New Zealand Parliament irrespective of whether a virulent flu virus has reduced the population. Vote weighting may also be based on religion, as it is in Lebanon where if the elected president is Islamic the vice president must be a Christian. Another system converse to the one-vote-one-value system is that adopted by the Kurds in Iraq. Some may say that it is based on religion rather than culture, but it is often hard to draw a distinction between religion and culture.

In modern societies like ours we must also take factors such as the burden of cost into consideration. People who live in isolated areas and in places which are long distances from capital cities must have vote weighting. I will not delve into the social factors of how these people are disadvantaged. However, they are politically disadvantaged and would be more so under the system proposed by the Government. Although they are disadvantaged there are many other advantages to living in the country. Many people living in the country would not swap with people living in the city. I can appreciate that after spending some time in the country. However, if a person has a serious problem with his teeth he will have to go to Perth for specialist treatment. Many pregnant women in the country may also have to go to specialists in the city if they experience complications. Such moves dislocate the family and cost money. They are only a few of the huge burdens people in the country must suffer, but they take it well because they are the backbone of Australian society. The typical digger that has been written about was originally a person who came from the country. I am not taking anything away from those people who live in the city, but I am trying to redress the imbalance; we are trying to be fair. The Minister for Parliamentary and Electoral Reform is unlike the previous Minister who introduced similar legislation because he has not referred to the word "democracy". On previous occasions Arthur Tonkin tried to say at length that the one-vote-one-value principle was democratic.

Mr Cowan: He spoke for five and a half hours on it.

Mr CLARKO: Yes. He referred to his Bill as fair representation legislation. The Liberal Party, the National Party, and the world support vote weighting.

Mr Thomas: The world does not support it.

Mr CLARKO: The world does.

The ACTING SPEAKER (Mr Donovan): Order! I acknowledge that this Bill is difficult to debate, particularly as it deals with electoral reform. I remind the House that speeches during the third reading debate on any Bill should be more constricted than speeches on the second reading. In fact, they must be constricted specifically to the content of the Bill. I ask members to be conscious of Standing Order No 296 because otherwise they run the risk of entering into second reading debates, which simply will not be in order.

Mr CLARKO: The National Party, the Liberal Party and I support vote weighting. That is despite the humbug put forward by the Government that it accepts the National Party's opposing the principle of one-vote-one-value but cannot accept the Liberal Party's supporting it. The fact is that the Liberal Party in modern times has had the greatest support in country areas. For the Government to suggest that the Liberal Party does not support country areas is peculiar. Despite vote weighting in mining, pastoral and agricultural areas the people in those areas are still outnumbered in Parliament. I am concerned about this legislation which reduces the margin from 15 per cent to 10 per cent. That is another attempt by the Labor Party to put the heel into the electors of this State. In conclusion, every member will agree that the principle of one-vote-one-value is nonsense. I have proved that vote weighting is practised worldwide.

The ACTING SPEAKER: Order! It is incumbent on me to begin exercising discipline in this debate. The repetition by the member for Marmion will get us back into the second reading situation that I warned the House about. That cannot be allowed under the Standing Orders. The member for Marmion must address his remarks unrepeatably to the content of the Bill as resolved in Committee.

Mr CLARKO: Mr Acting Speaker, the words of clause 12 say without question that the Labor Party is seeking to introduce the principle of one-vote-one-value. I was concluding by saying that the principle of one-vote-one-value is not practised anywhere in the world. Vote weighting has always been the political and social practice in Western Australia, not only in Parliament but also in all Constitutions in Australia. Without vote weighting tension would be increased, not only in this country but also throughout the world. If vote weighting is denied to people in rural and mining areas there will be a break-up of this State which will be far greater than what has occurred in the Soviet Union. If the people who carry burdens which are much greater than the burdens of people who live in the densely populated capital cities are denied vote weighting they will be pressured into dissociating themselves to become a separate political unit. If members opposite consider that to be an exaggeration they have not done any study on the new States movement in Australia. It is a very powerful movement, but it has not been so active in recent times. On many occasions we have heard about parts of a State wanting to secede. Northern New South Wales is a classic example. The same applied to northern Queensland and, to a lesser degree, the northern part of Western Australia. These parts of Australia have been involved in very significant organised institutional movements to separate from their capital cities. That is what we will move to if the Government takes away the voice of the people of Western Australia.

This legislation is very unfair to the less populous parts of the State and to the industries based in those areas. Politically, economically and socially those people will be harmed by this legislation and it must be resisted at all costs.

I urge all country and thinking city people to oppose this legislation more vigorously. They must speak up and act against the Labor Party which is proposing to place this heavy yoke upon the people of this State who have always been part of the vote weighting system. They reject the system of one-vote-one-value which is some obscure theory practised by a handful of people who might fit inside one telephone booth.

MR THOMAS (Cockburn) [4.12 pm]: I support the Acts Amendment (Representation) Bill which seeks to overcome what I describe as a partial disenfranchisement of the constituents I represent in this Parliament. The electoral district I represent has 20 265 electors and they are represented in this House by one vote - my vote. The electoral district of Merredin which is represented by the Leader of the National Party has 11 647 electors and they are also represented by one vote. My constituents are disenfranchised to the extent that

their vote is worth a little more than half the vote of the people of Merredin. The same situation applies to the people who are represented by the member for Marmion. I submit that the member for Marmion, the member for Floreat and other metropolitan members opposite who oppose this Bill are selling out their constituents because they are not supporting the proposition -

Mr Clarko: That is nonsense. I have spoken on this every time it has come up.

Mr THOMAS: I have listened to the member for Marmion ad nauseam and if he listens to me I will rebut some of the arguments he put.

The proposition that some people should have votes which are more heavily weighted than others is self-evidently unjust. "Justice" was defined in classical Greek times as treating equals equally and unequals in an appropriately different manner. People who seek to justify a system of vote weighting must prove there is a relevant respect in which the partial disenfranchisement of other people can be justified. They would have to say that the constituents of the electorates of Cockburn, Marmion or Floreat are, in a sense, unequal or less worthy than are the constituents of the electorate of Merredin. Therefore, they are less deserving of an equal vote in the formation of Government and the passing of laws. I unequivocally reject that proposition.

We need to look at the arguments put forward by members opposite to justify the partial disenfranchisement of people who live in the electorates of metropolitan Perth. The first argument which was put forward can be described as the school thesis. The Leader of the National Party told the House about the distance between the schools in his electorate and the time it takes to travel between them. He referred to the difficulty country members have in servicing their electorates because of the geographic factors involved. That argument was quite readily rebutted by the member for Maylands when she described it as Monty Pythonesque. Members on this side of the House could say that they represent poorer districts because the people who live in their electorates place greater demands on their members of Parliament and perhaps there should be a weighting in favour of areas of low income. It could be said that some of the country areas are more advantaged because, although there is a greater distance between schools, some of the country people have a far greater capacity to send their children to Hale School or Scotch College than the constituents of Cockburn. I am not suggesting that is an argument I would advance, but everyone's vote should be of equal value. The characterisation of the argument that schools are some distance apart as being Monty Pythonesque is correct.

It is desirable that members of Parliament visit the schools in their electorate, but that is incidental to the primary function that they have as members of Parliament; that is, to pass laws and to form Governments and in that respect everyone's voice should be equal. The argument about vote weighting in country areas is inconsistent because some of the electoral districts which benefit from vote weighting, such as Geraldton and Bunbury, are as compact as any of the electoral districts in the metropolitan area.

Another argument which was advanced in favour of the continuation of the system of vote weighting was that in other parts of the world one-vote-one-value does not apply. Often the member for Marmion drew the analogy between the Australian Senate and the United States Senate. He said that people support the existence of the Senate in which States have an equal vote and some form of vote weighting. People who support the existence of the Senate cannot argue for the establishment of one-vote-one-value.

Mr Clarko: Of course you cannot.

Mr THOMAS: Of course we can and that is where the sophistry of the member for Marmion must be exposed. Quite clearly, there is a difference between the upper House of the Federal system which seeks to compensate the smaller States from the disadvantage that they might otherwise have in joining that federation and the lower House in a unitary system. What we have here is a unitary system, not a Federal system.

Mr Clarko: Where?

Mr THOMAS: The sovereign State of Western Australia is a unitary system.

Mr Clarko: It is part of the federation.

Mr THOMAS: That is true but we are talking about the Legislature of the sovereign State of

Western Australia and it is a unitary system. To draw a comparison between the Legislative Assembly or the Legislative Council of this Legislature and the Senate of the Commonwealth is absolutely inappropriate and misleading. The same would apply if we drew comparisons between the General Assembly of the United Nations and many other bodies.

It is in this Chamber that Governments are formed and it is in this Chamber that legislation is passed and voters of the electorate of Cockburn are entitled to an equal say in those very important matters in the same way as are the voters of the electorates of Merredin, Collie and others.

I describe the current system as partial disenfranchisement and I see this Bill, which seeks to remedy that situation, as an attempt to enfranchise the electors in the metropolitan electorates. It is not surprising that members of the National Party and the Liberal Party are opposed to this legislation. Historically vote weighting has benefited them but they do not couch their arguments in favour of the current system in terms of their interest -

Mr Clarko: Didn't you see what happened at the last elections?

Mr THOMAS: I said it has often advantaged them politically. Members opposite do not advance their justification for that system in terms of their interest, they advance it in terms of the distance between schools, the wealth that is contributed to our economy by country people and so on. Of course, it is only the fabric of justification to support political self-interest. In actual fact, they are simply seeking to prop up their own political self-interest. If there were to be one-vote-one-value the National Party would be decimated and the chances of a conservative Government being formed would be diminished. That would be the future. At present we have a system of disfranchisement similar in some respects to that which existed at other times in our history. At one time in our history women were unable to vote.

Mr Clarko: We changed that.

Mr THOMAS: Good on you! The people who argued that women should not have the vote did not say that they should not have the vote so that men could have exclusive right to power; they said that women were represented by their husbands and fathers, so there was no reason for them to exercise a vote. That was absurd and represented the self-interests of the people promoting that approach. At one time people had to own property to vote. At that time it was said that no need existed for people who did not own property to vote because they did not have a continuing interest in the community, or a stake in it, and that their interests were represented by their employers who owned businesses, the homes they rented, and so on. Each of those arguments has been discredited. On each occasion it was recognised that every adult person is entitled to a vote. The most shameful example of disfranchisement appeared in 1977 when the Liberal Government of Sir Charles Court -

The ACTING SPEAKER (Mr Donovan): Order! I have given the member for Cockburn more latitude in the application of Standing Order No 296 than was necessary. I appeal to members to observe the quite important intent of that Standing Order, which is to preclude a repeat of the second reading debate. I ask members again to observe the proposition that this debate must be confined to the content of the Bill as reported by the Committee. I have a number of precedents here which show that, but I think the member has the message.

Mr THOMAS: I draw the attention of the House, and particularly the member for Floreat, to the shameful record of the Liberal Party relating to disfranchisement of particular groups in the community. In recent times some of the people who sit opposite in this House have been involved with shameful acts which sought to disfranchise people on the basis of race. I will not refer to the matter at length. The 1977 Electoral Amendment Bill -

The ACTING SPEAKER: Order! I will not allow the member to proceed along that line. His argument may be a fair one in his view, but it does not come within the application of Standing Order No 296 relating to third readings. I appeal to the member on his feet, and other members who may speak, to restrain themselves to the third reading as outlined under Standing Orders.

Mr THOMAS: The member for Floreat was elected to this House as an Independent member and not an endorsed candidate of the Liberal Party. As I recall some of the statements made in her maiden speech, and at the time of the by-election she said she would represent her

electorate and not a particular party. I appeal to her to look at the interests of her electorate which has twice as many constituents as the electorate of the Leader of the National Party.

Mr Omodei: How many of your colleagues voted for daylight saving when compared to the previous referendum?

Mr THOMAS: All of them, to my knowledge, but that is not the point. I point out to the member for Floreat that this is a case of a clear distinction between the objective interests of her constituency having an equal voice and representation in this Parliament along with other electorates and the policies of the Liberal Party. She can show that she is clearly representing the interests of her constituents rather than the policies of the Liberal Party by voting with the Government on this Bill.

MR COWAN (Merredin - Leader of the National Party) [4.25 pm]: I suppose if all members were university graduates or had a tertiary qualification they may be able to judge the capacity of the Minister for Parliamentary and Electoral Reform and the member for Cockburn displayed in this debate. Most of their arguments were academic; little of them had practical application. Those members who are graduates of the school of hard knocks can only dismiss their arguments as being academic and of little value.

If we are to talk about disfranchisement of electors we should remember that when Labor members enter the Parliament the way in which they are regimented by their caucus results in at least 45 per cent of the people who voted in their constituency being disfranchised even in the best of seats. Members should not talk academic rubbish and expect me to accept it because it is just not acceptable. The fact remains that most people who choose to live, or are required to live, outside the urban areas of Perth will have their political representation reduced by half if this legislation is enacted. They will then make a judgment on that action, and it will not be in favour of the people who made this decision. People have the feeling that no matter what happens no social justice and no equity is left in Western Australia. People have the feeling they are being ignored.

I represent those people, as do other members on this side of the House and some members on the other side. I have no difficulty justifying my position to the people I represent. They may not understand precisely the academic arguments put forward by the Minister or the member for Cockburn, but they understand precisely the simple proposition that they will lose about half of their elected members of Parliament as a result of this legislation. They understand and will vote accordingly.

I spoke during the second reading debate about electoral laws in Western Australia. Those laws have been in place for only one election and in total for three or four years. We are only beginning to accept the value of the changes made in 1988 as a consequence of amendments to our electoral laws. We have removed the majority of the anomalies that existed in a vote weighting system. The high number of electors was changed in the most isolated seat in Western Australia in the Kimberley. In Murchison-Eyre, the largest seat in Western Australia -

Mr Clarko: Four hundred thousand square miles.

Mr COWAN: Yes. That seat enjoyed a high vote weighting ratio in the vicinity of 11:1. That anomaly was removed. In addition, the method by which the upper House was elected was changed in a way designed to give the members elected to that place a greater consciousness of the fact that they are members of a House of review and not clones of members of the Legislative Assembly. They realise they have a different role to play as members of a House of Review. All of that was done in 1988 and has been in place for one election. This legislation is shameful because it seeks to withdraw almost half the number of country members of Parliament and transfer their seats to the metropolitan area. It is inappropriate that we should seek to make further changes to a law which has been put to the test only once and which has only just been accepted by the people of Western Australia. There is no doubt that it is accepted.

Let me put another fact to the member for Cockburn: A referendum was conducted in this country in 1988, and that referendum had four questions. Everybody has conveniently forgotten the second question, which was that of one-vote-one-value. The response of Western Australians to the question, "Do you favour one-vote-one-value?" was a resounding rejection; a rejection by two to one. By two to one Western Australians were strongly

opposed to the concept of one-vote-one-value. I have no doubt that the Minister will stand up and again give some academic, theoretical response to which nobody but himself and a few other members from academia will give the time of day because the people of Western Australia have made a decision very clearly, by a ratio of two to one, to reject the concept of one-vote-one-value. Just as the people of Western Australia rejected that concept, the National Party rejects that concept and we will continue to oppose this legislation.

House to Divide

MR PEARCE (Armadale - Leader of the House) [4.32 pm]: I move -

That the House do now divide.

Division

Question put and a division taken with the following result -

Ayes (28)			
Dr Alexander	Mr Graham	Mr Marlborough	Mr Taylor
Mrs Beggs	Mr Grill	Mr McGinty	Mr Thomas
Mr Bridge	Mrs Henderson	Mr Pearce	Mr Thompson
Mr Catania	Mr Gordon Hill	Mr Read	Mr Troy
Mr Cunningham	Mr Kobelke	Mr Ripper	Dr Watson
Dr Edwards	Dr Lawrence	Mr D.L. Smith	Mr Wilson
Dr Gallop	Mr Leahy	Mr P.J. Smith	Mrs Watkins (Teller)
Noes (25)			
Mr C.J. Barnett	Mr Donovan	Mr McNee	Dr Turnbull
Mr Bloffwitch	Mrs Edwardes	Mr Minson	Mr Watt
Mr Bradshaw	Mr Grayden	Mr Nicholls	Mr Wiese
Mr Clarko	Mr House	Mr Omodei	Mr Blaikie (Teller)
Dr Constable	Mr Kierath	Mr Shave	
Mr Court	Mr Lewis	Mr Strickland	
Mr Cowan	Mr MacKinnon	Mr Fred Tubby	

Question thus passed.

Third Reading Resumed

The SPEAKER: In order to be successful this motion requires an absolute majority. If when putting the motion I hear a dissentient voice I shall have to divide the House.

Division

Question put and a division taken with the following result -

Ayes (29)			
Dr Alexander	Mr Graham	Mr McGinty	Mr Thompson
Mrs Beggs	Mr Grill	Mr Pearce	Mr Troy
Mr Bridge	Mrs Henderson	Mr Read	Dr Watson
Mr Catania	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Cunningham	Mr Kobelke	Mr D.L. Smith	Mrs Watkins (Teller)
Mr Donovan	Dr Lawrence	Mr P.J. Smith	
Dr Edwards	Mr Leahy	Mr Taylor	
Dr Gallop	Mr Marlborough	Mr Thomas	
Noes (24)			
Mr C.J. Barnett	Mr Cowan	Mr MacKinnon	Mr Strickland
Mr Bloffwitch	Mrs Edwardes	Mr McNee	Mr Fred Tubby
Mr Bradshaw	Mr Grayden	Mr Minson	Dr Turnbull
Mr Clarko	Mr House	Mr Nicholls	Mr Watt
Dr Constable	Mr Kierath	Mr Omodei	Mr Wiese
Mr Court	Mr Lewis	Mr Shave	Mr Blaikie (Teller)

Question thus passed with an absolute majority.
Bill read a third time and transmitted to the Council.

BILLS (3) - RETURNED

1. Medical Amendment Bill
2. Queen Elizabeth II Medical Centre Amendment Bill
3. Financial Institutions Duty Amendment Bill

Bills returned from the Council without amendment.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Mr Pearce (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 26 November, at 2.00 pm.

House adjourned at 4.41 pm

UNEMPLOYMENT IN WESTERN AUSTRALIA

The unemployment statistics for the month of October 1991 released yesterday revealed that WA has the highest unemployment rate of any mainland Australian State.

The following statistics and graphs illustrate how the ranks of WA's unemployed have swollen over the past two years.

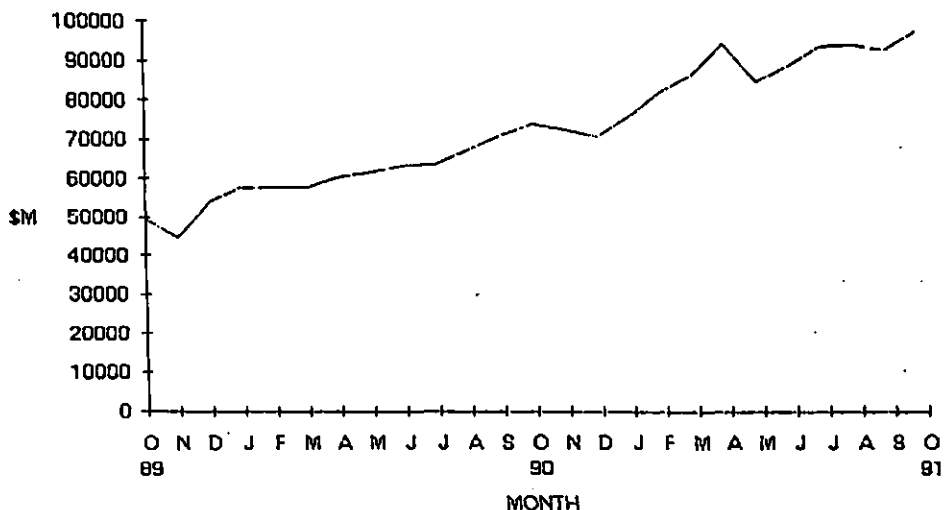
This is graphic evidence of the bitter fruit of years of Labor mismanagement of the economy.

WA SEASONALLY ADJUSTED UNEMPLOYMENT STATISTICSOCTOBER 1989 TO OCTOBER 1991

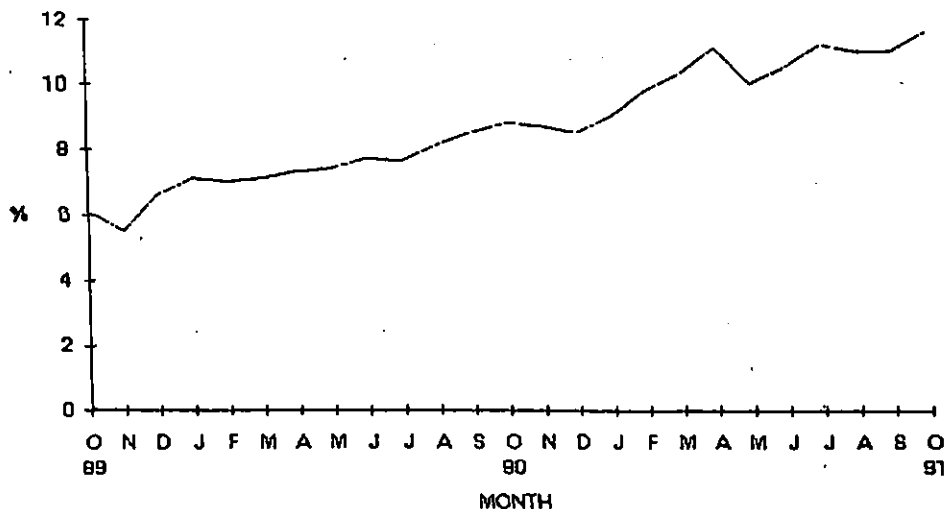
MONTH	UNEMPLOYED PERSONS	CHANGE	CHANGE %	UNEMPLOYMENT RATE %
OCT 89	49,400	-	-	6.1
NOV 89	44,400	-5,000	-10.1	5.5
DEC 89	53,800	+9,400	+21.2	6.6
JAN 90	58,000	+4,200	+7.8	7.1
FEB 90	57,700	-300	-0.5	7.0
MAR 90	57,700	0	0.0	7.1
APR 90	60,200	+2,500	+4.3	7.3
MAY 90	61,400	+1,200	+2.0	7.4
JUNE 90	63,200	+1,800	+2.9	7.7
JULY 90	63,400	+200	+0.3	7.6
AUG 90	67,100	+3,700	+5.8	8.1
SEPT 90	70,800	+3,700	+5.5	8.5
OCT 90	73,800	+3,000	+4.2	8.8
NOV 90	72,300	-500	-0.7	8.7
DEC 90	70,500	-1,800	-2.5	8.5
JAN 91	75,600	+5,100	+7.2	9.0
FEB 91	81,900	+6,300	+8.3	9.8
MAR 91	86,100	+4,200	+5.1	10.3
APR 91	94,200	+8,100	+9.4	11.1
MAY 91	84,500	-9,700	-10.3	10.0
JUNE 91	88,400	+3,900	+4.6	10.5
JULY 91	93,600	+5,200	+5.9	11.2
AUG 91	93,900	+300	+0.3	11.0
SEPT 91	92,600	-1,300	-1.4	11.0
OCT 91	97,800	+5,200	+5.6	11.6

Source: ABS Cat No. 6202.0 (Table 10)

SEASONALLY ADJUSTED UNEMPLOYED PERSONS IN WA



SEASONALLY ADJUSTED UNEMPLOYMENT RATE IN WA



Between October 1990 and October 1991, the seasonally adjusted number of unemployed persons rose by 24,000 people or 32.5%.

Between October 1989 and October 1991, the seasonally adjusted number of unemployed persons rose by 48,400 people or 98.0%.

The monthly seasonally adjusted increase in unemployed persons over the two year period from October 1989 to October 1991 was 2,017 people per month.

The seasonally adjusted unemployment rate was 6.1% in October 1989, 8.8% in October 1990 and 11.6% in October 1991.

QUESTIONS ON NOTICE

PENSIONERS' ACTION GROUP - AIMS, OBJECTS, OFFICE BEARERS

Australian Pensioners' League of WA (Inc) - Government Funding

1340. Mr BLAIKIE to the Minister for Seniors:

- (1) With the Government recommending \$20 000 be granted to the Pensioners' Action Group, would the Premier provide details of this organisation's aims, objects and office bearers?
- (2) Does the Government provide financial assistance to the Western Australian Pensioners' League?

Dr WATSON replied:

- (1) The Pensioners Action Group is a non-Government organisation. The member for Vasse should refer this question to the Pensioners Action Group.
- (2) The Government does not currently provide assistance to the Western Australian Pensioners League. There is a wide range of grants available from Government and non-Government sources from which organisations such as the Pensioners League may seek funding.

MOTOR VEHICLES - LEARNER-DRIVER MANOEUVRE SKILLS PRACTICE

Purpose Built Facilities

1564. Mrs EDWARDES to the Minister representing the Minister for Police:

Are there any purpose-built facilities for learner-driver manoeuvre skills practice in Western Australia; and if so, where and upon what basis are they accessible?

Mr GORDON HILL replied:

No, however, this matter is currently being considered.

MOTOR VEHICLES - LEARNER-DRIVER MANOEUVRE SKILLS PRACTICE

Purpose Built Facilities - National Safety Council

1565. Mrs EDWARDES to the Minister representing the Minister for Police:

Did the National Safety Council operate a purpose-built facility for learner-driver manoeuvre skills training?

Mr GORDON HILL replied:

Yes. This was a purpose built facility operated at Mt Lawley and its prime purpose was to train instructors of learner drivers and not for general use of learner drivers.

AUSTRALIA POST - POST OFFICES CLOSURE

1713. Mr TRENORDEN to the Minister for Consumer Affairs:

- (1) Is the Minister aware of the intention of Australia Post to close 80 per cent of country post offices and 50 per cent of metropolitan post offices and to reopen some of them as agencies?
- (2) If so, has the Minister made representations to the Federal Government to retain current Australia Post services?

Mrs HENDERSON replied:

- (1) I am aware that Australia Post has announced some intended rationalisation of their services. I am not aware of the exact forms these will take.
- (2) I have now written to the Federal Minister for Communications requesting further information on this issue, so I can assess whether consumer services will be jeopardised.

WEIGHTS AND MEASURES - RETAIL STORES

Fees Responsibility

1749. Mr MacKINNON to the Minister for Consumer Affairs:

- (1) Who is responsible for setting the fees levied by the Ministry for the checking and assessment of weights and measures in retail stores?
- (2) When were these charges last increased?
- (3) What have been the charges for these services as levied over each of the last five years?

Mrs HENDERSON replied:

- (1) Weights and measures fees are generally reviewed annually as part of the Budget process and adjustments are approved by the Expenditure Review Committee.
- (2) The fees were last reviewed during the 1990-91 Budget. Adjustments to fees were gazetted on 2 August 1990.
- (3) There are 87 different categories of fees under the Weights and Measures Act 1915 and it would be inappropriate to detail the large number of different charges applied over the last five years. Should the member require specific information I will arrange for it to be provided.

SWAN BREWERY SITE - HIGH COURT ACTION

Government Cost

1751. Mr MacKINNON to the Minister for Planning:

- (1) Has the total cost of the State Government's involvement in the High Court of Australia action in relation to the Old Swan Brewery site now been concluded?
- (2) If so, what are the total costs in relation to that involvement?

Mr D.L. SMITH replied:

- (1)-(2) No, the plaintiff's costs have not yet been taxed. The costs issue will not be finally resolved until all costs are taxed and the contributions to us by other parties determined.

EMPLOYERS INDEMNITY SUPPLEMENTATION FUND - CURRENT AMOUNT

Control Responsibility

1766. Mr KIERATH to the Minister for Productivity and Labour Relations:

- (1) With reference to the Employers Indemnity Supplementation Fund, how much money is currently in the fund?
- (2) Who will control the money when it passes from the Treasury to the State Government Insurance Commission?
- (3) Will it be at the full control of the SGIC or will the Minister have control?
- (4) If so, which Minister will exercise control over the money?
- (5) Further, in the Bill that is before the House, what is the definition of commission and insurance commission?
- (6) In the final paragraph of the Minister's second reading speech, what are the adverse financial implications?

Mrs HENDERSON replied:

- (1) As at 1 November 1991 \$10 376 704.
- (2)-(4) The Workers' Compensation and Rehabilitation Commission will continue to be responsible for the administration of the Employers' Indemnity Supplementation Fund. The amendments provide for the Workers'

Compensation and Rehabilitation Commission to invest the funds in accordance with guidelines stipulated by the State Treasury. The only involvement by the State Government Insurance Commission will be in the continuing role of processing claims.

- (5) I refer the member to section 3 of the Employers' Indemnity Supplementation Fund Act 1980, as amended, for these definitions.
- (6) The current duplication of payments to both a State liquidator and the State Government Insurance Commission for administering claims will be eliminated by authorising the State Government Insurance Commission to carry out total claims management.

COMMUNITY SERVICES DEPARTMENT - JUVENILES

Illicit Drug Use Statistics

1778. Mr NICHOLLS to the Minister for Community Services:

- (1) How many juveniles who are currently in the care of the Department for Community Services and in detention were at the time of original contact using or showing signs of using an illicit drug regularly?
- (2) Further to (1) -
 - (a) what number were identified as having a reliance or addiction to alcohol;
 - (b) what number were identified as having a reliance or showing the effects of using legally available substances which alter a person's mental state (i.e. glue, petrol, etc)?
- (3) What measures are pursued to rehabilitate such people so that they overcome or desist such activity on their release?

Mr RIPPER replied:

- (1) As at 7 November 1991 there are 89 young people in the Department for Community Services' detention centres. Information about drug use at time of original contact for their current charges was collected from 65 per cent of them. Based on this information it gives a fairly reliable indicator of the expected drug use across DCS detained clients.
- (2) (a) Approximately 76 per cent of juveniles showed signs of abuse of alcohol and about 25 per cent are chronic - near daily intake of excessive amounts. Only 10 per cent of inmates had never used alcohol.
- (b) Legally available substances were abused at the following rates -
 Glue - 15 per cent showed signs of glue abuse.
 Petrol - eight per cent were abusing petrol.
 Prescription pills - 16 per cent report using legal medications in abusive manner.
- (3) There are several steps in providing rehabilitation services to young offenders in secure centres. The first is to assess the current level of functioning of the offender in order to determine the extent of physical, intellectual and psychological damage caused by the substance abuse. The extent of impairment will, in turn, determine what kind of intervention is appropriate, whether it be medical, psychological or educational.

Depending on the outcome of the assessment the substance abuser has access to a Living Skills Program which includes a drug education component. Offenders are provided with information about the consequences of, and alternatives to, substance abuse. Some offenders will also be provided with individual counselling by a clinical psychologist, which has a major goal of relapse prevention but may deal with family issues, self-esteem, anger management and assertion training. In addition, representatives from the Alcohol and Substance Abuse Agency - NASA - are available to provide

specialist input. The development of a group treatment program is also underway.

Prior to an offender's release a planning meeting is held at which provision of follow-up services is considered. Services may include continuation of individual counselling by a departmental psychologist or referral to agencies such as Holyoake or Palmerston which provide services to youth involved in alcohol and drug abuse. The involvement of the offender's family in any treatment process is given high priority.

WESTERN AUSTRALIAN LAND AUTHORITY - LEGISLATION IMPLEMENTATION

1793. Mr MacKINNON to the Minister for Planning:

- (1) When is the Government proposing to implement legislation to create a Western Australian Land Authority?
- (2) Which present government agencies will be incorporated into the authority?

Mr D.L. SMITH replied:

- (1) Legislation to establish the Western Australian land authority has been drafted and will be introduced as soon as practical.
- (2) Industrial Lands Development Authority
Joondalup Development Corporation
LandCorp.

KUNUNURRA CRISIS CENTRE - CLOSURE

1801. Mr MacKINNON to the Minister for Community Services:

- (1) Has the Kununurra Crisis Centre closed?
- (2) If yes, why?
- (3) What support has the Government provided to the centre in each of the last four years?
- (4) What support is the Government providing to the centre during the current financial year?
- (5) What action has the Government taken to ensure that people previously supported by this centre are now given some alternative support?

Mr RIPPER replied:

- (1) No.
- (2) Not applicable.
- (3) 1987-88 - Nil
1988-89 - \$43 119
1989-90 - \$71 627
1990-91 - \$73 997.
- (4) Current funding level - \$165 139.
- (5) Not applicable.

SMALL CLAIMS TRIBUNAL - RELOCATION

1813. Mr COWAN to the Minister for Consumer Affairs:

- (1) Is the Government intending to relocate the Small Claims Tribunal?
- (2) Has the Office of Government Accommodation informed the Small Claims Tribunal that its office space in its current location will be reduced by one hearing room and one waiting area?
- (3) If no to (1), and yes to (2), how does the Government intend to overcome the inevitable delay in the hearing of claims?

Mrs HENDERSON replied:

- (1) I understand that the Office of Government Accommodation - OGA - is reviewing the office space requirements of the Small Claims Tribunal as a result of the pending expiration of the existing lease in December. I understand that no decision has been made.
- (2) Office of Government Accommodation advised the Ministry of Consumer Affairs, which provides administrative support to the Small Claims Tribunal, that the building owner's agent had made a proposal to reduce the tribunal's space. I believe that this proposal was to satisfy the requirements of another tenant. The ministry has advised OGA that no reduction in space could be contemplated, given the limited space currently available.
- (3) Not applicable.

GOVERNMENT DEPARTMENTS - 008 TELEPHONE NUMBERS

1827. Mr NICHOLLS to the Minister for Community Services; Disability Services:

- (1) Which departments within the Minister's responsibility have 008 telephone numbers for non-metropolitan inquiries?
- (2) Which departments within the Minister's responsibility do not have 008 telephone numbers for non-metropolitan inquiries?
- (3) Are there any departments within the Minister's responsibility which currently do not have 008 telephone numbers, which have requested 008 telephone numbers in the previous twelve months?
- (4) Of those departments which have requested 008 telephone numbers, how many will receive this facility in this financial year?

Mr RIPPER replied:

- (1) The Department for Community Services and the Authority for Intellectually Handicapped.
- (2) The Bureau for Disability Services.
- (3) No.
- (4) Not applicable.

STRATA TITLES CONSULTATIVE COMMITTEE - MEMBERS

Terms of Reference

1835. Mrs EDWARDES to the Minister for Lands:

- (1) Who are the members of the Strata Titles Consultative Committee?
- (2) What are its terms of reference?

Mr D.L. SMITH replied:

- (1) The members of the Strata Titles Consultative Committee established by the Department of Land Administration - DOLA - are as follows -

Organisation	Representative
Chairperson - DOLA	John Gladstone
Department of Planning and Urban Development	Gordon Smith
Local Government Planners Association	Keith Weymes
Royal Australian Planners Institute	Gene Koltasz
SECWA	Simon Adam
Water Authority	Roger Bulstrode
Ministry of Consumer Affairs	Michael Coughlin
Strata Titles Referee	Hugh Nankivell
Law Society of WA	Bob Kronberger
Settlement Agents Association	Peter Gibson
Strata Titles Institute - Valuation	Paul Smith
Strata Titles Institute - Management	Sheryal Griggs
Real Estate Institute of WA	John Angus
Strata Titles Joint Industry Working Party	Michael Powell

Urban Development Institute
 Institution of Surveyors
 Australian Institute of Valuers
 Association of Consulting Surveyors
 WA Municipal Association
 Health Department of WA
 Retirement Villages Association
 Institute of Building Surveyors
 Valuer General's Office
 Office of Titles

Neil Thomson
 Paul Blackadder
 Russell MacPherson
 Colin Shipp
 Tim Shanahan
 Brian Devine
 Lloyd Collins
 Mervyn Harris
 Mario Palandri
 Steve McFadzean

- (2) No formal terms of reference were provided for the consultative committee. However, the chairperson, Mr John Gladstone, at the committee's inaugural meeting in February 1991, outlined the functions of the committee. The committee was established to assist DOLA in the review of proposals for reform of the Strata Titles Act formulated in DOLA. By bringing together many disciplines and interests, the committee formalises the liaison and consultation process and provides immediate guidance in the formulation of reforms. Although the committee is quite large and provides input from a wide variety of perspectives, DOLA has not limited itself to the recommendations of the consultative committee in the formulation of reforms. Its proposals have been given very wide circulation for the purposes of eliciting public and industry comment.

STRATA TITLES ACT - REVIEW

1836. Mrs EDWARDES to the Minister for Lands:

In respect of the review of the Strata Titles Act being carried out by the Strata Titles Consultative Committee, when is it expected that this review will be completed?

Mr D.L. SMITH replied:

Because of the variety of issues to be considered by the Strata Titles Consultative Committee, no completion date has been specified. Although the committee's deliberations are ongoing, a timetable of expected outcomes is maintained within DOLA. The following guide is provided -

Topic	Program
1. Duplexes - Permitting Transfer of Land Act subdivision to be used as freely as strata subdivision for duplex developments.	Consideration by committee completed July 1991. (To be considered by Cabinet shortly).
2. Automatic creation of easements and restrictive covenants (to facilitate duplex and other developments).	Deliberations completed August 1991.
3. Management reforms - Reforms to the role of the referee; establishing an advisory and conciliation service.	Deliberations completed August 1991. (A report to Cabinet is currently being finalised by DOLA in conjunction with the Ministry for Consumer Affairs and the Strata Titles Referee).
4. Vacant strata plans - Proposals to simplify subdivision procedures to permit the creation of vacant lots for building sites and common property to contain shared facilities.	Deliberations expected to be completed by December 1991.

- | | |
|---|--|
| 5. Staged strata schemes and community title -
Legislation to simplify larger resort-type land developments and staged strata schemes. | Deliberations should commence in December 1991 to be completed in mid-1992. |
| 6. Other management issues, including licensing of strata managing agents and insurance. | Deliberations by the management subcommittee should commence in early 1992. |
| 7. Leasehold strata title -
Legislation to simplify the development of land owned by the Crown. | Deliberations should commence after finalisation of consideration of staged strata developments. |
| 8. Strata of part of building -
Legislation to permit part only of a building to be included in a strata plan and to permit one building to include more than one strata scheme. | No timetable is available at this stage. |

METROPOLITAN REGION TOWN PLANNING SCHEME - AMENDMENT 865-33A (HEPBURN HEIGHTS)

Submissions

1850. Mr LEWIS to the Minister for Planning:

How many submissions have been made to the close of the advertising period for Metropolitan Region Scheme Plan Amendment 865/33A (Hepburn Heights)?

Mr D.L. SMITH replied:

A total of 183 submissions were received up to the closing date of Friday, 1 November. Two of those submissions enclosed petitions on the issue.

METROPOLITAN DEVELOPMENT PLAN - GOVERNMENT PREPARATION

1851. Mr LEWIS to the Minister for Planning:

- (1) Has the Government, through any of its agencies, prepared a metropolitan development plan?
- (2) If so, when can it be expected that this plan will be released to the public?
- (3) Is it intended that such a plan be reviewed on an annual basis?
- (4) If so, what is the date of the first review?

Mr D.L. SMITH replied:

- (1) The Department of Planning and Urban Development has prepared a metropolitan development program 1991-92 to 1995-96.
- (2) Shortly - it is now being printed.
- (3) Yes.
- (4) The review process has already commenced. Release of the first review is planned for late June 1992.

FUNERALS - PAUPER FUNERALS

Government Funding

1857. Mr NICHOLLS to the Minister for Local Government:

- (1) Does the Western Australian Government provide funding for pauper funerals?
- (2) If so, what is the criteria for such funding?

- (3) How many pauper funerals were funded for each month of the last three years?
- (4) What is the cost of the funerals in (3)?

Mr D.L. SMITH replied:

The following information has been supplied by the Minister for Community Services -

- (1) Yes.
- (2) The Department for Community Services provides assistance when -
- the body of a person who dies in indigent circumstances is unclaimed;
 - the body of a person who dies in indigent circumstances is claimed but kin have insufficient means or cannot raise credit to meet funeral costs.

(3)	1989-90 financial year	311
	1990-91 financial year	353
	1991-92 financial year	123 - to October 1991

(4)	1989-90		1990-91		1991-92	
	July	\$145 only	July	\$11 845	July	\$31 476
	Aug	\$20 992	Aug	\$13 880	Aug	\$12 520
	Sep	\$28 759	Sep	\$33 978	Sep	\$31 492
	Oct	\$29 825	Oct	\$24 572	Oct	\$43 183
	Nov	\$27 978	Nov	\$29 056		
	Dec	\$25 694	Dec	\$17 375		
	Jan	\$12 645	Jan	\$24 550		
	Feb	\$23 235	Feb	\$15 007		
	Mar	\$25 989	Mar	\$37 177		
	Apr	\$16 547	Apr	\$23 865		
	May	\$14 705	May	\$14 560		
	June	\$16 055	June	\$44 775		

RATES - CONSOLIDATED REVENUE FUND CONTRIBUTIONS

List of Royalties, Taxes, Charges, Fees and Levies

1871. Mr HOUSE to the Minister for Community Services; Disability Services:

- (1) Can the Minister provide a list of all the rates of royalties, taxes, charges, fees and levies that are administered by the departments, agencies, statutory authorities or Acts under the Minister's jurisdiction, and which contributed to the Consolidated Revenue Fund in 1982-83?
- (2) If not, why not?
- (3) Can the Minister provide a list of all the rates of royalties, taxes, charges, fees and levies that are administered by the departments, agencies, statutory authorities or acts under the Minister's jurisdiction, and which contributed to the Consolidated Revenue Fund in 1991-92?
- (4) If not, why not?

Mr RIPPER replied:

This information is published in the relevant annual reports and Budget papers.

RATES - CONSOLIDATED REVENUE FUND CONTRIBUTIONS

List of Royalties, Taxes, Charges, Fees and Levies

1872. Mr HOUSE to the Minister for Lands; Planning; Justice; Local Government; South-West:

- (1) Can the Minister provide a list of all the rates of royalties, taxes, charges, fees and levies that are administered by the departments, agencies, statutory

authorities or Acts under the Minister's jurisdiction, and which contributed to the Consolidated Revenue Fund in 1982-83?

- (2) If not, why not?
- (3) Can the Minister provide a list of all the rates of royalties, taxes, charges, fees and levies that are administered by the departments, agencies, statutory authorities or acts under the Minister's jurisdiction, and which contributed to the Consolidated Revenue Fund in 1991-92?
- (4) If not, why not?

Mr D.L. SMITH replied:

This information is published in the relevant annual reports and Budget papers.

**WOKALUP RESEARCH STATION - WOKALUP DAIRY HERD PROGRAM
CLOSURE
Income Loss**

1882. Mr OMODEI to the Minister for Agriculture:

- (1) What is the extent of income lost to -
 - (a) Wokalup Research Station;
 - (b) the State of Western Australia;
 as a result of the intended closure of the Wokalup dairy and milking herd?
- (2) (a) Will the Minister reconsider the Minister's decision to close the Wokalup dairy herd program and put in place measures so that funds raised by the milking of the Wokalup herd can be expended at the Wokalup Research Station?
 - (b) if not, why not?
- (3) Is the Wokalup Research Station in the heart of an irrigation area in the south west, and is the large dairy herd which have been milked there for many years and its association research program very important to the irrigation area?
- (4) Has commercialisation of the Wokalup dairy herd been considered as a fund raising measure for the research station?

Mr BRIDGE replied:

- (1) (a) It is estimated that the total net loss in income from milk sales from Wokalup Research Station as a result of amalgamation of the Wokalup and Vasse dairy herds will be \$27 000 in a full year.
 - (b) It is estimated the net gain in income to Vasse Research Station will be \$98 700 in a full year. Thus the net gain, not loss, to the State of Western Australia will be \$71 700 in a full year.
- (2) Returns from milk sales are paid into Consolidated Revenue and are not available for local expenditure.
- (3) The dairy at Wokalup will be maintained in operational order and cows will be transferred to Wokalup when required to evaluate irrigation research.
- (4) The department is actively pursuing the possibility of establishing a self-funding, demonstration, commercial dairy herd at Wokalup.

**STOCK BRANDS ACT - AGRICULTURE DEPARTMENT REVIEW
New Legislation**

1902. Mr OMODEI to the Minister for Agriculture:

- (1) Has the review into the Stock Brands Act been completed by the Department of Agriculture?
- (2) (a) If yes, is there a report on the findings of the review;
 - (b) is it available to industry and members of Parliament?

- (c) if not, why not?
- (3) Does the Minister intend to introduce legislation into Parliament in relation to the Stock Brands Act?
- (4) If the Minister does intend to introduce legislation on stock brands or stock registration, will the Minister advise what form the legislation will take?
- (5) Does the Minister intend to introduce the legislation -
 - (a) in this session;
 - (b) in the 1992 autumn session;
 - (c) in one or more parts?

Mr BRIDGE replied:

- (1) Yes.
- (2) Following completion of the review, a discussion paper was circulated to industry organisations and other groups and individuals who had expressed an interest in the review. Further comments on the discussion paper were invited, and proposed changes to the legislation were then discussed at a meeting involving the WA Farmers Federation, Pastoralists and Graziers Association, the Police Department and the Department of Agriculture.
- (3) Yes.
- (4) Various amendments to the Stock (Brands and Movement) Act are being drafted, consistent with the recommendations flowing from the review process.
- (5)
 - (a) No.
 - (b) Yes.
 - (c) At this time, it is proposed to introduce the legislation on one part.

QUESTIONS WITHOUT NOTICE

FEDERALISM RESEARCH CENTRE - BUDGET EXPENDITURE *Funding Withdrawal Plans*

498. Mr BRADSHAW to the Premier:

- (1) What will the \$23 000 allocation to the Federalism Research Centre in the 1991-92 Budget be spent on?
- (2) In view of recent events does she plan to withdraw funding from that centre?

Dr LAWRENCE replied:

- (1) Frankly, the member has caught me on the hop by asking a question as detailed as that. I recall answering questions on the Federalism Research Centre in the Estimates Committee. The centre is headed by Professor Cliff Walsh, who is a strong advocate for the position that has been adopted by the States on Commonwealth-State financial relations. The centre's existence predates the current round of Premiers' Conference discussions and I hope it will continue because that centre conducts excellent analyses of Commonwealth-State financial relations, constitutional questions and so on. I believe that is a correct assessment of where the funds are going and I will inform the House if I am mistaken.
- (2) Given the tasks of the centre the Government intends to continue that funding.

PRIME MINISTER'S STATEMENT - ECONOMY AND EMPLOYMENT

499. Mr KOBELKE to the Premier:

- (1) Has the Premier had an opportunity to examine the Prime Minister's statement today on the economy and employment?

(2) What effect will this announcement have on Western Australians?

Mr Cowan: Very little.

Dr LAWRENCE replied:

(1)-(2)

No; while it is proper that, when we disagree with the Prime Minister and his actions we should be critical, it is reasonable that, when there are elements of this package - I have not had time to examine all of it - of which we approve, we should also say that.

The Prime Minister was good enough to send me an embargoed copy of his statement and I had a look at it before it was publicly announced. I do not want to be too enthusiastic about it without careful analysis. The commitment by the Prime Minister to increase Commonwealth funding for technical and further education programs and employment programs for the long term unemployed are very welcome. The Minister for Education has, in recent days, been calling for precisely that and all of the State Ministers approached the Commonwealth with a proposition which is very close to that which was announced today - that is, \$115 million promised for post school education throughout the country. This is definitely in line with our deputations to him. To say other than that we are pleased with that outcome would be churlish.

We sought an extra \$15 million from the Commonwealth which, when combined with measures already taken in the State, including the creation of an extra 2 700 places, will go close to meeting the needs of this year's school leavers with education and training opportunities. We do not know yet what are the allocations State by State. The total amount of funding, given that it appears to be new money, is certainly welcomed. It will put those young people whose training was in doubt because of the shortfall in funds in brighter prospect.

Therefore, we welcome his proposal and we welcome the general proposal to accelerate some infrastructure projects. Without knowing the detail of the allocations to individual States, it is difficult to know what Western Australia's share might be. However, it is in line with that for which we have been asking the Commonwealth Government and it will have a beneficial effect on employment and training in Western Australia. Once careful analysis has been undertaken, we will be in a position to say precisely how much and over what period.

ROADS - FEDERAL FUNDS

State Allocation

500. Mr COWAN to the Minister for Transport:

Of the \$28 million of road funding that is to be brought forward by the Commonwealth, how much will be assigned to Western Australia and to what purpose?

Mrs BEGGS replied:

At this stage, we do not know what proportion of those funds will be assigned to Western Australia.

Mr House: Form a committee to have a look at it.

Mrs BEGGS: If the member for Stirling heads it, it will be too expensive.

Mr House: A Select Committee.

Mrs BEGGS: I would be a bit worried about that. If the member is not on it, we may be able to afford it.

Those programs will be in accordance with the priorities that are set now by the Main Roads Department. I am not sure whether those funds will be tied, but I imagine that some of the funding will be.

Mr Cowan: When you get the information, will you convey it to me? I would like to know whether the funds will be tied.

Dr Lawrence: They appear not to be tied, but the statement does not make that clear. Those are the sorts of things we will have to ascertain.

MINING INDUSTRY - ECONOMIC CONTRIBUTIONS

501. Mr GRAHAM to the Minister for Mines:

What was the mining industry's contribution to the State economy in the last financial year?

Mr GORDON HILL replied:

I am pleased to tell the House that mining production rose by 20 per cent in the last financial year to a value of \$12.5 billion, which is more than a third of the gross State product. More than 80 per cent of that product was exported and that constituted about 70 per cent of the State's export earnings. I am confident that, if we are able to maintain that rate of production until the end of this financial year, Western Australia will provide about 40 per cent of Australia's total mineral and energy exports. Western Australia had a balance of trade surplus in the last financial year of \$6.7 billion, which is largely a result of the tremendous productivity and production from the mining industry. I take this opportunity to remind the Commonwealth Government that if it was not for Western Australia, the national trade deficit would be far greater.

EMERGENCY SERVICES - SHORT WAVE EMERGENCY RADIO BANDS

Interference by Indonesian Fishermen

502. Mr SHAVE to the Minister representing the Minister for Emergency Services:

- (1) Is the Minister aware that, on occasions, the short wave emergency radio bands used by Western Australia's emergency services are blocked by Indonesian fishermen using the bands for non-emergency purposes?
- (2) If no, what action has he taken to prevent this from occurring?
- (3) If yes, what action will he take to protect Western Australians who may need to use the emergency services?

The SPEAKER: Order! The Minister for Emergency Services is not a member of this Chamber. I advise members that it is not proper to address a question without notice to a Minister who is simply representing another Minister in this place without first having given some indication of it to him. I understand that in this case the member for Melville has not given any notice of the question to the appropriate Minister. Is that correct?

Mr Shave: It is correct.

The SPEAKER: Therefore, it is not appropriate for the member to ask the question.

GOVERNMENT EMPLOYEES SUPERANNUATION BOARD - LOSSES

503. Mr C.J. BARNETT to the Minister assisting the Treasurer:

- (1) Is it the case that the Government Employees Superannuation Board has reported for the 1990-91 financial year a rate of return on property investment of minus 45.7 per cent; a rate of return on the overall investment portfolio of minus 13.8 per cent; and an overall real rate of return on the investment portfolio of minus 17.2 per cent?
- (2) Is it also the case that the value of the GESB's investment portfolio fell by \$82.2 million over the course of the 1990-91 financial year and included an unrealised loss on assets of \$110 million?
- (3) What impact will this very poor investment performance have on the superannuation benefits of public servants?

- (4) What impact will this poor investment performance have on taxpayers for any increased funding for the GESB that will be required from consolidated revenue?

Dr GALLOP replied:

- (1) I assume that the statistics the member used in framing his question are correct. The few I recognised certainly seem to be correct.

Mr Lewis: Haven't you read the report?

Dr GALLOP: I have, but statistics do not flow from my mouth and I prefer to check them.

- (2) The Premier's media statement on this matter which was released today indicated that the GESB had an operating surplus of \$79.2 million after tax. Of course, that means it is meeting its requirements under the fund to those people who are pensioners or who are retiring each year on the new lump sum scheme.

(3)-(4)

I hope the member who asked the question knows that it is a requirement under our system for an actuarial study of the superannuation fund to be undertaken every three years and that a study is being done this year. The actuary will report to the Government and obviously it will have to consider his report. Until we have that report I cannot answer the specific question.

Mr Lewis: Who wears the loss?

Dr GALLOP: I cannot answer the question until a proper actuarial study of the fund has been completed, and the member knows that.

PRIME MINISTER'S STATEMENT - GOVERNMENT EXPENDITURE
Economic Projects Allocation

504. Mr COWAN to the Deputy Premier:

My question refers to the Prime Minister's statement in which he announced expenditures totalling \$112 million in the calendar year 1992 to improve Australia's economic infrastructure. Has the Minister or his office been advised of what proportion of that money is likely to be allocated to projects within Western Australia which will advantage this State?

Mr TAYLOR replied:

I thank the Leader of the National Party for preliminary notice of this question. I do not know the answer to the question, but if I had my way it would all be spent in Western Australia.

AGRICULTURE PROTECTION BOARD - AGRICULTURE DEPARTMENT
Amalgamation

505. Mr MINSON to the Minister for Agriculture:

- (1) Does the Minister intend to amalgamate the Agriculture Protection Board with the Department of Agriculture?
- (2) If so, what rationale is the Minister using to make this decision?
- (3) Will there be a reduction of resources applied to the protection of agriculture in this State?

Mr BRIDGE replied:

(1)-(3)

Neither the Government nor I have any plans to consider amalgamation at this stage. This information has been made known generally to industry groups. From time to time proposals have been put forward by departments to consider changes to the framework of those departments with a view to achieving cost savings and greater efficiency. That is the only thing that has occurred in this instance.

Mr Omodei: When will you make a public statement?

Mr BRIDGE: I have already made a public statement. Does the member never listen?

Mr Omodei: We did not get that message from the statement.

Mr BRIDGE: I am telling the member that the message is no. I repeat that no consideration whatsoever has been given to amalgamation, and no letters written by me in the past three or four weeks have suggested otherwise.

SCHOOLS - NEWTON MOORE SENIOR HIGH SCHOOL
Computer Purchase

506. Mr P.J. SMITH to the Minister for Services:

- (1) Is the Minister aware of articles in the *Bunbury Mail* which report that extra costs have been incurred by the Newton Moore Senior High School as a result of the requirement to purchase school computers through a panel of computer suppliers?
- (2) Will the Minister comment on the accuracy of those articles?

Mr McGINTY replied:

(1)-(2)

I was concerned to read articles in the *Bunbury Mail* under the headings "High school forced to bypass Bunbury firm" and "House seeks review of tender system". The situation for the supply of computers to Government schools throughout the State is that a panel has been formed from which schools and the Ministry of Education may select a particular supplier to meet their needs. Various computer companies tender to become part of that panel and they are assessed accordingly.

In this particular case, the school sought to deal with a computer firm based with an agency in Bunbury, which firm was not part of the panel established by the State Supply Commission. Of course, that could not be allowed for a number of reasons. Firstly, the figure quoted in the newspaper indicating that Newton Moore Senior High School incurred an additional cost of \$8 000 in the purchase of its computers through the Government approved supplier is incorrect. No cost has been incurred because no computers have been purchased. In any event, if computers were purchased the up-front capital difference would be between \$1 000 and \$2 000 cheaper and not the \$8 000 referred to in the article. Probably of greater importance is the fact that the tender system is formulated in a way to make sure that all aspects of the provision of computers to schools is covered, including long term maintenance, regularity of supply and a whole range of issues. In this case, our concern was that if the computers were purchased through the panel system, maintenance would have been provided on an ongoing basis free of charge. That would not have been the case through the local firm, and I believe the policy that has been adopted by the Ministry for Education, requiring schools to purchase through the regular State Supply Commission policy, is correct and the Press article is misleading.

**INDUSTRIAL RELATIONS COMMISSION - \$12 DOLLAR A WEEK PAY RISE
REJECTION**
Payment Maintenance

507. Mr KIERATH to the Minister for Productivity and Labour Relations:

In view of the decision by the Western Australian Industrial Relations Commission to reject the State Government's flat \$12 a week pay rise awarded to public sector workers in May -

- (1) Will the Minister continue to pay the rejected increase in defiance of the Western Australian Industrial Relations Commission?

- (2) What action will the Minister take to recover the overpayment, and who will accept responsibility for this dubious decision to award a flat \$12 a week instead of the 2.5 per cent as per the national wage case?
- (3) How will the Minister ensure that her Government abides by decisions of the Western Australian Industrial Relations Commission?

Mrs HENDERSON replied:

(1)-(3)

The decision brought down by the Industrial Relations Commission earlier this week dismissing the application for the flat \$12 a week pay rise was not unexpected. That application was lodged in May immediately after the commencement of payment of that amount. In June the State wage bench brought down a decision directly in line with the national decision which awarded a 2.5 per cent increase. The State Government made it clear to the commission that it lodged its application as a special case. It was considered as a special case. In line with the decision of the commission, as individual applications are made for the 2.5 per cent increase and are acceded to by the commission, and as the parties meet the conditions set out in the April decision, they will get their 2.5 per cent increase and their wages will be varied in accordance with successful applications as they go through.

Mr Kierath: You have been caught out.

Mrs HENDERSON: No question arises of anyone being caught out. This State has paid workers the \$12 agreed to from 16 May, as has the Federal Government and the Victorian Government. No question arises of the Western Australian Government's decision to apply that agreement being different from that applied to the majority of public servants throughout this country. The Industrial Relations Commission, in response to a comment by the Confederation of Western Australian Industry (Inc) that the matter ought not to be before the commission dismissed that submission and said that the matter was properly before it and should be considered on its merits, as it was.

Mr Kierath: That does not mean to say you pay it from then. You could have lodged a special case without paying it.

Mrs HENDERSON: The member would know that it is not uncommon for parties to the Industrial Relations Commission to reach an agreement, commence it and then lodge the agreement with the commission for ratification. That happens every day of the week. Our application was lodged in that normal way. The parties agreed, and it was lodged as a special case and considered on its merits by the bench which indicated it believed the application was properly made.

Mr Kierath: Can I ask you -

The SPEAKER: Order! The member cannot ask the Minister anything. If no other questions are asked after the Minister completes her answers I will give the member for Riverton the call.

Mrs HENDERSON: I have completed my answer.

PRIME MINISTER'S STATEMENT - EDUCATION AND TRAINING EXPENDITURE *State Allocation*

508. Mr COWAN to the Premier:

My question relates to the statement made by the Prime Minister today during which he announced a proposal involving a gross expenditure in the 1991-92 calendar year of \$130 million for education and training. Will the Premier advise the House what percentage of that amount will be directed to the States and, if she cannot do so - accepting that it is not the Premier's portfolio area - will she give an undertaking to make that information available to the House as soon as it becomes available?

Dr LAWRENCE replied:

As I indicated in an answer to an earlier question, we do not yet know the breakdown. We know what we should get from an allocation of that kind in terms of the number of students of that age and the demand, and we will certainly put that case forcefully to the Commonwealth now that it has announced the total figures. The Minister responsible has been very energetic in doing that and in arguing that a simple, normal per capita breakdown of something slightly in excess of 10 per cent of funding is not fair in Western Australia because of the age profile of our population.

Mr House: What profile?

Dr LAWRENCE: The age profile, because we have more people in the age group who are eligible for technical and further education places than is the case in the other States. Therefore, we cannot just say that we have 10 per cent of the total population and we should get 10 per cent of the funds. We should receive slightly in excess of that. Equally, when we talk about funding for the aged community, we should get slightly less in per capita terms because we have a smaller aging population.

Mr House: So numbers are not the only criteria?

Dr LAWRENCE: No. It really has to be looked at in terms of the cohort - the number of people eligible for places in that cohort.

Mr House: Not like the electoral reform Bill!

Dr LAWRENCE: Come on! There is absolutely no comparison. That is the longest bow I have ever seen drawn in this Parliament. I assure the Leader of the National Party that once the information is available, we shall make it, and the information on the other areas that have been asked about, available to the Parliament.

TOWN PLANNING LEGISLATION - REVIEW

509. Dr ALEXANDER to the Minister for Planning:

- (1) Can the Minister inform the House when the long awaited review of the town planning legislation will be introduced into the Parliament?
- (2) Will such legislation include - contrary to Government policy on devolution of power to local government - provisions to override and upgrade housing density levels in local planning schemes?

Mr D.L. SMITH replied:

(1)-(2)

The new legislation will be introduced in the autumn session next year. The new legislation will both devolve additional powers to local government in relation to planning and subdivisional matters, and reserve greater powers to the Minister and the Government to intervene in appropriate cases, including the cases mentioned by the member.

PLANNING AND URBAN DEVELOPMENT DEPARTMENT - WHITEMAN PARK LAND

Lessees' Notice - Managing Officer's Lease

510. Mr LEWIS to the Minister for Planning:

- (1) Is it a fact that the lessees of the Department of Planning and Urban Development land at Whiteman Park, which is used for rural purposes, have been given notice to quit by the end of this month?
- (2) Is it also a fact that the Government managers of this land at Whiteman Park have, without the calling of tenders, negotiated a lease for over 5 000 acres of land with the family of one of the managing officers?
- (3) If yes to (1) and (2), what action does the Minister intend to take?

Mr D.L. SMITH replied:

(1)-(3)

I am not familiar with nor aware of the matters raised by the member, and I will have them investigated and report back to him in writing.

UNEMPLOYMENT - MANDURAH

511. Mr NICHOLLS to the Premier:

- (1) Is the Premier aware of the reported Department of Employment, Education and Training survey which indicated that the City of Mandurah had an unemployment rate of 21.6 per cent in the last June quarter?
- (2) Bearing in mind the trauma that is caused by such a high rate of unemployment - which is nearly twice the State average - will the Government be prepared to fast track projects such as the Dawesville Cut or possibly to accelerate the construction of the Peel College of Technical and Further Education campus in an effort to stimulate jobs?

Dr LAWRENCE replied:

(1)-(2)

I am not aware of the detail of the survey, although I am, of course, aware of the general rank ordering. I appreciate the member's concern for the problems faced by his electorate. There are obviously other members who also have higher than average rates of unemployment in their electorates. It is certainly the Government's intention, both in the expenditure that we create in capital works and also in directing Commonwealth expenditure to the extent that we are able to do so, to target those areas which have the highest level of unemployment, whether they be in the member's area or in other areas in the southern corridor which have also been particularly hard hit. We certainly endorse the principle of targeting the areas of highest unemployment and of ensuring that capital funds, in particular, are spent to alleviate the problems that the member described.

TRANSPORT - DEREGULATION

512. Mr WIESE to the Minister for Transport:

- (1) Can the Minister indicate how long it will be before the whole of the Western Australian transport industry is deregulated?
- (2) Under a deregulated transport system, will the requirement for road transport operators to obtain licences and permits from the Department of Transport be abolished?

Mrs BEGGS replied:

(1)-(2)

I think the member has asked questions similar to this on many occasions and I have indicated to him and to the House on many occasions that I do not intend to deregulate just for the sake of it. A report which examines all the options that are available is almost completed and will come to me within the next two weeks, or it may be even less than that. Deregulation is, of course, part of that, but it would not be in the State's best interests to just deregulate without looking at what may be the consequences. The members of the National Party want to have their cake and eat it too, because what happens with deregulation is that it is often impossible for Westrail to maintain services to some of the areas that those members represent, and as soon as that happens, they say to the Government, "We are unhappy about that service being abolished or downgraded." We always have to take into account the overall impact that deregulation will have on a community or on the population that requires those transport services.

So I will not just say to the member that I will deregulate by a certain date. We have progressively deregulated in many areas, and will continue to do that where it is in the best interests of the community.

SCHOOLS - AGRICULTURAL COLLEGES
Fees Increase

513. Mr McNEE to the Premier:

- (1) Have the fees for agricultural colleges such as Cunderdin Agricultural College been increased by approximately \$300 per annum?
- (2) Are extra fees being returned to the colleges; and if not, why not?
- (3) Is it correct that that decision was made by Treasury? If not, who made the decision and what input did the Ministry of Education have to the decision?

The SPEAKER: Order! I am going to ask the Premier to answer this question because, on the basis that she is the Premier, some people have the expectation that she will know everything that is happening everywhere in the State. However, in respect of questions without notice, if members are genuinely seeking answers about things for which the Ministers to whom the questions are posed are not directly responsible, it is sensible for members to give some prior notice of their questions.

Dr LAWRENCE replied:

(1)-(3)

If I can enunciate the general principles as Treasurer, it is true to say that the charges levied by Government departments and agencies are the subject of consideration by an Expenditure Review Committee and obviously those key fees and charges that have an enormous impact on the community as a whole are examined very carefully by the Expenditure Review Committee. However, in the course of Budget preparations I must say I did not examine every last fee and charge in a document that was a couple of inches thick. That is left to the Minister and the department responsible. Therefore, I cannot confirm or deny the specific question the member has asked about the fees of agricultural colleges, but I am sure that we could get that information for the member.

Might I say that the recommendations on those fees and charges are not made by the Treasury back to the organisation but the other way around. As the member would know, in many cases - and I think the member mentioned Cunderdin Agricultural College - those fees are retained by the organisation for the purposes of investment in further plant and equipment, and so on. I understand that several of them have a trust fund from which they can draw for both deficiencies and investments. My knowledge since ceasing to be the Minister for Education is a little rusty and therefore I cannot confirm whether Cunderdin Agricultural College is a part of that process. I understand it is, but I will undertake to get the specific details for the member, and the justification if there has been an increase of that kind.
