

# Legislative Council

Tuesday, 14 October 1986

**THE PRESIDENT** (Hon. Clive Griffiths) took the Chair at 3.30 p.m., and read prayers.

## MIDLAND SALEYARDS SELECT COMMITTEE

### *Report: Personal Explanation*

**HON. NEIL OLIVER** (West) [3.32 p.m.]—by leave: On Tuesday last, 7 October, after presenting to this House the report of the Select Committee inquiring into the disposal of the Midland saleyards, I was subjected to an unprecedented smear campaign launched by the Minister for Agriculture, obviously to undermine my credibility as chairman of the committee appointed by this House on the very day of the committee's report.

The Minister for Agriculture, Julian Grill, in his haste to defame the report of the Select Committee because of the truth it presents, has sought to do so by defaming me. I was informed by the media that personal visits and telephone calls about me had been made by his ministerial adviser for some time. Furthermore, people who had been approached by the ministerial officer seeking information in order to mount this smear campaign have rung me. That occurred prior to the appointment of the committee. Many media people were appalled at these approaches as they had never experienced anything like this before. Only a Government with a guilty conscience would stoop so low.

A statutory declaration that I made today reads as follows—

I, **OSCAR NEIL BLACKBURNE OLIVER** of 9 The Avenue, Midland, a Member of the Legislative Council, hereby declare that I have been the subject of false statements and innuendos publicly made about me by the Minister for Agriculture in Western Australia, the Hon. Julian Grill, in respect of my role as Chairman of a Parliamentary Select Committee of this House, with the declared objective of causing a Report of that Committee to be discredited and withdrawn.

I further declare that Mr Grill either issued or was reported to have made the following false statements:

1. That I gave financial support to the Midland Chamber of Commerce for the insertion of an advertisement designed to oppose the sale of the Midland Abattoir and Saleyard site to a brick manufacturer.
2. That I felt honour-bound to Midland Brick because a company of which I was a director went into liquidation owing Midland Brick \$22 000.00.
3. That I recommended that a witness before the enquiry who is a potential competitor with Mr New (owner of Midland Brick) should be charged with breach of privilege of the Council—this statement being made in a context which implied that the alleged debt to Midland Brick was linked with the proposed action against a potential competitor.
4. That I was involved in organising a drop of pamphlets in the Midland area as part of a campaign opposing the sale—this claim being made in a context linking it with allegations concerning Midland Brick.
5. That the findings of the Committee of which I was Chairman were a collection of my preconceived ideas, and that I was determined to use facts selectively to protect my own interests.
6. That I had drawn specious conclusions concerning the legality and propriety of the sale without calling him or any other Government Member to give evidence.
7. That, by not calling Government Members, I had intended not to allow facts he or the Government might present to interfere with my prejudgment of the matter.

I therefore declare, in answer to these false statements, that the true position is as follows:

1. The advertisement (annexed hereto and marked "A") did NOT oppose a brickworks on the Abattoir site. It opposed sale of the Saleyards—an entirely separate issue. As a longstanding member of the Midland Chamber of Commerce, I responded to a general request for support for an advertisement, but was not involved in any way in the wording of it.

2. The debt to Midland Brick was incurred, as stated, by a company with which I was associated, and was in due course settled. I have no personal obligations to Midland Brick arising from the dealings of that company or of any other company.
3. I did not, in fact, recommend that a witness before the Committee be charged with breach of privilege. I merely honoured a requirement placed upon me as Chairman of such a Committee to report to the Legislative Council if any witness before such a Committee "fails or refuses to attend or to give evidence" to such a Committee. As I informed the Council, "after acquainting the Council, the Committee has no further role to play. The Legislative Council must deal with the witness who fails to give evidence in accordance with the Parliamentary Privileges Act." The witness in question was Mr Peter Ellett, Managing Director of Pilsley Investments Pty Ltd, the principal involved in dealings with the Government which led to the sale of the abattoirs and Saleyards to Pilsley Investments. He sought to be excused from answering certain questions, and I placed his request before this House, which is due to consider the matter today.
4. I was not in any way connected with, nor had any knowledge of, a drop of pamphlets opposing the sale in the Midland area. Any allegation to this effect is totally false.
5. An examination of the 1 200 pages of evidence from 52 witnesses and 20 written submissions will prove conclusively that the findings of the Committee were clearly evidence-based, not preconceived, as falsely claimed.
6. Being based on such a substantial body of evidence, the conclusions of the Committee were not specious, as claimed, and the alleged failure to call Mr Grill or other relevant Members of Government was due entirely to the fact that they could not be called. It is a rule that no Member of a House may be called before a Parliamentary Select Committee without the approval of the House of which he is a Member. In this case, the Committee sat and took evidence during a recess

of the Legislative Assembly, when it was not possible to gain approval of the Assembly for the Minister or other relevant Member to appear. The fact that evidence was taken during a recess in the Assembly was due to stonewalling by the Government in the Legislative Council which delayed the start of the Committee's hearings by more than a month. Part of the delay was caused by a fruitless wait resulting from a Government proposal that a matching committee in the Legislative Assembly co-operate with the Committee of the Council. Although this was a Government initiative, it led to no action by the Assembly, and the Council Committee finally concluded that no co-operation would be forthcoming and went ahead.

7. It is entirely false to claim that I deliberately avoided calling Mr Grill to the Committee for the reasons already outlined. But it is true that Mr Grill, had he been anxious to give evidence, could have taken the initiative and sought permission from the Assembly—before the recess. As the Minister responsible for the Abattoirs he would have had no difficulty in obtaining such permission. Some of the witnesses who are, or had been, in the Government's employ, and who were called to give evidence, were obstructive in their attitude towards giving evidence. The Committee had no reason to believe that the Government wanted any facts concerning the sale to reach the public.

I therefore further declare my firm belief that the false claims and innuendos of Mr Grill, having no grounds, should not be permitted to interfere in any way with the proper circulation of the Committee report, or with public access to the substantial body of evidence given to the Committee by witnesses who were, with the exception of those connected with the Government, open and forthcoming in their evidence and their answers to questions.

AND I make this declaration by virtue of Section 106 of the Evidence Act 1906.

This was declared at Perth on 14 October 1986, signed by me and by a justice of the peace.

Attached to the report is an annexure with the letter marked A, being the tabling referred to in the attached statutory declaration by myself, Oscar Neil Blackburne Oliver, duly signed by a justice of the peace.

I might add that since the preparation of the statutory report, there have even been rumours of my association with Midland Brick in business. I will swear a statutory declaration also to that effect if necessary.

In conclusion, I seek the leave of the House to table the statutory declaration.

(See paper No. 397.)

### **TRANSPORT: RAILWAYS**

#### *Northern Suburbs: Petition*

The following petition bearing the signatures of 54 persons was presented by Hon. John Halden—

#### **TO THE HONOURABLE THE PRESIDENT AND MEMBERS OF THE LEGISLATIVE COUNCIL IN PARLIAMENT ASSEMBLED**

The undersigned residents of Western Australia call upon the State Government to provide a passenger rail service to the northern suburbs as originally contained in the Stephenson plan for the following reasons:

- (a) To alleviate the volume of traffic on the existing highways and freeways;
- (b) To give the travelling public an alternative and safe mode of transport;
- (c) To boost the tourist access to outlying attractions; and
- (d) To assist in decentralisation

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

(See paper No. 398.)

### **SEX SHOP: BUNBURY**

#### *Establishment: Petition*

The following petition bearing the signatures of 35 persons was presented by Hon. Doug Wenn—

TO: The Honourable the President, and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled,

We, the undersigned that the Legislative Council will act to revoke and prevent the establishment of a sex shop in Bunbury for the following reasons:

Because there is a flood of obscene publications and videos into our State,

Because such a shop will legally expand the marketing range of X-rated material from interstate porn corporations, into the entire South-West of our State,

Because pornography in videos and publications, degrades women as an exploitable sexual commodity, without feelings or modesty, a de-personalised object,

Because pornography caters to voyeurism, and portrays abnormal deviant behaviour as normal,

Because where men accept such altered values, for women there is a high price to pay,

Because pornography creates new, offensive demands on women, with which they do not willingly comply, (Eysenck and Nias),

Because women face their plight alone,

Because this causes marriage breakdown,

Because children easily obtain access to such videos and publications in their home,

Because such found doing so face rejection by one parent, and carry the burden of having further altered relationships for the worse, between parents, and between parent and child,

Because such a child faces alone, the loss of trust,

Because a caring government should concern itself with the real status of women, and also with the United Nations Declaration that a child shall enjoy special protection by law.

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

(See paper No. 399.)

### **EQUAL OPPORTUNITY**

#### *School Activities: Petition*

The following petition bearing the signatures of 260 persons was presented by Hon. Doug Wenn—

TO: The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned object to equal opportunity laws compelling our children to integration of school activities, including sports, without referral, consultation or regard for parents and further the current law does not have regard for individual communities.

We request that this legislated educational experiment cease.

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

(See paper No. 400.)

## **BILLS: (2) INTRODUCTION AND FIRST READING**

1. Machinery Safety Amendment Bill.
2. Hospitals Amendment Bill.

Bills introduced, on motion by Hon. H. W. Gayfer, and read a first time.

## **MIDLAND SALEYARDS SELECT COMMITTEE**

*Special Report: Consideration in Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair.

Hon. G. E. MASTERS: I move—

That the special report of the Select Committee inquiring into the sale, closure and future resiting of the Midland saleyards be adopted.

This motion deals with one of the most serious matters that have arisen in the 12½ years I have been a member of the Legislative Council. We have to ask ourselves the question: Why does the Government appear to be opposing the adoption of the special report and opposing the move to make the issue item No. 1 on our Notice Paper today?

I put it to the Chamber there can be no more urgent or more important issue than a matter which presents a direct challenge to the authority of Parliament and the authority of the Legislative Council, because every member of the Legislative Council and every member of Parliament is charged with preserving the integrity of Parliament and preserving its powers and responsibilities. We have an absolute right to probe, to question, and to debate. That applies not just to the members of the Legislat-

ive Council, but to committees of the Legislative Council appointed for various purposes. This is one of those Committees that was appointed for a particular reason.

The Opposition had no alternative but to bring this matter forward as one of extreme urgency. The committee was set up by this Legislative Council. The terms of reference were amended by the Government of the day, and were then passed on for action in another place and in this Chamber.

A Select Committee has the powers of a Royal Commission and we should never forget that. The inquiry was set up to investigate various matters of great public concern, of possible illegal action on the part of a Government Minister concerning commercial operations which affect the town of Midland, surrounding areas, and the rural sector very greatly indeed. It dealt with the selling of public property at what appeared to the public to be a fraction of its value. It had every appearance of being a transaction which had something very wrong with it—to put it in the kindest possible terms.

A person who was central to that inquiry was legitimately interrogated by the Select Committee. I use that word advisedly because "interrogation" is the word used in Standing Orders dealing with a Select Committee. I refer to Standing Order No. 354 which in part reads—

... The Chairman shall then call on the other Members severally by name to put any other Questions which may have occurred to them during the course of the examination; and the name of every Member so interrogating a Witness shall be noted and prefixed to the Questions asked.

The word "interrogating" is used in the Standing Orders and although it sounds very strong, it is the right of members of a Select Committee to interrogate a witness legitimately called to give answers to questions, whether publicly or in camera. As I understand it, the Select Committee was refused answers to one of the questions asked. That is recorded in the special report presented by the Select Committee.

I refer to the wording at the beginning of the special report which states—

In the course of its examination of Mr Ellett, a question was put to him seeking disclosure of the name(s) of his financier for the purpose of buying the site.

The relevant part of the transcript of evidence (attached) shows that the witness persisted in his refusal to answer that question in the face of an assurance that the information would not be disclosed.

Under the circumstances, your Committee has no option but to report the matter to the House. The Committee's opinion is that the question, for the purpose of s.8 of the Parliamentary Privileges Act 1891 was, both "lawful" and "relevant".

They are the critical areas we are considering today. Firstly, the committee had no option but to report the state of affairs and report the refusal of a witness properly called and properly questioned to answer one question—whether it be one or 100 does not matter—which was legitimate and relevant.

The committee, quite properly through its chairman, tabled this special report. We cannot underestimate the importance of this document or overemphasise the damage of such an action; and it is detrimental to the Select Committees of this Chamber if people are able to get away with refusing to answer legitimate questions.

The special report also makes reference to section 8 of the Parliamentary Privileges Act 1891 which reads—

Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct until such fine shall have been paid, or until the end of the then existing session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or by any other person—

It goes on to make the statement which is the relevant part—

Refusing to be examined before, or to answer any lawful and relevant question put by the House or any such Committee, unless excused by the House in the manner aforesaid.

I put it to the Chamber that the question was relevant. If members look at the special Select Committee report they will see a transcript of the questioning leading up to the point where Mr Ellett refused to answer a question.

Indeed, he was told if he did not want to answer the question publicly he could answer it in camera. The Select Committee went in camera and Mr Ellett, when asked the question again, said "I want to see the authority." I assume that means the authority of the Select Committee. The Chairman of the Select Committee said, "The authority is section 8 of the Parliamentary Privileges Act." Mr Ellett later said, "Because the question is not relevant, I do not believe I have to answer it." The question dealt with the financial side of the application by Mr Ellett. The question was, "From what source was the finance available?"

It is extraordinary to me that Mr Ellett was accompanied by his legal adviser. It is quite unbelievable that his legal adviser obviously gave Mr Ellett the advice that the question was not relevant and he did not need to answer it. Surely, that legal adviser must have known something about the Standing Orders and the powers of a Select Committee; he must have known that the powers are the same as those of a Royal Commission. He must have known that the legal profession is not a law unto itself and that the highest court in the land is this Parliament; in other words, through the Select Committee, the decision of Parliament. I am amazed that a person with a legal background did not give Mr Ellett that advice and suggest to him that the proper answer be given because it was in camera and relevant to the inquiry.

I point out the relevancy of that question by asking members to look at the report itself, because we are not allowed to debate the matter today as it is on the Notice Paper for another time. The report made reference to a company Mr Ellett was involved in.

That company was called Pilsley Investments Pty Ltd. The Select Committee investigating the financial capacity of Mr Ellett and his company not only to buy the property at Midland for \$450 000-odd but also to spend something like \$30 million to establish a brickworks, found that the names of the directors mentioned in the submission to the WADC as a back-up for the purchase of the land and its development were names of people who had no knowledge, as I understand it, of their directorship of that company.

At a later stage in his evidence, Mr Ellett said that he did not mean they were directors of the company and that he had meant to say in his submission that they were likely directors of the company. It stretches the imagination a little to be asked to believe that sort of mistake could be made.

It is indeed strange that the WADC, which was responsible for the sale and examination of the application by Mr Ellett and his company, did not take the trouble to check on the authenticity of the application and on the directors to make sure they were able to produce the back-up necessary.

The Select Committee having gained that information, and other information I will not refer to now, was very likely to follow it up by saying that the directors of the company were not what they were said to be, especially if there were some doubts about Mr Ellett's capacity to buy the land and then to finance the project. Obviously the Select Committee wanted to know where the money was coming from. That has to be relevant.

If there is doubt about the financial capacity to buy the land and to follow that up with a development based on the success of the application, of course the Select Committee would ask where the money was coming from.

The Select Committee proceeded to take evidence in camera and asked Mr Ellett to provide the information. It was entitled to say, "Just give us the name of your financial supporter." If it is a merchant bank, that is all he had to say. That question quite obviously was a key to the inquiries being conducted by the Select Committee.

I maintain without any doubt at all that the question was relevant, based on the other submissions and the Select Committee report. The question had to be asked, otherwise the Select Committee would not have been fulfilling its duties to investigate, to probe, to find out exactly what was happening, to find out whether the sale not only was legal but also whether the Government had made the right decision in view of the criticism, public and otherwise, that had been made. The Select Committee would certainly have been negligent in its duties if it had not asked those sorts of questions.

It is now up to this Chamber to decide whether the special report of the Select Committee should be adopted. Should it be adopted, I assume Mr Ellett, the man who refused to answer the question, could have certain actions taken against him by the Legislative Council. I believe that the background to the whole project is covered in considerable doubt. There are suggestions that things are not quite right. I will not say any more on that except that there is unease in the community

over this and other Government moves in recent times.

When we look at the report we see that the company directors are not what they have been said to be. There appears to be no guarantee of performance. I believe the WADC was remiss in not investigating certain matters. Because of all this we must ask ourselves who was advising the Minister. It is absolutely essential that the Select Committee be able to find out all that has gone on.

If the Legislative Council is not prepared to bring to the Bar a person to have him give account of his actions after he has refused to answer a question asked by a Select Committee, there really is no purpose in the future for either the Legislative Council or the Legislative Assembly to set up Select Committees.

If we allow this sort of person to say, "I won't answer the question", when a Select Committee has a legitimate right to ask it, if we let such a person get away with avoiding a question, virtually snubbing his nose at a Select Committee, there is no purpose in establishing a Select Committee of this House or of another place.

What will happen if we do not take action is that people who view this debate with some interest will simply say, "Whenever there is a Select Committee and we are called as witnesses, even though it is a private and confidential session, we will say the question is not relevant and we will not answer it." We on this side cannot tolerate that situation.

The fundamental purpose of Parliament, the rights and privileges of each and every member of Parliament, will be destroyed if we allow this matter to go unchallenged.

I again point out that section 8 of the Parliamentary Privileges Act leaves us in no doubt about what action we must take. I assert with all my strength that we must act on this matter. We simply cannot allow a person to avoid answering a question posed by a Select Committee. We cannot avoid the responsibility of questioning actions taken by Governments. We cannot possibly allow a Government to take the sort of action we believe this Government has taken, without challenge and without investigation when the public demand it. More important is the fact that the integrity of the Legislative Council is at stake. The future strength and success of any Select Committee of the Legislative Council will certainly exist no more if we do not take action. Select Committees will have no future unless the Legislat-

ive Council calls on the people responsible to answer relevant questions, and we are dealing with a legitimate and relevant question here.

Hon. J. M. BERINSON: I urge the Committee not to support the motion in its present form, and I will shortly propose an amendment to modify its terms.

The Leader of the Opposition is inviting us to join him on a path which has the serious potential to embarrass us all by making the Chamber appear incapable of keeping matters in reasonable proportion. That arises from the fact that the present motion cannot be separated from what would follow from its passage.

We are already on notice that the Legislative Council would next be asked to adopt the report of the Select Committee, and on that being agreed, to support Mr Oliver's contingent notice of motion. That contingent motion seeks to have Mr Ellett brought to the Bar of the Legislative Council to be adjudged and sentenced for a contempt of the Legislative Council. In other words, for an act or omission by Mr Ellett which at the very most might reasonably call for some passing comment, we would be asked to bring to bear the whole weight, the whole majesty of the "High Court of Parliament" concept.

That is such an exaggerated notion in the factual circumstances which are before us that I put it to the Committee that we should cut the whole process short, and at the first opportunity, which is now. That is one ground on which I will shortly urge members to support an amendment to this motion. There are two others.

The first is based on the fact that the Select Committee's special report has the serious defect that it indicates substantial room for Mr Ellett to have been confused to his prejudice by the way in which questions were put to him. The second is based on the fact that the Select Committee's opinion on the applicability of section 8 of the Parliamentary Privileges Act is, on the face of it, wrong.

I turn firstly to the committee's account of the facts. In the first two paragraphs of the special report, the committee says—

In the course of its examination of Mr Ellett, a question was put to him seeking disclosure of the name(s) of his financier for the purposes of buying the site.

The relevant part of the transcript of evidence (attached) shows that the witness persisted in his refusal to answer that ques-

tion in the face of an assurance that the information would not be disclosed.

In other words, the committee says that Mr Ellett was asked for the names of the financiers in open committee, that he refused to answer, and that he "persisted in his refusal" when the committee went in camera.

That account of events is said to be justified by the extract of the transcript which has been provided as an attachment to the special report. That extract is quite short and I propose to read it into *Hansard* in full. It reads as follows—

THE CHAIRMAN: Did the Government, in arriving at the decision to sell to you, ask you to provide it with evidence that you had financial backing to finalise the purchase of the sale?

MR ELLETT: Yes.

THE CHAIRMAN: It did?

MR ELLETT: Yes.

THE CHAIRMAN: Did it also ask for financial information regarding the expansion—your development plan?

MR ELLETT: No.

THE CHAIRMAN: So the Government asked for approval for financial documents in respect to the purchase? That is, that you had paid your deposit, and your ability to purchase the property. Incidentally, was that credit facility revocable or was it an open letter of credit?

MR ELLETT: That is either personally or commercially sensitive.

THE CHAIRMAN: We have been through this commercial situation before. I am asking whether it was qualified.

MR ELLETT: I am not prepared to give you any details at all of the financial arrangements I have with my merchant bank. They are confidential and I will not give them to anyone.

THE CHAIRMAN: You are required to answer questions which are put to you, but if they are of a commercial nature I would prefer they be taken in camera.

MR ELLETT: It will not make any difference because I will not reveal who the financiers are.

THE CHAIRMAN: You are saying that should I put the question to you in camera, where it will be neither available to the public nor be printed as a substance to this

report, you will not be prepared to answer it?

MR ELLETT: No. It is commercial.

THE CHAIRMAN: Irrespective of that, I will have to ask that we proceed in camera for the purposes of putting that question only. I hope then that this procedure will be finished. I request the Press and the public to leave.

### IN CAMERA

THE CHAIRMAN: This discussion is now in camera. I have already put that question to you, and the fact that you are required to answer it. It is not really necessary for me to put the question to you again. If you believe it is a commercial transaction, I must advise you that you are required to answer any question which is put to you. I am quite happy for you to discuss this matter with Mr Momber, but that discussion will not be recorded by Hansard.

MR ELLETT: I want to see the authority.

THE CHAIRMAN: The Authority is section 8 of the Parliamentary Privileges Act.

MR ELLETT: I don't believe the question is relevant. It says, "Lawful and relevant" question, and I don't believe the question is relevant.

THE CHAIRMAN: I will put the question to you again: From what source was the finance available?

MR ELLETT: Because the question is not relevant, I do not believe I have to answer it.

THE CHAIRMAN: I have to advise you that in accordance with your answer I will be required, as Chairman, to report the fact that you did not answer this question to the House. Do you understand that?

MR ELLETT: Yes.

As members will note, Mr Ellett did not persist—I emphasise "persist"—in his refusal to answer any question in relation to the names of his financiers. What happened was that, in open committee, he declined to answer a question as to whether his credit arrangement was revocable or irrevocable and in the in-camera session he again declined to answer that question. That is the only way that the transcript, as a whole, can be understood so that if we were

approaching this question in a legalistic way, it would have to be said that the description of events in the committee's special report is simply wrong in fact and that no further action should be taken on it for that reason alone.

I do not rest on that legalistic approach because I believe that this issue demands, above all, the application of common sense and the keeping of the particular issue within reasonable and proper perspective. In that context, it has to be recognised that, in the last gasp of the in-camera session, Mr Ellett declined to answer a question about his financiers. That, however, was the first time that question had ever been asked. He could not be said, on the evidence, to have "persisted" in his refusal to answer that question as he was only asked that question and only declined to answer it once. Nonetheless, the fact remains that he declined to answer it. To say that the proceedings had the capacity to confuse the witness seems to follow self-evidently from the fact that they clearly appear to have confused the committee itself. That is an issue which, together with the transparent factual inaccuracies of the special report, should weigh as a serious consideration against the adoption of the report.

A more serious objection, however, arises from the third paragraph of the special report which refers to the Parliamentary Privileges Act. This paragraph reads as follows—

Under the circumstances, your Committee has no option but to report the matter to the House. The Committee's opinion is that the question, for the purposes of s.8 of the Parliamentary Privileges Act 1891 was, both "lawful" and "relevant".

Omitting irrelevant parts, section 8 of the Parliamentary Privileges Act reads as follows—

Each House of the said Parliament is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of either House, and in the event of such fine not being immediately paid, by imprisonment in the custody of its own officer in such place within the Colony as the House may direct until such fine shall have been paid, or until the end of the then session or any portion thereof, any of the offences hereinafter enumerated whether committed by a member of the House or by any other person—



Refusing to be examined before or to answer any lawful or relevant question put by the House or any such committee, unless excused by the House in the manner aforesaid.

There can hardly be a doubt that the questions at issue were lawful; but were they relevant? This immediately raises the question: Relevant to what? It is clearly not enough that they should be relevant to Mr Oliver's strong personal interest in the abattoir site arrangement. Nor is it enough that they should be relevant to his enthusiasm to expand his general knowledge. The relevance required must be a relevance to the purposes of the Select Committee and that can be found only in the committee's terms of reference. Again I propose to read these in full into *Hansard*. As I do that, I invite members to consider what possible relevance the disputed questions could have had to any term of reference. The terms of reference are as follows—

1. That a select committee be appointed to inquire into and report on the sale and closure of the Midland saleyards; particularly:
  - (1) The likely effects of the closure on the Midland Regional Centre and, generally, the Western Australian rural community;
  - (2) The extent of consultation with business and rural organisations as to the effect on their members who derive income from, or utilise the services of the Saleyards;
  - (3) Whether tenders were called to enable parties to express interest as purchasers and the adequacy and propriety of using the Western Australian Development Corporation as an agent for the sale of the land in preference to other realtors;
  - (4) The adequacy of the price obtained for the site;
  - (5) The reasons for including the adjoining abattoirs; and whether or not the sale of the abattoir is severable from that of the Saleyards;
  - (6) The effects of the closure on employment,

together with such other matters including the involvement and dealings of the Government and any instrumentality of the Government.

2. That the committee so appointed have power to send for persons, papers and records and the proceedings of the committee during the hearing of evidence be open to accredited representatives of the news media.
3. That the committee so appointed have power to bring up interim reports and report finally not later than Thursday, July 24 1986.
4. That the Assembly be invited to appoint a like select committee with power to confer with the committee appointed in terms of this motion, and in the event that the Assembly so appoints, the select committee of this House have power to confer with that of the Assembly.

I remind the Committee that the only questions conceivably at issue are, firstly, the revocability of credit arrangements and, secondly, the identity of Mr Ellett's merchant bankers. How could those be relevant to the likely effects of the closure on the Midland regional centre, which is the first term of reference, or to an inquiry as to the extent of consultation with users of the saleyards, which is the second term of reference? How could they be relevant to whether tenders were called and the role of the WADC, which is the third term of reference, or to the adequacy of the sale price, which is the fourth term of reference? How could they be relevant to whether the sale of the abattoir is separate from the saleyards, which is the fifth term of reference, or to the effects of the closure on employment, which is the sixth term of reference?

So far as the substantive terms of reference go, there are no more and certainly of those I have referred to none could be seriously argued as requiring the particular information that Mr Oliver was pursuing. This is made all the more clear by the fact that the subcommittee at the relevant time was not dealing with credit arrangements involving millions of dollars. As the extract of the transcript makes clear, the only funds in question were those required for the purchase of the site, namely \$450 000. An amount of \$450 000 was no doubt at some remote time considered a very considerable sum. However, I am confident that whatever other differences there may be between us today, Mr Oliver would agree with me that no vendor of a property selling for \$450 000 today would consider it remotely necessary to ask for details of credit arrangements where the purchaser did not seek to make his offer subject to finance.

That, if still necessary, is another important sense in which the questions at issue were simply not relevant.

Adoption of the amendment which I shall shortly move will not in any way limit the capacity of the Chamber to deal with the substantive report of the Select Committee. That is the time and place to consider the real issues involved. I urge the Chamber not to be sidetracked into issues which are raised by the special report. That report is seriously defective in a number of respects, but even if it was technically correct, the issue which it complains of was so peripheral to the work of the committee and the strength or weakness of its findings that we would be most unwise to take the process further.

To call private persons to the Bar is an extremely rare procedure to be preserved for cases of the utmost gravity. This is not such a case and I move the following amendment—

To delete "adopted" and in place thereof insert the words "noted and the Committee of the Whole further expresses the view that the dignity of the House would best be served by its taking no further action in this matter".

#### *Progress*

Hon. H. W. GAYFER: I move—

That progress be reported and leave given to sit again at a later stage of this sitting.

Hon. G. E. MASTERS: Mr Chairman, in view of our new Standing Orders, what would be the position if other debates and Bills were discussed at length until something like 11 o'clock when the House automatically adjourns?

The CHAIRMAN: I will need time to consider the proposal that the honourable member has put. I will have the Clerk consult the Minutes so that the member can be given the correct answer.

Hon. J. M. BERINSON: It might assist the Committee if I were to indicate that I would be prepared to arrange the business of the House in such a way that the matter would be brought on no later than 5.30 p.m.

The CHAIRMAN: I will read to the Chamber the Minutes of the Proceedings of 7 October, which is the last time we met. Paragraph 11 reads—

#### 11. Select Committee Upon the Disposal of the Midland Saleyards—Special Report

Hon. Neil Oliver moved without notice, That consideration in committee of the special report be made the first order of the day for the next sitting and that such consideration and report thereon to the House be finally dealt with at the same sitting.

Debate.

The Attorney General moved to delete all words after "the next sitting".

Question—that the words to be deleted, be deleted—put.

The House divided.

The amendment was lost. In other words, the matter must be disposed of today. The assurance of the Attorney General, who is in charge of the Notice Paper, is that the Committee will reconvene before 5.30 p.m. The question is that I report progress and seek leave to sit again on the assurance we will resume not later than 5.30 p.m.

Question put and passed.

Progress reported and leave given to sit again.

#### FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) AMENDMENT BILL

##### *Second Reading*

Debate resumed from 7 October.

HON. JOHN WILLIAMS (Metropolitan) [4.32 p.m.]: The Opposition will support this Bill. It is a technical Bill. Like so much of the law enacted by this Parliament and various courts throughout the land, it can be described as a Bill which remedies an oversight.

The Standing Committee of Attorneys General has agreed to the amendments to be legislated for in every State. The Attorney General very fairly and properly outlined in his second reading speech the Bill's intentions, and I always feel it is a waste of time to repeat a second reading speech given by the introducer of a Bill.

Reciprocal arrangements have to be made pretty clear so that litigation, when it does take place, is seen to have taken place quite properly and legally. I therefore support the Bill and ask my colleagues on this side of the House to do the same.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

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

**INHERITANCE (FAMILY AND  
DEPENDANTS PROVISION)  
AMENDMENT BILL**

*Second Reading*

Debate resumed from 7 October.

**HON. MAX EVANS** (Metropolitan) [4.36 p.m.]: The Bill is very short, and I do not propose to go through the Attorney's second reading speech. I support the amendment. It shows how time marches on from 1972, when the Act provided for a widow, to 1986, when a widow is now included.

I would like to comment on behalf of Hon. Sandy Lewis and request that the Attorney General put to his department a request for further amendments regarding a person in Boyup Brook. A judgment was made against a family distribution. By the time the property was sold it was valued at much less than was anticipated at the time. It was hoped that an amendment would have been brought in to cope with this situation.

This problem can happen, and often does in the farming community. I refer to a distribution between a son and two or three sisters of an estate. The judgment was on how it should be distributed. By the time the property was sold it was worth a lot less, but the executor still had to distribute the same amount of money, not pro rata. The member was disappointed on his own behalf and on his constituents' behalf.

I support the Bill.

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [4.38 p.m.]: I confess that I cannot recall the particular case to which the honourable member is referring, but I would be happy to look at it again, if he could arrange with Mr Lewis to forward the details to me.

I must say that the position may not be as simple as it appears at first sight. The court may well have arrived at a judgment that the claimant under the Act should receive a certain amount rather than a certain proportion of the

property. A question like that can only be resolved by looking at all the facts of the case.

I will save Mr Evans the trouble of speaking again by putting into *Hansard* the fact that he is shaking his head vigorously, indicating that those were not the circumstances in this particular case. Nonetheless, in general that is a problem which would have to be faced.

I repeat my invitation to interested members to present me with those facts again for further consideration.

Question put and passed.

Bill read a second time.

*In Committee*

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

**Clause 1: Short title—**

Hon. A. A. LEWIS: I thank the Attorney General for his offer. I am sure Hon. Max Evans outlined the case, but there were actually two cases, both of which will break farmers at the moment. I did not hear the Attorney General give the Chamber any answer as to where the appeal provisions were in this Act, if a person wanted to appeal against a decision which had been made previously.

This is the worry of people who have an award made against them and then must suffer something like a fall in lamb prices, which hits them before they can turn their assets into cash. These people are then caught between the devil and the deep blue sea and they can lose their own inheritances. At the same time, I realise the courts make decisions for certain reasons, but I hope the Attorney General can tell me where the appeal is in this Act.

Clause put and passed.

Clause 2 put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

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

## STIPENDIARY MAGISTRATES AMENDMENT BILL

### *Second Reading*

Debate resumed from 7 October.

**HON. JOHN WILLIAMS** (Metropolitan) [4.43 p.m.]: I propose to recommend to my colleagues that they support this Bill.

I appreciate the reasons given by the Attorney General for wishing to move away from an historic form of appointment to the magistracy. In so doing, perhaps one should note the number of people who, in the past, became magistrates by rigorous examination, not being practising lawyers or anyone connected with that profession. The Attorney General, in his second reading speech, remarked that there are some six people who are still eligible to qualify under this process, and indeed those who have qualified and not yet been appointed to the magistracy will still be eligible to become a part of it.

I am a little sad to see that the law is now becoming all-pervading. I could refer to another incident which happened in this Chamber today—which I will not—of how a well-intentioned, eager young lawyer tended to make some quite inane mistakes. It is not always a mark of a man's legal ability to be described as a good or a great magistrate. In point of fact, some of the more sensible judgments have been handed down, by magistrates with a lay background. Truly they have had to study the law and they have had to pass the examinations, but they have not lost sight of the fact that they are dealing with people and that some form of compassion, apart from a strict interpretation of the law, should be applied. I still see and read about quite frequently complaints, for instance, of justices of the peace who claim they are not being used enough and that people generally tend to see JPs as having no legal background to be able to adjudicate in matters of law.

In point of fact, when one goes to another country, one sees that the justices of the peace are the backbone of the law, while the backbone of the courts are some of these lawyers and solicitors who act as clerks of court and advise the magistracy as to what it can and cannot do legally, leaving the interpretation of innocence or guilt to be pronounced by the justices. If one took that system away from the United Kingdom, the whole of the judiciary would collapse because that is what it is based on. However, to acknowledge that is to acknowledge the fact—and I say this in a jocular

fashion lest I be misquoted—referred to by one of the lawyers to whom I spoke about this particular Bill who said, "Well, if there is a surplus of lawyers and they want to go into the magistracy, they must be pretty hard up because they can make much more money outside." However, the fact of the matter is that we are progressing. I can see the Attorney General's thrust in wanting more qualified persons in place of these people and, as he has promised, people who have qualified, or who are about to qualify, will in no way be deterred from taking their place.

On that basis, but not on that basis alone, I appreciate the State's burden on the judiciary is pretty heavy, and that the Attorney General, as were preceding Attorneys General, is faced from time to time with enormous lists; however, it is pretty frightening that one can find some people on remand for months and months in some cases. I see this to be a little unfair when perhaps the appointment of extra stipendiary magistrates and the scattering of them around Western Australia could go some part way to alleviating this situation.

On those grounds I recommend to the Opposition that it supports this Bill.

**HON. P. H. LOCKYER** (Lower North) [4.48 p.m.]: I am not convinced that the Opposition should support this Bill. In fact, far from it.

I think it is a very sad day indeed when we have legislation such as this come before the House, particularly when the appointments of stipendiary magistrates, other than lawyers, in this State have been very few, by and large, in the past. It is my firm view that the best magistrates come from within the system, from clerks of courts or mining registrars who have worked as clerks of courts, who have passed the appropriate exams and who have risen to the exalted position of stipendiary magistrate, actually make the best magistrates.

This is so for many reasons. First of all, it seems that their practicality, in having watched from the other side of the law court, seems to place them in a far better position to judge the situation which exists in country towns where they mostly operate. I speak in particular of one case and I know the person concerned will not mind me using his name. The person concerned is one Peter Thobaven who now is a magistrate in Albany. He came from Mt Magnet and joined the Crown Law Department as an assistant mining registrar and has worked his way to be, in my opinion, an excellent

magistrate who is able to handle cases with compassion and great ability.

I am not decrying lawyers at all. In fact lawyers make very good magistrates. However, I think there are special circumstances, particularly in the north of our State and in more isolated regions, where practicality sometimes overcomes the need for obeying simply the letter of the law. Sometimes the latter needs to be put aside and practicality needs to be placed firmly in front of it.

For instance, some offenders become very well known for their regular attendance at court, and if one were to apply the letter of the law to them they would end up serving a life sentence, when their being sentenced to the rising of the court would be more appropriate. I hear my colleague from North Province (Hon. Tom Stephens) mumbling in his beard, and I know he probably does not agree with me, but I want to relate my comments to magistrates and not justices of the peace.

It will be a sad day when we are not able to encourage those people whose careers start in the Crown Law Department or as clerks of courts, and who have the ability to go through the ranks other than by seeking a law degree. I do not think it is a step in the right direction. It is my firm belief that the courts, particularly in the more isolated areas, will be poorer for the experience.

**HON. N. F. MOORE** (Lower North) [4.52 p.m.]: I support my colleague, Hon. Phil Lockyer, on this, and I oppose the legislation.

The Minister said in his second reading speech—

The amendment will not prejudice nor should it be seen as reflecting in any way on non-lawyer magistrates. These include senior and highly respected members of the Bench who are serving the State with distinction.

The Minister says that people who are non-lawyers and who have become magistrates are serving the State with distinction and that this Bill does not reflect on their capacity. What is the reason for bringing it in? If these people were in some way less capable, or were making judgments which were not generally acceptable in the field of law, I could understand the Minister bringing in a Bill to say that practising law must be the only qualification for becoming a magistrate. He has defeated his own argument. The purpose of the Bill is to make the magistracy part of a closed shop for lawyers. We see a lot of activity these days which can be handled

by lawyers and nobody else. It is a classic closed-shop syndrome.

Many existing magistrates are not lawyers, but they have studied long and hard to become magistrates, some for many years while employees of the Crown Law Department or other departments, and they are very good magistrates as the Minister acknowledged. They perhaps have a different perspective and a wider experience than many lawyers who have become magistrates. I would be interested to know whether the Minister can make the same judgment about magistrates who are lawyers as those who are non-lawyers.

**Hon. J. M. Berinson**: I would have thought the Bill makes that comment.

**Hon. N. F. MOORE**: We could say that. It would be very hard to convince me that one can draw distinctions between the performance of magistrates who are qualified lawyers and those who are not. The people who have become magistrates but who are not lawyers did not do so simply by virtue of the fact that the Attorney General appointed them. As the second reading speech acknowledges, they had to study a university course to become qualified to take on the role of a magistrate. I am not convinced in any way at all that this legislation is necessary. In fact, I am convinced it is not necessary, and I advise the House that I will vote against it.

**HON. D. J. WORDSWORTH** (South) [4.55 p.m.]: One needs to have a few questions answered in regard to this Bill. Does a person who passes the magistrates' examination automatically become a magistrate, or does he wait in a queue until the Attorney General decides there is a vacancy?

**Hon. J. M. Berinson**: They become eligible to apply.

**Hon. D. J. WORDSWORTH**: And they wait to be appointed. I presume that when an appointment is pending those who are lawyers and have a degree can apply at the same time, and it is up to the Attorney General to decide whether he will appoint as the next magistrate someone who has passed the exam or a lawyer who has indicated he would like to become a magistrate.

**Hon. J. M. Berinson**: There is no automatic consideration of persons who have passed the magistrates' exam. They must apply on each occasion that a vacancy arises in the same way as anyone else.

Hon. D. J. WORDSWORTH: I am trying to look at the intention behind the Bill, and one would assume the Attorney is embarrassed by the number of people who have passed the exams, but whom he does not wish to appoint, and this is probably the best way to reduce the number of those applicants.

I feel there must be some reason. The system has worked very well until now. No reason seems to have been advanced as to why it should go. I would have thought that the Attorney General had the opportunity up until now to give the appointment to a lawyer or someone qualified by law, or to someone who is qualified as a result of passing the magistrates' exam. That is his choice. He can cut off one arm if he so desires.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.57 p.m.]: I was anxious when introducing this Bill to avoid any impression that the services or the abilities of our serving non-lawyer magistrates were not appreciated. That is an important thing to say, and I assure the House that it was not said as a matter of form, but as a reflection of the reality. On the other hand I doubt whether we should go to the other extreme, which Mr Lockyer might encourage us to do, and not only say that one or other group of magistrates is better than another, but to positively declare that the lawyer group of magistrates is worse.

Hon. P. H. Lockyer: I did not say that.

Hon. J. M. BERINSON: I am glad the honourable member did not say that, and that, to the extent that that impression might have been given, it was mistaken.

The position is as I put it in the second reading speech: Firstly, that the system by which non-lawyers, by way of magistrate's exams, can be eligible and have been appointed as magistrates was as much as anything a reflection of the fact that the State was at a stage where applications by legally qualified people could not be attracted. That position has now been completely reversed, and certainly the experience over the last three or four years when I have had anything to do with it has indicated that a satisfactory number of applicants for appointment as magistrates are available from the legal profession, and that when they come up against non-legally qualified applicants, the prospects of the latter group being appointed are very limited.

To a large extent this Bill is to overcome the continuation of unrealistic expectations among the group of people who are interested in the work and in doing the magistrate's exams, but who, in the current factual realities, are unlikely to realise their ambitions.

Hon. D. J. Wordsworth: Perhaps in your opinion as Attorney General, but not necessarily that of future Attorneys General.

Hon. J. M. BERINSON: I do not approach the appointment of magistrates as a ministerial exercise. I take the advice of a panel which normally includes the Chief Magistrate, the Under Secretary for Law, and either me or one other person appointed by me for the particular appointment.

#### [Questions taken.]

Hon. J. M. BERINSON: As I indicated earlier, I will be brief in closing so that we can resume debate on Order of the Day No. 1. I referred earlier to the changed circumstances in which applicants are available from the legal profession. I will add to that a reference to the markedly changed jurisdictions of the respective courts.

There has been a consistent trend in recent years to substantially increase the jurisdiction of the courts below the Supreme Court level and this has extended down to the magistrates courts. In the Local Court, for example, the limit which was only a few years ago \$1 000 or \$2 000 is now \$6 000, and we are looking at the possibility of substantial increases beyond that.

So, as the scope of the magistrates courts increases, so does an increase in the scope of the technical training and practical legal experience that legal practitioners are able to bring to bear become desirable. It is the combination of factors, as I explained in the second reading speech, which supports the measure proposed by this Bill.

Question put and passed.

Bill read a second time.

#### MIDLAND SALEYARDS SELECT COMMITTEE

##### *Special Report: Consideration in Committee*

Resumed from an earlier stage of the sitting.  
Hon. D. J. Wordsworth in the Chair.

The CHAIRMAN: For the information of members, the original motion was that the report be adopted, to which the Attorney General moved to delete the word "adopted" and insert the word "noted", etc.

Hon. H. W. GAYFER: Firstly, I thank the Committee for giving us time to look at this matter a little more closely, particularly the Attorney General's amendment. We praise the Attorney General for the sentiments expressed by his amendment in that his prime reason for moving it is that the dignity of the Legislative Council will best be served by the amendment's being adopted.

The dignity of the Legislative Council is something which we must seriously consider so that the people outside the precincts of these surrounds will fully realise why certain steps are taken, and the validity of those steps.

I am not saying, however, that we will support the amendment. I am saying that the very reasons that the Attorney General has given for the amendment are insufficient for us to make up our minds or to be convinced that his reasons are valid enough for us to accept his amendment.

The Leader of the Opposition has hung his hat, as it were, on the words "lawful and relevant". My humble appraisal of the situation is that those words do not constitute the question to be considered. That might have been the final question that Mr Ellett seized upon at the last moment, but it was not the question that he objected to in the first instance.

In the first instance Mr Ellett was asked by the Chairman of the Select Committee—

Did the Government, in arriving at the decision to sell to you, ask you to provide it with evidence that you had financial backing to finalise the purchase of the sale?

Mr Ellett replied, "Yes." The chairman went on and shortly after asked Mr Ellett—

Incidentally, was that credit facility revokeable or was it an open letter of credit?

Mr Ellett said—

That is either personally or commercially sensitive.

Then Mr Ellett said—

I am not prepared to give you any details at all of the financial arrangements I have with my merchant bank. They are confidential and I will not give them to anyone.

When asked again Mr Ellett said—

No. It is commercial.

At no stage did Mr Ellett say whether the question was relevant or lawful. In fact the proceedings went in camera and even then, when the chairman advised Mr Ellett by saying—

... I am quite happy for you to discuss this matter with Mr Momber ...

I might point out that it is quite unusual for an attorney to be with a witness at such a time, but nevertheless it was the right of the witness and it was not denied. In any case, Mr Ellett had Mr Momber, his adviser, with him and he was told by the chairman that he could discuss the matter with Mr Momber. Mr Ellett then replied that he wanted to see the authority and was told by the chairman that the authority was to be found in section 8 of the Parliamentary Privileges Act. At this stage one can only assume that the chairman showed Mr Ellett a copy of the relevant section of the Parliamentary Privileges Act because Mr Ellett then said—

I don't believe the question is relevant. It says, "Lawful and relevant" question, and I don't believe the question is relevant.

From this one can assume that he was looking at the relevant section. The point I am making is that until that time the question had not been refused on the score of relevance or lawfulness; it had been refused on the fact that it was commercial, and for no other reason at all.

I believe that this Chamber cannot dismiss this matter lightly by saying that it be noted and that a Committee of the Whole expresses the view that the dignity of the Chamber would be best served by its taking no further action in this matter. I believe that if this Chamber takes no further action in this matter, the dignity of this Chamber will be at question. The main point which concerns me deals with what will be the position in future Select Committees. Will every question have the degree of relevancy attached to it which is required, and will that mean that a person such as the Attorney General will have to be the chairman in order to consider whether a matter is relevant?

In this case the chairman put a question and it was not considered to be relevant by the person who was asked. He believed that it was a commercial question and he was not going to answer a commercial question. That is the score before the Chamber. It is clear; it is in front of the Chamber in black and white, and I do not think there is any reason at all for us to escape this matter—which is, a refusal of a person to answer a question which was lawfully put to him by the chairman of the committee which was appointed by this Chamber—

Hon. Garry Kelly: Which was not relevant.

Hon. H. W. GAYFER: The question of relevancy was not the matter under question at the time.

Hon. MARK NEVILL: I support the amendment moved by the Attorney General. The special report we were given this afternoon is quite confusing, especially the first page of the transcript as we have been given it. The question asked by the chairman was not answered. The chairman asked—

So the Government asked for approval for financial documents in respect of the purchase? That is, that you had paid your deposit, and your ability to purchase the property. Incidentally—

And this was an afterthought—

... was that credit facility revocable or was it an open letter of credit?

I am not quite sure of the difference between the two. If it was an offer of credit, I presume it would be revocable until it was accepted. It is not clear to me just what this question means. The chairman then asked—

We have been through this commercial situation before. I am asking whether it was qualified.

Then he goes on to say—

You are required to answer questions which are put to you, but if they are of a commercial nature I would prefer they be taken in camera.

The chairman's next question reads as follows—

You are saying that should I put the question to you in camera, where it will be neither available to the public nor be printed as a substance to this report, you will not be prepared to answer it?

His next statement was—

Irrespective of that, I will have to ask that we proceed in camera for the purposes of putting that question only. I hope then that this procedure will be finished. I request the Press and public to leave.

The chairman had not asked a question since he asked that confusing question earlier, which was—

... was that credit facility revocable or was it an open letter of credit?

When the committee went in camera, no new questions were asked so presumably what was asked was that original question in regard to the credit facility being revocable or an open letter of credit.

The claim in the preface to this report is that the witness persisted in his refusal to answer that question, and this is clearly not substantiated in the transcript. In respect of the other question—as to whether the question was lawful or relevant for the purposes of section 8 of the Parliamentary Privileges Act—I agree that the question is lawful but its relevancy has not been demonstrated in the debate today. It is my view that it is not even remotely relevant to the terms of reference to this Select Committee. It is also my view that the Select Committee should not have involved itself in the credit arrangements of this particular person. I do not agree that we should pursue this matter. To me it is not a serious matter and the question itself seems to have been asked as an aside, as indicated by its beginning—

Incidentally ...

It is not relevant to the main issue for the terms of reference of the committee, and I believe it would be unwise to pursue the course of action which has been suggested.

I urge members of the Chamber to support the Attorney General's amendment.

Hon. P. G. PENDAL: I oppose the amendment moved by the Attorney General for three reasons.

The Attorney General's amendment talks about the dignity of the House. I momentarily part company with Hon. Mick Gayfer, who made a very telling contribution to the debate on the use of the word "dignity" as though that is all that is at stake in this matter. I would suggest that something far more important is at stake than the dignity of the House, whatever that might mean, or the dignity of individual members, whatever that might mean.

What is at stake is the effectiveness of the House. There is no suggestion on the part of the Attorney General that we are defending here the right of a House of Parliament to get to the bottom of something. That is what is intended by this Select Committee; whether or not we want to get to the bottom of something; and at the end of the day there may well be no substance to the allegations that have been made about that particular transaction by the Government. How are we to learn, if this sort of stymying operation is to come into effect when someone outside the Parliament can write the rules?

This leads me to my second question. We have heard by way of interjection from Hon. Garry Kelly and other people that the question was not relevant.



Hon. Garry Kelly: Of course it was not relevant.

Hon. P. G. PENDAL: All of a sudden we have an array of experts on that side of the Chamber—

Hon. Garry Kelly interjected.

Hon. P. G. PENDAL: The member should just hold on and listen to what I have to contribute. His longest speeches are his interjections. Could you, Sir, imagine the chaos that would occur in the courts of law in this town were a witness to decide what is a relevant question? Nothing is quite so absurd than a witness facing his interrogators in a court of law saying, "Well, Mr Justice Smith, I am not going to answer that question because it is not relevant." It is not the prerogative of a witness to determine whether or not a question is relevant. That is for the people who are conducting the inquiry.

Hon. J. M. Berinson: You must be joking. You have not read the Act.

Several members interjected.

Hon. J. M. Berinson: Do you mean to say—

Hon. P. G. PENDAL: The Attorney General should listen to me. This is what I intend to say. Let us go back and read the Act because it is the Act that has been referred to.

Several members interjected.

The CHAIRMAN: Order!

Hon. P. G. PENDAL: The Attorney General very conveniently spoke in a debate only a few minutes ago about the relevance of having trained people in the magistracy. Maybe, we ought to have some trained people in the Attorney General's ship because he asked what the Act says. The words on page 168 refer to someone who is refusing to be examined before or to answer any lawful and relevant question put by the House—

Hon. J. M. Berinson: Lawful and relevant.

Hon. P. G. PENDAL: That is right, but instead we have Hon. Garry Kelly and other such eminent people—

Hon. J. M. Berinson: What about a question which is clearly not relevant?

Hon. P. G. PENDAL: It is clearly not relevant and that is something that the Committee should address itself to. Secondly, it is important for this Chamber to address itself to this matter, which leads me to my third point. I suggest that the Attorney General has demeaned his office in speaking the way he did today about a witness before a Select Com-

mittee. He sounded terribly like a defence lawyer coming to the aid of Mr Ellett. That disturbs me. The Attorney General should not have entered into this debate. He had no right to enter into the debate.

Hon. Tom Stephens interjected.

Hon. P. G. PENDAL: That is about as relevant an interjection as Hon. Tom Stephens is a member.

The CHAIRMAN: The Committee will come to order. I ask Hon. Tom Stephens to stop interjecting.

Hon. P. G. PENDAL: My point is that the Attorney General has demeaned the high office he occupies. Only a few minutes ago the Attorney General told us very piously, in response to Hon. John Williams, that when it comes to the appointment of magistrates he does not make those appointments by way of a normal ministerial decision. What he was trying to tell us on that occasion is that he appoints magistrates as the first law officer of Western Australia, not as a politician. I am delighted to hear he says that. Maybe we should have demanded of him the same facility in this debate; that he did not act like a politician—but he did indeed act like the first law officer in Western Australia—and that he stay out of the debate because it is not a Government matter we are discussing. This has nothing to do with the Government, or has it? Therein lies another question.

Hon. J. M. Berinson: Am I not a member of the House?

Hon. P. G. PENDAL: I am talking about the appropriateness of the first law officer acting as though he is some sort of advocate on the part of a witness who has appeared before the House. Was not the bottom line of this and the reason this inquiry was set up, to find out whether there was anything irregular in a business deal that this Government has committed itself to? At every turn this Government is doing its utmost to stymie and to ensure that the truth never comes out. The Attorney General has demeaned himself by being part of that tonight.

Hon. J. M. BERINSON: I want to deal firstly with Hon. H. W. Gayfer's comments. I am genuinely disappointed in the tack that he took. I would seriously ask him to reconsider. Hon. H. W. Gayfer's argument was that the real fault by Mr Ellett lay in his initial refusal to answer the question on the ground of commercial sensitivity.

As I understood Hon. H. W. Gayfer, it was that, rather than Mr Ellett later being wrong on the question of relevance, which led him to believe that the amendment should not be supported. In advancing that view, Hon. H. W. Gayfer said, for example, that Mr Ellett did not initially deny the relevance of the question. He simply relied upon commercial sensitivity.

As against that, however, I would ask Hon. H. W. Gayfer to acknowledge that at the first point where the question of relevance was brought to Mr Ellett's attention, he affirmed the view that the question was not relevant. His other objections at that point go by the board. More than that, the question is not what Mr Ellett thought about the relevancy of the question at that time; the question is what we think about the relevance of the question now.

The reason for that is that the Select Committee has put before us a statement which says that the question for the purposes of section 8 of the Parliamentary Privileges Act was both lawful and relevant. That is the statement we are discussing and Hon. G. E. Masters has moved a motion that we adopt that. There is only one effect that the adoption could have, and that is to indicate the agreement of this Chamber that the question was in fact relevant. We are not, in other words, here to judge whether Mr Ellett was right or wrong in asserting irrelevance. What we are here to judge is whether the committee was right or wrong in asserting relevance. If we go on to adopt its report we are saying, "Yes, the committee is right, it was relevant."

I put it to the Chamber that that absolutely flies in the face of the evidence we have—the evidence of the wording of the committee's report and the evidence as provided by the transcript. We cannot in all conscience do that; and that is the test. I am not saying we should reject the committee's view out of hand, that we should reject this motion and tell them to go back and do the job better in the future.

I am saying that we note that the committee expressed a certain view but for whatever reason each of us has, we recommend that nothing further should be done about it.

That would accord with the simple facts and nobody in this debate on the other side so far has been able to point to any inconsistency in the argument I put originally. Mr Pental has been good enough to attack my bona fides but he has not attacked my argument, which is that the questions complained of were not relevant.

I remind the Committee, if it needs reminding, that the question by the committee was simply for the purpose of establishing the financiers but more especially the revocability of credit arrangements for a lousy \$450 000 purchase. That is what we are talking about; nobody has denied that. Nor has anyone denied my further assertion that in the ordinary course of events no vendor today would even bother to ask for the names of financiers or the credit arrangements in place to finalise a dealing which on today's standards is so modest.

I move from there to Mr Pental's comments and I can dispose of those briefly. Mr Pental starts on the basis that what is really at stake is the effectiveness of the House and its Select Committees. This much is certain: we will not enhance the standing of the House or raise respect for the work of our Select Committees if we operate a Star Chamber. That is not the way to enhance respect for the House or its Select Committees. Neither will we enhance respect for our Select Committee system if we allow members of committees to go off on frolics of their own, ask questions and insist on answers to questions that have no demonstrable relationship to the terms of reference.

Mr Pental says that the courts would be in chaos if witnesses were allowed to decide what is relevant, what they have to answer and what they are allowed not to answer. In fact, in the courts witnesses from time to time do assert their right not to answer and that is a right which can be protected by due process.

Hon. P. G. Pental: What happens when they do?

Hon. J. M. BERINSON: What happens with the Select Committee? Of course, a witness before a Select Committee, according to Mr Pental, has a lesser right than a witness in court. He cannot even assert a right not to answer a question.

Hon. P. G. Pental: You distorted the way I put it.

Hon. J. M. BERINSON: Mr Pental is not in a position to talk about distortion after his effort.

*Sitting suspended from 6.04 to 7.30 p.m.*

Hon. J. M. BERINSON: Before the dinner suspension I was about to discuss the third of Mr Pental's points which, I might say, strikes me as being the most spurious of all. This third point of his argument was based on the proposition that because I am the Attorney General I should not participate in the discussion at all. I am a member equally with Mr

Pendal in this Chamber and that is the capacity in which I have spoken.

Mr Pendal's point does, however, provide us with a helpful reminder of some special features which apply to this debate and not usually to others. We are currently engaged in a process, the end point of which contemplates the possibility of a citizen being imprisoned by our decision. I do not suggest for a moment that the House would go to such extremes, but that is the end point of the process in which we are now engaged. That requires us to examine the merits of the case in a more impartial way than is normally required and, in my submission, that examination must lead to the following conclusion.

In the first place, the first two paragraphs of the report are clearly in error as a matter of fact, and to support the motion to adopt the report is to invite us to compound the error—a technical error, admittedly, but an error nonetheless. It is the equivalent of dealing with one charge on which the defendant is clearly innocent but convicting him all the same because he is the sort of chap who was bound to have done something. The third paragraph is, in my submission, also in error in declaring as relevant a question which was remotely peripheral, at best, to the committee's terms of reference, and we should not do that either.

I conclude my comments with the following two propositions: Firstly, the amendment, if carried, would not endorse Mr Ellett's conduct. It would simply determine that this is not a case with a sufficient degree of seriousness to justify the further draconian measures which are contemplated by Mr Oliver's contingent Notice of Motion. Secondly, the amendment would not inhibit in any way the capacity of the House to deal with the substantive report of the Select Committee on its merits. With those assurances there really is no reason for us to proceed to adopt the special report of the Select Committee. I believe there is every reason for us not to do so.

Hon. G. E. MASTERS: I listened with interest to the Attorney General's comments. He said that the end result of this exercise could be that a person is brought before the Bar of the House and may be sent to prison. That is a possibility; at the end of the line, that is what could happen.

Let me put it another way. The end result of the House not pursuing this matter and bringing forward some result would be that a Select

Committee would be of no consequence in the future. That is the important issue.

Hon. J. M. Berinson: Quite wrong.

Hon. G. E. MASTERS: Well, that is my view. If I were outside Parliament and were to be called before a Select Committee, and if I knew of the decision of Parliament that a person who refused to answer a question got away with it, and if there were a possibility of my being embarrassed—

Hon. Garry Kelly: It depends on the question.

Hon. G. E. MASTERS: That is right, and I will get to it in a moment. If it is good enough for one person, it is good enough for another. We are talking about Select Committees of the future, and whether or not they will be effective.

I will go further. Not only is the Select Committee system under direct threat and possibly of no consequence, but the members of this Chamber, and the Legislative Council itself—indeed, both Houses of the State Parliament—would be of no consequence if they were not able to assert some authority in the situation now before us. To say that the question should not be answered because it is peripheral does not seem to me to cut much ice.

Hon. J. M. Berinson: My basic argument is that it is not relevant.

Hon. G. E. MASTERS: We listened to the Attorney General's argument in silence, even though he harangued us a little. The Attorney General mentioned that technically the special report was not correct. He used the word "technical". What is coming forward is a legalistic argument. I think Hon. Phil Pendal put it in a nutshell when he referred to "the defence lawyer"—that is how Hon. Joe Berinson acted.

Hon. J. M. Berinson: Would you let me ask a question?

Hon. G. E. MASTERS: No, the Attorney General can do that afterwards.

Hon. Garry Kelly interjected.

Hon. G. E. MASTERS: I would be very pleased to hear Mr Kelly stand up and defend the situation instead of sitting there making interjections from his seat.

Hon. J. M. Berinson: All I want to ask you is—

The CHAIRMAN: Order! Order! The Leader of the Opposition will be heard without interjections.

Hon. G. E. MASTERS: The questions were asked, and I am not going to argue about whether they were relevant and lawful. Indeed, if those persons who were asked questions had anything to hide, bearing in mind that the matter would be treated with the strictest confidence, then we have to wonder what is going on.

The amendment put forward by the Attorney General, which I draw to the attention of the Committee, says that "the report should be noted and that the Committee of the Whole further expresses the view that the dignity of the House would best be served by its taking no further action in this matter". In other words, we should take note of the fact that someone refused to answer a relevant and lawful question—indeed, refused to answer a number of questions.

Hon. T. G. Butler: Who said it was relevant?

Hon. G. E. MASTERS: If the member allows me to progress, I will put my argument forward and go on to explain why.

What the Attorney General and obviously the other Government members are asking us to do, is to take note of a person's refusal to answer a question and then simply to walk away from it and say that the dignity of the Legislative Council is preserved. On the contrary, the dignity of the Legislative Council is under great threat.

The dignity of the Legislative Council covers a whole range of areas to me and includes the integrity and the authority of the Legislative Council. They are important matters we should take into account when dealing with this question.

With some of his comments the Attorney General seemed to be saying that the recommendations of the Select Committee were ill-founded. In a way he was criticising the Select Committee's interim special report and the main report, I would imagine, saying they were not good reports. To everyone on this side, and I am sure to everyone who was listening from the gallery, he was defending a particular person, and that was Mr Ellett.

Hon. J. M. Berinson: We are not asked to convict the man on the full report, but on the special report.

Hon. G. E. MASTERS: The Attorney General made strong reference to terms of reference, and I will bring them to the attention of the Chamber.

The report is a good one and it contains matters which fully justify the questions asked of Mr Ellett. I point out again that when we talk about noting the special report and when we talk about the dignity of the Legislative Council, we are talking about the highest court of the land, which is the Parliament of Western Australia. Mr Kelly says that is rubbish, but that is the position.

We in this Chamber are in most cases not legally trained; we are ordinary people who take things in a direct light. We do not enter too much into courtroom arguments. We need to look at the terms of reference already referred to by the Attorney General, because they are important. The Attorney General says they really do not justify the sorts of questions asked, particularly the one which is the point of argument. Term of reference No. 3 reads as follows—

Whether tenders were called to enable parties to express interest as purchasers . . .

And here I ask members to pay close attention to the next words. To continue—

. . . and the adequacy and propriety of using the Western Australian Development Corporation as an agent for the sale of the land in preference to other realtors;

Term of reference No. 6 reads as follows—

The effects of the closure on employment, together with such other matters including the involvement and dealings of the Government and any instrumentality of the Government.

We are talking about the Select Committee's progress through its inquiry. Its programme was such that it had every good reason to examine the submissions put forward by those people seeking to purchase the Midland saleyard site. Everyone who has read the report would be aware that there were some serious deficiencies involved with the actions of the WADC and of the Government itself; it seemed that certain things had not been thoroughly checked. We need to bear in mind that we are talking about people who are not only going to purchase the land but also to carry out a substantial development on it.

Hon. J. M. Berinson: What did that have to do with the credit arrangements?

Hon. G. E. MASTERS: One of the terms of reference dealt with the adequacy and the propriety of using the WADC, and the Select Committee wanted to establish whether that body had acted properly.

If members have ever served on a Select Committee they will understand why the members of this Select Committee said that the submission in question presented to the WADC was very faulty indeed. If the submission was faulty, if the assurances given in it were questionable and the list of directors of the company included people who had never heard of the proposition, members will understand why the Select Committee members wanted to ask further questions about the capacity of the person to pay the money involved.

I note Hon. Joe Berinson says that \$450 000 is a mere pittance these days and that surely we would not check these things. It was the job of the Select Committee to check all those things, not only to make sure of the capacity of the person to pay for the property, but also to make sure the whole arrangement was a genuine proposal. Remember, we are talking about \$30 million-plus at the end of the line.

Obviously the Select Committee was led down that path and had no alternative but to ask Mr Ellett that, if he was really dinkum, he should provide the answers, and if he was worried about the commercial details, his evidence could be taken in camera.

The Attorney General himself indicated that the terms of reference were to examine the role of the WADC and to consider the adequacy and propriety of its operations. That all relates to the capacity to pay and I contend it is most relevant to the Select Committee's work.

Again I make the point that if anyone on the other side of the Chamber had been serving on the Select Committee, he or she would have been led down that same path and would have said to the people involved in the purchase, "Give us the information required."

The CHAIRMAN: Hon. T. G. Butler will rise to his feet if he wants to say something, otherwise he should cease his interjections.

Hon. G. E. MASTERS: The Select Committee would have been failing in its duty if it did not follow up this inquiry, bearing in mind that the information could have been given in camera.

In the main a Select Committee of the Legislative Council is made up of people who are ordinary people in the community. We all have our different interests. We ask our questions in the main in layman's language. I suggest that Mr Ellett knew exactly what the question was about and what was the reason for it. Hon. Neil Oliver and Hon. John Caldwell understood the need for the question. Hon. Fred McKenzie

would have understood fully what it was about. There was nothing clever or underhand about it; it just followed on a line of inquiry.

Hon. J. M. Berinson: I didn't say it was not understandable, just not relevant.

Hon. G. E. MASTERS: We on this side most certainly believe it was relevant. I have just quoted two terms of reference which would have undoubtedly led the Select Committee along that line of inquiry. The further the members of the Select Committee got into it, the further they found serious discrepancies in the submission and in the details of financing the venture, including even paying for the saleyard; that is why the chairman said, "Please answer these questions." I do not know how anyone could justify not answering those questions, bearing in mind they were to be answered in camera, unless that person had something to hide.

The report reveals gross inadequacies in the submission. It seemed all was not well with it and so it was up to the Select Committee to find out what was wrong and to report back here to indicate that all was not well, especially bearing in mind that the deal involved public land and the livelihoods of many people in Midland and the livelihoods of many people in the rural sector. It was all tied in with a general inquiry. The further the inquiry progressed, the more questions had to be answered.

The question that Mr Ellett refused to answer may well have led to further questions. I note that in the special report, Hon. Neil Oliver indicated that it would be a final question, but that final question could have been a final question of evidence taken in camera; it may well have led to further questions in open session. That is what we are all about here.

Hon. J. M. Berinson: He also described his main question as an incidental question.

Hon. G. E. MASTERS: Either way, was that any reason for not answering it?

Hon. J. M. Berinson: It supports the view that it was not relevant.

Hon. G. E. MASTERS: It is definitely relevant. Here we have the legal argument again, but we are not in a courtroom. We are dealing with a Select Committee of the Legislative Council making genuine and positive inquiries with a view to reporting to the Legislative Council.

If members look at the Select Committee's terms of reference they will see there is no shadow of doubt whatever that they were legit-

imate questions following from earlier inquiries which gradually built up a case. I ask members before they start shouting: Is it not relevant to take the trouble to read the Select Committee report which is based on evidence given and genuine inquiries?

Hon. Fred McKenzie: Rubbish! It is absolutely loaded. It is a political document.

Hon. G. E. MASTERS: If what the member says is true, many people have given evidence genuinely to the committee who would feel very hurt at the comment that the evidence they gave was untrue or was loaded.

Under the Select Committee's terms of reference there was every reason to follow these lines of argument. If this Chamber agrees just to note the matter and walk away from the prospect that anyone can refuse at any time to answer questions on the basis that they believe they are irrelevant, we are in for a bad time. This Chamber has to decide whether Select Committees will be any good in the future, or whether we will walk away from the question and have a charade of an inquiry in which people can choose their own way of answering or not answering. This Government protects these people when it suits them, and for a number of their own reasons.

Hon. H. W. GAYFER: We have had a great deal of discussion on this subject, and it has come down to a matter of opinion—the opinion of the Attorney General that the matter was irrelevant, and the opinion of others in this Chamber who believe that is not the question which Mr Ellett was deciding at the time. The reason he did not answer had nothing to do with lawfulness and relevance. That is the opinion some of us hold as opposed to the Attorney General's argument.

Hon. Robert Hetherington: You cannot judge a man by what you believe to be his argument.

Hon. H. W. GAYFER: In this matter we are the jury who will decide whether it will be a split decision or not. It is a personal decision whether we believe that the reason he did not answer the question was the reason the Attorney General put up, or that he did not answer the question for the reasons I stated in my opening remarks.

I quite agree with the Leader of the Opposition when he said that if we are not careful this whole thing will become a charade. There is no doubt about it. Even the Attorney General talked about the dignity of the Chamber. There is no way we can get away from the fact

that we set up a Select Committee to ask questions—as Mr Pendal said, to get to the bottom of something—and a question was asked and a witness refused to give an answer. That is exactly what we are looking at.

Hon. T. G. Butler: It was irrelevant in his opinion.

Hon. H. W. GAYFER: It was not irrelevant in his opinion at that time. It became irrelevant after the committee went in camera and he was shown certain words that gave him a let-out that he wanted to get out of answering the question. At first he said he would not answer it because it was either personally or commercially sensitive. That is no excuse. Later he again said it was commercial. Twice he said that he would not answer the question for those reasons. Neither of them is an acceptable excuse for not answering the question. He then went in camera, and he was asked the same question. He did not say, "It is commercial; I will not answer it." After the words had been supplied to him by the Chairman of the Select Committee—the words in section 8 of the Parliamentary Privileges Act—he grabbed them as a drowning man would grab a straw.

Hon. Robert Hetherington: What is your evidence?

Hon. H. W. GAYFER: My evidence is that which is written here. It was after he was shown that particular section of the Act.

Hon. Robert Hetherington: You have no evidence at all.

The CHAIRMAN: Order! Hon. Robert Hetherington will come to order.

Hon. H. W. GAYFER: Mr Ellett said in camera, "I want to see the authority." The chairman then said to him the authority was section 8 of the Parliamentary Privileges Act. Mr Ellett said, "I do not believe the question is relevant. It says 'lawful and relevant question'." It is undoubtedly a fact that at that stage when he answered he was looking at the piece of paper which had section 8 of the Act written on it. There is nothing surer, and when he looked at it and saw the words "lawful and relevant question" he said he did not believe the question was relevant. That is when he found a new word to justify why he did not answer the question in the first place. He did not answer in the first instance because he said it was personally or commercially sensitive. On the second occasion he refused to answer because it was commercial. Nothing was said about relevance until he was taken into camera and shown the section with the word

"relevant" in it. That was in spite of the fact that he had a lawyer sitting beside him who should have been able to advise him one way or another, but did not.

The matter is extremely sensitive, and I do not particularly want to go on a witch hunt.

Several members interjected.

Hon. H. W. GAYFER: Just shut up for a minute and let me say what I am going to say, or I will sit down without saying it.

I do not want to go on a witch hunt against this person, but I believe the evidence shows that what he did was wrong. If we can come up with something that is plausible and acceptable to all parties the dignity of the Chamber may be preserved. This is not a question of having two bob each way; it is a question of saying Mr Ellett was wrong in not supplying the answer when he was asked by the lawfully constituted committee of this Chamber. Hon. Joe Berinson has agreed the question was lawful, although he said it was not relevant and that he had done the wrong thing.

Hon. Robert Hetherington: He did not say that at all.

Hon. J. M. Berinson: I said lawful but not relevant.

Hon. H. W. GAYFER: After the amendment is dealt with, which we will be opposing, I intend to move another amendment which I will foreshadow now. It is as follows—

To add after the word "adopted", the words "but that this committee recommends that no further action be taken should Mr Ellett, between the time that this report is adopted and the time appointed for the House to sit on Wednesday, October 15 1986, indicate to the House by writing addressed to the President that he is willing to answer the question put to him by the Honourable Neil Oliver and made the subject of a special report from the select committee, and that the House so order."

Hon. J. M. BERINSON: I did not intend to speak again and I will comment only briefly. However, I think it is quite essential at this point to deal directly with Hon. Mick Gayfer's basic proposition.

I believe Hon. Mick Gayfer is quite correct in his starting point, which was to suggest to the Chamber that in the current circumstances the members of this Chamber are called on to act as a jury. That is right and I believe that the fact that it is right places a heavy responsibility

on members to not only respond responsibly, but also to respond with a proper degree of impartiality. In applying that to the issue before us I want to take up the crux of Hon. Mick Gayfer's argument which appears, as I understand it, to be that whether or not this process against Mr Ellett is pursued depends on his reasons for declining to reply. Those are the words I took down from Hon. Mick Gayfer's comments. He said that our decision depends on Mr Ellett's reasons for declining to reply.

I put it seriously to the Committee that that is quite wrong. What this issue depends on is not Mr Ellett's reasons for declining to reply, but on whether he was obliged by Statute to reply. If he was not obliged by Statute to reply then he was not obliged to reply and in terms of the Parliamentary Privileges Act he could not be held to be in contempt of privilege. That depends, in the last resort, on whether or not the questions were relevant in the context of the terms of reference.

I will not repeat the argument. All I will say is that listening as carefully as I could to Hon. Mick Gayfer's comments both now and before the dinner suspension, I have not heard him once come to the point of saying that the question of the revocability of the credit arrangements was, in fact, relevant to the terms of reference. It has been my submission that it was not. I have added to that the submission that the two paragraphs of the special report are clearly wrong as a matter of fact.

In those circumstances I urge the Committee to accept the amendment and allow the merits of the fundamental issue affecting the abattoir site to proceed in the ordinary course of events on the basis of the Committee's substantive report.

**Amendment put and a division called for.**

**Bells rung and the Committee divided.**

The CHAIRMAN: Before the tellers tell I give my vote with the Noes.

**Division resulted as follows—**

Ayes 14

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. B. L. Jones
Hon. T. G. Butler	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Mark Nevill
Hon. John Halden	Hon. S. M. Piantadosi
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie

(Teller)

## Noes 15

Hon. C. J. Bell	Hon. N. F. Moore
Hon. J. N. Caldwell	Hon. Neil Oliver
Hon. E. J. Charlton	Hon. P. G. Pandal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. Tom McNeil	(Teller)

## Pairs

Ayes	Noes
Hon. Graham	Hon. A. A. Lewis
Edwards	Hon. Max Evans
Hon. Tom Stephens	

**Amendment thus negatived.**

Hon. H. W. GAYFER: I move an amendment—

To add after the word "adopted", the words "but that this committee recommends that no further action be taken should Mr Ellett, between the time that this report is adopted and the time appointed for the House to sit on Wednesday, October 15 1986, indicate to the House by writing addressed to the President that he is willing to answer the question put to him by the Honourable Neil Oliver and made the subject of a special report from the select committee, and that the House so order."

Hon. G. E. MASTERS: I do not quite follow the amendment and I would like some explanation. I think I know what the intention is; as I understand it, before the sitting tomorrow, Wednesday 15 October, 1986, Mr Ellett shall indicate to the House by writing to the President that he is willing to answer the question put to him by Hon. Neil Oliver. Where does the answer to the question come in? He can say that he will answer and then go away again.

Hon. H. W. GAYFER: The purport of the amendment is that he signify that he is willing to answer the question. It would then require a motion from this House to frame the question to which he must give the answer. The Select Committee is finished; the document is in front of the Chamber; it is on the Table. In my opinion, unless the Committee or the House sets up another Select Committee for the purpose of asking this question, it will never be asked. Mr Ellett will see that he has done the wrong thing and he will now be saying to the President that he is willing to answer the question if he is so asked.

Hon. J. M. BERINSON: Before I express a view on this amendment, I would also like to ask the mover a question. The amendment I have before me invites Mr Ellett, by writing to

the President, to express himself as willing to answer a question put to him by Hon. Neil Oliver. Which question is Mr Gayfer referring to?

Hon. H. W. GAYFER: The question that he first refused to answer; namely, was "... the Government asked for approval for financial documents in respect to the purchase? That is, that you had paid your deposit, and your ability to purchase the property." Then, as an afterthought to that first question, the chairman said, "Incidentally, was that credit facility revocable or was it an open letter of credit?" Mr Ellett replied, "That is either personally or commercially sensitive." He refused to answer the question.

Hon. J. M. BERINSON: This situation gets curiousest and curiousest. The fact is that, as the transcript shows, the question which Mr Gayfer nominates as a question requiring an answer has already been answered. It seems to me that there is a mistake in the transcript in putting a question mark after the sentence. The sentence reads, "So the Government asked for approval for financial documents in respect to the purchase?" The question mark must be there in error because at the very top of the transcript the proceedings are recorded in the following way—

THE CHAIRMAN: Did the Government, in arriving at the decision to sell to you, ask you to provide it with evidence that you had financial backing to finalise the purchase of the sale?

MR ELLETT: Yes.

Later, when the chairman said, "So the Government asked for approval for financial documents in respect to the purchase", it was not a question at all, it was simply repeating a fact which had already been reported to the committee by Mr Ellett in answering an earlier question.

I put it seriously to the Committee that this is yet another indication that we have before us a totally unsatisfactory basis for taking this matter further. I believe the Chamber will lead itself astray by continuing in this way and I am left only with the ability to suggest that this amendment should be defeated because on Mr Gayfer's own explanation of the situation, it is no basis on which to operate.

Hon. H. W. GAYFER: The logic of the Attorney General would appear to be fair enough and would appear to satisfy some of the Committee. Nevertheless, whatever happens, there is the fact that Mr Ellett refused to answer a



question. We cannot get away from that fact. We are saying he refused to answer a series of questions.

Hon. J. M. Berinson: That is not what your amendment says.

Hon. H. W. GAYFER: He said on two occasions that the information was either personally or commercially sensitive. The second excuse Mr Ellett gave was that the information was commercial. He refused to answer questions. He did not argue with the Chairman of the Select Committee and query which question he was referring to. He never even dissected the question. He said straightout that he was not going to answer literally anything. He said on two occasions that the questions were either personally or commercially sensitive and then he said he was sticking to it, "No, it is commercial."

In my opinion he had no intention of answering the questions nor did he realise, or even consider, whether they were relevant. He never mentioned that word until a certain piece of paper, or a book, was shown to him by the Chairman of the Select Committee. That is the time that he said the word "relevant" and he grasped it.

I repeat that no matter what question appears on that paper and in respect of the last question mark or the three or four question marks on that paper, he repeated, "No. It is commercial." The last time he refused to answer the question is after the last question mark, even though it may be that there was a question mark out of place in the transcript.

I believe Mr Ellett had every opportunity to answer a question put to him by the Chairman of the Select Committee. When he gave his evidence in camera he was given another chance and shown the perfect let-out, an excuse to get away with it. At that stage he had no idea of what to do, except he did not want to answer the question because it was commercial.

Hon. G. E. MASTERS: I am a little lost at the moment and I say to Hon. Mick Gayfer that I am not quite sure which question he is referring to, even though he read one out.

Hon. J. M. Berinson: You can check it in *Hansard* tomorrow.

The CHAIRMAN: Order! It is not for Mr Gayfer to indicate which question shall be included. This motion will come from the Committee.

Hon. G. E. MASTERS: I draw members' attention to the special report. In the transcript, short as it may be, a number of questions were left unanswered and I believe that this Committee is requiring Mr Ellett to answer the questions recorded in this transcript.

I propose to move an amendment to Hon. Mick Gayfer's amendment, which simply changes the word "question" to "questions", because there was a series of questions. The special report contains two or three clauses. They may be similar, and it may be that one answer covers them all, but nevertheless there are two or three questions unanswered.

I move—

That the amendment be amended by deleting the word "question" with a view to inserting the word "questions".

Hon. J. M. BERINSON: I have to put it seriously to the Chamber that we are really going from bad to worse. I think we have now reached a stage where it is not Mr Ellett's position which is at stake, but the standing of the House itself as a body capable of dealing with a serious issue of the sort which is now before us. We are putting the House at risk of ridicule, and it will be ridicule richly deserved if we carry on in this way.

I put it to the Committee earlier that we seem to be engaged on a process whereby, having charged a defendant in one way and found ourselves incapable of recording a conviction, we turn to convict him of something else of which, coincidentally, he had not been charged. I put that forward before on a theoretical basis, but what we now have is a serious suggestion—which will be recorded very accurately in *Hansard*, I am sure—that that is precisely what we should do.

Mr Chairman, with due respect to your views on what the question in this motion refers to, the fact remains that the mover of a motion can normally be expected to be the authority on what his motion actually means. Mr Gayfer did not beat about the bush—he was very fair on this. I asked him, "What question are you referring to?" and he replied, "I am referring to the question which reads, 'So the Government asked for approval for financial documents in respect to the purchase?'"

Having received a reply indicating that that question had already been answered, Mr Gayfer said, "Well, the logic of that answer is fair enough, but whatever happens, this man ought to be brought to account for other things that he did or did not do." Mr Masters has

joined him in that enterprise by endeavouring to change the word "question" to the word "questions".

I do not have the faintest doubt that if we find something illogical about that, not to say wrong as a matter of fact and interpretation—which is, after all, my basic position—someone over there will say, "Yes, but all the same, he did not do something." Well, of course, he did not do something, and that has never been in dispute.

What I have tried in a very serious way to put to the Committee is that, whatever it was that Mr Ellett did or did not do, two facts remain. Firstly, what he did or did not do was not relevant in the sense that it was so peripheral to the terms of reference as to not be worth pursuing; and secondly, to bring the full weight of the House against an individual in these circumstances would be a totally exaggerated and unreasonable abuse of a power which has to be respected and can only be respected by being treated with proper restraint.

I put aside altogether the other point which on its own one would imagine is fatal to the proposition, and that is that the first two paragraphs of the special report which we are asked to adopt are factually wrong. Nobody has been able to deny that, and indeed. Mr Gayfer's response to my earlier question confirms that.

In the face of all that, I again put it to the Chamber that this process has gone far enough and the further we take it—the more we prolong the agony—the further we are going to sink into this quicksand of appearing to pursue a member of the public at all costs and irrespective of merits. That is not what we ought to be about. We should not do it directly, nor should we do it indirectly by means of the amendment moved by Mr Gayfer.

Hon. MARGARET McALEER: We do indeed have a rather complicated matter before us, and I think we have really done our best to complicate it further. In my view, a little while ago the Attorney General technically complicated it a little more by saying that the transcript was wrong in respect of a question mark being put in the section where the chairman says, "So the Government asked for approval for financial documents in respect to the purchase? That is, that you had paid your deposit, and your ability to purchase the property."

It seems to me that that question is in fact the development of the very first question that the chairman asked: "Did the Government, in

arriving at the decision to sell to you, ask you to provide it with evidence that you had financial backing to finalise the purchase of the sale?" The second question is a development of that question and specifies the sort of evidence that the Government would have asked for in respect of that financial backing.

The chairman then went on in that same paragraph to say: "... was that credit facility revocable or was it an open letter of credit?" thereby seeking to establish what sort of facility was being provided.

I think that this line of questioning, as far as one can tell from this transcript and the terms of reference, was quite relevant because not only was the question hanging in the air—that is, the chairman's second question—but it also asked for financial information regarding expansion or development plans, to which Mr Ellett had replied, "No." So there would be a question of seeking to establish what his financial basis was in order to assess what the possibilities were of him providing the further \$31 million or however much it was.

But there was also the basic question of the sale of the property for \$450 000. The Attorney General said \$450 000 was not a very great sum of money, say, in comparison with \$31 million. Nobody will deny that, but one of the very basic points of the inquiry that the Select Committee was making was: Why did the Government sell the property for so low a sum of money? It is possible, I suppose, that the chairman, in asking that question, was seeking to establish whether there was some inducement to the Government to sell it at so low a price because of the further facilities that were available, or the type of facilities available.

Hon. J. M. Berinson: But what interest would the Government have in facilities available to Mr Ellett?

Hon. MARGARET McALEER: The Government was selling property for a very small sum of money. It was part of the terms of reference; it was one of the bases for setting up the Select Committee. All these questions about finance were directed partly at least towards trying to find an answer to this question, such as the access to finance to continue with the development.

Hon. J. M. Berinson: But what is the connection between the two?

The CHAIRMAN: Order! The Attorney General cannot cross examine the member.

Hon. MARGARET McALEER: I am endeavouring to interpret the transcript.

When Mr Ellett was confronted with these questions which he refused to answer on the basis that they were personally or commercially sensitive, he said—

I am not prepared to give you any details at all of the financial arrangements I have with my merchant bank. They are confidential and I will not give them to anyone.

The chairman said—

You are required to answer questions which are put to you, but if they are of a commercial nature I would prefer they be taken in camera.

Mr Ellett then said—

It will not make any difference because I will not reveal who the financiers are.

When they went in camera, the question put eventually by the chairman was—

I will put the question to you again: From what source was the finance available?

So all the questions really followed on. They were all endeavouring to uncover the source and the type of finance available, and Mr Ellett made it quite clear that there was no commercial detail that he was prepared to give. One can wrangle all one likes about which was the particular question, but to the questions as a whole Mr Ellett said, "I won't answer", and that was it.

Hon. ROBERT HETHERINGTON: I take the institution of Parliament and its privileges and rights very seriously. I agree with Hon. Joe Berinson that the question before us now is not so much one about Mr Ellett but one about whether the Legislative Council is going to bring itself into ridicule and the contempt of the general public by its treatment of this question. I very much fear that will happen. If that happens, I will very much regret it.

I ask the honourable members opposite who have moved the two amendments before us to think very carefully about what they are doing. I want to raise a number of questions and perhaps pose a number of answers.

Firstly, on the special report of the Select Committee, I make it clear that it does not refer to questions, but says—

In the course of its examination of Mr Ellett, a question was put to him seeking disclosure of name(s) of his financier for the purposes of buying this site.

That is the question. That is not the question Mr Gayfer has referred to. That is the question that Mr Ellett refused to answer.

I will refer to that question next because I think Mr Gayfer's arguments do not stand scrutiny. If what Mr Gayfer is suggesting is going to be the way that future Select Committees are to be conducted, the Legislative Council will be in real trouble because it is going to appear as a House whose committees are completely arbitrary.

The first question that Mr Ellett refused to answer, to which Mr Gayfer referred, was—

Incidentally, was that credit facility revocable or was it an open letter of credit?

The answer to that was—

That is either personally or commercially sensitive.

Perhaps other Select Committees are different from ones I have been on, but whenever I have been on a Select Committee and a witness has indicated that he preferred not to answer a question in public because to do so would be personally and commercially sensitive, the Select Committee has gone in camera so that the question might be examined further. To say that a person has refused to answer in public a question that he claims to be personally or commercially sensitive, and calling for him to be punished, is a complete abrogation of the responsibilities of the Legislative Council. Of course anyone could indicate before a Select Committee that something was personally or commercially sensitive, and of course any responsible Select Committee would not pursue that matter in public. That is implied by the behaviour of the chairman, who then said—

Well, in order to put this question before you properly in a way where I consider you have to answer it, we will go in camera.

To claim that Mr Ellett should be found guilty of anything because he refused to answer in public a question that he claimed was personally or commercially sensitive is to claim arbitrary power, and therefore if this is the question we are forcing him to answer in public, then I believe we are abusing the powers of the Legislative Council. That is the first thing I want to say.

The second is to repeat what Hon. Joe Berinson said earlier about how Mr Ellett could have well been confused because he was asked—

Incidentally, was that credit facility revocable or was it an open letter of credit?

That was the question he refused to answer. The chairman kept referring to it and then he went in camera, where he asked—

I will put the question to you again:

The question that had been put to him was—

Incidentally, was that credit facility revocable or was it an open letter of credit?

The chairman said he would put the question again, and asked—

From what source was the finance available?

That was the first time that question had been asked, according to this transcript. The chairman did not put the question again; he put a new question. It is not surprising therefore that he got the answer he got, and it is not surprising that Mr Ellett might well have been confused. It is surprising that with this in front of us members opposite are pursuing this question at the risk of bringing the Legislative Council into disrepute.

The other point I want to make is that we are not in a position to judge Mr Ellett's intentions. He stated his intentions in open hearing; he said he did not want to answer a question because it was personally and commercially sensitive. That is quite a reasonable point of view to a reasonable person. Certainly if I had been on that Select Committee I would not have allowed the question to have been pursued in open committee, just as Hon. Norman Moore would not have done when he was on committees with me. We went in camera when people wanted to do that.

I think that is quite reasonable and we should not judge him on this. We have heard from Hon. H. W. Gayfer—and I was quite surprised at this—that on the evidence, it was obvious that Mr Ellett was shown by the chairman the relevant section in the Parliamentary Privileges Act and then seized on it. There is no evidence of that at all. There may be evidence from people who were at the committee and evidence from people who were in that in-camera session. Perhaps they have leaked evidence that the rest of us do not know about.

#### *Withdrawal of Remark*

Hon. H. W. GAYFER: By implication, it is a very serious accusation to make against members of that committee that they have leaked information. I ask the member to withdraw that statement.

Hon. ROBERT HETHERINGTON: I withdraw it unreservedly.

#### *Committee Resumed*

Hon. ROBERT HETHERINGTON: On the evidence in front of us, we do not know why Mr Ellett seized on this particular point. I would have thought, as far as I can read the evidence, that it looks to me as if he made certain statements in public. The committee then went in camera. He was told he could consult his lawyer and on the advice of his lawyer he said, "My reason now is that I regard it as not relevant." When one looks at it, it is not relevant.

Certainly there was confusion. The question was not repeated. A new question was asked and Mr Ellett was reported for refusing to answer for a second time a question that was not asked twice. We are treading on very dangerous ground.

I suggest quite sincerely to the Leader of the Opposition that we are in quite a bog. We would have been better if we had not had a motion that this matter be dealt with completely today so people could go away and think about it. We are putting ourselves in a very sticky situation. Which question? There are two questions, not one. The question was not repeated so which of the two questions do we expect Mr Ellett to answer? I believe we should not expect him to answer either of them.

Hon. V. J. FERRY: I refer to one or two things said more recently in the debate. Some play has been made by some members on the word "incidentally" as if that was a key word. It is a throwaway word in the line of questioning which is often used in conversation, and therefore it is not of great significance in this context at all.

Hon. Robert Hetherington referred to evidence taken in open session, and then referred to an in-camera session. He said that the witness in certain circumstances declined to give information that was confidential and should have been taken in camera. As I understand it, the committee did go in camera. Even then, notwithstanding the specific question asked of the witness, the main thrust of the questioning was still there in general terms. The thread was running through. The word "relevant" comes into it.

I wish to go back to square one. The terms of reference of this Select Committee contained a number of things. I will not go through them all, but I refer to the likely effects of the closure of the Midland regional centre, the extent of consultation with business and rural organis-

ations, whether tenders were called, the adequacy of the price obtained for the site, the effects of closure and employment, together with other such matters including involvement and dealings with the Government and any instrumentality of the Government. I repeat "together with any such matters". That is a very wide ranging net.

Hon. J. M. Berinson: That is, it must relate to the specific terms.

Hon. V. J. FERRY: It relates to the whole circumstance of the sale of the Midland abattoir—any facet of it whatsoever.

Hon. J. M. Berinson: It is not a new term of reference.

Hon. V. J. FERRY: It seems to me that the questioning was quite relevant, and matched up with the terms of reference.

Hon. G. E. MASTERS: I listened with interest to Hon. Margaret McAleer and Hon. Robert Hetherington. I took note of some of the comments made by Hon. Robert Hetherington, as I did those of my colleague.

The reason for my moving the amendment to alter "question" to "questions" was to ensure that the question in camera was answered. I put it to the mover of the amendment that Hon. Margaret McAleer was correct in that the series of questions in the transcript led up to the question in camera. I am not arguing whether they were exactly the same words. There was a series of questions and in the end, it came to the question asked in camera. I take the point made in the debate. If we examine the special report, the end result is that the question in camera that was not answered is the one at issue.

I have no wish to force a person to answer publicly a question that he or she considers commercially sensitive if it is going to damage the person's business enterprise or anything else. What I am concerned with is that a legitimate question of the House is answered. If a motion such as Hon. Mick Gayfer moved related to the question in camera, and Mr Ellett were to give an indication by tomorrow that he would be prepared to answer that question in confidence—because that is what we are talking about rather than forcing him now to make the information available publicly—that would achieve what I am trying to achieve. That is our objective tonight. I put it to Hon. Mick Gayfer that the question that should be asked is the one that was in camera. That is what the special report is about.

Hon. T. G. Butler: If that is the question you ask, why don't you explain the relevance of it?

Hon. G. E. MASTERS: I have gone through that once. I would accept an amendment and recommend my members accept an amendment if it related to the question in camera on the understanding there would be a need to advise the President. If Mr Ellett wished to have that answer kept in confidence, because of the nature of the question and that answer, then I would accept that as well. We come back to whether the question should be answered or not, or whether the Select Committee has the power to require an answer. If we follow those lines, then I am quite happy to pursue the line that Hon. Mick Gayfer is pursuing.

The CHAIRMAN: Order! I would like to remind the member that he has an amendment before the Committee.

Hon. H. W. GAYFER: The amendment before the Committee is that the word "question" be pluralised to "questions".

The CHAIRMAN: Correct.

Hon. H. W. GAYFER: I have said I cannot agree with that. I want the word "question" to stay as it is in my amendment. The reasons are very simple. There is only one question. The chairman said the Government asked for approval for financial documents in respect to the purchase. In the first paragraph the following appears—

Did the Government, in arriving at the decision to sell to you, ask you to provide it with evidence that you had financial backing to finalise the purchase of the sale?

Ellett said, "Yes." The chairman asked—

So the Government asked for approval for financial documents in respect to the purchase?

Ellett did not answer that question by saying it was either personally or commercially sensitive. He said—

I am not prepared to give you any details at all of the financial arrangements I have with my merchant bank. They are confidential and I will not give them to anyone.

He admitted that he had given them to the Government. He must have. He has given them to the Government and that is the question.

Hon. T. G. Butler: Do not distort it.

Hon. H. W. GAYFER: I am not distorting it at all. It is the one question which we keep going back to. The chairman said that he would

put the question again and he said, "From what source was the finance available?" It sticks out like a pikestaff. Mr Ellett said, "They are confidential and I will not give them to anyone." However, he answered the previous question by saying that he had given them to the Government, but he would not give them to a Select Committee of the House.

I repeat that Mr Ellett refused to answer a question submitted to him by the Chairman of the Select Committee. The argument I have is that he refused to answer the question. I could also add that he had given the answer to someone else, but that does not matter. He refused to give the answer to the Select Committee and that is wrong, and that is what we are arguing about. Mr Ellett said that the answer was confidential and would not be given to anyone because it was personally and commercially sensitive. It is the same question that has appeared throughout this business. I do not see why the plural of the word "question" should be added to this amendment.

Hon. ROBERT HETHERINGTON: I start by pointing again to the special report of the Select Committee which talks about the witness being persistent in his refusal to answer that question. He was only asked once who the financier was. To be asked once is not to persist in refusing to answer a question. We should take words seriously in this case because we are in a quasi judicial process as the High Court of the Parliament, and we need to take it seriously.

Another thing I wanted to say earlier is that we have to look at what we are perhaps doing to our Select Committee system. Hon. Phillip Pandal suggested earlier in the evening that people in court should not decide whether a question was relevant. They do not because they have an eminent person in the form of a judge or magistrate who decides whether a question is relevant. There are occasions when we are so concerned that people be asked relevant questions that we write them into legislation. If the honourable gentleman looks at the Evidence Act, he will see that irrelevant questions are not to be asked at some trials, but if any question asked at the whim of a Select Committee has to be answered then we are passing from the rule of law to arbitrary law. We are passing from democracy under the Westminster system to arbitrary government, and this is something we have to be very careful about. We have to be so certain that we do not, in our examination of government, bring down the institution of which we are part.

I suggest to members opposite that they are in danger of doing this and they are in danger of bringing our Parliament—the House—into contempt. That is a very serious thing. I do not believe that anybody on a Select Committee can ask anyone any question and if they do not answer it have them found guilty of contempt against privilege. Of course they are not. We have to look at this question.

The CHAIRMAN: Order! I believe that the issue is between the word "question" and the word "questions". I have let the member speak broadly to the subject, and this is his second attempt at it.

Hon. ROBERT HETHERINGTON: If we pursue the question or questions, in both cases we are confusing the issue and we are giving cognisance to a report which, in fact, is factually incorrect; and we are in high danger of bringing ourselves into ridicule and contempt. This is something that needs to be considered seriously.

I do not intend to speak again on this issue. However, I sound the warning—no doubt I will be talked down by members as being arrogant and an academic. I have been an academic for 20 years and I take the activities of Parliament seriously and words like "question" or "questions" in these motions have to be looked at carefully.

The fact is that the report refers to one question, and the transcript produces two questions; and the Leader of the Opposition departs from the words in the report to add a second question. The first question, I argue, should not have been pursued in open committee anyway and was not quite proper; and now we will override that decision to make sure that Mr Ellett is screwed down to answer every question whether or not it is relevant. Certainly, neither of the questions, as the Attorney General showed clearly, was relevant to the terms of reference.

I say once more that members should think very carefully before they take action that might bring this Chamber into contempt from the public.

Hon. G. E. MASTERS: Again I have listened with interest to the debate, and I listened particularly to the further comments made by Hon. Mick Gayfer. I understand his amendment much more easily now, and I seek leave of the Committee to withdraw my amendment, which replaces the word "question" with the word "questions".

**Amendment, by leave, withdrawn.**

Hon. E. J. CHARLTON: It is typical of this sort of situation—the more members comment the deeper they go and the more technical they try to become. As a result, members consider the proposition to be most confusing.

I have made a couple of observations. While we have been referring to this particular report we have lost sight of what this whole thing is about. What led up to the special report being released was the fact that a sale took place for a figure which, in certain circumstances, left a great deal of doubt in the minds of a number of people. It was debated in the House, and as a result a Select Committee was formed.

As a result of the findings of that committee, about which most of us know very little, we now find ourselves in a situation where we will have to pass judgment. We will pass judgment on an individual who, it is claimed, refused to answer a certain question.

While there can be conjecture about whether it was one or several questions, it is not really for this Chamber to decide and to reach a decision. The fact is that an area of land was sold at a disclosed price. We are talking about whether it is right for an individual to answer a question when, really, it is more important than that. We are talking about the principle involved in the sale of the saleyards.

The CHAIRMAN: Order! I will not allow the member to debate this issue. It can be dealt with on another occasion. He is referring to a separate report and the member can move, at a later stage, to debate that report.

Hon. E. J. CHARLTON: I remind members before they make their final decision on this amendment that there are various ways of confusing this issue and sowing doubts in the minds of members, particularly by stating that it is not specific or confined to the points in the special report. The Attorney General's reference to the first two paragraphs on the front page is a move to try to destabilise our thinking and to create doubts in the minds of members about the questions, whether they referred to persons' names, financial reports, etc. Even though it is important and relevant, why should members be confused by the Attorney General and other members?

Hon. J. M. Berinson: And by the facts.

Hon. E. J. CHARLTON: The fact is that an individual did not want to answer a question. There is no doubt about it; he said it on more than one occasion.

Hon. J. M. Berinson: You are convicting him of something he has not been charged with. Do you want to be associated with that?

Hon. E. J. CHARLTON: I want to be associated with the amendment before the Chair. Mr Ellett has the opportunity to write by tomorrow and state the situation. The Committee will make a judgment on that. Surely that is a fair way out.

I am not asking for the whole thing to be put to one side to save the credibility of the House. The Select Committee has sat over a period of time and it has presented a special report indicating that there is a question mark in its mind about the situation. We are making a judgment on that special report.

Hon. J. M. Berinson: You have already said that the special report is misconceived.

Hon. E. J. CHARLTON: I have not.

The CHAIRMAN: Order! The Attorney General should not cross-examine a member on his feet.

Hon. E. J. CHARLTON: Of course, we are all aware of the Attorney General's background and he has made his thoughts quite clear. Hon. Robert Hetherington said that he has been an academic for 20 years. I cannot claim to have the experience of either of those members, but I am equally in a position to make an observation in this place on this matter. Undoubtedly, there are questions in everyone's mind about the whole matter, and the Attorney General's observations and his capacity to size up the situation.

There are questions in my mind, and there can certainly be no doubt from reading the special report that Mr Ellett would not answer or was not in a position to answer some of the questions asked. If we were to follow the line suggested by the Attorney General and walk away from the matter, we would be no closer to arriving at a just or logical conclusion.

I do not think either of the two extremes is satisfactory, and that is why the National Party has put forward this amendment. Neither the original motion nor the subsequent amendment is the way to go because they will still leave unanswered questions. Therefore, we propose that Mr Ellett should be given an opportunity to clear the air and, more importantly, this Committee, as a result of the action taken following this special report, will have an opportunity to become conversant with what has taken place.

If we adopt either of the other options, no-one will know what has happened or might happen. The Attorney General suggested that an individual may finish up in gaol. Many people find themselves in gaol following traffic offences, and they did not expect to be in gaol when starting out. I believe the Attorney General made that point to put the wind up people.

It gets back to the series of questions on page 656, and at one particular point Mr Ellett said that he was not prepared to give any details at all of the financial arrangements he had made with the merchant bank; they were confidential and he was not going to give them to anyone.

Hon. J. M. Berinson: That is not what is alleged in the special report.

Hon. E. J. CHARLTON: I agree that there is a technicality involved, but people have been hanged on the basis of circumstantial evidence.

Hon. J. M. Berinson: Is that what you want to do?

Hon. E. J. CHARLTON: No, it is not what I want to do.

Hon. J. M. Berinson: They have never been hanged on the lack of circumstantial evidence, which is what you are currently about.

Hon. E. J. CHARLTON: It is all very well to argue the point and to try to demonstrate that there is a technical matter.

Hon. J. M. Berinson: It is more than that; it is the meaning of a statutory provision. It is also a question of the facts which, on the face of it, are incorrect.

Hon. E. J. CHARLTON: We agree that there is a question mark over this matter, and that is why we have moved the amendment. However, in my opinion the Attorney General does not have sufficient grounds for throwing the whole thing out because of those two paragraphs which are not directly in line with the questions which appear in the special report. It is not enough justification just because it refers to persons rather than organisations.

Hon. T. G. BUTLER: I do not profess to have any knowledge of the law. I have admitted that I left school at 14 years of age. However, I do know that when I read a document, I should not miss a page. That is exactly what Hon. Eric Charlton did when he referred to the special report and the first two paragraphs. I suggest that the member should open the front page and read the special report. It is obvious that he had missed this page and that he has only just found it.

The fact of the matter is that the special report presented by the chairman of the committee stated that a question was put to Mr Ellett seeking disclosure of the names of his financier for the purpose of buying the site. It is a revelation to Hon. Eric Charlton, because he has only just discovered what the question was. It is not the question which Hon. H. W. Gayfer said that Mr Ellett did not answer. Mr Gayfer said that Mr Ellett did not answer the question—

So the Government asked for approval for financial documents in respect to the purchase?

That is not a question but a repeat of an earlier question which Mr Ellett answered.

Hon. E. J. Charlton: Read the rest of what Mr Gayfer said.

Hon. T. G. BUTLER: Mr Gayfer also said that he was asked the question, "... that you had paid your deposit, and your ability to purchase the property." He said that was the question. The rest was incidental. This was the question to which Mr Ellett answered that it was either personally or commercially sensitive. When the hearing was in camera, a new question was put to him.

A new question was put to him—the question that the special report says he refused to answer. He said "consistently", and he was asked it once. All I can suggest is that this is the trouble the Opposition has got itself into.

Hon. P. G. Pental: It is what the Government has got itself into. That is what it is all about—suppression.

Hon. T. G. BUTLER: What is it all about? Let me tell members opposite what it is all about, and why this debate has taken so long. It is because, prior to the dinner suspension, Hon. Phillip Pental was caught with his foot in his mouth.

The CHAIRMAN: Order! We will stick to the debate.

Hon. T. G. BUTLER: I am happy to do that, Mr Chairman, if the other members are happy to do that as well.

The chairman said, "I will put the question to you again:"—I add that this is the first time this question was put to Mr Ellett—"From what source was the finance available?" Mr Ellett said, "Because the question is not relevant, I do not believe I have to answer it."

Of all of the members who have stood on that side of the Chamber and said it is relevant, none has explained why the source of finance



available is relevant to the findings of the Select Committee. Not one of them has done that.

Hon. P. G. Pendal: Then why are you trying to stop the information coming out?

Hon. T. G. BUTLER: I am not stopping it.

Hon. P. G. Pendal: Everything you have done tonight, including the Minister for Prisons—

The CHAIRMAN: Order! Order!

Hon. T. G. BUTLER: I am not stopping anything from coming out. I am suggesting the Opposition is trying to ride roughshod over a person who says he believes the question is not relevant and who is now being charged by members opposite—and, might I say, found guilty—with refusing to answer a question that was relevant. Hon. Phillip Pendal is not better equipped to determine whether that question is relevant—

Hon. P. G. Pendal: Yes, I am. Mr. Berinson has told us that. We are members in this Chamber—that is our qualification. It is in that book, you clown.

The CHAIRMAN: Order! Order! Hon. Phillip Pendal shall not refer to the member as a clown, and he shall stop interjecting.

Hon. T. G. BUTLER: I do not mind him calling me a clown, Mr Chairman. His opinions are not very highly regarded in this place anyway. It is irrelevant, as was the question put to Mr Ellett. Members opposite should make up their minds when they are on their feet as to just what they are talking about, and should make sure they read the special report and do not get tangled up in the cockeyed comments attributed to the transcript.

Hon. TOM HELM: The matter before the Committee is one of looking at and opposing the amendment moved by Hon. Mick Gayfer, because of what the amendment does not say. I think it is what Hon. Phillip Pendal has said—it is to do with the Government.

It is legitimate in this forum for members opposite to tackle the Government and find some way to do that; but this amendment is simply putting off the agony. I understand from remarks I heard in the Chamber tonight that the information has already been given to the Government, and maybe the Government is willing to give it out. I am not too sure about that. Nonetheless, if Mr Ellett has come this far in refusing to give this information in camera, then probably by tomorrow night he will do the

same thing, so we will go through the same exercise again.

Really, we are not being honest. We talk about the dignity of the House, and about the House and the Chamber being relevant, but the people out there would not think it relevant, because the facts are there. How many times have we knocked back legislation? Now we will create history by bringing someone before the Bar of the House, and maybe sending him to gaol. What is relevant about that? Did the Liberals do that when they were in Government? No, but we do it when the Labor Party is in Government. That is what we are talking about—having a go at the Government through an innocent man called Ellett.

Let us be honest. If we are going to have a kick at somebody, let us kick the right target. If it is going to be the Government, say it is the Government. Mr Pendal did—he was honest. But it is not the Government; it is Mr Ellett. I ask the Chamber to be honest and vote against the amendment. If we push it through, it will be debated again tomorrow night in the same tone.

Hon. GARRY KELLY: I will not cover the ground already covered by other speakers, but looking at the amendment moved by Hon. Mick Gayfer, the time given for the gentleman to respond to the decision of the Chamber—if, indeed, the Chamber takes the stupid course of agreeing to this amendment—from the time the report is adopted until the time the House sits tomorrow, Mr Ellett has to reply in writing to the President that he is prepared to answer the question.

I suppose the assumption is that Mr Ellett is contactable and is able to receive a missive from this Chamber. How will it be delivered, and when? Tonight? How will he deliver his reply? By courier? It is unreasonable. I cannot see how this Chamber can assume that someone can respond to a directive of the Chamber in such a short time, especially when the letter he will get will be ambiguous.

If Mr Ellett somehow managed to receive the communication suggested this evening, he would note that he must, "... indicate to the House by writing addressed to the President that he is willing to answer the question put to him by the Honourable Neil Oliver..." I understand the transcript was taken on 27 August and, unless Mr Ellett has a photographic memory, he might write back and ask, "Which question?"

I would have thought that if we were going to move an amendment of this sort and pass a motion on it, we would at least specify what questions we want answered. It is totally unreasonable, and I think members opposite must consider what will be the logical extension of their actions if they are persisted with. If we drag Mr Ellett before the Bar of the House and he is prepared to stand by his decision not to give an answer because it is commercially sensitive, presumably we will have the Press in the gallery. If we ask the question—whichever question it is that members opposite decide is the one they want answered—and he will not answer because it is commercially sensitive, what do we do then? Do we fine him, or put him in gaol, or what? That is the logical extension of the action we are taking if the amendment is passed tonight. Are members opposite prepared to go the whole road? If they are not, and I would be astounded if they are, there is only one course of action, which is not to proceed with the course they have taken.

**Amendment put and a division called for.**

**Bells rung and the Committee divided.**

The CHAIRMAN: Before appointing the tellers, I declare my vote with the Ayes.

**Division resulted as follows—**

**Ayes 15**

Hon. C. J. Bell	Hon. N. F. Moore
Hon. J. N. Caldwell	Hon. Neil Oliver
Hon. E. J. Charlton	Hon. P. G. Pandal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. Tom McNeil	(Teller)

**Noes 14**

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. Garry Kelly
Hon. T. G. Butler	Hon. B. L. Jones
Hon. D. K. Dans	Hon. Mark Nevill
Hon. John Halden	Hon. S. M. Piantadosi
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
	(Teller)

**Pairs**

Ayes	Noes
Hon. A. A. Lewis	Hon. Graham Edwards
Hon. Max Evans	Hon. Tom Stephens

**Amendment thus passed.**

**Question (motion, as amended), put and passed.**

**Report**

Motion reported, with an amendment.

The PRESIDENT: I require a motion that the report be adopted.

**HON. G. E. MASTERS** (West—Leader of the Opposition) [9.26 p.m.]: I move—

That the report be adopted.

Question put and a division taken with the following result—

**Ayes 15**

Hon. C. J. Bell	Hon. N. F. Moore
Hon. J. N. Caldwell	Hon. Neil Oliver
Hon. E. J. Charlton	Hon. P. G. Pandal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. H. W. Gayfer	Hon. John Williams
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. Tom McNeil	(Teller)

**Noes 14**

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. B. L. Jones
Hon. T. G. Butler	Hon. Garry Kelly
Hon. D. K. Dans	Hon. Mark Nevill
Hon. John Halden	Hon. S. M. Piantadosi
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie
	(Teller)

**Pairs**

Ayes	Noes
Hon. A. A. Lewis	Hon. Graham Edwards
Hon. Max Evans	Hon. Tom Stephens

Question thus passed.

**STIPENDIARY MAGISTRATES  
AMENDMENT BILL**

*In Committee*

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

**Clause 1: Short title—**

Hon. P. H. LOCKYER: Briefly I would clarify a matter which the Attorney General may have clouded in his summing up.

I regard the lawyers who are stipendiary magistrates to be of equal standing in the community with stipendiary magistrates who have come up through other than the lawyer system. I have checked my speech in *Hansard* very carefully and there is no question of any reflection being cast on lawyers. I was merely making the point that in the past the judicial system was very much composed of magistrates who were not lawyers. In fact I know many magistrates who practised law before becoming magistrates and I have always found them to be very sound.

Hon. H. W. GAYFER: Regrettably I was not present during the second reading debate.

I am a little apprehensive about this Bill for it seems to me that we are going to demand that stipendiary magistrates should have at least the qualification of lawyers in order to be appointed to that onerous position. This was

not the custom before, as members are well and truly aware. I know that in his second reading speech the Minister gave as a reason for this change the fact that the law is becoming rather complicated and it needs a lawyer to understand it and to put it into short phraseology—

Hon. J. M. Berinson: That was not the only point.

Hon. H. W. GAYFER: Certainly. But it is this point about which I am rather concerned because I believe that stipendiary magistrates need not be people who are qualified in law. While it might be very nice, I believe that we are becoming too far carried away with the obsession with academia. As it goes further down the track, I believe it will not be long before we will be insisting that justices of the peace also be academics and achieve a standard in some other pursuit of higher education rather than the interpretation of judgments in the simple manner of ordinary laymen sizing up their own interpretations of the law.

Indeed I wonder whether lawyers' verdicts are always correct, when all is said and done. The decisions which are made in a justice of the peace's court would have an appeal to the Supreme Court which would have a further appeal to a higher court, which once would have been the Privy Council. This meant that all these points of law were debatable in a higher court, so I cannot understand why the Attorney General believes that this will fix all the appeals and lessen the need for an appeal to a higher court.

Hon. J. M. Berinson: I have not argued that it will. The same appeal structure will remain in place.

Hon. H. W. GAYFER: I realise we cannot dispense with that by this Bill, but we are trying to lessen the possibility of those appeals being made.

The point I make is that I am dead against the fact that a person needs to be an academic to discharge his responsibilities in certain areas. This is one area where I am not convinced a person needs to be an academic. It is simple, and I believe we have become far too carried away with the degrees, or even the learning, that some people have over others, when all one really needs is a bit of common-sense in order to be able to administer something which is fair and square.

Although I am worried about this matter, I do not think I will oppose the Bill. However, it seems that this obsession with academia is creeping in. I well remember landing at

Kennedy Airport—and I think I have told this story to the Chamber before—and getting into a taxi. Looking above the taxi driver's head as he took me into New York I noticed that he had a BA and I said, "You are not a BA, are you?" He replied, "You have to be a BA even to drive a taxi in this country." I do not believe a degree makes a person any better than some layman who is entrusted with the care of the role of stipendiary magistrate.

Hon. Joe Berinson knows the law inside and out, and I always respect his decisions, but perhaps he could set my mind at ease in this matter because I am rather concerned about the way we are heading.

Hon. J. M. BERINSON: In the course of my second reading speech, I referred to two main considerations which relate to this Bill.

One depends on the increasing indication that, by sheer weight of numbers, lawyer applicants will very significantly reduce any prospects that non-lawyer applicants have to secure appointments. This arises from a whole change in the circumstances applying in the profession. As I indicated, my experience has been that there is a satisfactory pool of legally qualified people available and that when it comes to the necessary comparisons in the selection process, they will, for practical purposes, secure appointment above non-lawyer candidates.

The second reason that I then gave related to the increasing jurisdiction of the magistrates' courts, and I think Mr Gayfer was referring to that in his reference to the complexity of that jurisdiction. I do not know whether I can really add anything substantial to the comments I made in my second reading reply, other than to take up Mr Gayfer's comment that he is not persuaded that academic qualifications make the difference.

I stress to the Committee that the emphasis on legally qualified applicants looks for something more than academic qualifications. There are two components that the selection process will look for. One certainly is the academic qualification, but the other will be the actual practice in the law. Given the nature of legal practice in this State, that is the type of experience which can be shared only by legally qualified practitioners. It is true that clerks of courts can observe it and that other people can pass exams and observe the court process in other ways, but they cannot participate in the legal process in the way that legally qualified practitioners can. Thus it is not just a matter of the academic qualification; it is also a matter of

experience. I would doubt very much whether a person who could offer only his legal degree these days would stand a real chance of appointment given the availability of legally qualified practitioners who can bring some relevant experience in addition to that qualification.

Hon. H. W. Gayfer: So his ability must come into it?

Hon. J. M. BERINSON: Certainly. However, having said all that, I add one other thing. Even having put together attributes like qualification and experience, we still have not reached the end of the line in terms of what we are looking for in desirable appointees to the magistrate's bench. It is a very difficult section of the judicial system. The fact that it is below the Supreme Court and District Court should not for a moment cloud the fact that in many respects it is the most difficult area of practice. In many respects it is the most important area in which the judicial system functions, if only because the vast majority of people who come into contact with the judicial system do so at the magistrate's level. It is all the more important then that we have well-qualified people, people with adequate experience and all the other attributes we would look for—for example, a proper approach to parties who are before the court; the application of just ordinary commonsense; and many of the characteristics which Mr Gayfer referred to in his comments. That is the sort of complex that we are looking at. I can only repeat that in the changed circumstances it is the view of the Government that this is an appropriate way to go.

Hon. N. F. MOORE: At the risk of repeating myself in a vague sort of way, I say that the Attorney's arguments at the end of the second reading debate and his comments to Mr Gayfer are clearly at odds with the argument put forward in his second reading speech in which he made the point that the purpose of the exercise was in no way a reflection on the capacity, activities or competence of existing magistrates who are not lawyers.

Hon. J. M. Berinson: Well, neither it is.

Hon. N. F. MOORE: We have now heard the Attorney describe to Mr Gayfer why non-lawyer applicants are not likely to be appointed by the group that is currently appointing magistrates. In fact, the Attorney went to great lengths to explain that the law is becoming more complicated, more complex, and that non-legal applicants would not have any experience in the law in the sense of practising in

the law. They may have observed the law but were not practising in it. Thus the Attorney has given us all the reasons why a magistrate would be better equipped if he was a qualified lawyer. Is the Attorney suggesting therefore that in some way the future will be different from the past and that those people in the past who were not lawyers were perfectly capable of carrying out the function of being a magistrate but now that things have changed so much they are no longer capable of doing it and must therefore be excluded?

The Attorney General or his successors will make the ultimate decision with respect to who will be a magistrate. The Attorney will use his judgment to decide who gets the job without having to go to the extent to which the Attorney is now going by saying that someone who is not a lawyer cannot be considered. If we accept the argument that the Attorney used that existing magistrates are equally as good regardless of whether they have a law background, there can be no reason why we cannot continue with the existing system.

Hon. J. M. BERINSON: There is no mystery in this and there is no inconsistency. I was anxious to indicate that there was no reflection on current magistrates who were not legally qualified at the time of their appointment. All these magistrates now have had the best possible experience in the courts, namely by actually sitting consistently on the bench and developing their skills. It may well be that they had already reached that stage at the point of their appointment and that it has not required the experience which they have gathered on the bench to bring them to that point. The fact remains that today, when legally qualified practitioners are available, it would be leaving unrealistic expectations in the minds of legally unqualified applicants to encourage the view that they have what one might call a reasonably practical prospect of appointment against the competition which now exists. That is all that is being said and that is all that this Bill is directed to.

Hon. N. F. MOORE: I ask the Attorney to help me by telling me of the history of the appointment of magistrates, bearing in mind that he said that the reason that non-lawyer applicants were considered was because of the shortage of legally qualified applicants for magistrates' jobs. Are we likely to get a situation in the future where there will be a shortage again of legally qualified applicants when we may find it necessary to look for some other source of supply?

Hon. J. M. BERINSON: I do not have the history in my head. In the last 3½ years all magisterial appointments have been from the ranks of legally qualified applicants. I say with a fair degree of confidence, but subject to correction, that I believe no more than four or five of the present magistrates were not legally qualified at the time of their appointments. However, I do not have with me the dates of their appointments. If anything hangs on it, the information can be obtained.

The consistent indication we have had over the last few years is that there is a reasonable interest in the magistracy among legal practitioners and especially with the increase by 50 per cent in the intake of our Law School as well as the immigration to this State of numbers of lawyers from other States and overseas, there is no reason to expect that that availability will diminish in the future.

Clause put and passed.

Clauses 2 and 3 put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

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

### **SITTING OF THE HOUSE**

#### *Wednesday*

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.51 p.m.]—by leave: Because of a parliamentary dinner to be held tomorrow night, it is my intention to move the adjournment of the House at 4.55 p.m. tomorrow.

### **ADJOURNMENT OF THE HOUSE**

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.52 p.m.]: I move—

That the House do now adjourn.

#### *Sittings of the House*

HON. P. G. PENDAL (South Central Metropolitan) [9.53 p.m.]: I find this quite strange and extraordinary from a Government whose members have in the past complained about the lack of sitting times. We first came to the Parliament part way through the year on 10 June following a by-election and, not having sat in any part of the year until then, we sat only until late in July and then adjourned. The Parliament resumed last Tuesday for approximately two hours and we now find that we are to leave the House before the 11 o'clock deadline until which business can be transacted.

On top of that we are to have an adjournment motion that the House will not sit tomorrow night because of a parliamentary dinner being held, I understand, for retired members of the Labor Party.

I want to place on record that I find it quite extraordinary that members of the Government who have been so vocal in the past about a Parliament that never sits, should set up an all-time record in many years. I suggest that members could count on their hands and feet the number of days we have sat and yet we are still leaving tonight at a time which I think is early when there is business on the Notice Paper and members are ready to proceed. For some strange reason the Government seems to be treating the place with a great deal of contempt.

Question put and passed.

*House adjourned at 9.54 p.m.*

## QUESTIONS ON NOTICE

### MINISTER FOR EDUCATION

#### *Office: Refurbishment*

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

- (1) Has the Minister's office been refurbished?
- (2) If so, what was the cost involved?

Hon. KAY HALLAHAN replied:

- (1) No. However, some furniture in the Minister's personal office and reception area has been replaced.
- (2) \$9 659.

### EDUCATION DEPARTMENT

#### *Staff: Taxi Fares*

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

- (1) Are there any employees in the Education Department who have taxi fares to and from home and work paid by the department?
- (2) If so, who are these people and why are the fares paid?

Hon. KAY HALLAHAN replied:

- (1) and (2) No officers have taxi fares met from departmental funds on a regular basis. Taxis are used in some cases where officers may be returning to Perth or leaving Perth using air travel and require transport to and from Perth Airport.

### ROAD

#### *Great Northern Highway: Widening*

349. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Transport:

- (1) How many kilometres of the Great Northern Highway between Wubin and Meekatharra have been widened since 1979?
- (2) What has been the annual expenditure involved in upgrading this section of the highway each year since 1979?

(3) Is it correct that some funding allocated for this section of the highway has been reallocated to the Port Hedland-Newman section?

(4) If so,

- (a) what was the amount involved;
- (b) when was the reallocation made; and
- (c) what were the reasons for the reallocation?

(5) When is it expected that the Wubin-Meekatharra section of the highway will be widened in its entirety?

Hon. D. K. DANS replied:

(1) 219 kilometres.

(2)	\$
1979-80	0.550 million
1980-81	1.527 million
1981-82	1.887 million
1982-83	2.081 million
1983-84	3.254 million
1984-85	2.960 million
1985-86	0.360 million

These quoted expenditures excluded maintenance works such as bituminous resealing and reconditioning of gravel shoulders.

(3) Yes.

(4) (a) \$1 million;

(b) July 1985;

(c) Great Northern Highway is part of the national roads system, and the funding of upgrading and maintenance works is the responsibility of the Federal Government. The construction of the Port Hedland-Newman section of the highway was seen by the Federal Government as being of higher priority than the widening between Wubin and Meekatharra and the funds were reallocated accordingly.

(5) The completion date of widening will depend on the availability of Commonwealth funding and the priority that can be given to the work in relation to the overall requirements of the national roads system. However, it is expected that reasonable progress towards the widening objective will continue to be made in future programmes of work.

**POLICE STATION**

*Boyup Brook: Staffing*

350. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Police and Emergency Services:

Is it the intention of the department to move the traffic policeman or any officer from the Boyup Brook Police Station and not replace him.

Hon. D. K. DANS replied:

No.

**LOCAL GOVERNMENT: COLLIE SHIRE COUNCIL**

*Cr Mumme: Road Inquiry*

351. Hon. A. A. LEWIS, to the Attorney General representing the Minister for Local Government:

With regard to the inquiry into the road built for Cr J. L. Mumme in Collie—

- (1) What was the overall cost?
- (2) What was the cost of—
  - (a) salaries;
  - (b) travel;
  - (c) accommodation;
  - (d) legal advice;
  - (e) professional services; and
  - (f) any other expenses?

Hon. J. M. BERINSON replied:

- (1) It is not departmental policy to itemise the detailed costing of inquiries undertaken under the Local Government Act. The costs are merely contained within the normal administrative day-to-day costings and are not separately isolated or recorded.
- (2) For the reason stated in (1), detailed costings cannot be supplied for (a) to (c). However, the Minister for Local Government has added—
  - (d) No cost;
  - (e) the independent surveying firm of Eaton and Moir in Bunbury provided a report costed at \$741.58;
  - (f) service of summonses costs amounted to \$77 and witnesses' expenses totalled \$266.68.

**TRANSPORT: RAILWAYS**

*Bowelling-Wagin: Upgrading*

352. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Transport:

- (1) Is it intended to upgrade the Wagin-Bowelling railway line?
- (2) If so, what is the estimated cost?
- (3) If not, why not?

Hon. D. K. DANS replied:

- (1) The future of this section of line is being reviewed, and I will advise the member when a decision is made.
- (2) and (3) Not applicable.

**EDUCATION**

*Rylington Park Farm School: Status*

353. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Education:

With regard to Rylington Park Farm School at Boyup Brook—

- (1) Is accommodation going to be built on the farm?
- (2) If so, when?
- (3) Is the farm going to be run as a TAFE organisation, secondary school, or a tertiary institution?
- (4) Who financed the stock and plant?

Hon. KAY HALLAHAN replied:

There are no plans to develop a farm school as such. Rylington Park is to be developed as a centre for various types of farm-related and other courses.

- (1) There are no plans to construct additional accommodation on the farm, but there is discussion involving the Bunbury Institute of Advanced Education and TAFE concerning the Boyup Brook town.
- (2) Not applicable.
- (3) None of these. It will be managed by a local group centred on the Boyup Brook Shire Council that will have on it representatives from the Bunbury Institute of Advanced Education and TAFE.
- (4) The State Government, through the South West Development Corporation.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:**Allocation*

354. Hon. A. A. LEWIS, to the Leader of the House:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. D. K. DANS replied:

- (1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:**Allocation*

356. Hon. A. A. LEWIS, to the Attorney General representing the Minister for Local Government:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September

1985 what action is proposed in relation to parts (1) and (2)?

Hon. J. M. BERINSON replied:

- (1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:**Allocation*

357. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Education:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. KAY HALLAHAN replied:

- (1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:**Allocation*

358. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—



- (a) the department; and
- (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System" on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. KAY HALLAHAN replied:

- (1) to (3) See reply to question 355.

#### GOVERNMENT INSTRUMENTALITIES

##### *Hospitality-entertainment Allowance: Allocation*

359. Hon. A. A. LEWIS, to the Attorney General representing the Minister for Minerals and Energy:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. J. M. BERINSON replied:

- (1) to (3) See reply to question 355.

#### GOVERNMENT INSTRUMENTALITIES

##### *Hospitality-entertainment Allowance: Allocation*

360. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Agriculture:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and

- (b) by each and every statutory authority for which the Minister has responsibility?

- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—

- (a) the department; and
- (b) each and every statutory authority for which the Minister has responsibility?

- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. D. K. DANS replied:

- (1) to (3) I refer the member to the answer to question 355.

#### GOVERNMENT INSTRUMENTALITIES

##### *Hospitality-entertainment Allowance: Allocation*

361. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Housing:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. KAY HALLAHAN replied:

- (1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance: Allocation*

362. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Employment and Training:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. D. K. DANS replied:

- (1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance: Allocation*

363. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Health:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September

1985 what action is proposed in relation to parts (1) and (2)?

Hon. KAY HALLAHAN replied:

- (1) to (3) Please refer to parliamentary question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance: Allocation*

364. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Tourism:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. D. K. DANS replied:

- (1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance: Allocation*

365. Hon. A. A. LEWIS, to the Minister for Community Services:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and

(b) each and every statutory authority for which the Minister has responsibility?

(3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. KAY HALLAHAN replied:

(1) to (3) See reply to question 355.

#### GOVERNMENT INSTRUMENTALITIES

##### *Hospitality-entertainment Allowance: Allocation*

366. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Transport:

(1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—

(a) by the department; and

(b) by each and every statutory authority for which the Minister has responsibility?

(2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—

(a) the department; and

(b) each and every statutory authority for which the Minister has responsibility?

(3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. D. K. DANS replied:

(1) to (3) Refer to the reply to question 355.

#### GOVERNMENT INSTRUMENTALITIES

##### *Hospitality-entertainment Allowance: Allocation*

367. Hon. A. A. LEWIS, to the Attorney General representing the Minister for The North West:

(1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—

(a) by the department; and

(b) by each and every statutory authority for which the Minister has responsibility?

(2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—

(a) the department; and

(b) each and every statutory authority for which the Minister has responsibility?

(3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. J. M. BERINSON replied:

(1) to (3) See reply to question 355.

#### GOVERNMENT INSTRUMENTALITIES

##### *Hospitality-entertainment Allowance: Allocation*

368. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Police and Emergency Services:

(1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—

(a) by the department; and

(b) by each and every statutory authority for which the Minister has responsibility?

(2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—

(a) the department; and

(b) each and every statutory authority for which the Minister has responsibility?

(3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. D. K. DANS replied:

(1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:  
Allocation*

369. Hon. A. A. LEWIS, to the Leader of the House representing the Premier:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September 1985 what action is proposed in relation to parts (1) and (2)?

Hon. D. K. DANS replied:

- (1) to (3) See reply to question 355.

## GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:  
Allocation*

370. Hon. A. A. LEWIS, to the Attorney General representing the Deputy Premier:

- (1) What sum is allocated in the current financial year for hospitality-entertainment which may be expended—
  - (a) by the department; and
  - (b) by each and every statutory authority for which the Minister has responsibility?
- (2) What were the guidelines in force as at 1 September 1985 for expenditure from the hospitality-entertainment account of—
  - (a) the department; and
  - (b) each and every statutory authority for which the Minister has responsibility?
- (3) Following upon the statement by the Treasurer, "Reform of the Australian Taxation System", on 19 September

1985 what action is proposed in relation to parts (1) and (2)?

Hon. J. M. BERINSON replied:

- (1) to (3) See reply to question 355.

## REGIONAL DEVELOPMENT

*South West Development Authority: Staff*

371. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for The South West:

What is the number of staff in—

- (a) the South West Development Authority;
- (b) the Minister for The South West's office in
  - (i) Bunbury;
  - (ii) Perth; and
  - (iii) elsewhere?

Hon. D. K. DANS replied:

- (a) 17;
- (b) (i) 2;
  - (ii) 11, which includes all staff in office carrying out duties for Departments of Agriculture, Fisheries, and The South West;
  - (iii) not applicable.

CONSERVATION AND LAND  
MANAGEMENT DEPARTMENT*Officers: Retirements*

372. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) How many officers have taken early retirement from the Department of Conservation and Land Management since its formation?
- (2) How many of these officers were previously in the—
  - (a) Forests Department;
  - (b) National Parks Authority; and
  - (c) the wildlife section of Fisheries and Wildlife?
- (3) When is it expected that a complete survey of the nature reserves in the State will be undertaken?
- (4) How many of the nature reserves in the State have a management working plan?

- (5) Has the trial cutting of fire buffers in road and stream reserves, started when the Shannon Basin was removed from logging, been completed?
- (6) If so, has the Government made a decision to cut further areas in these categories?

Hon. KAY HALLAHAN replied:

- (1) Seven officers between the ages of 55 and 60 have retired since March 1985.
- (2) (a) 6;  
(b) 1;  
(c) nil.
- (3) Surveys of nature reserves are continuously being undertaken. As resources permit, all nature reserves will be surveyed.
- (4) 34.
- (5) Yes.
- (6) No decision has been made.

#### TAXES AND CHARGES: FRINGE BENEFITS TAX

##### *Car Parking: Members of Parliament*

373. Hon. A. A. LEWIS, to the Leader of the House representing the Premier:

- (1) Is it correct that the State Government is paying fringe benefits tax on car parking for members of Parliament at Parliament House?
- (2) If so, is it intended to pay FBT on—
  - (a) staff parking at Parliament House;
  - (b) Press parking at Parliament House;
  - (c) staff parking at other Government departments and instrumentalities;
  - (d) Ministers parking at their offices; and
  - (e) school teachers parking at their schools?
- (3) How will the calculations be made for payment.

Hon. D. K. DANS replied:

- (1) No.
- (2) (a) Yes;  
(b) no;  
(c) no;  
(d) no;  
(e) yes.

- (3) The FBT liability for car parking is assessed by reference to the amount so paid by an employer or, when this is not discernible, the amount a member of the public could have paid to obtain comparable parking from surrounding commercial car parks. However, FBT liability will arise only on the days no business use is made of private-plated vehicles occupying parking spaces.

#### LAND RESERVES

##### *Flora and Fauna: Reports*

374. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Has the Government made any check to verify the various Conservation Through Reserves Committee systems reports to ascertain the accuracy of those reports as to various flora and fauna alleged to be present on those reserves?
- (2) Is it the Government's intention to implement all the CTRC reports and to alienate the land suggested in those reports to be of forestry conservation value?

Hon. KAY HALLAHAN replied:

- (1) The Conservation Through Reserves Committee was assisted by a technical subcommittee of experts, and the reports represented the best information available at the time. The information is generally accurate; but in most cases more detailed information is now available.
- (2) Government has endorsed the recommendations in the reports but the implementation of each recommendation will be subject to specific consideration by Government.

#### EDUCATION: PRINCIPAL

##### *Kukerin Primary School: Housing*

375. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Education:

- (1) Does the Government intend to build a new house for the principal of the Kukerin primary school?
- (2) If not, why not?

Hon. KAY HALLAHAN replied:

- (1) and (2) The new house has been included within the Education Department's 1986-87 housing replacement programme. However, the extent of this programme will not be known until the State Budget is determined.

### EDUCATION

#### *Rylington Park Farm School: Mohair Classing Course*

376. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Education:

Has the Government made a decision whether to conduct the mohair classing course at the Rylington Park Farm School?

Hon. KAY HALLAHAN replied:

Planning on development of such a course is almost complete, but no request to conduct the course at Rylington Park can be identified.

### TRANSPORT: RAILWAYS

#### *Donnybrook-Katanning: Closure*

378. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Transport:

- (1) Is it the Government's intention to close—  
 (a) the Donnybrook-Katanning railway line; or  
 (b) any part of the above line?  
 (2) If so, when?

Hon. D. K. DANS replied:

- (1) and (2) The Director General of Transport is examining the future of the Donnybrook-Boyup Brook section of the line and will be providing a report and recommendations to me on the matter. However, no decision has been made to close the section, which is presently operated on a seasonal basis.

Rail operations on the remaining section of the line from Boyup Brook to Katanning were discontinued on 1 June, 1982 and its future will also be reviewed.

### OFFICE OF REDEPLOYMENT AND RETRAINING

#### *Staff: Origination*

379. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Employment and Training:

- (1) How many people were moved to the Office of Redeployment and Retraining from the old Public Works Department?  
 (2) How many have now been found jobs outside the Office of Redeployment and Retraining?  
 (3) In what department have they been placed and what are the numbers in each department?

Hon. D. K. DANS replied:

This question has wrongly been addressed to the Minister for Employment and Training. It has been referred to the Premier, and he will answer the question in writing.

### AGRICULTURE

#### *Tractors: Roll-over Protection Frames*

380. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Agriculture:

With regard to the provision of roll-over protection frames for agricultural tractors—

- (1) In what weight areas are these going to be needed?  
 (2) In those weight areas, how many new tractor models are on the market and what are the make and description of these models?  
 (3) How many old tractor models have to be fitted with the frames?  
 (4) What are the makes and description of the models?  
 (5) How many of these models can be fitted with ROP frames for under \$1 000?  
 (6) What are the makes and descriptions of these models?  
 (7) How many of these models cannot be fitted with ROP frames due to engineering restraints?  
 (8) Is it the Minister's intention to give exemption to those models whose frames cost more than \$1 000?

(9) If not, why not?

Hon. D. K. DANS replied:

This question has wrongly been addressed to the Minister for Agriculture. It has been referred to the Minister for Industrial Relations, and he will answer the question in writing.

## WORKERS' COMPENSATION

### *Work Care Programme: Legislation*

381. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Employment and Training:

(1) Is it the Government's intention to legislate on workers' compensation along the lines of the work care programme in Victoria?

(2) If so, when?

Hon. D. K. DANS replied:

(1) I refer the member to the reply in questions 3237 of 1985 and 535 of 1986. The Government keeps under review all developments in workers' compensation throughout Australia to assess the potential benefits to employers and workers in this State.

(2) See (1) above.

## CONSUMER AFFAIRS

### *Franchise Agreements: Legislation*

382. Hon. A. A. LEWIS, to the Attorney General:

(1) Is it the Government's intention to legislate on franchise agreements?

(2) If so, will motor vehicles, farm machinery, etc. be included in this?

(3) If not, why not?

Hon. J. M. BERINSON replied:

(1) The formal agreement establishing the national companies and securities scheme has been amended to include laws regulating franchising schemes.

The Ministerial Council for Companies and Securities has agreed to expose a draft franchising agreements Bill for public comment. The Bill is to be released shortly. The closing date for submissions is 31 December. After consideration of those submissions, the Ministerial Council will determine whether it is appropriate to proceed with enact-

ment. If this decision is taken, the Act will apply throughout Australia and be administered within the cooperative Scheme.

(2) The question in this form is difficult to answer. The exposure Bill deals with specified contractual relationships and not subject matter as such. Whether contractual arrangements in respect of motor vehicles and farm machinery are covered by the Bill will depend on the facts and circumstances of each particular case.

(3) Not applicable.

## GRAIN TRANSPORT

### *Royal Commission: Submission*

383. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Agriculture:

Is it the State Government's intention to make a submission to the Royal Commission on grain transporting?

Hon. D. K. DANS replied:

The exact nature of the State Government's involvement in the combined State-Federal inquiry is not yet known. However, the Government will ensure the State's point of view is well represented.

## CONSERVATION AND LAND MANAGEMENT ACT

### *Amendments: Honorary Royal Commission Recommendations*

385. Hon. A. A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

(1) Has the Minister any intention of introducing amendments to the CALM Act 1984 along the lines suggested in recommendation (1) of the Honorary Royal Commission?

(2) Has his department set up a "flying squad" as suggested by the Honorary Royal Commission?

(3) If so, who are the members?

(4) If not, why not?

(5) Has his department made contact with the Minister for Natural Resources in Ontario about exchange of personnel?

- (6) If not, why not?
  - (7) Has his department made any submissions to the Federal Government about the impact of the proposed tax changes on private afforestation?
  - (8) If so, along what lines?
  - (9) Has the department any plans to amend section 13 (3) of the CALM Act so that marine parks can be defined as multiple-use management areas?
  - (10) If so, when?
  - (11) If not, why not?
- Hon. KAY HALLAHAN replied:
- (1) Yes.
  - (2) No.
  - (3) Not applicable.
  - (4) This role has already been undertaken by senior staff.
  - (5) No.
  - (6) Other priorities have taken precedence.
  - (7) The State Government via the Premier did contact the Federal Treasurer in October 1985 on this matter.
  - (8) (i) the new quarantining proposals;
  - (ii) the removal of deductibility on capital calls by companies;
  - (iii) the limited relevance of deductibility of soil conservation and water conservation costs;
  - (iv) capital gains tax;
  - (v) the contribution of the private sector in establishing pine plantations;
  - (vi) the need to encourage management of privately-owned native forests.
  - (9) Consideration of this amendment will be given with a number of other current proposals.
  - (10) Answered by (9).
  - (11) Not applicable.

# ROTTNEST ISLAND

## *Moorings: Reef Blasting*

386. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) When was the Minister first informed of the reef blasting in Marjorie Bay?
- (2) When was the Rottnest Island Board so informed?
- (3) Was anyone on the board, or any employee, aware of the blasting prior to the disclosures on Tuesday by the journalist, Sean Murphy?
- (4) Has she requested a police investigation of the unauthorised blasting?
- (5) At what stage did she request the board for an urgent and detailed report on the blasting?
- (6) Why did she not request such a report earlier?
- (7) What penalties are available for use against the culprits either in—
  - (a) the Criminal Code;
  - (b) the Conservation and Land Management Act; and
  - (c) other Statutes?
- (8) Has she considered having the waters surrounding Rottnest declared a marine park under the Conservation and Land Management Act?

Hon. D. K. DANS replied:

- (1) Saturday, 4 October 1986.
- (2) Wednesday, 1 October 1986.
- (3) Not as far as the Minister is aware.
- (4) and (5) The Rottnest Island Board was requested on Saturday, 4 October 1986, to undertake a detailed investigation that included reports from the Police, Conservation and Land Management, and Marine and Harbours.
- (6) The Rottnest Island Board was still undertaking an investigation.
- (7) This question should be referred to the relevant Ministers.
- (8) Yes.



## ARTS

*State Bibliographical Service: Automation*

387. Hon. P. G. PENDAL, to the Attorney General representing the Minister for The Arts:

- (1) Are there plans afoot to automate the State bibliographical service?
- (2) If so, when are they expected to be automated?
- (3) If the automation programme can be expedited, will the staffing problems currently being experienced as a result of losing three of its seven staff be significantly eased?

Hon. J. M. BERINSON replied:

- (1) Yes, there is a proposal to automate the State's union catalogues of monographs and serials.
- (2) This is dependent on funding. The State Library Service will include this project in its estimates for 1987-88.
- (3) Yes, but it is unlikely any staff savings will occur in the first year as implementing the project will require considerable staff involvement in data input.

## ROTTNEST ISLAND

*Management Plan: Cabinet Decisions*

388. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Has Cabinet yet made any decisions on the long-awaited management plan for Rottnest Island?
- (2) Has the document been made available to anyone outside the Government?
- (3) When will the plan be released?

Hon. D. K. DANS replied:

- (1) No.
- (2) No.
- (3) After Cabinet has considered the plan.

## GOVERNMENT TRAVEL: BOOKINGS

*Holiday WA Centres*

389. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) What is the total value of Government travel booked through Holiday WA Centres in each of the past six months?
- (2) Did the Minister announce on 25 June 1986 that after a three-month period she would have a cost-benefit analysis prepared on the new system of Government travel?
- (3) Has she received this report?
- (4) Will she release it?

Hon. D. K. DANS replied:

(1)	\$
April	881 023
May	974 569
June	961 120
July	880 343
August	1 039 589
September	954 507

- (2) Yes.
- (3) The report for the three-months period ended 30 September 1986, is due to be completed within the next two weeks.
- (4) The report itself will not be released as it is an internal document.

## TOURISM: HOLIDAY WA CENTRE

*Melbourne: Staffing*

390. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Is the staff complement at the Melbourne Holiday WA Centre 12 persons?
- (2) Is it correct that six have resigned or given notice of their resignation recently?
- (3) If so, what is the reason?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Six staff members have resigned since 1 January 1986.
- (3) Variety of reasons; information obtained in exit interviews is confidential to the parties.

## ROAD: SHEPPERTON ROAD

*Reserve: Width*

391. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Planning:

In view of the decision to leave the Shepperton Road reserve at its present proposed width—

- (1) Will the Minister indicate how many properties will be affected by partial or full resumption?
- (2) Will he consider allowing independent valuations to take place where requested by owners to assess the value of each as if they were not devalued because of public knowledge of the widening proposals?
- (3) Will he consider buying out each owner at that price where the owner desires that course of action?
- (4) If not, why not?

Hon. KAY HALLAHAN replied:

- (1) No properties are subject to resumption, but there are approximately 115 properties affected by the other major highway reservation between Duncan Street and Welshpool Road.
- (2) Yes. This is already the case when the State Planning Commission negotiates to purchase.
- (3) Negotiations to purchase are complex, and individual owners should approach the State Planning Commission for advice if they desire to sell.
- (4) Answered by (3).

## TOURISM COMMISSION

*General Manager: Advertisement*

392. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) In what publications was the position of General Manager of the Tourism Commission advertised?
- (2) How many applications had been received by the 26 September closing date?
- (3) Have any been received since that date?

- (4) When is an appointment expected to be made?

Hon. D. K. DANS replied:

- (1) *The Weekend Australian* and *The West Australian*.
- (2) 25.
- (3) No.
- (4) Early November.

## MR BRETT GOODRIDGE

*Retirement: Superannuation Payment*

393. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

What were the terms of the superannuation pay-out to Mr Brett Goodridge upon his retirement as General Manager of the Tourism Commission?

Hon. D. K. DANS replied:

The trustees of the commission's executive superannuation scheme have not yet finalised the settlement.

## TOURISM COMMISSION

*Administrative Posts: Full-time*

394. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Is the Minister aware that in 1983 the advertisements calling for applications for a Chairman and a General Manager of the new Tourism Commission envisaged full-time occupants of these roles?
- (2) At what point since then was it considered that the chairmanship did not need to be a full-time position?
- (3) Since the chairmanship has been occupied on a part-time basis for a considerable time are there any plans to re-list the salary in the *Government Gazette* of 19 September from the \$66 860 full-time rate to a part-time rate?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) In May 1986, at the time Mr John Osborn was appointed to the position.
- (3) No.

## TOURISM COMMISSION

*Promotional Material: Foreign Languages*

395. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Are any brochures or promotional material produced for or on behalf of the WA Tourism Commission in foreign languages?
- (2) If so, what languages?
- (3) If not, what is the commission's view on the matter of foreign language promotional material?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Commission brochures produced in foreign languages are—  
     "Western Australia: The Golden West"—Japanese  
     "Perth Your Gateway"—Japanese  
     America's Cup promotional brochures—Italian—German—  
     Swedish—French.
- (3) The commission supports the production of foreign language material where warranted. Where major opportunities exist for potential overseas visitors and the English language is not appropriate, the production of foreign language material is undertaken. The cost-benefit factor is taken into consideration in each instance.

## TOURISM COMMISSION

*Chief Executive Officer: Part-time*

396. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Will the Minister table the Crown Law Department opinion that allegedly supports her view that it is possible—and legal—to have a part-time chief executive officer of the Tourism Commission?
- (2) Can she indicate any other Government agency whose chief executive is a part-time appointee?
- (3) Will she indicate the terms in which the Public Service Board has endorsed the view that it is possible to have a chief executive on a part-time basis?

Hon. D. K. DANS replied:

- (1) to (3) The Minister has requested the Auditor General to inquire into this matter. When this inquiry is complete, the Minister will make a statement addressing the issues raised by the member.

## TOURISM COMMISSION

*Staff: Resignations*

397. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

I refer to the statement of Mr John Osborn in *The West Australian* on 15 September 1986 that he had called for a report on the reasons for the high number of resignations from the Tourism Commission and ask—

- (1) Has that report been completed?
- (2) Has the Minister asked for, or been given, a copy?
- (3) What action, if any, is proposed arising out of the report?
- (4) What reasons for the high number of resignations are given?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Yes.
- (3) This matter has been closely addressed by the executive of the commission with a number of strategies being developed to reduce staff turnover. A personnel manager has now been appointed and will undertake a number of special human resource tasks aimed at addressing this situation.
- (4) A variety of reasons have contributed for staff resignations. However, the main factor has been the enticement of qualified and experienced staff to positions within the private sector—clear evidence of the growth of tourism in this State.

## TOURISM: HOLIDAY WA CENTRE

*Merlin Hotel: Closure*

398. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) When was the Holiday WA Centre at the Merlin opened?

- (2) When was it closed?
- (3) Why was it closed?
- (4) Was any investigation into its suitability undertaken prior to its being opened?

Hon. D. K. DANS replied:

- (1) 19 July 1984.
- (2) 3 January 1986.
- (3) To reallocate resources to the Perth Holiday WA Centre.
- (4) Yes. It was established on a trial basis aimed at decentralising the full range of services provided by a Holiday WA Centre.

#### TOURISM: HOLIDAY WA CENTRE

##### *Perth: Staff Deployment*

399. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Of the 36 officers employed at the Holiday WA Centre, how many are fully engaged in selling travel or disseminating information about WA?
- (2) How many are involved in selling travel outside the State?
- (3) How much commission did this centre earn in 1985-86 when the Tourism Commission as a whole was expected to earn \$1.7 million?

Hon. D. K. DANS replied:

- (1) 30 staff at the Holiday WA Centre are fully engaged in selling travel or disseminating information about Western Australia. This includes the telephonist, cashier, and staff involved in Government reservations. The remaining staff spend at least part of their time in selling travel or disseminating information.
- (2) There are no consultants specifically engaged in the sale of out-of-State travel. However, all officers are equipped to respond to information requests for any destination.
- (3) \$778 936.

#### TOURISM: HOLIDAY WA CENTRE

##### *Norseman: Opening*

400. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Is it correct that a Holiday WA Centre is to be opened soon at Norseman?
- (2) If so, who will man the centre?
- (3) Will it be open seven days per week?
- (4) If not, will the Minister arrange for the centre to open seven days a week, possibly with the help of volunteers, so that tourists who have crossed the Nullarbor may be equipped with information soon after arrival in WA?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) A supervisor has been appointed to staff the centre.
- (3) and (4) No. However, arrangements have been confirmed for officers at the adjacent agricultural checkpoint to disseminate relevant tourist literature and to assist in data-collecting activities at times when the Holiday WA Centre is not staffed. Volunteer industry assistance is also being investigated.

#### ARTS

##### *Film Industry: Submission*

401. Hon. P. G. PENDAL, to the Attorney General representing the Minister for The Arts:

- (1) Has a Ms Ann McBeth of the Film and Television Institute been employed to formulate a submission on the WA film industry?
- (2) If so, what is the nature and intent of the submission?

Hon. J. M. BERINSON replied:

- (1) Ms Ann McBeth is an independent consultant and is not employed by the Film and Television Institute. Yes, she is compiling a review of the WA film industry.
- (2) The review commissioned by me will—  
provide a detailed overview of the existing film industry and film organisations in WA;  
examine proposals for a WA film authority;

interview and consult with individuals and organisations involved in the film industry;

offer recommendations for consideration by the Government.

## SPORT AND RECREATION

### *Billiards and Snooker: Designation*

402. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Sport and Recreation:

Are billiards and snooker regarded as sports?

Hon. KAY HALLAHAN replied:

Yes.

## SPORT AND RECREATION

### *Flying Discs: Designation*

403. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Sport and Recreation:

Is flying disc, which is listed in the WA Sports Federation's winter calendar, regarded as a sport?

Hon. KAY HALLAHAN replied:

Yes.

## SPORT AND RECREATION

### *Indoor Sports Centre: Cost Estimates*

404. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Sport and Recreation:

- (1) What was the original estimate of the cost of the new sports centre being built at McGillivray Park?
- (2) Is the project on target in financial terms?

Hon. KAY HALLAHAN replied:

- (1) The original contract price was \$20.9 million.
- (2) The anticipated total price is \$22.35 million, which includes additional costs to cover design development and construction contingencies.

## SPORT AND RECREATION

### *Swimming Teachers: Public Liability Insurance*

405. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Education:

Is it correct that swimming teachers are not covered by any public liability insurance against the death or injury of people in their care?

Hon. KAY HALLAHAN replied:

No. As employees of the Education Department, swimming teachers are indemnified by the department's insurance cover in the same way as other teachers.

## DAYLIGHT SAVING

### *Introduction: America's Cup*

407. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

In light of the America's Cup being contested over the summer months would the Government, even at this late stage, introduce daylight saving this summer on, if necessary, a strictly one-off basis?

Hon. D. K. DANS replied:

No.

## MR VINCE PAPPARO

### *Italian Trip*

408. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

- (1) Was a Mr Vince Papparo recently sent at Government expense to Italy?
- (2) If so, for what purpose?
- (3) For whom does Mr Papparo work?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) and (3) At the time of the visit he was the acting Principal Private Secretary to the Minister for Tourism, Racing and Gaming; and he accompanied the Minister.

## GOVERNMENT EMPLOYEES

*Chief Executive Officers: Part-time*

409. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

I refer to the *Government Gazette* of 19 September 1986 and ask: Of all the prescribed offices listed, how many chief executive officers are part-time?

Hon. D. K. DANS replied:

One.

## TOURISM

*Accommodation Signs: Restrictions*

410. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Transport:

- (1) Is it correct that a restriction has been placed on road signs advertising caravan parks and other tourist accommodation, so that such signs cannot be erected several kilometres from the establishment concerned?
- (2) If so, why has this restriction been implemented?
- (3) In light of the need for passing motorists to have sufficient notice of available accommodation, would the Minister please review the restriction decision?

Hon. D. K. DANS replied:

- (1) Generally speaking, advertising signs are not allowed in the road reserve; and signs directed at highways and main roads should comply with the Main Road (Control of Signs) Regulations 1983.
- (2) These controls relate to safety, environmental, and aesthetic considerations. Local government authority by-laws control roads under their jurisdiction. The control of signs regulations complement these by-laws.
- (3) The Main Roads Department has developed, and is continuing to adjust to changing circumstances, a comprehensive system of road signs to assist motorists in their use of the road system, including the availability and location of services being provided to motorists by the private sector. These include service signs—white on blue background—and tourist signs—white on brown—in addition to the usual direction, town name, and dis-

ance signs. A comprehensive route numbering system is currently being introduced to supplement the distance marking system introduced some years ago. Information bays are also part of this overall package of advice to motorists.

If the member has any specific suggestions to make on improvements to the system, I would be prepared to consider them.

## EDUCATION: SPECIAL SCHOOL

*Carson Street: Student Integration*

411. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Education:

I refer to the Carson Street Special School in Victoria Park—

- (1) Are there any plans to either transfer the handicapped students to another location or integrate them into regular schools?
- (2) If so, what are the details of these plans?
- (3) What is currently being done both to upgrade the existing inadequate, non-private toilet facilities and to provide adequate bathroom-laundry facilities for the pre-primary and years 1 and 2 students?
- (4) Is it correct that the provision of these facilities has been estimated to cost in the vicinity of \$1 million or more?

Hon. KAY HALLAHAN replied:

- (1) The present school buildings at Carson Street are unsuitable for current and future requirements from both an architectural and locational viewpoint.

A minimum expenditure of \$200 000 to \$300 000 would be required to upgrade the school to an acceptable level, but this would not solve the locational problem. As a result the department has been investigating the possibility of relocating children in purpose-built units attached to regular schools. If this investigation indicates that such a move is feasible, the matter will be discussed with parents before any decisions are made.

- (2) Since the plan is still in embryo form and has not been discussed with parents, no detailed plans have been prepared.
- (3) (a) Approved washing machines and dryers have been installed;
- (b) improvements to bathrooms and toilets will not be carried out if the new buildings are scheduled.
- (4) No.

### HEALTH: HOSPITAL

#### *Southern Suburbs: Planning*

412. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Health:

- (1) Is any high-standard facility hospital planned for the rapidly developing southern suburbs?
- (2) If so, what are the details?
- (3) If no proposals for a new hospital in the southern suburbs exist, will the Minister undertake to have the Fremantle Hospital's facilities upgraded to the same standards as those at Royal Perth and Sir Charles Gairdner Hospitals?
- (4) Will he advise the status of plans announced about 10 years ago for the eventual construction of the Lakes Hospital in the vicinity of the Hospital Laundry and Linen Service

Hon. KAY HALLAHAN replied:

- (1) Yes. A design feasibility for the Lakes Hospital was completed in 1980. A recent discussion document indicated that there will be a need for approximately 450 acute beds in the south-eastern metropolitan area in the next 20 years. The design for the Lakes Hospital is capable of phased expansion depending upon needs.
- (2) See (1).
- (3) Not applicable.
- (4) See (1).

### HEALTH: REHABILITATION CENTRE

#### *Melville: Services Offered*

413. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Health:

- (1) Does the State Government value the current medical and other services offered currently at the Melville Rehabilitation Centre?
- (2) If so, in view of the centre's pending closure, can the State Government find a way to transfer the centre from the Commonwealth Government to the State Government and arrange for the centre to continue its present services to handicapped people?
- (3) In the absence of such a transfer, how does the State Government propose to treat the handicapped people from the surrounding southern and other suburbs, currently attending the centre?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) and (3) Please refer to parliamentary question 1113, answered in the Legislative Assembly on 8 October 1986.

### TAXES AND CHARGES: FRINGE BENEFITS TAX

#### *Tourism: Effect*

414. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

What approaches has the Minister made to the Federal authorities on the adverse impact the fringe benefits tax is having on WA tourism?

Hon. D. K. DANS replied:

The Minister for Tourism has supported the initiatives taken by the State Government with Federal authorities in regard to the fringe benefits tax.

### TOURISM

#### *Penalty Rates: Deregulation*

415. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Is the Minister correctly reported in the *Civil Service Journal* of 16 May 1986 as saying that her advice from the tourism industry is that

deregulating penalty rates in the tourist industry is a furphy?

- (2) Will she name industry sources who hold this view?

Hon. D. K. DANS replied:

- (1) Yes.  
(2) A number of industry operators have expressed this to the Minister confidentially.

## PLANNING: CANAL DEVELOPMENT

### *Dawesville Cut: Continuation*

416. Hon. C. J. BELL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

When does the Government anticipate the decision to proceed or not proceed with the Dawesville Cut will be made?

Hon. KAY HALLAHAN replied:

No decision will be made until the Government receives the Environmental Protection Authority's assessment report on the stage 2 environmental review and management programme.

## ENVIRONMENT

### *Peel Inlet: Studies*

417. Hon. C. J. BELL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

What is the current position with regard to the environmental studies for the Peel Inlet?

Hon. KAY HALLAHAN replied:

The stage 2 environmental review and management programme on the management strategy for the estuary and its drainage catchment should be completed by the end of the year.

Monitoring of the estuary by the Peel Inlet Management Authority and of the catchment by the Department of Conservation and Environment is ongoing.

## "WESTERN AUSTRALIAN YEAR BOOK 1986"

### *Publication*

418. Hon. V. J. FERRY, to the Leader of the House representing the Premier:

- (1) Will he please ascertain from the Australian Bureau of Statistics whether the *Western Australian Year Book* for 1986 will be published?  
(2) If the book is not being published—  
(a) what is the reason for this; and  
(b) will the year book be published in future years?  
(3) In the event of the WA year book not being published by the ABS, and in view of the value of the information it provides to students and the general public, will the State Government consider undertaking publishing a similar book?

Hon. D. K. DANS replied:

- (1) The Australian Bureau of Statistics has advised that the 1986 *Western Australian Year Book* is expected to be available in six to eight weeks.  
(2) and (3) Not applicable.

## HOMESWEST

### *Marine Terrace: Fremantle*

419. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

Aside from the nine dwellings which will be offered at auction to the public, what are the other types of accommodation being constructed at Marine Terrace, Fremantle, for Homeswest?

Hon. KAY HALLAHAN replied:

The other types of accommodation being constructed at Marine Terrace, Fremantle are 1-bedroom units and 2 and 3-bedroom townhouses.

## HOMESWEST

### *Marine Terrace: Fremantle*

420. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

What is the current anticipated total cost of construction to Homeswest including the cost of the nine dwellings being built for auction to private



homeowners of the project at Marine Terrace, Fremantle?

Hon. KAY HALLAHAN replied:

The current anticipated construction cost for the 63 housing units, 3 artisan shops, a laundromat, and community facility is \$3.6 million. This figure relates to construction and does not include such costs as architectural and consultant fees.

### HOMESWEST

#### *Marine Terrace, Fremantle*

421. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

What is the current anticipated completion date of the residential-commercial construction being undertaken on behalf of Homeswest in Marine Terrace, Fremantle?

Hon. KAY HALLAHAN replied:

The nine units facing Marine Terrace and to be sold by auction will be completed on 11 October.

Completion of the other units will be progressive, with the final date for conclusion of the project currently being 30 March 1987. The completion date will be brought forward as much as is practicable.

### HOMESWEST

#### *Established Residences: Purchases*

422. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

How many established residences has Homeswest purchased since 1 January 1986 in the following suburbs—

- (a) Craigie;
- (b) Heathridge;
- (c) Beldon; and
- (d) Padbury?

Hon. KAY HALLAHAN replied:

No, there have been no spot purchase acquisitions for rental purposes in the nominated suburbs. However, there have been two established residences purchased by Homeswest loan clients in Craigie.

### HOUSING

#### *Fremantle: Commencements*

423. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

What Homeswest construction is planned for Fremantle for commencement prior to 31 December 1986?

Hon. KAY HALLAHAN replied:

There are no current plans to commence construction of further dwellings in Fremantle prior to 31 December 1986.

### HOUSING

#### *Stevens Street Fremantle: Sales*

424. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Housing:

With reference to question No. 79 of 25 June 1986—

- (1) Have any of the three remaining private lots of land contained in the Stevens Street project been sold?
- (2) If so, how many?
- (3) What was the sale price of each block?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) One.
- (3) \$50 000.

### GAMBLING

#### *Casino Tax: Receipts*

425. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

What was the amount of casino tax received by the State Treasury for the month of June 1986?

Hon. D. K. DANS replied:

Details of casino tax revenue will only be released on a half-yearly basis.

## LIQUOR: LICENSING COURT

*Applications: Determinations*

426. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

- (1) For the periods 1 July 1983 to 30 June 1984, 1 July 1984 to 30 June 1985, 1 July 1985 to 30 June 1986, how many applications for each separate period were determined by the Licensing Court pursuant to sections 54A and 95 of the Liquor Act?
- (2) For the same periods, how many applications attracted a premium under section 54A?
- (3) How many did not?
- (4) For the same periods, how many applications attracted a premium under section 95?
- (5) How many did not?

Hon. D. K. DANS replied:

- (1) Pursuant to section 54A—

1984—18

1985—23

1986—24

Pursuant to section 95—

1984—statistics not kept.

1985—277

1986—350

- (2) to (5) This information is not readily available and to ascertain it would require the full-time services of an officer to be deployed for several weeks. The Minister is not prepared to devote scarce staff resources to such a task. However, if the member has a specific question relating to premiums, she would be prepared to investigate.

## LIQUOR

*Licences: Premiums*

427. Hon. G. E. MASTERS, to the Leader of the House representing the Minister for Racing and Gaming:

What factors are taken into consideration by the Licensing Court for the purpose of determining premiums for removals, variations, or extensions of licences?

Hon. D. K. DANS replied:

Factors taken into account to determine the amount of a premium are confidential to the members of the Licensing Court.

## TOURISM COMMISSION

*Complaint: Mrs Elizabeth Hogg*

428. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Has the Minister conducted an inquiry into the reported remarks of Mr Neil Stenhouse, of the Holiday WA Centre, in *The West Australian* of 24 September 1986?
- (2) Did Mr Stenhouse tell a reporter that if Mrs Elizabeth Hogg, of Ace Tours, "... makes any statement we will take her to court for defamation so b... quick"?
- (3) Is the Minister aware of the alleged threat by Mr Stenhouse that he would, in relation to Mrs Hogg, "ruin her reputation for ever" if she spoke to the Press?
- (4) Does the Minister endorse behaviour of this kind from senior members of the commission?
- (5) If not, what action has been taken to discipline Mr Stenhouse?
- (6) Is the Minister aware that by Wednesday, 1 October, fully one week after this newspaper report, Mrs Hogg's brochures had still not been put back on public display at the centre?
- (7) Why did this delay occur?
- (8) Is she aware that at least one prominent Northam tourist identity has complained that the removal of Mrs Hogg's brochures has drastically reduced the number of tourists passing through his establishment?
- (9) Is she aware that at least four Ace tours to Northam were affected?

Hon. D. K. DANS replied:

- (1) to (9) The Minister discussed this matter with the chairman of the commission, who has taken appropriate action to resolve the situation. This is considered to be a day-to-day operational issue which accordingly

has been addressed by the commission.

### LIQUOR: HOTELS

#### *Failures: Post-America's Cup*

429. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

I refer the Minister to *The Bulletin* of 9 September 1986, wherein the Premier reportedly told the managing-director of the Parmelia Hilton, Mr D. Buchanan, that "he (the Premier) couldn't care less" if as many as three of the city's seven top hotels go to the wall in the post-cup period, and ask if this is a view she shares?

Hon. D. K. DANS replied:

The decision to build hotels is made by the private sector based on its own assessment of financial viability. I am not aware that the Premier made the statements as referred to.

### ROTTNEST ISLAND YACHT CLUB

#### *Incorporation: Application*

430. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

- (1) Did the Minister convey to the Attorney General a memo expressing the view that the application for incorporation by the Rottnest Island Yacht Club should not be granted?
- (2) Was this advice conveyed according to section 4 of the Associations Incorporation Act that is, by way of an injunction granted by the Supreme Court?
- (3) If "No" to (2), by what authority did she object?

Hon. D. K. DANS replied:

- (1) to (3) I refer the member to the Attorney General's answer to question 431.

### ROTTNEST ISLAND YACHT CLUB

#### *Incorporation: Application*

431. Hon. P. G. PENDAL, to the Attorney General:

- (1) Is it a fact that the Attorney General issued his certificate under section 2 of the Associations Incorporation Act

to allow the incorporation of the Rottnest Island Yacht Club (Inc) some time prior to 27 June 1986?

- (2) Is it a fact that advertisements required by section 3(2) of the Act were duly placed in *The West Australian* on 28 July 1986, and 5 August, by the Rottnest Island Yacht Club?
- (3) Is it a fact that the only mechanism for an objection to the incorporation is section 4 whereby a person must, within a month of the last published notice apply for a Supreme Court injunction?
- (4) In these circumstances—
  - (a) why has the RIYC not been incorporated;
  - (b) was any injunction applied for by the Rottnest Island Board; and
  - (c) if no injunction was applied for by the Rottnest Island Board, what is the impediment to incorporation?
- (5) Has any form of objection or approach to the Attorney General been made that is not in accordance with section 4 of the Act?
- (6) If "Yes" to (5), have those approaches been made by—
  - (a) the Rottnest Island Board; or
  - (b) the Minister for Tourism by way of an internal memo to the Attorney General?
- (7) Is he aware that on 2 October 1986, solicitors acting for the RIYC were told by an officer of the Corporate Affairs Department that he had been instructed by his solicitors "... that the file had been forwarded back to the Attorney General's office and he was not permitted or in a position to say why or for how long."
- (8) Why has the file been returned to the Attorney General's office?
- (9) What action has he or the Corporate Affairs Department taken since its return?
- (10) Has the Minister for Tourism advised him, *inter alia*, that the registration would be misleading to the public and that she therefore did not support the club's incorporation?

- (11) Will he seek an explanation on why the provisions of section 4 of the Act were not adhered to?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Yes.
- (3) No. The Attorney General's certificate referred to in section 2 of the Act is at the discretion of the Attorney General and may be revoked before the issue of the certificate of registration.
- (4) Not applicable.
- (5) Yes.
- (6) Both.
- (7) No.
- (8) For my further consideration.
- (9) I have decided to take no further action in the matter so that incorporation formalities will proceed in the ordinary way.
- (10) Yes.
- (11) See (3).

#### TAXES AND CHARGES: FRINGE BENEFITS TAX

##### *Country High Schools Hostels: Staff Accommodation*

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

- (1) Is the Minister aware that country high school hostels will be required to pay the fringe benefits tax on subsidised accommodation provided to staff?
- (2) What is the expected cost for all Government high school hostels in this financial year?
- (3) Does the Government propose to meet the cost of the tax by providing an equivalent amount to each hostel, or will each hostel be required to meet its own taxation liabilities?
- (4) If each hostel is required to find the funds to pay the tax, what is the expected increase in fees which will be necessary?

Hon. KAY HALLAHAN replied:

- (1) Yes, the Minister is aware that the country high school hostels will have to pay the fringe benefits tax. The authority is in correspondence with

the Taxation Office to establish an acceptable rate for accommodation.

- (2) The estimated cost is \$49 000. This represents an average of 2 per cent increase in fees.
- (3) Each hostel will be required to meet its own taxation liability.
- (4) The increase in fees for 1987 is in line with the CPI which is 8 per cent. The fees for 1986 are \$3 200 maximum; 1987 \$3 460 maximum—\$865 per term.

The fringe benefits tax will be absorbed in this increase.

#### LOCAL GOVERNMENT: PER CAPITA GRANTS

##### *Exmouth: United States Citizens*

433. Hon. N. F. MOORE, to the Attorney General representing the Minister for Local Government:

- (1) Are United States citizens who reside in Exmouth included in determining the population of the town for the purposes of per capita local government grants?
- (2) If not, why not?

Hon. J. M. BERINSON replied:

- (1) and (2) Yes. If resident for more than six months in Exmouth, United States citizens are included in the census. They are also included in the intercensal estimates made by the Australian Bureau of Statistics.

#### ENVIRONMENTAL PROTECTION ACT

##### *Model By-laws*

434. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) How many model by-laws referred to in section 84 of the Environmental Protection Act 1971-1980 have been published in each of the last five years?
- (2) Will the Minister provide—
  - (a) A list of these model by-laws;
  - (b) the date on which they were published; and
  - (c) the publication in which they were published?

- (3) How many local councils have adopted these by-laws?
- (4) What will be the status of the model by-laws that have been adopted by local government authorities when the new environmental Bill is enacted?

Hon. KAY HALLAHAN replied:

- (1) To the best of my knowledge, nil over the past five years.
- (2) to (4) Not applicable.

## ENVIRONMENT

### *Clean Air Council: Meetings*

435. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Environment:

- (1) How many times has the Clean Air Council met during each of the past five years?
- (2) What were the attendance figures for each meeting in the past 12 months?

Hon. KAY HALLAHAN replied:

- (1) July 1980-June 1981—7 meetings  
July 1981-June 1982—6 meetings  
July 1982-June 1983—5 meetings  
July 1983-June 1984—7 meetings  
July 1984-June 1985—6 meetings
- (2) The Clean Air Council was abolished under amendments to the Clean Air Act which came into effect on 21 June 1985.

## CONSERVATION AND ENVIRONMENT COUNCIL

### *Meetings*

436. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) How many members attended each of the three Conservation and Environment Council meetings for the year ending 1984-85?
- (2) What were the agenda items discussed at the meetings?
- (3) What resources were available to assist the operations of the council?
- (4) What was the cost of operating the council during 1984-85?

Hon. KAY HALLAHAN replied:

- (1) Conservation and Environment Council (CEC) meeting 46 (12 September 1984) 6 members, 7 deputy members.  
CEC meeting 47 (14 November 1984) 7 members, 6 deputy members.  
CEC meeting 48 (20 February 1985) 11 members, 6 deputy members.

(2) Meeting 46—

- (a) Task force on land resource management, working group report;
- (b) CEC-EPA relationship;
- (c) planning of foreshore developments on the Swan-Canning estuaries;
- (d) mineral prospectors;
- (e) future role of CEC.

Meeting 47—

- (a) Task force on land resource management, working group report;
- (b) Rottnest Island interim report;
- (c) summary of public submissions on environmental impact assessments and procedures;
- (d) planning of foreshore developments on the Swan-Canning estuaries;
- (e) future role of CEC;
- (f) State conservation strategy.

Meeting 48—

- (a) Role and functions of CEC;
- (b) planning for urban development;
- (c) foreshore planning in the metropolitan area.

(3) Normal administrative secretarial support services.

(4) \$1 557.07.

## ENVIRONMENTAL PROTECTION BILL

### *Submissions*

437. Hon. G. E. MASTERS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) How many submissions were received by the Government on the Environmental Protection Bill?
- (2) What are the names of those persons, organisations, and authorities making submissions?

- (3) Will the Minister table a copy of the submissions received?

Hon. KAY HALLAHAN replied:

- (1) 11, comprising 7 from outside Government and 4 from Government departments.
- (2) I believe that it is inappropriate to make available the names and affiliation of persons making submissions without their approval to do so.
- (3) No.

### GAMBLING: LOTTERIES

#### *Instant: Configurations*

438. Hon. TOM McNEIL, to the Leader of the House representing the Minister for Racing and Gaming:

With regard to the current instant lottery, would the Minister advise—

- (1) How many different configurations have been used in the scratch Instant Lotteries both in major prizes and consolation prizes?
- (2) How long has each configuration been used?
- (3) How long has the current configuration been used?
- (4) Why do not the words "Sports Instant Lottery" appear on the scratch and match tickets?
- (5) When did the commission—
- (a) stop using the words "Sports Instant Lottery"; and
- (b) for what reasons?

Hon. D. K. DANS replied:

- (1) The current instant lottery being conducted by the Commission is "Scratch Gold". The game contains two configurations—that is, the major game in which a subscriber scratches six dollar amounts to match three like dollar amounts to win a prize; and the subsidiary game which contains three symbols out of a possible total combination of six symbols. To win a prize a subscriber must reveal a symbol depicting a miner.
- (2) The configuration is built into the game and has been used since 18 September 1986, when it went on sale.

- (3) The current configuration has been used since the launch of "Scratch Gold".

- (4) There is no statutory requirement to do so.

- (5) (a) August 1983;  
(b) answered by (4) above.

### QUESTIONS WITHOUT NOTICE

#### FREMANTLE GAS AND COKE CO LTD

##### *Purchase: Cabinet Involvement*

115. Hon. G. E. MASTERS, to the Attorney General:

- (1) Does he recall, at the last sitting of this House on 7 October 1986, a question I posed to him asking whether Cabinet had been involved in the decisions regarding the Fremantle Gas and Coke Co Ltd and to which he replied that Cabinet was not involved?
- (2) Would he confirm that to this House at this moment?

Hon. J. M. BERINSON replied:

- (1) and (2) As I recall it, I confirmed it to the member at the same session; and I have had no reason to change answers given on that occasion.

#### FREMANTLE GAS AND COKE CO LTD

##### *Purchase: Cabinet Involvement*

116. Hon. G. E. MASTERS, to the Attorney General:

I asked the Attorney General to confirm it in view of a newspaper report today. I asked him a question based on comments in the newspaper report purportedly made by Mr Parker who said—

Clearly, the responsibility for the purchase is the government's, and it is the government—and I as responsible Minister—who is defending the purchase.

I ask the Attorney General whether the reference to "Government" means that a Government decision is a Cabinet decision?

Hon. J. M. BERINSON replied:

What Mr Parker meant in that particular statement is a matter to be put to Mr Parker. I have been asked a

question and have now answered it three times in the same way.

#### FREMANTLE GAS AND COKE CO LTD

##### *Purchase: Consultations*

117. Hon. G. E. MASTERS, to the Minister for Budget Management:

Last week in answer to a question about whether he had been consulted regarding the financial arrangements for the purchase of the Fremantle Gas and Coke Co Ltd, the Minister answered, "No". Why was he not consulted?

Hon. J. M. BERINSON replied:

A whole host of decisions are made within this State, both within Government and outside Government, on which I am not consulted. I am sure my view on the whole range of issues would be helpful. Frankly, I am unable to say why I am not consulted on every action. The fact remains that I am not.

#### FREMANTLE GAS AND COKE CO LTD

##### *Purchase: Financing*

118. Hon. G. E. MASTERS, to the Minister for Budget Management:

How is the purchase of the Fremantle Gas and Coke Co Ltd to be financed?

Hon. J. M. BERINSON replied:

I do not have that detail, and I ask the member to put the question on notice.

#### TAXES AND CHARGES: FRINGE BENEFITS TAX

##### *Car Parking: Parliament House*

119. Hon. MAX EVANS, to the Minister for Budget Management:

- (1) A most important day will be 28 October—fringe benefits tax day. Has the Minister considered how he will assess FBT on car parking taking into consideration the severe penalties that can be inflicted on the Government if it does not calculate correctly?
- (2) What staff will be required to make the calculations—they will have to take into consideration that the House sits for approximately 22 weeks a year for three days a week and that the

parking area may be used for only half a day at a time?

- (3) What will be the basis for the Government's FBT?

The PRESIDENT: Order! That question is out of order because it does not fall into the responsibility of that Minister.

#### GOVERNMENT INSTRUMENTALITIES

##### *Hospitality-entertainment Allowance: Allocation*

120. Hon. A. A. LEWIS, to the Leader of the House:

Would the Leader of the House expand on his answer to part (1) of question on notice 354 which he answered today, or is he trying to hide the facts from the House?

Hon. D. K. DANS replied:

The answer is in order.

#### QUESTION ON NOTICE

##### *No. 355: Answer*

121. Hon. A. A. LEWIS, to the Leader of the House:

Would the Leader of the House tell me where to find the answer to question on notice 355, because in the front of the book it states question 355 is not answered by the Attorney General? By way of explanation, every Minister has answered a similar question in the same way except the Attorney General who was the person—

The PRESIDENT: Order!

Hon. A. A. LEWIS: This House is being treated with contempt by this Government.

The PRESIDENT: Order! I will make the decision as to who is treating whom with contempt; but when I say "Order" and someone does not come to order, then he is sailing dangerously close to being judged as participating in that very action. However, being in a very pleasant mood I call on the Leader of the House to answer the question.

Hon. D. K. DANS replied:

The short and long answer to that question is that it would be impossible—it is the first I have seen of it

today as I have been away—to get that amount of detail in a very short time without incurring a great deal of expense. The question is almost in the impossible class. However, I will pursue the matter further. I can go no further than that this evening.

#### QUESTION ON NOTICE

*No. 355: Answer*

122. Hon. A. A. LEWIS, to the Leader of the House:

In his answer to a question the Leader of the House has referred to question 355. There is no answer to that question.

Hon. Tom Stephens: There might be.

Hon. A. A. LEWIS: I asked for a sensible answer from the Leader of the House. The one he has given does not apply.

The PRESIDENT: Order! Let us understand what we are doing. The Standing Orders are very clear on the rules that apply to the asking and answering of questions. One of the rules is that a member cannot ask the same question twice, and that means that he certainly cannot ask it three times. I do not have the power to make the Leader of the House answer a question in the way a member likes. The Leader of the House is in a position either to answer it, not answer it, or postpone it, but the member can only ask the question once. Therefore, the question is out of order.

#### GOVERNMENT INSTRUMENTALITIES

*Hospitality-entertainment Allowance:  
Allocation*

123. Hon. A. A. LEWIS, to the Minister for Community Services:

Would the Minister expand on her answer to part (1) of question on notice 365, or is she trying to hide the facts from the House?

Hon. KAY HALLAHAN replied:

There has been an error in the answer to question 365 appearing on the Notice Paper prior to the answer to question 355. I can assure the member that when the answer to question 355 appears on the Notice Paper, he will be

satisfied with the answer to question 365.

#### QUESTION ON NOTICE

*No. 355: Answer*

124. Hon. A. A. LEWIS, to the Attorney General:

When does the Attorney General intend to answer question 355, as the answers to 15 questions rest on his shoulders?

Hon. J. M. BERINSON replied:

I will endeavour to have the answer on the Supplementary Notice Paper by tomorrow.

#### HOMESWEST

*Pinjarra: Problems*

125. Hon. C. J. BELL, to the Minister for Community Services:

Has the Minister or her department taken part in endeavours to resolve the serious public concern with respect to the Pinjarra Homeswest disputes and public brawling?

Hon. KAY HALLAHAN replied:

My understanding is that Homeswest and officers under the Minister for Housing are attending to that problem.

#### AMERICA'S CUP VISITORS

*Adelaide Grand Prix*

126. Hon. P. H. LOCKYER, to the Minister with special responsibility for the America's Cup:

Will the Minister inform the House what steps his department has taken to encourage people going to Adelaide to watch the Grand Prix in two weeks to join Western Australia for the America's Cup?

Hon. D. K. DANS replied:

I am not sure how to answer that question. I know that there is an invitation from the South Australian Minister for Tourism to me to visit Adelaide for the Grand Prix. The undertaking on my part would be that I would endeavour to encourage people from South Australia to return the visit to Western Australia. However it is a matter I have yet to decide.



The PRESIDENT: Order! Members are reminded that audible conversations are out of order and unparliamentary, and they prevent me from hearing what the member is saying.

## MINISTERS OF THE CROWN

### *Cabinet: Press Drinks*

127. Hon. D. J. WORDSWORTH, to the Minister for Budget Management:

- (1) Is the Minister aware that when the Cabinet of the former Government under Sir Charles Court offered drinks to the Press from the Cabinet bar, the costs were met by the members of the Cabinet from their pockets?
- (2) Can the Minister inform us how it is done now that there has been a change of Government?

Hon. J. M. BERINSON replied:

- (1) No, I was not aware of Sir Charles Court's practice in this matter.
- (2) No, I cannot advise the member of the current practice.

## ROTTNEST ISLAND YACHT CLUB

### *Incorporation: Advice*

128. Hon. P. G. PENDAL, to the Attorney General:

My question is supplementary to the answer the Attorney General gave to question 431 today, which concerns the issue of the certificate to allow for the incorporation of the Rottneest Island Yacht Club. I refer to part (10) of his answer wherein he advises me that the Minister for Tourism did indeed advise him, *inter alia*, that the registration of the Rottneest Island Yacht Club would be misleading to the public and that, therefore, she did not support his initial action in issuing that certificate of incorporation. In view of that, what made the Attorney General decide that the registration would not be misleading, which, in other words, is contrary to what the Minister for Tourism represented to him?

Hon. J. M. BERINSON replied:

The Minister's objection was indeed based on the fact that use of that name could give rise to a view that this par-

ticular club would be based at Rottneest Island.

After consideration of the various factors, my response was to advise the Minister that I did not believe that this was a serious enough situation to involve an intrusion into the ordinary processes. The fact is and it may be an unfortunate fact that there is nothing to prevent any organisation attaching any locality name to its corporate title. The harm that that can do is mitigated by the fact that under the Associations Incorporation Act we are dealing with non-profit bodies, so that we can at least have the comfort of knowing that nobody is going to make any profit by using a name in this way.

My position in this case was also encouraged by similar situations which are thrown up from time to time where associations do incorporate in their name either the names of localities or some other references which do not strictly accord with either the nature or the area of their operations. I suppose at the end of the day the real question I had to face was what harm would be done. I arrived at the conclusion that there was no real harm to be done by allowing this process to go ahead in the ordinary way and, therefore, I did not interfere with it.

At the risk of making this answer uncharacteristically lengthy, I take the opportunity to point to a particular difficulty in the structure of the present Associations Incorporation Act. An application is made and the Minister issues his certificate on the face of the material before him. It is only after that stage has been reached that there is a requirement for public advertisement; and it is normally the public advertisement which brings to notice objections that might reasonably be made. That is an unsatisfactory process and in the current drafting of a replacement Associations Incorporation Act, I have taken steps to ensure that the process will be reversed; that is, that public attention will be drawn to the application for incorporation before it reaches the stage of requiring the Minister to exercise any discretion.

# ROTTNEST ISLAND YACHT CLUB

## *Incorporation: Minister's Action*

129. Hon. P. G. PENDAL, to the Attorney General:

Is the Minister satisfied that the Minister for Tourism is not in breach of section 4 of the Act whereby she did not avail herself of the process of an injunction, and instead she availed herself of a private approach to the Attorney General?

Hon. J. M. BERINSON replied:

I am totally satisfied about that. In fact, earlier correspondence and indeed some questions that have been listed indicate some misconception of the process.

It is true that a section of the Associations Incorporation Act does permit applications to the court to prevent incorporation proceeding. That does not preclude submissions to the commissioner or to the Minister indicating in an informal way what objections may exist in respect of further processing of a particular application. It is open to the Minister, should he arrive at that conclusion, to simply withdraw his certificate. There is nothing to suggest that the issue of his certificate is irrevocable, to use a description which has been current in other contexts. There is therefore nothing at all against informal objections being made in the way that applies to the case of the association under discussion.

If that were not the case, I should point out that the ability to bring problems to notice would be limited in a most undesirable way because, again going from memory, the situation with section 4 of the Associations Incorporation Act is that approaches to the court are to be made by persons with an interest in the association seeking incorporation. On the face of it, that does not appear to extend to persons external to the association—

Hon. P. G. PENDAL: But it is, if you read it.

Hon. J. M. BERINSON: —who may have well-based objections. I do not advance that as a cut and dried issue, and I acknowledge Mr Pendal's inter-

jection to the effect that there are different views which can be brought to bear on that effect of section 4. Nonetheless, the fact remains that the Act in its present form does not make the issue of the Minister's certificate irrevocable, and it is therefore open to objectors to put their objections to him.

# ASSOCIATIONS INCORPORATION ACT

## *Objections: Court Injunctions*

130. Hon. P. G. PENDAL, to the Attorney General:

Further to the previous question, is the Attorney General aware that there is no provision for any such informal approaches to which he referred earlier, and that the only method of approach or objection is by way of a Supreme Court injunction by way of section 4 of the Act?

Hon. J. M. BERINSON replied:

I do not believe I can usefully add to the answer I have already given.

# HEALTH

## *Drug Usage: Young People*

131. Hon. N. F. MOORE, to the Minister for Youth:

I refer the Minister to the booklet "Youth, A Profile of Young People in W.A." published by the Youth Affairs Bureau, in which the following statement appears on page 38, under the heading drug usage—

The available information on the extent and patterns of drug use by young people in WA is limited. Most of the available data is restricted to surveys of school children and has been undertaken in NSW by the State Drug and Alcohol Authority. On the basis of the NSW's studies undertaken over a period of 12 years from 1971-1983 the following conclusions have been drawn:

Then it lists some generalisations.

(1) Is it legitimate to use New South Wales data to ascertain the extent and pattern of drug usage in Western Australia?

- (2) Is the Minister disturbed at the lack of information available in Western Australia?
- (3) Will the Minister recommend to the Government that a survey or inquiry is necessary in Western Australia to determine the extent of the drug problem amongst young people in this State?

HON. KAY HALLAHAN replied:

- (1) to (3) I would think that in the absence of local information it is reasonable to refer to information available from other sources. In fact, that is regularly done by many human service delivery agencies and, indeed, in the compilation of statistics.

I will discuss with the Minister for Education whether there is a need to pursue similar surveys in this State. He has given clear statements on that matter in the past, I understand, but I will discuss that with him in response to the honourable member's question.

#### CRIME: VANDALISM

##### *Juveniles: Sentences*

132. Hon. P. H. LOCKYER, to the Attorney General:

- (1) Is he aware of some considerable disquiet, particularly in country centres, about the sentences handed out, particularly to juveniles involved in repeated vandalism?
- (2) If he is aware, what steps is the Government taking to—
  - (a) alleviate this problem; and
  - (b) provide for the future in this regard?

Hon. J. M. BERINSON replied:

The Children's Court comes within the portfolio of the Minister for Community Services, and perhaps the question would be better redirected.

#### CRIME: VANDALISM

##### *Juveniles: Sentences*

133. Hon. P. H. LOCKYER, to the Minister for Community Services:

- (1) Is the Minister aware that there is considerable disquiet in some country areas about the sentences being handed out to juvenile offenders, par-

ticularly those with repeat offences occurring within a short period of time of the first offence?

(2) What steps are being taken—

- (a) to review the sentencing procedure; and
- (b) to alleviate the problem?

Hon. KAY HALLAHAN replied:

- (1) and (2) I am aware that in a few centres there is concern about the matter. It is proposed to review the juvenile justice system, which will address the problem referred to by the honourable member with regard to sentencing. In addition to that, there are being put in place—and where it has been put in place, significant benefit has been derived—leisure and recreational programmes for young people; and in those cases there has been a very significant downward trend in the pattern of re-offending.

#### COMMUNITY SERVICES DEPARTMENT

##### *Officers: Availability*

134. Hon. P. H. LOCKYER, to the Minister for Community Services:

Is the Minister satisfied with the number of officers available in the Department for Community Services in each town, as opposed, for example, to the Police Department?

Hon. KAY HALLAHAN replied:

In many instances there is a need for more staffing, and for greater opportunity for recreational programmes in the way that I have suggested. Again, that will be addressed in the review of the juvenile justice system, and I think that preventive measure is a better one for the community to pursue.

#### PUBLIC TRUST ACT

##### *Unclaimed Moneys: Ceiling Amount*

135. Hon. MAX EVANS, to the Attorney General:

Last session we made an amendment to the Public Trust Act with respect to the need to advertise unclaimed sums to lift the ceiling from \$10 to \$250. An amount was not agreed to in the debate when we went from this House. Could the Attorney General advise

what amount was agreed to in respect of applicant persons?

Hon. J. M. BERINSON replied:

I do not like to trust my memory, although my best recollection is that I set out to accommodate the very modest views expressed in the House. I would have to ask that that matter be put on notice for me to be more precise.

## CORPORATE AFFAIRS OFFICE

### *Bills of Sale Lodgments*

136. Hon. MAX EVANS, to the Attorney General:

In the last session we made an amendment to the Bills of Sale Act to remove the need to lodge a large number of documents under that Act due to the Credit Act which came in. In his speech the Attorney General mentioned some 80 000 documents lodged over five years, at \$7 per document, which represented \$560 000 to \$600 000. I requested at the time that we have some confirmation that staff would be disposed of, otherwise the Government would be worse off. We were asked to put through the amendment to a very old Act on the basis of reducing costs, because extra staff had been put on to cope with this problem. Could the Minister please assure the House that the staff were redeployed, recycled, or otherwise disposed of?

Hon. J. M. BERINSON replied:

They were certainly redeployed. My recollection is that they were redeployed within the Corporate Affairs Office.

## CRIME

### *Sentences: Repeat Offenders*

137. Hon. P. H. LOCKYER, to the Minister for Community Services:

Could the Minister inform the House whether or not there is a timetable for a final decision to be made on the review of juvenile sentencing, and whether a major part of this review will include more leisure time for preventive purposes and/or for people who are continually committing these offences. I do not say that with any

levity. In other words, will the Minister attack the problem of repeating offenders by severity of sentencing?

Hon. KAY HALLAHAN replied:

We in this State need a changed attitude about juvenile offending and the severity of sentences. In fact, at the beginning of this year there was a situation where this State imprisoned juveniles at the rate of twice the national average. That is not a satisfactory situation, and I am sorry if I gave the honourable member the impression that recreational programmes were the answer to it. I was saying that, in relation to the number of officers, we do need more people.

Hon. P. H. LOCKYER: I take your point.

Hon. KAY HALLAHAN: I am talking about preventive measures. On the one hand we do need preventive programmes where kids are offending, very often out of boredom. That is on one level. However, after these kids have offended and been convicted, we need to put in place—and this is starting to happen now but will very definitely be in place by the end of the year—a greater programme of community service orders. Where they are in place, they are working well.

In addition, where the children who are offending are from Aboriginal backgrounds, there is also very great promise to be found in placing them with tribal elders from whom they can learn some of their cultural values and the traditional discipline of their tribal and family groupings. That also is showing a lot of promise and will be further explored.

So there are two prongs—the preventive activities in the community and the other sentencing options for the magistrates.

## CRIME: VANDALISM

### *Juveniles: Restitution*

138. Hon. P. H. LOCKYER, to the Minister for Community Services:

Is any consideration being given to making the parents of juveniles who continually commit vandalism offences financially responsible for the damage concerned.

Hon. KAY HALLAHAN replied:

That is not under consideration at present.

#### MINISTERS OF THE CROWN

##### *Fringe Benefits Tax: Portfolio Responsibility*

139. Hon. MAX EVANS, to the Minister for Budget Management:

If he is not able to answer questions concerning the calculation of the fringe benefits tax to be paid by members of this House, to whom should I address such a question?

Hon. J. M. BERINSON replied:

The Treasurer.

#### STATE FINANCE: BUDGET

##### *Ministerial Consultations*

140. Hon. G. E. MASTERS, to the Minister for Budget Management:

What responsibilities, if any, do Ministers have to consult with him about capital expenditure within their own areas of ministerial responsibility that may impact significantly on the Budget or the loan programme?

Hon. J. M. BERINSON replied:

The Capital Works Budget requires consultation by Ministers with the Cabinet as a whole, and it is in the context of the general capital works bid that I become involved in the process. Other than that, the question is in too general terms to allow me to be specific in response.

