Legislative Council

Tuesday, 26 May 1992

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

SOUTH WEST DEVELOPMENT AUTHORITY AMENDMENT BILL 1991

Assent

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

PETITION - BEENUP POWERLINE

Manjimup-Beenup Option Support

HON BARRY HOUSE (South West) [3.34 pm]: I present a petition from 2 106 citizens of Western Australia who -

> Call on the State Government to reconsider the evidence which overwhelmingly supports the Manjimup-Beenup option as the most appropriate power route to service the proposed Beenup mineral sands mine and reverse its decision to direct the power supply from Picton, through Capel and Busselton and via the Great North Road to the Beenup site.

There are approximately 2 000 additional signatures on the back of these petition forms. I realise that they cannot be counted officially; however, when added to the official figure of 2 106 they indicate a very strong community feeling on this issue.

[See paper No 150.]

MOTION - STANDING ORDER No 35 AMENDMENT

Deputy Chairmen Appointments

Debate resumed from 14 May.

HON GARRY KELLY (South Metropolitan) [3.36 pm]: Before the debate was terminated the other day I had moved that Standing Order No 35 be amended to provide for deputy chairmen to be appointed for the duration of the Parliament rather than the session, and to increase the number of deputy chairmen from three to five. I explained that deputy chairmen are a bit like policemen: When one wants one they are very difficult to find. Increasing their number from three to five will formalise what has been the practice for some time, and appointing them for the duration of the Parliament will obviate the need for either you, Mr President, or me to be stuck in the Chair for want of a deputy chairman when the need arises. Therefore, appointing them for the duration of the Parliament will make the situation much easier to deal with when Parliament meets following a prorogation. I commend the motion to the House.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.38 pm]: I second the motion and indicate that the Liberal Party is pleased to support the amendment. It is one of a number of recommendations that formed part of a report from the Standing Orders Committee that was sent to this House for its consideration. When that report was considered recently by the House we did not get far enough into it to deal with this motion. As members are well aware we currently have five deputy chairmen in the Legislative Council. This motion is a procedural matter. The five deputy chairmen have an obligation to be in the House when they are required, but the real obligation is on the Chairman of Committees, who must ensure that he is satisfied that the deputy chairmen are required. Only two weeks ago this House found itself in the difficult situation of not being able to locate a Deputy Chairman of Committees. Although the Chairman of Committees has taken action to ensure that does not happen again, or, at least, not regularly, I hope that the deputy chairmen will work out a roster to ensure that one of them is available when required.

Question put and passed.

MOTION - STANDING COMMITTEE ON LEGISLATION

Subcommittees Establishment - Temporary Appointments

HON GARRY KELLY (South Metropolitan) [3.41 pm]: I move -

That for the duration of this session -

(1) The Legislation Committee have power to recommend that 1 or more members be appointed as temporary members of a subcommittee appointed under Standing Order No 367.

(2) Any subcommittee so appointed shall be convened by a permanent member of the Committee.

(3) A member appointed under paragraph (1) is not entitled to vote on any question before the Committee but may attend and participate in its deliberations on a report from a subcommittee to which that member was appointed.

(4) Where the Council is adjourned for more than 7 days, the President may make an appointment as if it were a vacancy subject to Standing Order No 341 (b).

This is another recommendation from the Standing Orders Committee. It will enable the Standing Committee on Legislation to establish subcommittees, which will be chaired by permanent members of the Legislation Committee. It will also allow one or more members of the House to be appointed as temporary members of those subcommittees to deal with particular references. The Legislation Committee feels that this provision will make the operations of the committee more flexible and will enable it to deal with particular legislation far more expeditiously while at the same time providing a wider cross-section of members of this House an opportunity to deliberate on the legislation in the way that the Legislation Committee does.

The provision will be a Sessional Order and will be trialled for the balance of this session until the House is prorogued. That will enable the House to iron out any unforeseen shortcomings before the order is written in the Standing Orders. I commend the Sessional Order to the House.

HON PETER FOSS (East Metropolitan) [3.42 pm]: I have pleasure in supporting this motion. The matter has been aired many times in this House and unless any member is opposed to this motion I do not intend to debate it any longer.

Question put and passed.

MOTION - SUSPENSION OF STANDING ORDER No 72

Adjournment Motions - Matters of Public Importance

HON GARRY KELLY (South Metropolitan) [3.43 pm]: I move -

That for the duration of this session -

(a) Standing Order No 72 be suspended; and

(b) the following operate in its place as a Sessional Order:

72. (1) Subject to the succeeding provisions of this order, a member may move without notice on any sitting day to adjourn the House for the purpose of discussing a matter of urgent public importance.

(2) The terms of the motion, signed by the member, shall be provided to the President, the Leader of the Government, the Leader of the Opposition, and the Leader of the National Party not less than 2 hours before the time appointed for the House to sit on that day, and may be provided to other members as the member may think fit.

(3) Where the President is satisfied that the motion meets the

requirements of paragraph (4), the President shall read the terms of the motion after the transaction of business provided for by Standing Order No 125 (a)-(f) whereupon the member may move the motion.

(4) In deciding whether to permit the motion to be moved, the President shall have regard to:

(a) when the subject matter of the motion first arose;

(b) what prior opportunity to raise the subject matter was available;

(c) what other procedures could be used to debate the subject matter; and

(d) whether the subject matter is of such importance that it requires the immediate attention of the House.

(5) No member, including the member who moved the motion, may speak for more than 10 minutes, and the whole debate, exclusive of a maximum 10 minute reply (if any) shall not exceed 1 hour.

(6) Standing Orders Nos 164 and 195 do not apply to a debate on a motion to which this order applies, nor may the debate be adjourned to a subsequent sitting day.

(7) At the conclusion of the debate the motion lapses.

(8) On any sitting day not more than 1 motion may be proposed to the House under this order and where 2 or more that satisfy the requirements of paragraph (4) are submitted to the President, the first in time has priority.

Last year, the Standing Orders Committee addressed the question of urgency provisions under Standing Order No 72. The committee recommends that this Sessional Order be adopted in place of existing Standing Order No 72. Standing Order No 72 provides for an adjournment motion to be moved for the purpose of debating a matter that a member feels is urgent. At present, the test for urgency is that the member proposing the adjournment of the House must receive the support of four members of this House who must rise in this place to indicate their support for the adjournment motion. The Standing Orders Committee felt that was not a particularly rigorous test for urgency and that, with the possible exception of Hon Reg Davies and the National Party members, most members could receive the support of at least four other members.

After considering advice and deliberating on the matter the Standing Orders Committee thought that a more appropriate means of determining urgency of a particular question, at least for the duration of this session, would be to set down some criteria against which the President could judge whether a particular proposition was urgent. Those criteria are set out in paragraph (4) of the proposed Sessional Order. It is proposed that the member should bring the subject of the urgency motion to the attention of the President at least two hours before the House meets and that the President decide whether the proposed question is urgent according to the criteria set out under paragraph (4). If the member feels that the President has not given the question due consideration he can move a dissent from the President's ruling to try to have the matter brought on. That action would only be taken in extreme cases. The criteria are specific and the President would not have an unfettered discretion. This proposed Sessional Order is the result of the report of the Standing Orders Committee on Various Matters (No 2).

The committee also felt that another innovation worth including in the Sessional Order was that the member proposing the adjournment, as well as writing to the President, should notify the Leader of the Opposition, the Leader of the House, the Leader of the National Party and any other member who may be interested in the subject of the proposed urgency debate. The Standing Orders Committee felt that that would be in the interests of an informed debate, because it would not make for much of a debate if only the President and the member proposing the motion knew about the subject of the debate. Most members would be in the

dark about what the subject would be and would have to speak without preparation.

The Sessional Order also proposes that the debate be limited to an hour, that no member speak for more than 10 minutes and that at the conclusion of the debate the motion lapse. At present, the member who proposes the motion must withdraw the motion. In the past, members of the fourth estate have misconstrued that and have thought that the member has wimped out and has not been prepared to go ahead with the subject matter of the debate. Under this proposal the member will not be required to formally withdraw the motion and the motion will lapse at the conclusion of the hour.

The Sessional Order also proposes that the debate cannot be adjourned. Last year an urgency motion was debated and was adjourned until the next day, and that appears to be a contradiction in terms. A motion is not urgent if it can be adjourned to the following day.

I commend the proposed Sessional Order to the House.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.52 pm]: The Liberal Party does not support this motion in its present form. I recognise the motion came out of discussions of the Standing Orders Committee and that most members of this House agree with its intent, but the wording of the motion really prevents us from attaining the objectives of the Standing Orders Committee. Instead of dismissing this motion out of hand, it should be defeated and the Standing Orders Committee should be given the opportunity to reconsider its position on this matter and to come back to this House with an amended motion, if it so desires. I will go through the motion to indicate the problems the Liberal Party has with it.

The Liberal Party recognises that Standing Order No 72 allows a member to present to the President, not less than two hours before the commencement of the day's proceedings, a statement of a matter of urgency and a request for the House to consider an urgency motion. The determining factor of whether the motion should be granted the time of the House as outlined in Standing Order No 72 is that four members must rise in their place to indicate their support for the motion. That, in itself, causes the motion to be tested by members of the House, and if they believe that the motion should be proceeded with they are able to demonstrate their support by so standing.

Paragraph (4) of the proposed Sessional Order would, if it were passed, require the President to determine the urgency of the subject matter of the statement presented to him along with the request for permission to move an urgency motion. Hon Max Evans pointed out to me that the very grounds on which the President is to judge the urgency of the motion could be the subject of debate in this House and that debate could take longer than the debate on the urgency motion had it proceeded under existing Standing Order No 72. The office of President in this House is a difficult task to carry out and all members support the way in which you, Mr President, carry it out.

Hon Tom Stephens: He makes the job look easy.

Hon GEORGE CASH: As Hon Tom Stephens said, President Griffiths does make the job look easy, but I assure the member that that is not the situation. Perhaps the ease with which the President carries out his job is a result of the experience he has had in the management of this House.

The point I am trying to make is that to include paragraph (4) in the Sessional Order is unnecessary because the House should determine whether a motion should be granted time to be debated. In other words, the House will determine whether there is any urgency attached to the motion. The House will decide the importance of the subject matter of the motion before the Chair, whether there was a prior opportunity to raise the subject, what other procedures could be used to debate the subject and whether it is of such importance that it requires the immediate attention of the House. They are the very things the House will consider in determining whether it will grant urgency to a motion.

My experience to date is that all urgency motions brought forward in this House have gained the necessary support of four members standing in their place and the debate has proceeded. In that regard I am arguing that there is no need for this Sessional Order to include paragraph (4). It places an unnecessary burden on the President. In addition, it takes away from the House its ability to deal with business which should be transacted by it at any time.

Paragraph (2) of the proposed Sessional Order requires that the President be provided with a statement of the matter of urgency not less than two hours before the commencement of the proceedings of the House, and that is the current situation under Standing Order No 72. However, paragraph (2) extends that requirement to include the leader of the Government, the Leader of the Opposition and the Leader of the National Party. I would argue that a member who can satisfy the two hour rule as it applies to the President can, if he so desires and by way of courtesy, distribute copies of the motion to the leader of the Government, the Leader of the Opposition, the Leader of the National Party and to all members of the House. A member who wants to move an urgency motion should not be compelled to do any more than present the motion to the President not less than two hours before the commencement of the business of the House. It will place an unnecessary burden on a member who wishes to claim urgency in respect of a particular matter to require him to find the leader of the Government, the Leader of the Opposition and the Leader of the National Party to ensure that proper notice is given of the motion.

Hon Garry Kelly: How can you have an informed debate if that is not done?

Hon GEORGE CASH: I advise the member that I do not rule out the opportunity that exists for any member to give those persons named in the motion, or any other member of this House, a copy of the motion to allow an informed debate. In fact, I would encourage any member of this House who wants to move an urgency motion to ensure that notice is given to at least those persons named in paragraph (2) of the proposed Sessional Order and to other members if he believes it to be a proper course of action. As a courtesy that should be the situation; it is unreasonably restrictive to require it to be the case.

Hon Garry Kelly: The member does not have to physically give the letter to the President. It has to be delivered to his office. The same condition could be applied to members named in paragraph (2).

Hon GEORGE CASH: I take the point made by Hon Garry Kelly that that in itself can be satisfied -

Hon Garry Kelly: By fax machine.

Hon GEORGE CASH: It could be. I am not arguing whether people are capable of giving notice; we know they are. I am arguing whether it should be a requirement in the Standing Orders that that obligation be imposed on a member who may, for reasons of his own, not wish that notice be given. Hon Garry Kelly may argue that such an approach is discourteous; however, a member may have good reasons why he does not wish notice of his motion to be given. My party, as a general rule, prefers that Government, National Party and Independent members be informed of urgency motions it intends to move as they are entitled to such notice. However, to stipulate such notice in the Standing Orders takes that obligation too far.

I mentioned earlier an approach notifying the Clerk of a proposed urgency motion by giving him a copy of that motion and advising him that he is at liberty to distribute it to members. In my view that would signal that the Opposition wished to extend that courtesy to other members of the House. There would be no obligation on the Clerk to do that. However, a member could ask the Clerk to distribute the motion to the very people whom Hon Garry Kelly lists in his motion.

Hon Fred McKenzie: Hasn't that happened for years? Hasn't the Clerk or somebody else let the Opposition know about such motions?

Hon GEORGE CASH: Not urgency motions.

Hon Garry Kelly: Is Hon George Cash saying it should be a requirement that a member give a copy of an urgency motion to the Clerk as well as to the President?

Hon GEORGE CASH: No; I am saying that an opportunity exists to do so. I am trying to take out of the Standing Order any problems created by requiring various people to be notified about such motions rather than just the President. There may be times when a member, for good reasons, does not wish to give notice of such a motion, and he should have that right. I agree with Hon Fred McKenzie that as a matter of courtesy -

Hon Garry Kelly: And practicality.

Hon GEORGE CASH: - yes, and practicality - it is quite proper for motions to be distributed

so that we have informed debate. Members of the Liberal Party have discussed this motion. I am not merely standing here opposing the motion for the sake of opposing it. The Opposition believes it is unnecessarily restrictive in its present form. The Opposition is not prepared to support it in that form and believes that the Standing Orders Committee should reconsider the motion and bring it back in a more simplified form so that it can be progressed. The Opposition is not against the change; it wants the system simplified. The Opposition wants people to be informed, but it does not want to be unreasonably restricted in framing Standing Orders to the extent they prevent a member from moving an urgency motion in the way he wishes.

Hon Garry Kelly: I don't believe the Standing Orders Committee is being unreasonable.

Hon GEORGE CASH: I am sure that it does not intend to be unreasonable. The wording of this motion could be changed to make it simpler for an urgency motion to be moved so that no great restrictions apply.

I turn to the time proposed to be allocated to a member speaking to an urgency motion. The Opposition believes 10 minutes is insufficient time for a person to speak to such a motion. I know that in the past urgency motions have been moved in this place and speakers have spoken at length on particular issues. Such an approach caused the Leader of the House to seek to restrict the time allowed for urgency motions and to introduce the one hour rule. However, if a matter is of such urgency that a member is able to convince other members that it should be aired, the current time limit set for such speeches should apply. The Opposition therefore asks the Standing Orders Committee to reconsider this matter.

Paragraph (6) of the proposed Sessional Order states -

> Standing orders 164 and 195 do not apply to a debate on a motion to which this order applies, nor may the debate be adjourned to a subsequent sitting day.

Members would be aware that Standing Order No 164 deals with the interruption of motions; that is really the one hour rule being brought into effect. Standing Order No 195 deals with the Legislative Council proceeding with particular matters after other matters have been disposed of. The Opposition very much supports the proposition that an urgency motion be granted time to be debated by this House. That debate should be concluded on the day on which the motion is moved. As Hon Garry Kelly has said, we saw a situation some time ago where the time for the adjournment of the House to satisfy the moving of an urgency motion expired before completion of the motion. That was a ridiculous situation. I have been advised by one of the long standing members of this House that in the past urgency motions were moved on the basis that the House would adjourn until Christmas Day. That was the date traditionally chosen. In recent times it is the custom for members to choose a particular day some days, weeks, or months ahead of the day on which the urgency motion is moved. As a result of that change from Christmas Day as the convenient day used in relation to such motions we ran into the problem I mentioned some weeks ago. I therefore ask members to consider a single day to which they might move to adjourn the House as a matter of convenience so that every member would understand what is happening.

I turn to the motion lapsing at the conclusion of a debate. The Liberal Party has no real argument with that provision because clearly Standing Orders at the moment require that a member who moves a motion is required to seek to withdraw it at the conclusion of the debate. The mere fact that the motion lapses perhaps introduces an element of efficiency into the operation. Paragraph (8) of the proposed Sessional Order is very much in accordance with current Standing Order No 72 and requires no further discussion.

The Liberal Party is not opposed to the consideration of changes to any Standing Order from time to time. It is always pleased to support changes to Standing Orders which will enable the more efficient operation and running of this House. However, the proposed Sessional Order currently before the House is unacceptable in its present form to the Liberal Party. I hope, as a result of the comments I have made and the comments I am sure other members will make relating to this matter, that the Standing Orders Committee will reconsider this motion and may wish to come back to this House in due course with a motion somewhat different from the one we are presently debating. The Liberal Party cannot support this motion in its present form.

HON FRED McKENZIE (East Metropolitan) [4.09 pm]: I support the motion, although I

have not given the matter much thought. The first thing that strikes me about the proposal is that it will be a Sessional Order, and how will we ever know whether a proposal put forward by the Standing Orders Committee will be successful unless we give it a try? Sessional Orders expire at the end of the year. We have three weeks at the most left of this session, and the spring session will last for two or three months; so it is not as though we will be stuck with an order of this nature for ever and a day. I think it is worth a try. It certainly would bring about a quite substantial change in the procedures, because as I read it we would not confine to one the number of urgency motions in a day.

Hon Garry Kelly: That is provided in paragraph (8).

Hon FRED McKENZIE: I thank Hon Garry Kelly for his guidance; I see now that we will not have more than one urgency motion a day.

Hon George Cash asked about other members being informed of urgency motions members intend to move. That is provided for in paragraph (2) of the proposed new Sessional Order, which says -

> The terms of the motion, signed by the member, shall be provided to the President, the Leader of the Government, the Leader of the Opposition, and the Leader of the National Party not less than 2 hours before the time appointed for the House to sit on that day . . .

I do not have any argument with that because it is a matter of courtesy to let members know. Why would any member want to spring surprises on other members? What is the motive for not wanting to notify other members? I can only conclude that members opposite do not want the Government to know what the urgency motion will be about. If it is aimed at a particular department or any of a Minister's portfolios, particularly if that Minister is a member of the other place, it may be necessary before the sitting for the Minister handling the issue in this place to obtain some information.

Members should bear in mind that it is proposed the motion will lapse at the end of the debate. That applies now; at the end of debate the mover of an urgency motion seeks leave to withdraw his motion because he has moved that we reassemble at some ridiculous time. As well, Hon Garry Kelly's proposed Sessional Order seeks to restrict the time for debate to one hour. I believe that is sufficient because it is not as though members are confined to debating a matter on only one day. Similar motions could be drawn up for the following day if they wanted the debate to continue. It might be considered tedious repetition and we might be ruled out of order, but I cannot see anything wrong with that. If we are to allow only an hour for the debate, then 10 minutes is sufficient time for any member to state his case. I know that 10 minutes passes very quickly, particularly when I am on my feet. Sometimes when I read my own speeches I realise that although I spoke for an hour I could have told the House everything I wanted to in 10 minutes. Of course, as members will appreciate, it depends for what purpose I am speaking.

Hon E.J. Charlton: I have a motion, if the Leader of the House is having problems.

Hon FRED McKENZIE: I was not sure how long I should talk about this matter. I do not want to destroy the opportunity of the motion's being carried. I think I could say all I needed to say in 10 minutes on this very important matter and that is an example to the House. Nevertheless, 10 minutes should be more than ample for anyone to get his point across.

If the motion were carried the situation for Independent members might be changed somewhat. The Independent member in this House has not yet spoken so I do not know his attitude, but from the party viewpoint if a member wished to move an urgency motion he would want to talk to his colleagues and gain some support. Standing Order No 72 provides that four members must rise in their places to support the motion. That provision does not appear in Hon Garry Kelly's proposal. That would make it easy for an Independent member to raise a matter of urgency, which is very sensible since we have an Independent member in this place. Presently, unless he has the support of three other members when moving for an urgency motion he is not able to move it. So the longer one takes, the more one finds out that that can be of advantage to people other than members of parties. I am sure Hon Reg Davies is aware that currently he must find three friendly people in this Chamber to support him to ensure any urgency motion he may seek to move is debated, whereas if Hon Garry Kelly's motion were passed he could move a motion of his own with no support, although he

might run into difficulty if a seconder were required.

We should at least give this proposal a try; if it is not satisfactory we can simply not continue with it. It will be a Sessional Order, in place only until the end of this year. Also, of course, amendments to this proposal could be moved, and if it contains particular points that we should discuss separately I would expect some amendments to be moved rather than see the matter referred back to the Standing Orders Committee. I support the motion.

HON N.F. MOORE (Mining and Pastoral) [4.18 pm]: I do not support the motion. I have been a member of the Legislative Council for some time and have watched urgency motions being debated on many occasions. This proposed Sessional Order would unnecessarily restrict the way in which the House could operate and I just cannot work out why somebody would raise it as a proposition that should be considered by the House. I have never thought that urgency motions were one of the problems with the way the House operates, or one of the problems of the Standing Orders of the House.

Hon J.M. Berinson: That does not mean the procedures cannot be improved.

Hon N.F. MOORE: I am about to tell the Leader of the House that there are ways in which we can improve urgency motions, but this is not one of them. The proposal is that the person who decides whether a motion is an urgency motion is the President. I know it would not happen now, but at some time in the future we might have a political President who would make decisions about these things on political grounds and who might decide that an urgency motion is not urgent because politically he does not want it to be debated. That would not be the case now, and I suggest it would not be the case 900 times out of 901, but there could be that odd occasion when a President might make that sort of decision.

Hon J.M. Berinson: The present President is going to stay here forever!

Hon N.F. MOORE: I hope he does, because I think he is a superb President; his lack of bias is known to us all. However, there might be a situation some time in the far, distant future when that might happen.

I think it is a satisfactory arrangement for someone to need the support of a number of members in the House in order to move an urgency motion. Somebody suggested that Independent members may have trouble getting support. In the time I have been here I confess there have not been many Independent members, but I have never known anybody who was refused the support of four colleagues to have a motion moved. That applies particularly as it does not happen every day. This device is used by members on issues of particular urgency. Hon Phil Lockyer often uses it to bring to the House matters of an urgent nature affecting his electorate, which is an appropriate use of the motion. The suggestion that we should place a restriction on the time for which members may speak is, again, a proposition I have never supported. I did not support the decision made years ago to restrict the length of speeches. Instead of people now speaking for shorter periods, they tend to use all the time available. In the past one speech may have lasted for one hour and another only 10 minutes; the length of speeches in this House has increased since the time when members could choose for how long they spoke.

The proposition is to limit the time for which a member may speak to 10 minutes, and for the debate to last one hour. Therefore, if my mathematics is correct, the debate would be limited to six participants. This is an unnecessary restriction. If a matter is of sufficient urgency to be brought to the attention of the House, it should receive the treatment it deserves: If it deserves a 10 hour debate or a 10 minute debate, it should receive it. We should not unnecessarily restrict that debate by introducing the rule proposed by Hon Garry Kelly.

Hon Garry Kelly: I do so on behalf of the Standing Orders Committee.

Hon N.F. MOORE: Maybe by interjection the member could indicate whether this matter has been to the Standing Orders Committee.

Hon Garry Kelly: It is a "Report on Various Matters, No 2" recommendation.

Hon N.F. MOORE: I apologise to the member then.

Hon J.M. Berinson: It is a Standing Orders Committee recommendation.

Hon N.F. MOORE: Unfortunately, I am not a member of that committee and I must accept that that is the source of the recommendation. However, I suggest that following this debate

the Standing Orders Committee should see the error of its ways and reconsider this matter. The recommendation would place unnecessary restrictions on debate, which should be as short or as long as is necessary. The earlier interjection by Hon Joe Berinson reminded me of the problem of the Leader of the House using the one hour rule to stop debate on urgency motions.

Hon J.M. Berinson: That is not the main problem at all.

Hon N.F. MOORE: It is the main problem; I will tell the Leader of the House why that is so in a minute.

Hon J.M. Berinson: What about the ambush question?

Hon N.F. MOORE: In the time that I was in Parliament before Mr Berinson became Leader of the House, urgency motions were debated to their completion on the day of their introduction. If Hon Phil Lockyer introduced an urgency motion regarding the pastoral industry, it would be debated to its conclusion on that day.

Hon J.M. Berinson: Be fair; that has never applied towards the end of a session.

Hon N.F. MOORE: The Leader of the House introduced the one hour rule and has consistently used it -

Hon J.M. Berinson: That is incorrect.

Hon N.F. MOORE: - to stifle debate on urgency motions. That is not the spirit in which urgency motions are moved in this House.

Hon J.M. Berinson: I did not intend to speak on this motion but you are forcing me to.

Hon N.F. MOORE: I hope the Leader of the House will speak on this matter. However, in five minutes' time, when he applies the one hour rule, he will preclude himself from replying to my comments.

Hon J.M. Berinson: I will take another occasion to speak, in that case.

Hon N.F. MOORE: The Leader of the House has used the one hour rule to stop debate on urgency motions even during the course of a member's speech. In that case, down come the shutters and out goes the urgency.

Hon J.M. Berinson: How many urgency motions are on the Notice Paper undealt with? There is none.

Hon N.F. MOORE: The Leader of the House should do me and the House a favour: Instead of taking my time in making comments, he should allocate time after 4.30 pm for this debate, to which he may contribute. That would be the easiest way to resolve the matter. Nevertheless, I am certain that in five minutes' time the Leader of the House will apply that rule.

Hon George Cash: Mr Berinson seems to argue that because there are no urgency motions on the Notice Paper today, he does not cut off debate after one hour. How ridiculous!

Hon N.F. MOORE: The Leader of the House made a stupid comment.

Hon J.M. Berinson: Urgency motions are never on the Notice Paper; you know that, Mr Cash.

The PRESIDENT: Order! Members should stop interjecting and arguing across the Chamber.

Hon N.F. MOORE: It is regrettable that on most occasions on which urgency motions have been moved, the Leader of the House has decided to restrict debate by applying the one hour rule. That is against the spirit of urgency motions. Such motions are not moved every day - we see them once every two weeks at the most. When members move a matter of urgency, it should be debated from beginning to end in one sitting. The mover should present his point of view, and, if necessary, the Government should provide its response. Such motions should not be restricted by the application of the one hour rule by the Leader of the House as that removes the urgency of the motion.

I recall that Hon Phil Lockyer introduced an urgency motion regarding a drought, yet when the debate was concluded the drought had finished six months earlier. So much for the urgency debate!

Hon J.M. Berinson: We did some good, then.

Several members interjected.

Hon N.F. MOORE: That was a legitimate debate.

The series of propositions recommended by the Standing Orders Committee should be rejected in totality. These propositions are against the principles of urgency motions, and the Standing Orders Committee should work out a way to change Standing Orders to allow urgency motions to take precedence over the one hour rule. In that case, the rule could not be used to stop debate. That would be a sensible exercise rather than recommending these unfortunate attempts to restrict debate in this House; after all, we are here to debate issues. If Mr Berinson had not brought in the one hour rule, we could debate issues from beginning to end. I suggest to Hon Garry Kelly that the report of the Standing Orders Committee should be tossed out, and the committee should sort out the one hour rule.

Debate adjourned, on motion by Hon P.H. Lockyer.

MOTION - STANDING ORDERS SUSPENSION

Passing of Bills Through all Stages at One Sitting until 24 August 1992

HON J.M. BERINSON (North Metropolitan - Leader of the House) [4.28 pm]: I move -

> That until Monday, 24 August 1992, Standing Orders be suspended so far as will enable any Bill to pass through any or all stages at one sitting.

The trouble with motions of this sort is that they tend to remind us all of the old style gramophone records.

Hon George Cash: Of the one hour rule.

Hon J.M. BERINSON: The Government always has a need to move this motion at the end of a session, and the Opposition always feels the necessity of criticising the need for such a motion. I am happy to concede in advance that it is unfortunate that as we get towards the end of a session we must change our procedures in order to expedite legislation which comes from the lower House rather late in the piece. However, as I have said before, our experience this session is worse than most; I am the first to regret that. Having said that, I remind the House that important business and some legislation which must be passed in good time must be dealt with, and this motion is for the purposes of expediting appropriate business as far as possible. I commend the motion to the House.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.30 pm]: I do not want to prove the Leader of the House wrong when he indicates that he expects the Opposition to jump up and criticise his motion. However, the Opposition does not criticise motions if criticism is unnecessary. In this case the Opposition recognises the need for the Government to have available to it an opportunity to have Bills passed through all stages in one sitting of this House. It is true that this motion is usually moved towards the end of a session rather than half way through it. However, members should be aware that by agreement with the Leader of the Government, the Leader of the National Party and me and following discussions with Hon Reg Davies the House will not sit past 4 June. In reaching that agreement it was conceded by all parties that proceedings of some of the debates would need to be expedited.

[Resolved, that the motion be continued.]

Hon GEORGE CASH: Therefore, this motion has been moved to enable Bills to pass through all stages at any one sitting. The Leader of the House gave an invitation to criticise the Government for the lack of flow of legislation from the Assembly into this House. I gladly take him up on that invitation; it has been appalling. I understand it has resulted from very bad management in the other place. As the Standing Orders prevent me from criticising activities in another place, I will desist. At times, the management by the Leader of the House of certain Bills introduced into this House leaves much to be desired, especially when Ministers are not available to continue debates on a realistic basis. The Opposition supports the motion, which will apply only until Monday, 24 August 1992.

Question put and passed.

PUBLIC AND BANK HOLIDAYS AMENDMENT BILL

Third Reading

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

ACTS AMENDMENT (SEXUAL OFFENCES) BILL 1991

Report

Report of Committee adopted.

Third Reading

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

LAND AMENDMENT (TRANSMISSION OF INTERESTS) BILL 1991

Second Reading

Debate resumed from 5 December.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.34 pm]: Members will be aware that when this Bill was introduced into this House in late 1991 Hon Barry House, the then shadow Minister for Lands, moved that it be referred to the Standing Committee on Legislation. The Bill appeared to be very complex and very technical and drafted in a convoluted manner. It was considered proper for the Standing Committee to examine the Bill because it could invite submissions from interested groups and people. More than that, it could call on parliamentary draftsmen to discuss aspects of concern. The Legislation Committee has since reported to this House. One of the committee's conclusions reads -

> The committee wishes to state that the drafting of the legislation is far from satisfactory and were it left to the committee then the recommendations would be that the Bill be redrafted. In fact, unless there is some pressing need for the legislation that is what the committee recommends.

That highlights the comments referred to in the House when the Bill was first introduced. In other conclusions the Legislation Committee made it clear that the Bill was extremely complex; that some of its wording defied understanding and that when certain officers were invited to address the committee, diagrams were required to enable a clear understanding of the direction the Government wanted to take. The committee also considered the likely effect on certain interests of proposed section 149B(9) and the question of indefeasibility. The committee recommended that the Bill not proceed until that subsection was clarified to ensure that it did not affect in any way a person's interests referred to in that proposed subsection. That leads to some of the complex legal technicalities inherent in the Bill. As I am not a member of the Standing Committee on Legislation it is more appropriate that Hon Peter Foss comment on its deliberations.

I was pleased two weeks ago to be briefed on the Bill by certain officers of the Crown, who put to rest the various aspects of concern to me and those other members who attended the briefing. I appreciate the fact that the Minister handling the Bill in this place made a statement to the Parliament to ensure that questions raised at the briefing were addressed by her. I do not suggest to the Minister that that was all that was required, but it gave some comfort to members who were less than satisfied after they had read the Bill. I support the Bill and will be pleased to hear Hon Peter Foss' comments.

HON PETER FOSS (East Metropolitan) [4.40 pm]: I have pleasure in speaking on the Land Amendment (Transmission of Interests) Bill on behalf of the Liberal Party and on behalf of the National Party, which asked me to express its comments on the Bill. I note in particular the statement made by the Minister for Education in response to the report of the Standing Committee on Legislation and, in particular, the response to the suggestion by the committee that the Bill, unless there were some urgent need for it, should be withdrawn and redrafted. In her statement, the Minister said -

> The Bill and the procedures which it details are complex. Understanding of it has not been helped by amendments made at the suggestion of Parliamentary Counsel after its introduction. It should, however, be noted that to a large extent this Bill is breaking new ground in a very exacting legal and registration environment. A team of three lawyers and one experienced Crown land administrator was heavily committed to the legislation's development, and I am assured that the complexity and detail of the Bill's provisions are unavoidable.

That is nonsense. There is no need for the cumbersome drafting that has been included in this Bill. When the matter came before the committee, the only way in which officers could explain the Bill was for them to draw a diagram. Because it was so difficult to explain it without the aid of that diagram, the committee included it in its report, thereby making it available to anybody trying to interpret the Bill should he or she be in doubt about what it means. I am absolutely certain that people will be in doubt and that they will go to the diagram to find out what it means. The committee believes it has done the community an enormous service by including the diagram because it is about the only way in which it will be possible for anyone to understand the wording of the Bill. I do not accept that it is not possible to reduce the wording to something that is understandable. I would be interested to hear the Minister explain the meaning of some of the clauses. I suspect that she will be incapable of telling us what they mean unless she reads the cheat sheet because the wording in some places is so unbelievably complicated. The proposed sections relating to procedures to be used before the issuing of Crown grants are extremely complex. I refer the House to proposed section 149B(3), which states -

> When not all of the estates, interests or caveats to which land referred to in subsection (1) is subject or by which it is affected relate to the whole of that land, the Minister shall prepare from the evidence, plan or plans and other information submitted under that subsection a plan showing the location and boundaries of the land -
>
> (a) the subject of each such estate or interest; or
>
> (b) affected by each such caveat,
>
> in respect of which an endorsement may be made on the relevant Crown Grant in accordance with a determination made under section 149(1).

I am sure everybody followed that closely and found it extremely enlightening. That could have been made more simple by the draftsman not using such Victorian style when talking about the "evidence, plan or plans and other information submitted under that subsection", because that terminology arises again and again. It would be easier to handle if a few definitions were included so that people could scan the provisions more easily. It is not acceptable these days to draft legislation in that form or to have clauses go on for page after page with the sort of detail that is included in the Bill. Another example is proposed section 149B(1)(a), which includes a definition. It states -

> all available documentary evidence concerning the principal estate or interest -

We know that "principal estate or interest" is used a lot by lawyers. However, that could have been brought down to "principal estate" or "principal interest". To say every time in the Bill "principal estate or interest" is overdoing it. It continues -

> - or the caveat, -

A definition could have been used for "caveat". It continues -

> - as the case requires, and concerning each estate or interest (in this section called a "dependent estate or interest") -

Why not call it a "dependent estate"? Why have a definition which is almost as long as the word being defined? It continues -

> - to which the principal estate or interest, or the claimed estate or interest, of that person in the land is subject;

Lawyers will have trouble understanding that.

Hon Kay Hallahan: My God! Lawyers will have trouble understanding it!

Hon Derrick Tomlinson: People will have trouble, too.

Hon PETER FOSS: People with no legal training will find it almost impossible to understand the legislation; and officers of the Department of Land Administration who try to use this proposed section will have to go to the diagram because it is about the only thing that makes sense.

As I said previously, the drafting of the Bill is dreadful. I cannot believe we are still drafting legislation in this form when there is a definite move all over the world to draft legislation in a much more simple form. It is inexcusable and I do not accept that the Bill's provisions are unavoidably complex; they are inexcusably complex.

I was gratified to hear the Minister say -

> Refinements of the Bill's provisions will be addressed as part of the total rewrite of the Land Act.

I sincerely hope that the refinement of the Bill will not be addressed by the same team of three lawyers who addressed this amendment legislation because I hesitate to say what would happen to the Land Act if it received that sort of treatment.

We were told in evidence to the committee that this was a benevolent amendment in that it provided to members of the public a marvellous new way of dealing with their interests over Crown land which did not involve them in the huge expense of going through conveyancing to make changes in the legal title over which their interests were subject. I was curious about that statement because, in looking at it, it appeared that the general effect was to remove some of the rights that people currently have. Under the current situation, if the Crown wished to do the sorts of things that would be permitted pursuant to this amendment and the people sitting on the land said no, that would be the end of it; the Crown could do nothing. Normally, the only way that could be done would be for the Crown to say, "We will pay all of the costs of the changes provided you agree. We will make sure that, in the end, you will end up with a better title than you have." The owner of the land could then say that that was a good idea and that he would go along with it. At the moment, the people sitting on the land have a power of veto which gives them strength in dealing with the Crown. However, under this amendment, instead of the person having an absolute right to retain his property, the Minister would be given the power to change the way in which the land was held by the Crown and the person who had a lease or some other interest in the land would be entitled to have his interest carried forward, provided the Minister agreed. That would mean that the title of the individual would be entirely dependent upon the goodwill of the Minister. There is benevolence for you! The owner of the land has the opportunity to have his land taken away from him if the Minister does not agree!

Hon Derrick Tomlinson: That is not benevolent.

Hon PETER FOSS: It does not sound like benevolence to me and I raised it with the officers. Their explanation was that there was a change to the legislation in the Legislative Assembly that removed the protections for people. It appears that that was the case because an amendment was given to us which seemed to indicate that when it was introduced into the Assembly it had protection for the individual; but by the time it reached this House, some of the benevolence had been lost. I do not blame the officers for not knowing that benevolence had disappeared. I defy anybody to know what the result of amendments to this Bill would be unless they had spent some years at university studying law, and some time studying this Bill. It is difficult to work out the consequences of some of the amendments. I do not for one moment attribute any fault to the officers for not recognising the fact that it had ceased to be benevolent and had become somewhat despotic. One of the things insisted upon first of all was that some of the benevolence be returned to the Bill. It is stated on page 2 of the typewritten copy of the Bill attached to the report -

> if the Minister has already given his approval to the continuation of that estate or interest or caveat under a condition to which the Order in Council revoked was subject or, not having given such an approval, gives his approval in writing to the continuation of that estate or interest or caveat,

The committee recommends that those words be deleted. I admit that the effect of that deletion is not instantly obvious, but it will take away from the Minister the right to make the continuation of the estate dependent upon the approval of the Minister. In fact, there will be a continuation of that estate irrespective of whether the Minister approves it. Similarly, the

committee has recommended that the following words on page 4 of the Bill in proposed section 37AA be deleted -

> if the Minister gives his approval in writing to the continuation of that estate or interest or caveat,

Again, this is because the continuation is dependent upon the Minister's giving his approval. That would have meant the person could possibly be deprived of the estate or interest if the Minister did not give his approval. Some words have been inserted to give further effect to that. At page 7 of the copy of the Bill is a suggested inclusion relating to the Minister's not making "a determination under subsection (1) for endorsement on the Crown Grant of an instrument creating an estate or interest in, or of a caveat". I pause to mention that those words are used again: "estate or interest in, or of a caveat". Surely those words could have been defined so that it was not necessary to use them every time. It continues -

> lodged in respect of, any land but a Crown Grant shall not be issued in respect of the land until that estate or interest is surrendered to Her Majesty or that caveat is withdrawn, as the case requires.

The idea of that is to prevent a Crown grant being issued unless that person has consented to it. The idea is to bring it back to the estate, and that person can say a Crown grant cannot be issued without his name on it unless he agrees to that, and that would then be subject to a further interest being granted. That is the majority of points dealing with that issue, as contained in the committee's report.

There are further additions at page 14 of the typewritten copy of the Bill. The main impact of the committee's report is that those provisions should be included to ensure that a person would not be deprived of his interest by an administrative act on the part of a department, or by an exercise of ministerial discretion which refused to allow it to go further. Those amendments were made, but the committee had some doubts about the effects of proposed section 149B(9), which states -

> When a diagram or plan of subdivision of land drawn up in accordance with an internal interests plan or revised internal interests plan is received or deposited -

This is really and truly twelfth century Anglo-Saxon drafting. It continues -

> - in the Office of Titles, an authorized land officer may approve that diagram or plan of subdivision and, if he does so, the Registrar of Titles shall issue certificates of title for lots shown on that diagram or plan of subdivision notwithstanding the endorsement on the relevant Crown Grant of any instrument or caveat in accordance with a determination made under section 149A(1) and without the consent of any person entitled to the benefit of -
>
> (a) the estate or interest created or evidenced by the instrument; or
>
> (b) the caveat,
>
> as the case requires.

The committee asked the following questions which must be answered: What is the effect on those interests of the issue of the certificate of title? What is the situation with indefeasibility? Does it mean that the interest of the person whose consent does not have to be sought will disappear, or does it mean that one can go ahead and do it, but one must carry on to the title the estate or interest shown by that instrument? Must it be shown as if it were lodged in the Office of Titles as some form of registered document against the title or the caveat? Must the caveat also be carried forward with all the circumstances as to indefeasibility involved with that? What will happen to those people whose consent can be disregarded in order to issue that certificate of title? I do not think there is a problem if those interests are to be carried forward without any loss of priority, as though they were registered under the Transfer of Land Act, and as though the caveat were a caveat lodged at the time that it was originally lodged but carried forward on to the title. However, I would be extremely concerned if it were intended to clear them off the title altogether and therefore defeat those interests, because the issue of a title normally leads to an indefeasible title to whom it has been issued. The answer has been given by the Minister at page 2370 of *Hansard* as follows -

The Standing Committee has sought clarification on the effect of proposed section 149B(9), and I provide that now. Lines 1 to 7 of proposed section 149B(9) simply provide for approval of a plan of subdivision which will then allow issue of individual certificates of title to parcels the subject of each interest. This is the normal freehold subdivisional process. That passage of proposed section 149B(9) being questioned by the Standing Committee is assumed to be lines 8 to 14. This is intended to be a clear statement that existing interests shall not impede the approval of a plan of subdivision and the subsequent issue of certificates of title for each lot. Furthermore, consistent with proposed section 149B(6), it clearly states that the absence of written consent of the various interest holders will not hinder these two actions. Current practice in relation to subdivision of land owned by two or more parties as separate holdings is to insist on the land being brought into single ownership, with multiple owners being shown as tenants in common. Any secondary interests, such as leases, are noted as encumbrances by the examiner, but presently do not constrain plan approval.

Land, as referred to in this Bill, and being formally subdivided, will be in the name of one party - a Crown Minister, State agency or instrumentality - with any number of interests affecting the land as registered encumbrances. In this sense, the relevant passage of proposed section 149B(9) is a statement of present law as it is understood, but has been included to ensure there is no misunderstanding and no problems arise later. Since the Bill is breaking new ground, and is already detailed and prescriptive, it was decided to cover this aspect also. Proposed section 149B(9), therefore, does not adversely affect interest in land, nor does it interfere with indefeasibility of title. The estate, interest or caveat continue to affect the land. Proposed section 149B(9) is a simple statement of the procedure to be followed to implement the intentions of the Bill, in accordance with established practices.

I am pleased that the Minister has called it "a simple statement of procedure" because it seemed to me that it was a simple statement of procedure and frankly I would have thought it would be best left unsaid. However, I am reassured by the Minister's statement that it is not intended to affect the legal position of any person or to change the law as it stands at present, but merely to encompass in the Act the Titles Office procedure of issuing certificates of title showing the interests that existed prior to the issue of that certificate of title, and that those interests will not be affected or lost in any way and in particular will not be affected by the indefeasibility provisions of the Transmission of Land Act, and that although the consent of those persons will not have to be secured to enable it to take place, they will nonetheless have their rights and interests maintained fully.

[Questions without notice taken.]

Hon PETER FOSS: The Opposition supports the Bill. However, what is the urgency of dealing with it now? The Standing Committee on Legislation's recommendation was that we should await future legislation unless some urgency existed which required that this Bill be dealt with immediately. I understand that the Subiaco land must be dealt with urgently and that it will be covered by the retrospective part of the Bill. Were it not for something such as that, we should not be party to any legislation which is as difficult and complex to understand as is this legislation and we should reject the Bill and send it back to the draftspeople to get it right before it is passed. My support of the Bill is dependent upon confirmation by the Minister of my remarks regarding the indefeasibility aspect of the Bill and the urgency for the current legislation to be passed.

HON J.N. CALDWELL (Agricultural) [5.34 pm]: Originally, I declined to speak on the Bill because when the report was discussed in the Standing Committee on Legislation I was not present, although I did look at it afterwards. I had Hon Peter Foss speak on the National Party's behalf because I was not present at that meeting of the committee. However, I do not believe I would understand the Bill any better had I been present. Members of the National Party in the other place are meeting with departmental officers tomorrow morning. As Hon Peter Foss has said, our support depends on answers to certain questions.

HON KAY HALLAHAN (East Metropolitan - Minister for Education) [5.36 pm]: I am pleased with the expressions of support for this Bill, albeit including those concerns about the drafting style of the Bill. Comments were made about the Bill being drafted in an ideal

world and some members of the Standing Committee on Legislation stated that they would have preferred the Bill to be redrafted in a style simple enough for them to understand. They believe that if the Bill were simple enough for them to understand other people might also understand it. In fact, many Bills are complicated and, indeed, need manuals to be written in order for them to be used in a day to day way. Although I understand the members' concerns about the drafting of the Bill, they are unrealistic. Members should remember the Heritage of Western Australia Act which also involved convoluted drafting.

Hon Peter Foss: It was better than this Bill, and that is saying something.

Hon KAY HALLAHAN: The comment that the Bill is drafted in a fourteenth century style is melodramatic; however, such comments are taken on board. I accept that the diagrams which were provided have been helpful. As Hon Peter Foss has said, people will refer to those diagrams and understand precisely what the written word means and what effect it will have, in practical terms, for them and their interests in the land.

Hon Peter Foss also asked why the Bill was not being redrafted to include it within a rewrite of the Land Act, which is, indeed, an old Act and is taking a long time to redraft. Hon Peter Foss is aware that there is a need to proceed with this Bill because of the Subiaco land, which is a matter of great interest to the City of Subiaco and other people who are involved in that development. While there may be a preference for the Bill to be in a simpler drafting style it does what is required of it and can be refined when the Land Act amendments come before the House. To hold up the Bill would cause problems for those developments at Subiaco. Hon Peter Foss is right in saying that is the only retrospective application of the Bill; that is, the leases at Subiaco and the development that many of us know about and that people are impatient to get on with.

Hon Peter Foss raised the question of indefeasibility of title. I will read out a document titled "Indefeasibility of Title", which was written by J. Gladstone, Deputy Commissioner of Titles; if it does not satisfy Hon Peter Foss's concern I will deal with the matter further during the Committee stage. The document reads -

> Two systems of title operate in this State for freehold ownership of land. Basically these are, title by documents and title by registration.
>
> TITLE BY DOCUMENTS
>
> These exist where Crown grant issued prior to the Transfer of Land Act 1874 -

Members can see how old is the legislation we are dealing with. To continue -

> - and the land has not since been brought under the Transfer of Land Act 1874 or 1893. There is very little of this type of land in Western Australia. Generally, title to such land passes by conveyance (transfer) or vesting in an executor or administrator on the death of an owner. The relevant documents are recorded under the Registration of Deeds Act 1856. If a conveyance has been forged or is otherwise defective that conveyance does not pass good title to later people in the "chain of ownership". That is, even if subsequent "ownership" has been held by many people, without knowledge of the forgery, then subject to the provisions of the Limitation Act 1935, those people have no better title than the forger.
>
> TITLE BY REGISTRATION
>
> In contrast, if a transfer of land or other document under the Transfer of Land Act 1893 is forged or otherwise defective and delivered to a bona fide purchaser for value without notice of the forgery then upon registration of that transfer, the purchaser obtains a good or "indefeasible" title. Subject to specified exemptions in the Transfer of Land Act, or provisions in overriding statutes, that title cannot be set aside or invalidated. As a result of this, persons dealing with the registered proprietor do not have to check a series of documents or chain of title for validity but can rely on the state of the register.
>
> If as a result of a forgery or other circumstance specified in the Transfer of Land Act, the then registered proprietor is deprived of title to the land, that person is entitled to be compensated for that loss from the Assurance Fund established under the Transfer of Land Act.

It may be true that the drafting style of the Bill has not assisted in its consideration, but nevertheless it must be accepted that it is a complex matter. The Bill was referred to the Legislation Committee, which has suggested amendments to it, and I have a number of amendments on the Notice Paper which I will move during the Committee stage.

Given the very thorough examination of the Bill and its complexity we can be assured that we are proceeding with a piece of legislation that is necessary and that the processes to achieve its objectives are quite correct. I urge members to support the second reading of this Bill. If members wish to raise other matters they can be dealt with during the Committee stage. Given the nature of the Bill, if we do not have a complicated debate on it I will not be at all disappointed.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Garry Kelly) in the Chair; Hon Kay Hallahan (Minister for Education) in charge of the Bill.

[Leave granted for the Committee to consider the Bill as amended by the Standing Committee on Legislation.]

Clause 1: Short title -

Hon BARRY HOUSE: I referred this Bill to the Standing Committee on Legislation for consideration and was, therefore, excluded from taking part in the second reading debate today. I referred the Bill to the Legislation Committee because of its complex, technical nature and the retrospective nature of a couple of its provisions. These points have been covered adequately by speakers during the second reading debate. I appreciate the committee's work; it has done a very good job on a difficult piece of legislation. The committee's recommendations certainly confirm my fears about the complexity of the Bill and the need to redraft it unless there is an urgent need for it. Hon Peter Foss requested a reason for that urgency. I understand that that urgency relates to land in Subiaco, but there may be other reasons. We have been told that a new land Act will be drafted in 18 months to two years' time and I hope that will be the case.

It was comforting to hear Hon Peter Foss say that he finds certain aspects of this Bill incomprehensible. Members would agree that he is better equipped than most members in this place to understand legislation of this sort. I became a little suspicious when I read in the Legislation Committee's report that several deals were hanging on this legislation. I guess the suspicion arises because of the connotation that the word "deals" has in this Parliament. This Government's deals in the past few years have caused all sorts of problems for the State. I understand the legislation is necessary to validate land deals at Alkimos, Burns Beach, and Boulder which the Industrial Lands Development Authority controls. However, the legislation mainly involves railway land which was formerly used as marshalling yards. The major area concerns the former Subiaco marshalling yards. I have made inquiries of the City of Subiaco about this matter in recent days and found that the deal has been done and the best fit applied to existing leaseholders.

This legislation introduces retrospectivity. No member of this Parliament should be comfortable with legislation providing for something after the event. It appears that approaches to the City of Subiaco were made exclusively by the Asset Management Taskforce headed by the Deputy Premier, Ian Taylor. The Minister for Lands does not seem to have entered into any of the negotiations with the City of Subiaco, so far as I could ascertain. The council welcomes the consolidation of the Crown land but has some reservations about the endowment land in Subiaco. It was made clear to me that the council would have liked an opportunity to vary its town planning scheme before the properties in question were sold to the lessees. It may be more difficult in years to come to redevelop some of these areas if private landowners own small plots of land in the middle of these large plots of land and have to be bought out. If we have an opportunity to buy that land now, perhaps it should be bought. In its wisdom, the Government chose to do things first and legislate later. The council made clear to me that it was wary about the possibility of the Minister's wiping out people's interests and control being in the hands of the Minister. The council wants a guarantee that that will not occur as a result of this legislation.

The Opposition was pleased to be briefed by officers of the Department of Land Administration last week. I thank the department and the Minister for that briefing, which clarified matters for Opposition members. Given the sound principles behind the Bill, the Opposition supports the legislation. The Crown Law Department advised DOLA that a grey area existed when it was updating its mapping and land titles where multiple interests were involved. Its advice was that the land should become vacant Crown land before new vesting orders were made.

This Bill will protect existing interests so that people have a secure title to their land. The Opposition accepts the need for the Bill and supports it subject to clarification of some of the matters raised during the second reading debate.

Hon KAY HALLAHAN: The department has given guarantees regarding people's interests and no intention ever existed to wipe them out. The intent of this Bill is quite the reverse. Hon Barry House has said that this is sound legislation which meets a specific need. That is why we should proceed with it. As I said during the second reading debate, new legislation will be introduced later which will incorporate what we are doing today, but it will be some time before it comes into being. We therefore should proceed with this legislation.

The only retrospective area is in relation to Subiaco. With due respect to the City of Subiaco and its town clerk, who is a man of great tenacity in matters to do with his city, it may have proposed that we should not proceed in the way we have to protect people's interests. In order to further its plans, the City of Subiaco may have found it more flexible to have that power. We may not have been able to sit comfortably with that. The council can make changes to its town planning scheme, which indeed may be quite significant. It is better that we proceed with this legislation than add that complication to the equation.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Section 34B amended -

Hon KAY HALLAHAN: I move -

Page 3, lines 14 and 15 - To delete "or that caveat was lodged, as the case requires." and substitute -

or the estate or interest claimed by that caveat was created, as the case requires.

Amendment put and passed.

Hon KAY HALLAHAN: I move -

Page 3, line 20 - To delete "or any other" and substitute "on any other".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Section 37AA inserted -

Hon KAY HALLAHAN: I move -

Page 4, lines 28 and 29 - To delete "or that caveat was lodged, as the case requires." and substitute -

or the estate or interest claimed by the caveat was created, as the case requires.

Amendment put and passed.

Hon KAY HALLAHAN: I move -

Page 5, line 8 - To delete "or that caveat was lodged, as the case requires." and substitute -

or the estate or interest claimed by that caveat was created, as the case requires.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Sections 149A and 149B inserted -

Hon KAY HALLAHAN: I move -

Page 5, line 15 - To delete "any land" and substitute -

any land in respect of which an estate or interest or caveat continues under Section 34B or 37AA

Hon GEORGE CASH: Can the Minister explain why this change is required?

Sitting suspended from 6.00 to 7.30 pm

Hon KAY HALLAHAN: This substitution provides a logical link between proposed sections 34B and 37AA on the one hand, and proposed sections 149A and 149B on the other hand. It makes it clear that the provisions of proposed section 149A and the supporting proposed section 149B are meant to apply only to Crown grants being issued over land affected by estates, interests or caveats transmitted as a consequence of revocation of a vesting order - proposed section 34B - or cancellation of a reserve - proposed section 37AA. Without this clear definition of "any land" as referred to in proposed section 149A there could be confusion as to whether proposed sections 149A and 149B should apply to all land being Crown granted under the Land Act, and that is not the intention. Other provisions of the Land Act dealing with freeholding of Crown land are not meant to be constrained in this manner, except where there are interests arising out of proposed sections 34B and 37AA. So it is making clear the intent to constrain this linkage between proposed sections 34B and 37AA and proposed sections 149A and 149B. I trust that is suitably clear.

Hon George Cash: I now have a better understanding of the situation.

Amendment put and passed.

Hon KAY HALLAHAN: I move -

Page 5, line 25 - To delete the word "may" and substitute the word "shall".

Page 5, line 29 - To delete the word "may" and substitute the word "shall".

Page 6, line 27 - To delete the words "Crown Grant" and substitute the words "Certificate of Title".

Page 6, line 28 - To delete the words "thereby granted" and substitute the words "therein contained".

Page 6, line 29 - To delete the words "Crown Grant" and substitute the words "Certificate of Title".

Page 7, line 6 - To delete the words "Crown Grant" and substitute the words "Certificate of Title".

Page 7, line 20 - To delete the words "is surrendered to Her Majesty" and substitute the word "terminates".

Page 7, line 21 - To insert after the word "caveat" the words "lapses or is removed or".

Page 7, line 26 - To insert after the words "land is" the words "or was".

Page 7, line 27 - To insert after the words "who has" the words "or had".

Page 11, line 1 - To delete the words "the authorized" and substitute the words "an authorized".

Amendments put and passed.

Clause, as amended, put and passed.

Clauses 7 and 8 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Education), and returned to the Assembly with amendments.

STATEMENT - BY THE PRESIDENT

Council Chamber - Television Cameras Authorisation

THE PRESIDENT (Hon Clive Griffiths): I advise members that I have been approached by Channel 9, which sees some merit in updating its file footage. Channel 9 wanted to take some film footage today, but I want that to happen tomorrow. As is usually the case, I like to gain the concurrence of the House when allowing television cameras in the Chamber. In accordance with that custom, I advise members that unless someone comes to me with vigorous objections which can be sustained, I intend to allow Channel 9 to take footage when the House sits at 2.30 pm tomorrow. All members should dress nicely.

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT BILL (No 2)

Introduction and First Reading

Bill introduced, on motion by Hon Max Evans, and read a first time.

Second Reading

HON MAX EVANS (North Metropolitan) [7.43 pm]: I move -

That the Bill be now read a second time.

The Royal Commission into Commercial Activities of Government and Other Matters has made great progress since it was announced by the Premier in November 1990 and started hearings on 12 March 1991. Since my entry into Parliament in 1986, I consider I have made a considerable contribution towards unravelling many of the in-depth financial dealings - WA Inc - of the Western Australia Government with the business sector and business identities. I provided information to many of the top journalists from the Eastern States to write their stories on WA Inc. They made a major contribution in building up the pressure through Parliament and Bevan Lawrence to bring about the Royal Commission. I thought I must now give due consideration to what happens when its doors are closed.

I am introducing this Bill so that upon completion of the report by the Royal commissioners, possession of all records, information, documents and materials collated, amassed, obtained or created for the purpose of the commission, whether or not used in evidence before the commission, shall pass to the holder of the office of Director of Public Prosecutions under the Director of Public Prosecutions Act 1991. The Act setting up the Royal Commission does not provide for what shall happen at the end of the commission when the hearings are finished and the report has been handed to the Government. It was my fear that these records may go back to the parties who provided them to the Royal Commission, or be shredded, or the computers scrambled, so that worthwhile investigations could not be carried out. The Royal Commission will make recommendations for actions that may be taken, and it will be the Director of Public Prosecutions who will be responsible for such actions.

I am introducing this Bill so that upon completion of the report required by paragraph (3) of the commission's terms of reference, possession of all records, information, documents and materials collated, amassed, obtained or created for the purpose of the commission, whether or not used in evidence before the commission, shall pass to the holder of the office of Director of Public Prosecutions under the Director of Public Prosecutions Act 1991. This will ensure that all these records which have cost millions of dollars to acquire and produce are protected for further action to be taken by John McKechnie, Director of Public Prosecutions.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

FIRE BRIGADES SUPERANNUATION AMENDMENT BILL

Second Reading

Debate resumed from 7 May.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [7.45 pm]: The Opposition supports the Bill. It is customary when one refers to legislation of a purely technical nature designed to overcome some machinery problems that members are immediately alerted to a measure which may cause tremendous problems. Therefore, I will not describe this legislation in those terms. Nevertheless, the legislation is designed to enable the Fire Brigades Superannuation Act to comply with the Commonwealth Occupational Superannuation Standards Act 1987. If the Parliament were not to accept the legislation, the fund would find itself in the invidious position of paying income tax at a rate of 47¢ in the dollar; whereas by complying with the Commonwealth Act the fund will be required to pay tax at a rate of 15 per cent.

It is clearly in the interest of the members of the fire brigades superannuation fund to ensure that the fund complies with the Commonwealth legislation, and in so doing, complies with the Income Tax Assessment Act. Members may be aware that section 267(1) of that Act deals with the compliance of superannuation funds. It states that a complying fund is one which has been issued with a certificate of compliance by the Insurance and Superannuation Commissioner. Section 12(3) of the Occupational Superannuation Standards Act authorises the Insurance and Superannuation Commissioner to issue compliance certificates indicating that a fund has satisfied the conditions of compliance outlined in section 7 of that Act.

Members will note that clause 6 of the Bill proposes to insert a new section 6A, which is headed "Compliance with Commonwealth standards". This sets out the various requirements of the Commonwealth to ensure that the fire brigades superannuation fund complies with the Commonwealth standard. In that regard, the Liberal Party has no quarrel with the Bill.

Clause 5 deals with an amendment to section 6 of the Fire Brigades Superannuation Act, which relates to the functions and general powers of the superannuation board. The section lists the powers, which are quite general. The members of the superannuation board consider that it is necessary for the board to be able to raise or borrow moneys under section 6(1) of the Act for the purposes of overcoming any cash-flow problems in the payment of benefits under the Fire Brigades Superannuation Act. However, this power is to be used for no other purposes.

I have been briefed on this matter by Mr Joe Argiro, the Secretary of the Western Australian Fire Brigades Superannuation Board, who is held in high regard by the chairman of that board. On page 7 of the Fire Brigades Superannuation Board's annual report for 1991 the board's chairman, Mr Harry Kuhaupt, refers to Mr Argiro as having "continued throughout the year as secretary/manager of the fund". He talks about other members of the staff of the Fire Brigades Superannuation Board. He also notes the cooperation and very conscientious and dedicated representations made by the staff of the board, particularly for the work done that year by Mr Argiro which I know continues to date.

The Western Australian Fire Brigades Superannuation Board believes that the provisions proposed for inclusion under section 6(1) of the Act, which allow the board to raise or borrow money, should be tightened. I confirm that the proposed amendment under clause 5 will restrict the board more than it is restricted at present. It is also included in the Bill as part of the Commonwealth compliance standards. Clause 7 of the Bill - I acknowledge that it is not usual to deal with clauses during the second reading stage, but it is necessary to distinguish the various changes proposed in this Bill - will provide that the Western Australian fire brigades superannuation fund shall not lend any money from the superannuation fund to a member of that fund either directly or by means of an arrangement for lending money to a member of that fund in the exercise of a power of investment under this section. The Fire Brigades Superannuation Act provides the possibility of an interpretation which will enable the Fire Brigades Superannuation Board to lend money to its members. That policy has not been followed by the board in the past and the board does not wish to follow it in the future. The proposed amendment will clearly provide that the board will not be permitted to lend money to its members. That action is being taken as part of the good management of the fire brigades superannuation fund.

Hon Max Evans: Superannuation funds could be used more for employees to borrow for home mortgages at special rates.

Hon GEORGE CASH: If a member of the fund were a member of another organisation clause 7 would not restrict the fund from lending to the other organisation. However, the Fire Brigades Superannuation Board has not encouraged its members to borrow against their superannuation entitlements. Clause 7 will restrict that practice accordingly and will ensure that the Act complies with Occupational Superannuation Standards Act regulation 16(1)(a) which prevents a superannuation fund from lending to members.

Clause 8 ensures that the Fire Brigades Superannuation Act will comply with OSSA regulation 17(1)(b), which requires that an actuarial report be given to the trustees of a fund within 12 months of a review. After studying the Commonwealth legislation, particularly the Occupational Superannuation Standards Act and the relevant sections of the Income Tax Assessment Act, I have found that a number of other State superannuation funds do not comply with the Commonwealth provisions. If they are not deemed to be complying funds by 30 June this year they will be required to pay a tax of 47¢ in the dollar against a complying fund rate of 15¢ in the dollar. The Government may have erred somewhat in introducing Bills to cover other superannuation funds in this State; no doubt it is addressing that. The Liberal Party would not want any Government employees superannuation fund to be disadvantaged by the tax it pays because it did not comply with the Commonwealth legislation. The Liberal Party supports the Bill.

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [7.56 pm]: The Government thanks the Opposition for supporting the Bill. The concerns raised by the Leader of the Opposition that funds such as this are not disadvantaged by Federal legislation are shared by the Government. All State Governments are closely monitoring the Federal legislation to ensure that the funds set up by State Government agencies comply with that legislation without disadvantaging members.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon Tom Stephens (Parliamentary Secretary), and transmitted to the Assembly.

WESTERN AUSTRALIAN LAND AUTHORITY BILL

Second Reading

Debate resumed from 14 May.

HON BARRY HOUSE (South West) [7.59 pm]: The Opposition supports this Bill. However, it will move substantial amendments at the Committee stage to exercise some control over the new Western Australian Land Authority.

It appears from the way the Bill is drafted that the Government is attempting to create another Western Australian Development Corporation with extensive powers and an ability to develop land at the request of the Government. It also appears from the drafting of the Bill that the Government has not learnt from its involvement with WA Inc and is creating another mega organisation which will enable it to become involved in areas in which it has no commercial expertise and no right to be involved. As it is drafted, the Bill is a recipe for the socialisation of land development in Western Australia which is unacceptable to the Opposition. It creates an agency which is dedicated to the development of land for residential, industrial and commercial purposes.

Having said that, the Opposition supports a role for the Government in land banking. There is a role also for the Government in providing land for the development of housing to cover the social needs of a section of the community which is in need of that service. The amended

legislation will produce a Western Australian Land Authority which is capable of doing those things with a strong legislative backing, but it will prevent it from straying into other areas of land development which are rightfully the province of the private sector.

Our amendments will aim to do various things. Principally, they will aim to include Homeswest in the new WA Land Authority. That is necessary because Homeswest is the principal land developer in Western Australia today. It controls already approximately 35 per cent of all land development. For that reason, the WA land development authority should not exclude the biggest player in the field. That is the major deficiency of the Bill and the Opposition aims to remedy that during the Committee stage.

Homeswest's forays into land speculation in recent years have not produced the expected gains for the Government's coffers. This illustrates the reason the Government should not be involved in that area of land development. Governments and their agencies are not responsive to the market and are not good at that type of activity. Currently, over 50 per cent of all urban land development in Western Australia is controlled by Government agencies of one sort or another and they operate from a preferred position. They are responsible for private operators being driven out of the market and they have contributed to a looming land shortage in Perth. That has been saved ironically only by the depressed economic conditions which have dampened the demand for housing in the Perth metropolitan area. Homeswest's brief should be to provide the social housing needs of the community. To this end, the Opposition would like to see Homeswest brought under the new WA Land Authority and will move amendments to that end. Another amendment will aim to preserve the rights of private property owners against the resumption powers of the Government.

The legislation as it stands will allow the Western Australian Land Authority to resume land without declaring whether it is for the benefit of the State. This is done currently under the provisions of the Public Works Act. However, this legislation will allow the new WA Land Authority to operate in a commercial market, which is unacceptable to the Opposition. Also unacceptable to the Opposition is the proposed immunity of the WA Land Authority from the operations of the Environmental Protection Authority. This would give it a preferred position which is not on. The Opposition will also move to delete the proposed repeal of the Joondalup Centre Act, the Industrial Lands Development Authority Act and the Industrial Development (Resumption of Land) Act.

The Joondalup Development Corporation has done an excellent job and should be allowed to continue its role in achieving the specific aims it was given. It was given a brief when it was established and it has performed very well. It is within sight of completing its goal and should be allowed to do so. It is estimated that it is currently worth about $60 million. Perhaps therein lies the reason for the Government's interest in the Joondalup Development Corporation. In its desperation for cash, it sees the JDC as a cash cow and would welcome those dollars into its coffers. Therefore, the Opposition will move to remove the provisions relating to the Joondalup Development Corporation from the Bill because it would be counterproductive if it were absorbed into the new WA Land Authority.

The Industrial Lands Development Authority should also not be absorbed into the new authority. It has a dedicated function which it now performs very well and has done so for many years. If it were absorbed into WALA, it would be directed by the Government to develop land at the Government's wishes to fill its coffers. ILDA and JDC are both doing a fine job. We can relate an old adage to them: "If it ain't broke, don't fix it." If they are doing a good job, they should be allowed to complete that job. ILDA's specific task was to identify and resume land required for industrial purposes and there is really no reason for it to be absorbed into a mega department with a broader brief in land development. The Industrial Lands Development Authority legislation includes a sunset clause which allows it to cease operating on 30 June this year. That was covered by the Opposition in the other place when my colleague, Richard Lewis, introduced a Bill to extend the life of ILDA beyond that date. I look forward to supporting that Bill in this House before we rise in the next few weeks.

The Opposition proposes moving further amendments on a number of provisions of the Bill. It will seek to delete a clause which would allow unilateral resumption of land for urban development. Western Australia has never had these powers and I do not believe that a Government should be entrusted with them now. The Opposition will move also to include

as members of the board people with specific skills and not only ministerial appointments. It will move also to ensure that the Minister is obliged to take notice of the Public Service Commissioner in respect of salaries. That is necessary to ensure that we do not have a repeat of the John Horgan and WADC situation when he was able to pay himself an enormous salary of approximately $1 million a year and then collect a payout of $1 million. That should not be allowed to be repeated, and our amendments will ensure that it does not happen. Other amendments will be moved to make sure that a new Western Australian Land Authority abides by the recommendations of the Burt Commission on Accountability. Those amendments will appear on tomorrow's Notice Paper. The Opposition supports the Bill on the basis of those amendments being accepted, and I believe that will produce a better Western Australian Land Authority which will have a specified role and it will also provide the relevant checks and balances.

HON J.N. CALDWELL (Agricultural) [8.10 pm]: The National Party supports the Western Australian Land Authority Bill. However, my colleagues in another place have indicated that practically all the amendments proposed by the Liberal Party are acceptable to the National Party. The purpose of this Bill is to amalgamate the Industrial Lands Development Authority, the Joondalup Development Corporation and LandCorp. Also, the Bill establishes the Western Australian Land Authority; it will have a board of between five and seven persons appointed by the Minister; the Minister will appoint one of the directors to be chairperson and another to be deputy chairperson of the board; and he will appoint a chief executive officer of the authority. The chief executive officer may be appointed as a director. The Minister is therefore a very important person in the terms of this Bill. He may feel that he is important now, but I wonder what will happen next year when another Minister may be in office. I do not think the chief executive officer should be appointed by the Minister, and that person should probably not be a member of the board. I believe that amendments will be proposed to correct that situation.

It is proposed that the legislation be reviewed after five years. That is an excellent idea but it is not apparent from the Bill that a review of the legislation is to be compulsory. The Bill merely states that a review may take place after five years. The National Party believes a sunset clause should be included to ensure that the Government of the day reviews the legislation, otherwise that review may not take place until many years after the five year period. That situation can be rectified by way of an amendment to the Bill.

As I have indicated, the National Party supports this Bill in principle and will support the amendments proposed by the Liberal Party. I understand they will appear on the Notice Paper tomorrow. The National Party will consider those amendments and make its judgment accordingly.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [8.14 pm]: The purpose of the Western Australian Land Authority Bill, as members will be aware, is to create a new umbrella-type Government organisation or land agency which will be known as the Western Australian Land Authority. In general, WALA will be created by the amalgamation of three existing agencies: The Industrial Lands Development Authority, the Joondalup Development Corporation, and LandCorp, which is the residential arm of the old Western Australian Development Corporation. The Attorney General stated in the second reading speech that WALA's function will be to provide land, infrastructure and associated facilities to meet the social and economic development needs of the community. One of WALA's objectives will also be to provide low cost residential land, but its activities will not be restricted to that role. I assume from the comments of Hon Barry House that his concern about the Bill relates to the very wide application it could have to the development of not only residential but also industrial and other land. Hon Barry House referred to the WADC and suggested that unless specific amendments were made to this Bill it could create another WADC-type operation in Western Australia. Given the financial tragedies that occurred as a result of the creation of the WADC, and the multi-millions of dollars of taxpayers' money that has gone down the drain as a result of the activities of the WADC, I am sure no member in this House wants to see the Western Australian Land Authority follow that particular course.

The Opposition has argued that it is not necessary to amalgamate ILDA or JDC into the proposed Western Australian Land Authority. The Opposition has said on many occasions, both in this House and publicly, that ILDA is able to stand on its own feet. As a

development agency, it has served Governments of both political colours well since it was formed many years ago. That applies also to the Joondalup Development Corporation. Members will be aware that JDC was established in 1976 by the then Liberal Government. The idea was to set up a super authority, to be known as the Joondalup Development Corporation, which would plan the future of the Joondalup centre in the northern corridor of metropolitan Perth. JDC has performed its functions in a most efficient and effective way. It is fair to say that the last few years of JDC's operations have seen it reach the zenith of its contribution since it was established, not only in revenue to the Government, but also in the provision of facilities for the community in the Wanneroo area.

Hon John Halden: Would that expertise be appropriate to be spread to other areas of the State?

Hon GEORGE CASH: Hon John Halden suggests that by amalgamating JDC into WALA, the State could harvest the potential of that organisation along with the expertise that exists in ILDA and LandCorp. That is one argument that can be put, but it is not one that can be sustained. If it could be sustained, one would be entitled to question why the Government created the East Perth Redevelopment Authority. The Government argued in debate on the East Perth Redevelopment Bill that it was necessary to create a specialist development arm of the Government to concentrate on the East Perth area. Hon John Halden in his contribution to that debate was at pains to assure this House that a specific type of expertise was needed for the redevelopment of the East Perth area, and the compelling argument put forward by him during debate on the East Perth Redevelopment Bill convinced some members of the House to support it. I remind Government members that it was necessary for the Opposition during debate on that Bill to move certain amendments to ensure that the board of the East Perth Redevelopment Authority was accountable to this Parliament with regard to its functions, objectives and composition. This evening, in discussing the proposed creation of the Western Australian Land Authority, Hon Barry House, on behalf of the Liberal Party, signalled to the Parliament that we will again move specific amendments to ensure that if WALA is created, its accountability is in line with the recommendations of the Burt Commission on Accountability and with the commitment that both the Government and the Opposition have made in respect of the accountability of Government agencies.

I have said that the Joondalup Development Corporation has been a successful statutory authority. It has now reached a stage in its life where it is able to see the light at the end of the tunnel, so to speak. It has nearly completed the functions which it was set up to perform some 25 years ago. It disappoints me that the Government would consider abandoning the JDC at this stage of its creative life and amalgamating it with WALA because, contrary to what Hon John Halden has suggested - that is, that its expertise would be amalgamated with or retained in WALA - we have found that some senior and professional staff attached to the JDC have left the organisation already because of the uncertainty about its future and, more importantly, because of the recognition that once the JDC is swallowed up by WALA, it will no longer be a specialist arm that concentrates on the Joondalup area in the northern corridor of metropolitan Perth. The Liberal Party argues that the JDC should be retained in its present form. It should be allowed to complete the charter for which it was set up. It has two or three more years of life.

Hon John Halden: It has five more years of life.

Hon GEORGE CASH: If it is five years, that is all the more reason that the JDC should remain a specialist arm so that it can serve the people of the northern suburbs in the effective way that it has served them in the past.

Hon Reg Davies: We were told it had between three and 15 years of life.

Hon GEORGE CASH: I guess 15 divided by three is five, and that is the reason that Hon John Halden indicated five years. If the Government is unsure whether it will be three, five, or up to 15 years, perhaps Hon John Halden can advise us in his second reading response of what will be the anticipated life of the JDC if it is not amalgamated with WALA.

It is important to recognise and understand the position of the City of Wanneroo in respect of the creation of WALA and the proposed amalgamation of the JDC with WALA. I refer to a letter from the Town Clerk of the City of Wanneroo, addressed to the then Leader of the Opposition, Hon Barry MacKinnon, Parliament House, Perth, dated 16 March 1992, which states -

I refer to my letter of 23 December 1991 and wish to advise that at a Special Meeting on 25 February 1992, Council resolved to inform the Minister for Lands, Hon David Smith MLA, it would not oppose the amalgamation of the Joondalup Development Corporation with the WA Land Authority subject to the proposed Bill being amended to incorporate some of Council's concerns.

The full text of Council's resolution is outlined hereunder -

"That Council -

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

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

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

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

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

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

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

Accordingly any assistance the State Opposition can give Council to achieve the foregoing would be very much appreciated.

I would of course, be available to discuss this matter with you should you so desire.

The letter is signed R.F. Coffey, Town Clerk.

It is important to understand the position of the City of Wanneroo. The reason that I mentioned the dates of 16 March 1992, when the letter was dated, and 25 February, when the special meeting of council was held, is to emphasise that while my understanding of the City of Wanneroo's position has not altered since then, there have been some significant changes to the Government's position in respect of funding for the Joondalup area generally. I want to make it clear that while there was an indication of support by the City of Wanneroo for the amalgamation of the Joondalup Development Corporation with the Western Australian Land Authority, that agreement was subject to the Government's providing within the Bill for those matters which the City of Wanneroo believed were absolutely important if WALA were to be a success.

The PRESIDENT: Order! Seven or eight audible conversations are going on. They have to cease because they are out of order.

Hon GEORGE CASH: The Bill before the House does not cover the various matters raised by the City of Wanneroo.

Hon John Halden: The funding arrangements would not be covered by this Bill.

Hon GEORGE CASH: I am aware that the funding arrangements are not set out in the Bill, and in a moment I will refer to the Government's recent commitment to the northern suburbs. I am making the point, so that it is not misinterpreted later by Hon John Halden or by any other Government member, that the City of Wanneroo favours the amalgamation of the JDC with WALA, conditional upon certain matters being attended to. The Bill before the House does not cover the matters referred to by the City of Wanneroo, and my latest advice from the City of Wanneroo is that its position remains as stated in its letter; namely, that unless the Government is prepared to agree to its conditions, it does not believe that the JDC should be amalgamated with WALA. Recognising that the Government has not agreed to the provisions and conditions set down by the City of Wanneroo which form part of the amendments foreshadowed by Hon Barry House, the Liberal Party intends to move an amendment to ensure that the Joondalup Development Corporation is not incorporated into the Western Australian Land Authority. We believe, as does the City of Wanneroo, that there is a need to keep the corporation separate to allow it to finish the job -

Hon John Halden: You have made a quantum leap. You say that the JDC will not be a part of the authority. We know that the position is not that at all.

Hon GEORGE CASH: The City of Wanneroo is anxious that the Government agree to the conditions that I read out. The City of Wanneroo does not want the JDC to be incorporated into the Western Australian Land Authority.

Hon John Halden: I understand that, but the Leader of the Opposition cannot say that the City of Wanneroo does not want that to happen when he has not heard what the Government will do.

Hon GEORGE CASH: If Hon John Halden is indicating that significant amendments will be made to the Bill, designed to satisfy the conditions set down by the City of Wanneroo, we are pleased to hear that. If the situation is that changes will be made to the Bill along the lines set out in the letter from the City of Wanneroo, it surprises me that the Parliamentary Secretary has left it to this late hour to start recognising the position of the City of Wanneroo. This Bill spent a considerable time in another place. It took many days of debate to settle the Bill in its present form. At no stage did the Government indicate it was prepared to amend the Bill to bring it in line with the City of Wanneroo's proposals.

I said earlier that changes have been made to the financing of various projects associated with the JDC, indeed the general Joondalup area, in the past few weeks. About a week ago, I attended a meeting at the City of Wanneroo. The Premier also attended that meeting. She announced that the Government had committed $10 million towards a $13 million sporting complex to be built within the Joondalup Centre. The City of Wanneroo and the residents of the northern suburbs are pleased that the Government has made that commitment to the sporting centre. It could be said that the $10 million represents about one-third of the money that the Government recently received from the sale of the Joondalup Golf Course. While I never agreed to the general proposal, I make the point that Hon Pam Beggs, the member for Whitford and a Minister of this Government, had given a commitment prior to the 1989 election that the Joondalup Golf Course would never be sold. That promise was broken. I emphasise that the $10 million committed by the Government to the sporting complex represents about one-third of the revenue gained by the Government from the sale of the golf course. While I would have preferred the whole of the $30 million to be committed to the Joondalup area, the $10 million is at least a step in the right direction.

The PRESIDENT: Order!

Hon GEORGE CASH: The Liberal Party in Opposition can only continue to invite the Government to recognise the needs of the people of the northern suburbs, those people who have just forgone the ownership of that golf course. At the recent meeting at the City of Wanneroo the Premier was prepared to pledge that amount of money. It is important to recognise the word "pledge" because the Premier was only able to pledge or promise an additional $20 million over the next five years for various community, cultural and sporting facilities in the area on a one-for-one basis; that is, the Government is prepared to contribute up to $20 million if the City of Wanneroo also is able to contribute up to $20 million for various community buildings in the Joondalup and general northern area. The City of

Wanneroo has acknowledged that it is grateful for the Premier's pledge, but again I emphasise that it is only a pledge. The Government is not able to commit future Governments, and if a future Government were not prepared to support that pledge -

The PRESIDENT: Order! I will not call for order again. It is the third time in 10 minutes that I have had to remind members that the blatant, audible conversations must cease. Members have the impression that they can carry on normal conversations in the Chamber, totally ignoring the comments of the member addressing the Chair. That is rude. Members should cease those conversations.

Hon GEORGE CASH: The Government has offered $20 million on a dollar-for-dollar basis. However I understand that the City of Wanneroo, like most local authorities, would have great difficulty raising $20 million to be ploughed into the specific works intended in the area over the next five years. I further understand that the City of Wanneroo would be interested in the Government's considering a $20 million interest free loan to the City of Wanneroo to allow the city to exercise its one-for-one grant from the Government. A $20 million interest free loan from the Government would be paid back by the City of Wanneroo at some future date. That future date, I accept, would be not less than seven years hence, to enable the city to build up the necessary funds to repay the loan.

Hon John Halden: A far better proposal is being discussed this evening.

Hon GEORGE CASH: Again, I am pleased to hear that interjection. If a far better proposal is being discussed by the City of Wanneroo this evening it will impact on whether the Liberal Party will support the Bill. I am sure it will impact also on Hon Reg Davies' position on this Bill. If we are to discuss the creation of the Western Australian Land Authority, and as part of the discussion talk about the amalgamation of the JDC, the Government's position should be clearly known to all. We should not have a situation where the Government rolls on with discussions in the hope that at some stage it will satisfy the conditions -

Hon John Halden: It is not like that at all. The discussions are ongoing with the City of Wanneroo. I will chat to the Leader of the Opposition afterwards.

Hon GEORGE CASH: I do not want Hon John Halden to chat with me afterwards on an informal basis. I would like him to tell the House exactly where the Government stands on the creation of the Western Australian Land Authority and the future of the Joondalup Development Corporation. This is an important point. If the Government's position is changing from that set out in the second reading speech, the House is entitled to know. Our positions may change if the Government is able to show that the various conditions set down by the City of Wanneroo have been agreed to, including future funding arrangements whereby the Government may be able to offer the City of Wanneroo an interest free loan over an agreed time. If that cannot be done I assure the Government that the Liberal Party's position will be that the JDC should not be amalgamated with the Western Australian Land Authority, on the basis that we believe the JDC as an individual and specific development arm can do a better job without being gobbled up by a large bureaucracy.

I have already stated our position regarding the Industrial Lands Development Authority. Hon Barry House will move amendments concerning the future of that organisation. The Industrial Lands Development Authority Act contains a sunset clause. ILDA will not exist after 30 June this year. The Government should take that into account during debate on the creation of the Western Australian Land Authority.

The Opposition has signified that it will be moving a number of amendments during the Committee stage, but the position of the Opposition as stated by Hon Barry House is that the Western Australian Land Authority, if created, should be restricted to the development of low cost residential land. It should not have the power to resume private land for urban development, and the resumption powers that are encompassed in the Bill are outside the resumption powers to which we could agree. The Industrial Lands Development Authority and the Joondalup Development Corporation should not be amalgamated but should remain as they are to work as efficient organisations. The Opposition favours the amalgamation of LandCorp and Homeswest into an organisation titled the Western Australian Land Authority dealing solely with residential land. If the Government's position has changed dramatically from that outlined in the second reading speech this House is entitled to know its current position. It is grossly unfair to find halfway through a debate that the Government's

direction, as outlined in the second reading speech, has changed. If it is changing for the better, we will listen, but I would not like to think the Government was changing things daily to catch a vote here or there only to find during the Committee stage that the Government's stance has changed again.

Debate adjourned, on motion by Hon Reg Davies.

STANDING ORDERS COMMITTEE

Report Tabled 3 December 1991 - Committee

Debate resumed from 5 May.

The President (Hon Clive Griffiths) in the Chair.

The PRESIDENT: The question before the Committee is that the report be noted. That will provide an opportunity for members to comment on the provisions of the report, bearing in mind that certain motions have been moved consequent to progress having being reported and that at least one of the recommendations in the report has been put into effect.

Hon GARRY KELLY: I ask the Committee to bear in mind that this is a fairly wide ranging debate and I recommend that item 2 be left in abeyance because a motion was passed last week which referred that item back to the Standing Orders Committee. Item 3 has been dealt with today and Standing Orders have been amended to bring about the recommended changes. Item 4 relates to Parliamentary Secretaries' moving the adjournment of the House. The Standing Orders Committee resolved that Standing Order 31 should be read to include Parliamentary Secretaries but only when a Minister is unavoidably absent from the House. I understand that has been the practice. The other two items relate to parliamentary privilege and smoking behind the Chair. I would prefer to leave the question of a Standing Committee on Privilege until I have had the opportunity for further preparation, so I will confine my remarks to item 6, which relates to smoking behind the Chair.

Point of Order

Hon GEORGE CASH: Hon Garry Kelly has now moved on to item 6 of the report. Can we jump from item 2 to item 6? I have comments I want to make on item 2A. I would have thought it appropriate to clear the various items on the way. I am sure it will not take a long time and we will get to item 6 shortly.

The PRESIDENT: The Leader of the Opposition's point of order has some validity bearing in mind how we commenced dealing with the report. However, the motion is that we note the whole report; therefore what Hon Garry Kelly is doing is perfectly proper; as it will be perfectly proper for Hon George Cash when he has the call to talk about any part of the report. I was inclined to like Hon Garry Kelly's approach because I was fed up with the item with which we had been dealing. That is not to be taken by members that they cannot talk about it.

Committee Resumed

Hon GARRY KELLY: I suggested that we leave item 2 because it has been referred back to the Standing Orders Committee.

Hon George Cash: Item 2B has not.

Hon GARRY KELLY: I thought the whole item had been referred back. I take the member's point.

Hon Tom Stephens wrote to the President on 4 June 1991 and suggested that he was badly affected by the practice which permits members to smoke in the seats provided behind the President's Chair. He highlighted that medical evidence shows that passive smoking can have an adverse impact on the health of those people who do not smoke. Of course, passive smoking also causes a certain amount of discomfort to non-smokers. The Standing Orders Committee, while not wanting to be drawn into a debate on the tobacco issue, has noted the member's request and commended it to the Chamber. Smokers are well and truly on the back foot. Society is making its view fully known that smoking is not a practice which will be tolerated for much longer. If members heard the ABC news on 6WF this morning they will know that the New South Wales Health Commission has set a target to make the city of Murwillumbah smoke free by 1997.

Hon Max Evans: What about in winter time? Can you have a fire?

Hon GARRY KELLY: I am only quoting what was stated on the news this morning about the New South Wales Health Commission under the tutelage of Nick Greiner. If members opposite have a bone to pick they should pick it with him. The committee has noted the member's request and commended it to the House. It has made this statement in the hope of achieving some consensus; namely, that members do not smoke at the back of the Chamber. I leave it to the committee to make comments on that statement.

Hon GEORGE CASH: I will not deal with item 6 because other members are better equipped to talk about the problem of smoking in the Chamber. I acknowledge that Hon Garry Kelly's comments on item 2(a) were the subject of a motion in the Legislative Council and that the matter is being addressed by the Standing Orders Committee. Item 2(b) involves a request from Hon David Wordsworth for the House to give consideration to how it may adopt a procedure to require answers to be given within a certain time. The report of the Standing Orders Committee stated that it believed a procedure should be put in place whereby the Clerk would follow up answers that were not forthcoming within four days of being asked. I am happy to accept that procedure as long as it works and some indication is given about whether it is successful.

I will not discuss item 3 because it was attended to today. Item 4 deals with Parliamentary Secretaries. Hon Garry Kelly said that the proposition in the report of the committee was that Parliamentary Secretaries be able to move the adjournment of the House. That ability is already available in this place. The Standing Orders Committee has suggested that that needs only recognition of the practice. I am more than happy with what occurs presently but hope that in due course Standing Order No 71 will be amended to clearly reflect the entitlement of Parliamentary Secretaries to move the adjournment of the House. I also believe that Parliamentary Secretaries perform an important function and should be performing more work than they do at present. More than that they should be entitled to remuneration to cover that additional work. If I were to estimate how much that remuneration should be I would say that it should be equivalent to that paid to the Chairman of Committees.

I agree with Hon Garry Kelly that item 5 should be left for the time being, given the comments in the report. I note in regard to item 7 that the Standing Orders Committee has advised that it is considering the question of allocating time for committee meetings and time to debate committee reports. Recently, the Clerk of the Legislative Council issued a paper setting out a draft procedure which was to be considered by the Leader of the House, the Leader of the National Party and me. Following some informal discussions, we have agreed to sit down and try to come to an agreement on whether Wednesday should be set aside for committee meetings and that Wednesday night - that is, from 7.30 pm onwards - be set aside for the consideration of committee reports prior to the calling on of the Orders of the Day. The Opposition has already given some consideration to the matters raised in that letter from the Clerk, who was writing on behalf of the Standing Orders Committee. The Opposition appreciated the opportunity to consider that matter. The Liberal Party formed a small committee which is currently studying the proposals. I expect that during the next session new sitting hours will be organised by the Legislative Council so it can recognise the importance of the work of its committees and also recognise the changing role of the Legislative Council; that is, to play a role more in tune with the argument that the second Chamber is a Chamber of review.

Hon TOM STEPHENS: I am the culprit who raised the proposal brought to the attention of the President which concerned my personal discomfort when members smoke in this Chamber. I am not an evangelical zealot on this issue by any means and I am not a person who would be a proselytising anti-smoker. However, I have, as members who sit around me would know, a condition that is similar to an allergy. As soon as a member lights up a cigarette in the Chamber I sneeze and I find it an unpleasant experience. I do not know how many other members in the Chamber find that they have a physiological response to smoking in a confined place, but I am one of those who does. I am susceptible to the arguments of the health advocates who refer to the impact on health that cigarette smoke can have if it is inhaled passively by those who do not opt to smoke. I am not sure of the validity of the arguments trotted out by health advocates, but I find myself in some discomfort because of people smoking in a confined space like this. I am one of those people lucky enough not to

have come into contact with smokers in both my working and living environment. I have come into contact with smokers in my electorate, but as a courtesy one tolerates the smoking patterns of one's constituents. I cannot see any need for my tolerating the smoking patterns of colleagues in this Chamber. In that context I hope members will take it in good faith that I believe it is opportune for the ashtrays in the corners of this Chamber to be removed. The situation is often aggravated for me when people stand outside the lobby and the smoke wafts in through the door. Some of the smokers in this place smoke cigarettes which have an unusual tobacco odour which is more offensive to my nostrils than is the ordinary tobacco smoke I encounter in the restaurants I leave when I discover smokers there. I am sorry that some members are addicted to smoking and find themselves taking regular trips to the corners of the Chamber. I am not sure that this motion to note my concerns or the committee's recommendation will impact on the smoking practices of members in this place. Someone with my sensitivity to tobacco smoke might need to move more firmly than to rely on what is currently before the Committee. If that is the case, it is something we might do in the course of this debate. If I have the feeling that some members will show me some sympathy for my sensitivities we will be able to do something in this debate. It seems to me that we are left with members in this Chamber who have a vested interest in this subject because they have a passion for this dreaded stuff and we may have some expressions of disagreement.

The Leader of the Opposition raised the issue of Parliamentary Secretaries and I appreciate his comments. I know there is some confusion about a variety of issues governing Parliamentary Secretaries and some of them have been dealt with by the Standing Orders Committee. However, there are some residual issues and it would be interesting to hear the views of the Opposition about recent circumstances which have developed in this Chamber which made me conscious of Standing Orders Nos 37 and 38 insofar as they impact on Ministers and members quoting from documents. In that context Parliamentary Secretaries often come into this place with a bundle of files to assist them in arguing the Government's case. The files often contain confidential advice from the Crown Law Department and other departments which, in the hands of a front bench member, remain documents which, by a decision of the House, are exempt from tabling procedures. That is not the case if they are in the hands of other members or a Parliamentary Secretary.

Hon George Cash: I am glad you raised it. It is something we will bear in mind.

Hon TOM STEPHENS: I hope my colleagues will remind me to take the confidential papers out of the file and to refer to them separately to prevent them from falling into the hands of members of this place without proper consideration being given by the Government for this to occur. In that context the Standing Orders Committee could be encouraged by the Opposition if it has a view that Parliamentary Secretaries should be covered by the same provision which covers Ministers.

Hon George Cash: My view is that Parliamentary Secretaries should be paid a remuneration and it should be the same as that paid to the Chairman of Committees. Clearly, if we were to raise the status to that there would have to be other considerations.

Hon TOM STEPHENS: I appreciate the Leader of the Opposition's comments and I advise him that the Government's decision to introduce Parliamentary Secretaries into the system of Government in Western Australia was accompanied by several riders. One of those was that the positions would not incur any additional cost.

Hon George Cash: I think the Government was wrong.

Hon TOM STEPHENS: Nonetheless, it is a decision of Government and the Premier that extra responsibilities be given to Parliamentary Secretaries without their receiving additional remuneration. The Salaries and Allowances Tribunal did pass a provision whereby a small expense allowance of about $1 100 per annum is paid to Parliamentary Secretaries, but it will be an evolving system in Western Australia as it has been at the Federal level. There are now seven Parliamentary Secretaries in the Federal Government and they are taking on increasing amounts of the workload of Ministers, particularly in the Senate, and in the administration of particular sections of portfolios held by Ministers to whom they have been assigned.

In my capacity as Parliamentary Secretary to the Deputy Premier, I recently accompanied

him in his office when he welcomed the Parliamentary Secretary assisting the Federal Minister of Defence who has been assigned specific issues dealing with the defence industries in this nation. It would appear he has administrative responsibility for the enterprise section of the defence budget. I think they have had a creative application of the use of Parliamentary Secretaries without vastly increasing the resources available to them.

The PRESIDENT: Order! As is customary during these debates while I am in this Chair I will take up the points which have been raised so far. I remind members again that the Standing Orders Committee's report did not recommend any changes to the Standing Orders. I refer to the question raised by Hon George Cash in regard to the last paragraph of item 2A which relates to the administrative procedure adopted by officers which jolts the Minister's memory if a question has not been answered within four days. I am given to understand this is working reasonably well, bearing in mind that I asked how many questions were outstanding today and there were not many. Something is working, but I do not know whether it is totally effective.

In regard to item 4, which deals with Parliamentary Secretaries moving the adjournment, the Standing Orders Committee considered that Standing Order No 71 - which has always been interpreted, certainly during my time in the Parliament, reasonably narrowly - has never been interpreted to give any one member the right to move the adjournment. The current Standing Order is capable of being interpreted a little more liberally than it has been in the past and it certainly does not need any amendment to permit the Parliamentary Secretaries to move the adjournment in the absence of a Minister. That is why we did not propose any new Standing Order.

In regard to the smoking of cigarettes at the back of the Chamber, the purpose of my taking the letter written to me as President by Hon Tom Stephens to the Standing Orders Committee was for no other reason than to get a point of view of a group of people who happen to be members of a committee of this Chamber; the Standing Orders Committee. It would not be my recommendation, proposal or desire; nor indeed is it necessary to have a Standing Order about this matter. The President today is capable of determining whether people smoke or do not smoke behind the Chair. The President has never exercised the authority he has to do that and I simply took the letter to the Standing Orders Committee to see whether other people had a view. I could just have easily taken the letter to the Legislative Council's House Committee and asked it to give me an opinion on whether Hon Tom Stephens' suggestion should be implemented by the President. The fact that the Legislative Council's House Committee normally does not meet separately, but meets with a committee of another place as a Joint House Committee, is the reason I did not take it there. All this report does is suggest to those who do smoke that the President is not about to do that. However, he wishes that those who smoke would go out into the President's corridor rather than sit in the chairs at the rear of the Chamber. That is the extent of what will happen at this stage. The alternative is that somebody should subsequently move a substantive motion about it. That is a different kettle of fish, because then the President is bound to do what that substantive motion requires him to do. And that, incidentally, relates to any of the other questions. It is not competent for anybody to move any motion out of this report at the moment. If there is something in there that takes a member's fancy, he can give notice of a motion to move it at a later stage.

Hon MARGARET McALEER: As I understand your comments, Mr President, the letter was referred to the Standing Orders Committee, which has made its recommendation. However, you have made a decision that any further comment I or any other member might make now on the recommendation of the Standing Orders Committee really has very little weight or substance. I listened to Hon Tom Stephens with a certain amount of sympathy because smokers do not really wish to make other people's lives a misery if they happen to have asthma, hay fever, or some other unpleasant physical symptom caused by smoking.

Hon Tom Stephens: It makes me sneeze. I do not think I have any of those conditions.

Hon MARGARET McALEER: Hon Tom Stephens and I were in the cathedral the other night when the congregation was subjected to the smell of incense, and the whole front group of the congregation broke into uproarious coughing.

Hon Tom Stephens: I am obviously used to that.

Hon MARGARET McALEER: In fact, Hon Tom Stephens is not alone in the Chamber in this regard because Hon Peter Foss is also extremely sensitive to the smell of smoke. He tells me that he can tell the first time a cigarette is lit from his seat and that he suffers some sort of symptom from people smoking. He is perhaps not quite so sensitive, or a little better controlled, because he does not burst into sneezes.

The tradition of smoking in the chairs behind the President's Chair was laid down at a time when smoking was by no means unrestricted but many people smoked. The rules for smoking were quite strict. Smoking was never allowed in the dining room, in club fashion, and certain places were set aside for smoking. One such place was the seats behind the President's Chair. I take it that was because the Chamber is lofty and fairly large, has fans, and at that time the ventilation may have been a bit better so it was considered that was a perfectly civilised way to deal with smokers. I think some consideration was also given to the members in general, given that smoking was confined to that area at that time and was not permitted throughout the Chamber.

There are few smokers left in this Chamber, it is true, but it seems to me that by force of circumstances they have become more considerate than they used to be. Although we still use the smokers' chairs we do not use them constantly. In the course of his duties as Parliamentary Secretary Hon Tom Stephens has to be absent from the Chamber from time to time, and it is perhaps more on those occasions one will find smokers in the chairs than when he is present. I am not sure what that shows, but it is a consideration that has been shown. It is a pity to wipe out these traditions. I must respect the President's ruling as there is no other choice. However, there are times when a member wishes to listen to a debate and perhaps smoke at the same time and if the custom is not abused it should be left alone until such time, as Hon Garry Kelly has said, as there are no more smokers in the Chamber. I do not have nearly as much sympathy for Hon Garry Kelly's remarks as I do for those of Hon Tom Stephens!

Hon SAM PIANTADOSI: I rise to speak on this matter as I have an interest in it. That interest is one of enjoyment of smoking and not one of having a need for a fix as suggested by Hon Tom Stephens. I was somewhat disappointed by his attitude. Having heard his comments, I feel I need to clarify a few matters. Hon Margaret McAleer has already touched on a couple of those matters. I think Hon Tom Stephens' problem may have started in his formative years when incense played a part in his becoming an antismoker. That in itself may have caused a little more damage to Hon Tom Stephens. I do not get any joy from saying this about the member's sending off letters at very short notice on various matters, but this is another letter he may regret having sent, upon reflection. I think Hon Tom Stephens should consider other members. He said he was not an evangelical zealot, but I am not so sure. I say that because on many occasions members in this place also suffer as a result of some of his antics, and we could all send letters to the President asking for a change to the Standing Orders as a result of the conduct of various members. At times some members become very loud in this place. I recall that when a former member, Peter Wells, was sitting behind me, many times we had to vacate the Chamber because of the volume of his delivery; and Hon Tom Stephens is coming close to matching him. It makes it very difficult for others. Hon Margaret McAleer also said that it is on only rare occasions that people sit in those chairs, such as when we must remain in the Chamber on the instruction of the Whips but we would like to have a cigarette. However, on most occasions we respect and consider other members, and I think many members now smoke outside.

Hon Garry Kelly: How do you cope when you are travelling from here to Sydney?

Hon SAM PIANTADOSI: We cope, but we cannot cope with having a passenger such as Hon Garry Kelly sitting next to us chattering all the way. Both Hon Garry Kelly and Hon Tom Stephens fall into that category.

I believe we have been reasonable and have considered other members. I say to Hon Tom Stephens and other members: We are expected to be considerate of them and they should look at being considerate of us, and in future they should examine some of their own practices.

Hon Tom Stephens: I promise to lower the volume of my contributions.

Hon SAM PIANTADOSI: There is much more the member could do, and I will talk to him

about it later. I think we are catering for other members. I am happy to start to log the occasions on which I see members smoking in this place and report to the Chairman and the House at a future date. I am happy also to log the various noise levels that occur in here. We should be fair minded about these matters.

Hon N.F. MOORE: I must say that I have some sympathy with Hon Sam Piantadosi's comments, being a former smoker and someone who from time to time actually needed a cigarette while in the Chamber but did not want to go outside. Sitting in the corner was a good way to view the proceedings and indulge in that bad habit at the same time.

Item 7 of the Standing Orders Committee's Report on Various Matters refers to matters currently under consideration by that committee. The fourth of those matters relates to the procedural rules of the Government Agencies Committee. Members may be aware that the Standing Orders under which the Government Agencies Committee operates were introduced in 1982 and the committee has operated under those Standing Orders ever since. When the House decided in the last couple of years to introduce a whole series of new committees into the Chamber, new Standing Orders were written which covered all of the new committees and there are now some substantial differences in direction between the Standing Orders covering the activities of the Government Agencies Committee and those covering the other Standing Committees of this place.

The Government Agencies Committee spent some time going through its Standing Orders and relating them to the new Standing Orders of the other committees, and made a series of recommendations about how it might change its Standing Orders to fit in with the others. The Government Agencies Committee decided that the best approach to resolving the problem was to report to the Standing Orders Committee seeking its support and assistance in this matter, and I had hoped that we might debate this in this Chamber and resolve those differences about a year ago. For some reason there seems to have been a delay and the Government Agencies Committee has written a number of letters seeking some hastening of the matter. I am pleased to see it is a matter under consideration, but I use this opportunity tonight simply to ask the Standing Orders Committee to hurry up and bring forward some recommendations; because as far as we are concerned the issues are quite simple. I do not think there are any areas of argument between any parties within the Government Agencies Committee or the political parties, or between the Standing Orders Committee and the Government Agencies Committee. As far as I am aware there should be no grounds for dispute. It is a matter of getting it to the Chamber and having the matter resolved. If the number of items on the agenda of the Standing Orders Committee is causing the delay in considering the Government Agencies Committee's recommendations, it may be a good idea if the Government Agencies Committee itself brought forward a report to the Chamber and pre-empted the consideration in that way. I would rather not do it that way and therefore I ask whether the Chairman of the Standing Orders Committee would consider expediting this matter. I do not believe it is contentious, and the quicker it can be brought to the House the quicker it can be resolved.

The PRESIDENT: Order! As Chairman of the Standing Orders Committee I am not sure that the member has written to the committee, but I will follow up that suggestion. I am a little surprised that the member is still interested in it because it occurred to me that, as he is now sitting in a different seat, he will probably want to resign from his position with the Government Agencies Committee and not proceed any further.

Hon N.F. MOORE: I understand that the Government Agencies Committee has written to the Clerk requesting that he let it know the stage that matter has reached. As for my resigning, I have no intention of doing so, Sir.

Hon George Cash: Hear, hear!

Hon N.F. MOORE: Not for now, anyway.

The PRESIDENT: Order! The President was being facetious.

Hon TOM STEPHENS: I have a query about one matter. Mr President, you clarified the Standing Order that related to the adjournment of the House and indicated that there was no need for any alteration to the Standing Order, and presumably that practice so far as it applies to the positioning of items on the Notice Paper by the Parliamentary Secretaries will stand. Is my interpretation of Standing Order No 47 and therefore Standing Order No 48, to which I

referred earlier in regard to Parliamentary Secretaries, an accurate interpretation; and therefore, having mentioned it in this debate, should I do anything more than leave it for further consideration by the Standing Orders Committee?

The PRESIDENT: Standing Order No 47 clearly does not provide for Parliamentary Secretaries to be covered by it; therefore, Parliamentary Secretaries are covered by Standing Order No 48, which applies to other members. If it were suggested - and I take it that the member is suggesting - that the Standing Orders Committee consider an amended Standing Order to take account of that, I suppose we can do that if that is what the member wants us to do. There is no problem with our considering it; we consider many things.

Hon TOM STEPHENS: Is there a formal mechanism I need to follow? I presume it is not competent for me simply to spring up with an amendment.

The PRESIDENT: The Standing Orders Committee will take note of the member's comments.

Question put and passed.

Report

Resolution reported, and the report adopted.

STANDING ORDERS COMMITTEE - REPORT ON VARIOUS MATTERS, No 2

Discharge from Notice Paper

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.32 pm]: I move -

That Order of the Day No 8 be discharged from the Notice Paper.

As I understand the position, the main subject matter of this report has been dealt with by way of substantive motion. As a result, I understand that it is acceptable to the House to discharge this Order of the Day from the Notice Paper.

Question put and passed.

ELECTORAL AMENDMENT (POLITICAL FINANCE) BILL

Second Reading

Debate resumed from 13 May.

HON P.G. PENDAL (South Metropolitan) [9.33 pm]: The kernel of the Bill involves the principle of disclosing donations made to political parties. Anyone who has taken the bother to read the Attorney General's second reading speech made 10 days or so ago will know that he laboured the point, to the point of being tedious, that it would be desirable for Western Australia to have full disclosure. If it is argued that disclosure of those sources is good in some circumstances, one cannot avoid applying the principle across the board. For example, we could validly ask whether the Government was prepared to disclose the way in which taxpayers' funds were spent on the Ashburton by-election. After all, that is as relevant to this debate as the source of what is known as the ALP's "funny money" of the 1980s.

To quote from the second reading speech, it is clear that the Bill is about the notion of "changing from secrecy to openness". This is where the wider application of the principle applies because, if that were true, one would be entitled to know some things which the Government would not disclose in the past. I have already mentioned the level of Treasury funding for the Ashburton by-election; another query, which I have raised before, is the concern over the mailing and production costs associated with propagating the WA Advantage package into the Ashburton electorate at taxpayers' expense. If we use the Attorney General's principle of "changing from secrecy to openness", why can we not use it regarding the cost of the Kingair aircraft used to ferry hordes of Government servants and Ministers into the electorate when the funds for this were drawn at the public's expense? The principle is much the same.

If it is true that we want to see a change from "secrecy to openness", does that mean, for example, that all the costs involved in the Labor extravaganza at the Esplanade a week or two ago will be revealed? That function was designed no more nor less than to favour the

Labor Party's electoral ends. Is it not unreasonable to use the Attorney's principle to discover from where the funds came to cover the cost of that function? I am led to believe that those costs directly led the Office of the Family - which I understand funded that Labor Party extravaganza - to overrun its budget.

If we are expected to believe that this will be the start of a change from secrecy to openness, maybe we can at last receive an answer to the question which has long puzzled me, and which I pursued in this House in late 1988 and throughout 1989 until the subsequent election of that year. The question related to the failure of the Government to disclose the way in which the Labor Party picked up the care for seniors campaign which had previously been promoted by the Government. The Opposition's difficulty was that the Government spent money - how much we do not know because of non-disclosure - on research and marketing of the program. When the elections were within sight, it stopped being a Government sponsored project and, lo and behold, the same program, using the same carefully chosen words which would have resulted from market surveying, was put in place and used by the Labor Party for the duration of the campaign.

Hon J.M. Berinson: At the Labor Party's expense.

Hon P.G. PENDAL: Of course, at Labor Party expense after it had bled dry the taxpayers to pay for the research for that program and for the name "Care for Seniors". That is the point I am making. The Government has never disclosed -

Hon J.M. Berinson: What is the relevance of that to individual or corporate donations?

Hon P.G. PENDAL: The Attorney General is a little on the slow side. The relevance is that the principle which we are being asked to accept in this Bill is that legitimate disclosure in the public domain is good for the political process.

Hon J.M. Berinson: You are putting it on too general a basis. That will be covered by freedom of information legislation.

Hon P.G. PENDAL: For Hon Joe Berinson's benefit, since he did not bother to answer the questions in 1988 or 1989, in a few moments I will refer to specific questions which should satisfy him. The funding of the Ashburton by-election with Government material and the use of the Kingair aircraft - a matter which we have never totally resolved - and the extravagance at the Esplanade involving Government funds are explicit instances of the Government repeatedly refusing to disclose key elements of expenditure. That leads me to ask, why should anyone take seriously anything proposed by a Government which has systematically abused the very principles it seeks to enshrine in the law? The second reading speech, which I regret I had to read in preparing for the debate, is no more than page after page of platitudes. For the sake of the Attorney General I give the following analogy to the Government's behaviour: If in the 1920s Al Capone had preached a program of non-violence among the Mafia groups of Chicago, people would have laughed him out of the city. If, during the Gulf War last year, Saddam Hussein had preached a campaign of respect for human life, people throughout the world would have laughed him off their television sets. In a more local context, if Alan Bond had the cheek today to give everyone a lecture about financial prudence, would we take any notice of him? Of course not, we would laugh him out of town.

Hon Tom Stephens: If the Liberal Party talked about fair electoral laws we would laugh it out of the courts.

Hon P.G. PENDAL: Why should we take seriously a Government and an Attorney General who ask Parliament to put in the Statutes of this State principles which they have systematically abused for the past seven or eight years that the public know of? In the Parliamentary Library is a book not much sought after - I am only the third borrower since it has been there - called *The Cameron Diaries*. That should strike a note of familiarity with the Attorney General because he was a colleague of Mr Cameron's in the Federal Parliament when some comments in his book were relevant. The Attorney General in particular and all other Labor Party members should listen to those comments. At page 328 Mr Cameron refers to the matter before us when he mentions Mr Whitlam's access to a leader's fund.

Hon E.J. Charlton: I think you reminded him of that once before.

Hon P.G. PENDAL: I think I did. I was struck by those words because I thought Western

Australia invented the leader's fund when Mr Burke pioneered that policy. However I find Mr Burke was 10 or 15 years out of date. He learnt at the knees of a good teacher, because Mr Cameron tells us that back in the busy days when our colleague, the Attorney General, was in the Federal Parliament sitting alongside Mr Cameron, and at about the same time being booted out of the Federal Ministry, Mr Whitlam pioneered that great invention which has caused all of the hurt to the Labor Party and which is central to the discussion of this Bill; that is, a leader's slush fund. It is indexed in the back of *The Cameron Diaries* under "S" for "slush fund".

Hon J.M. Berinson: I take it that as you disagree with slush funds you are supporting the Bill.

Hon P.G. PENDAL: Mr Cameron describes one of the inconsistencies which still exists in Parliament today with the Labor Party. He quotes Lionel Bowen, who later became the Federal Attorney General, another of Hon Joe Berinson's colleagues.

Hon J.M. Berinson: Later than when?

Hon P.G. PENDAL: I understand Mr Cameron wrote about the post 1975 debacle when the Labor Party was the Federal Opposition. I understand Mr Bowen later became Attorney General. However, that does not matter. Mr Cameron quotes Lionel Bowen as follows -

> It seems extraordinary that a party calling for public disclosure of the source of all election donations should have a leader -

That is, Mr Whitlam.

> - who would not even disclose the source of political donations to his own parliamentary colleagues.

Does that not ring a bell?

Hon J.M. Berinson: A Bill like ours would have solved that problem, would it not?

Hon P.G. PENDAL: I would not jump in too early if I were the Attorney General.

Hon J.M. Berinson: It would help if you made clear whether you were supporting or opposing the Bill. Your comments so far are very obscure.

Hon P.G. PENDAL: I am opposing it because I think it is a phoney like the Government which has sponsored it.

Hon J.M. Berinson: Are you supporting the slush fund?

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon P.G. PENDAL: I therefore agree with Mr Cameron and his reporting of Lionel Bowen that that is extraordinary. It is as extraordinary as the so-called ethical or moral base of this Bill, which is simply non-existent. It is extraordinary, given that the sponsor of this Bill has systematically broken every rule in the book in the past 10 years in Western Australia. If the Government has not broken the book of Statutes - it is not a law - the Government has broken every law laid down by the Labor Party, as was pointed out in that quote from Mr Cameron. In his second reading speech the Attorney General said, in part -

> The Government and the Australian Labor Party believe that the law has an important role to play in ensuring that money raised in the process of political competition will promote and not detract from the democratic process.

Mr Charlton could dine out on that for a couple of weeks. When I read it again, members should think of the revelations being made at the WA Royal Commission about all of the funny money that this Government picked up in its canvas bags and satchels. Members should listen to these words and then try to work out how the Government has the cheek to come in here and dress itself up as holier than thou. The Attorney General said -

> The Government and the Australian Labor Party believe that the law has an important role to play in ensuring that money raised in the process of political competition will promote and not detract from the democratic process.

No-one has detracted more from the political processes than members opposite with their

WA Inc deals and Cabinet Ministers knowing about them. No-one has detracted more from the democratic processes than members opposite. Who believes what I have just read to the House, given that one does not have to dig too deep to get hold of information that makes that statement laughable? Who can believe those words, given Mr Burke's so-called leader's account? We are now told that the leader's slush fund ran into approximately 11 accounts; not one, two or three. That is my understanding of the evidence given at the Royal Commission. At least Mr Whitlam had the decency to have only one slush fund. Not to be outdone, Mr Burke had a multiplicity of them and we are asked to believe the quotation that I have just read to the House. Who believes that quote, given Mr Dowding's version of his slush fund?

Hon Fred McKenzie: This Bill will end all that.

Hon P.G. PENDAL: The member interjecting sat in the Caucus room for all of those years. Did he not know that any of these things were going on?

Hon Fred McKenzie: That is what this legislation is for.

Hon P.G. PENDAL: Mr McKenzie is as bad as the rest of them in this matter.

Hon Tom Stephens: He is one of our finest.

Hon P.G. PENDAL: That does not say much about the rest of them.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I advise members on my right to cease interjecting and I ask Hon Phillip Pendal to direct his comments to me.

Hon P.G. PENDAL: I return again to the quote of the Attorney General that the Labor Party believes fiercely that money raised in the political process will "not detract from the democratic process". Again, I ask rhetorically why we should believe that, given the failure of Ministers in this House and particularly the Attorney General to ask questions of Mr Burke and Mr Dowding during the 1986 and 1989 election campaigns? Are we being asked seriously to believe that senior people such as those did not know where the funds came from?

Another Labor member who is in the news at the moment, although he did not get his own way, is Senator Bob McMullan. In the time relevant to that which we are discussing tonight, Bob McMullan was the Secretary of the Labor Party in Western Australia.

Hon Tom Stephens: Which time?

Hon P.G. PENDAL: For the 1983 election campaign and subsequent to that. If Senator McMullan did not know, did he ever bother to ask where the money was coming from?

Hon N.F. Moore: Or going to.

Hon P.G. PENDAL: Yes, or going to, given the quote from the Attorney General's second reading speech which I have just read to the House. These people were in charge of a political apparatus that must have known that the bills were being paid by someone. By their failure to ask, they are as guilty as the people who kept those funds and presumably did not bother to have them audited. I repeat that they have the cheek to come into this House and act in a holier than thou way and say that we must all be clean in our political process.

It does not end there. Who followed Bob McMullan into that job and where is that person now? It was Michael Beahan.

Hon Fred McKenzie: But there was no money in the 1983 election campaign. It came after that.

Hon P.G. PENDAL: I am talking about the 1986 and 1989 election campaigns. Is Mr McKenzie telling me that there was no slush fund in 1983? If so, then, by implication, there was money in the 1986 and 1989 campaigns. I challenge Mr McKenzie to tell this House in this debate that he did not know that the Labor Party was being topped up by the funny and fast money people in this State.

Hon Fred McKenzie: I did not know where the money was coming from and I did not ask any questions.

Hon P.G. PENDAL: That is the worst admission of all. That typifies everything that was rotten in the Labor Party then and now. Mr McKenzie knew the money was coming in, but

he never bothered to ask where it came from in case he heard something that may have bothered his conscience.

Hon Fred McKenzie: Ask no questions and you are told no lies.

Hon P.G. PENDAL: With Mr McKenzie's retirement coming, it might be best for him not to say too much more in this debate, because we have already got two admissions from him.

Hon E.J. Charlton: He is going well, Mr Pendal.

Hon P.G. PENDAL: He is going well for my cause.

Hon Tom Stephens: He is supporting the legislation, which is what you should be doing, Mr Pendal.

Hon P.G. PENDAL: I now pass from Senator Michael Beahan. We have got into another election and on this occasion Stephen Smith was in charge of the money bags. It is interesting that he had such close links with the Leader of this House. Again, do members opposite expect us to believe that they knew those millions of dollars were going into the party but were frightened to ask about them because if they did they may have been told what they most feared; that is, that someone had bought the Labor Party, lock, stock and barrel? For the few people of conscience in the Labor Party, that was the greatest fear of all in the lead up to the 1989 election. It was expressed in perhaps not the most eloquent terms by Mr McKenzie a few moments ago when he said that, if members opposite asked no questions, they would be told no lies. The people who knew that money was coming in and who failed to ask where it came from and where it was going to have a lot to answer for and have no right to promote a Bill such as the Electoral Amendment (Political Finance) Bill as though it is something that they not only believe in but also that they have practised all of their political lives.

Hon Tom Stephens: We have always believed in the Bill and now, fortunately, there is some chance of its being passed.

Hon P.G. PENDAL: It is a pity that, having believed in this type of legislation, Labor Party members, including the member who interjected, did not put those precepts into practice by challenging people in the Labor Party, and asking whether the money came from the crooks who had bought the Labor Party, lock, stock and barrel.

Hon Tom Stephens: It should come as no surprise to you that some of us did not see any of those campaign funds.

Hon P.G. PENDAL: That interjection has implicated the member. He may well not have known where the money came from, but he knew the money was there.

Hon Tom Stephens: I did not see any of it.

Hon P.G. PENDAL: I am not saying that Hon Tom Stephens saw it, but he is saying that the other blokes might have got their chop but they did not give him any. There are only three members on the Government benches at the moment and I suggest that they behave like the three wise monkeys and not say anything else.

Several members interjected.

Hon P.G. PENDAL: There is no chance of my voting for this legislation, because it is dishonest legislation. It is cosmetic and designed to indicate to the public that the Labor Party has turned over a new leaf, whereas we know the Labor Party in this State is as rotten as can be. I will come in a moment to the $75 000 filched from taxpayers' and superannuants' funds to go into the Labor Party funds.

Hon Tom Stephens: People in your party cannot hold a candle to the people in this Government.

Hon P.G. PENDAL: I am proud to say that the member who has interjected is right; whatever troubles the Liberal Party might have, it is not full of people such as those who have debased and degraded the Labor Party tradition. The Attorney General said in the second reading speech -

> The Commonwealth Parliament's Joint Select Committee on Electoral Reform was established in May 1983 out of a concern to improve the quality of democracy in this country.

I love reading those words because whoever wrote them for the Attorney General must have been sitting at his typewriter giggling at how the Government is putting it over the people. Again I relate to the comments I made about Al Capone: Why should we take seriously the statements of these people when, at the same time, they systematically set out to do the very things they now say are immoral or should be illegal? The second reading speech continues -

> That Joint Select Committee conducted a most comprehensive inquiry into electoral policy matters, taking submissions from political parties as well as large and small organisations, academics, local government bodies and individuals.

If the Government wishes to quote that committee, why does it not take some notice of the contents of its report? If the contents of its report are about improving the quality of democracy in this country, why have we seen such a lack of application to the principles spelt out in the second reading speech? I refer not just to one or two lapses, as any individual or political party might make. The Government has turned it into an art form for eight solid years. However, this Government still has the temerity to introduce legislation that is designed to purify, knowing full well that no Opposition in the world would support this sort of duplicity.

Hon Fred McKenzie: We tried to get this legislation passed years ago and you kept knocking it back.

Hon P.G. PENDAL: It is true that the Government tried to pass these Bills several years ago. I am receiving a lot of help from Hon Fred McKenzie tonight and I ask him: If his party believes in the principle and spirit of this legislation, why did it not obey it? It is not necessary to pass a law before people can do the right thing. The Labor Party must have been saying that it would pass its Bill and give the Opposition some fun; meanwhile, it would continue to milk dry the funny money businessmen around the town and put that money into the slush fund to debase the democracy referred to in the second reading speech. It was also stated in the second reading speech -

> As a result of the Select Committee's report and recommendations, the Commonwealth Electoral Act was considerably enhanced and disclosure of election finances was introduced.

That was done at a time when the Labor Party in this State was systematically covering its tracks which have only been uncovered as a result of the Royal Commission. Were it not for the Royal Commission, that dishonest trail of money, that bought power and influence from the Labor Government, would never have been uncovered. I repeat, the Government has the temerity to write second reading speeches as though it believes in those things but its actions prove otherwise. The actions of the Government prove that it has been doing the reverse of the measures it is introducing in this Bill.

I will challenge the Labor Party members to do something in the next few days, because we are aware from the evidence given at the Royal Commission about political funding that not only was the Labor Party content to put its hands in the pockets of the funny money businessmen, but also it was prepared to put its hands into the pockets of the taxpayers and superannuants in this State in order to get illegal money for its election funds.

Hon Tom Stephens: You do not have to believe everything that is said.

Hon P.G. PENDAL: Is it untrue that $150 000 was paid to Mr Burke?

Hon Fred McKenzie: Do you mean Mr Burke or the Labor Party?

Hon P.G. PENDAL: Either one, the result is the same.

Hon Fred McKenzie: Be specific.

Hon P.G. PENDAL: Is the member denying that $150 000 was paid to Mr Burke or the Labor Party and that 50 per cent of it came from Kevin Parry and 50 per cent from the Superannuation Board of Western Australia?

Hon Tom Stephens: Let us wait and hear what the Royal Commission has to say.

Hon P.G. PENDAL: The Labor Party counsel at the Royal Commission, being paid at our expense, has had ample opportunity to refute that allegation, as he has refuted other allegations. I propose to introduce a Bill into the Parliament that will give the Labor Party an opportunity to repay that money.

Hon Fred McKenzie: You are big-hearted.

Hon P.G. PENDAL: I would not miss the chance. Hon Fred McKenzie can make a parting gesture to a party that has failed him dismally. When he is sitting around in a few years' time with his grandchildren and they ask him whether he was part of this, he will offer to read them another story.

Hon Fred McKenzie: I knew nothing about it; I asked no questions and I was told no lies.

Hon P.G. PENDAL: I do not think Hon Fred McKenzie's grandchildren will thank him for that. They will say to their grandma that they thought granddad was brainy but that answer was a dopey thing to say.

Hon Fred McKenzie: It will not matter much then.

Hon P.G. PENDAL: It is a serious matter that $75 000 can be filched not just from Kevin Parry - that is his lookout - but also from the State Superannuation Board by virtue of the fact that the board was a joint venture partner in the Halls Head development. That is one of the most serious revelations to come out of the evidence at the Royal Commission. I doubt that many Third World Governments have had the cheek, apart from taking money from crooked businessmen, to take money from their own exchequers and put it into their own political parties. That level of behaviour would probably be frowned upon in most Third World countries, yet that is what has been done here. There has been no suggestion by the Labor Party that it will repay the money.

Hon E.J. Charlton: This program could have export potential!

Hon P.G. PENDAL: Yes. An amount of $75 000 would be a lot of money to most superannuants. It may well represent the total lump sum pay out for some members of the civil service, yet we have seen a tawdry effort whereby that sum of money has been taken out of the public purse and paid to a political party because it is in power.

I have here the annual report of the State Superannuation Board for 1985-86, which has in it a nice picture of the chairman, Mr Brush.

Hon E.J. Charlton: He made a clean sweep of it.

Hon P.G. PENDAL: Yes. We are told that this money was paid in July 1985. One would think that at least the board would have had the decency to try to disguise the payment and to put it down to footwear, or something like that, but it will not surprise anyone to learn that the payment does not even crack a mention.

Hon Kim Chance: Perhaps it did not happen.

Hon P.G. PENDAL: The member will get his chance when he votes on the Bill.

Hon T.G. Butler: Will you support the Bill?

Hon P.G. PENDAL: No, because it is as phony as the Government which has sponsored it.

Hon Tom Stephens: You are trying to protect your sources.

Hon T.G. Butler: How can you be so hypocritical and talk like that?

Hon P.G. PENDAL: I can assure the member that the hypocrisy is all on the side of the Australian Labor Party. Is any Labor member opposite suggesting seriously that had this sort of legislation been in place the payments that were allegedly made to Mr Parker - and I do not intend to discuss that, because that matter is before the courts -

Hon T.G. Butler: But you will mention it in passing.

Hon P.G. PENDAL: Yes. Are members opposite saying that had this Bill been in place that would not have occurred? I can tell members opposite that this legislation will never cover the sort of situation that we have seen come out as a result of the Royal Commission. Without mentioning names, the allegations that have been made about people giving money in return for favours would not have been prevented by the provisions of this Bill. One cannot legislate to make dishonest people honest. Members opposite know that. We spend all of our time here, as do members of other Parliaments, in tightening the law in all respects to ensure that the honest person does things a little more honestly, whether we are talking about taxation law or any other situation where we extract money from taxpayers. No amount of legislation can cover the brown satchel - or "non-interest bearing satchel", as it

was referred to in *The Times*, London, last year - culture of Western Australian politics. Nothing in this Bill can possibly deal with that situation.

This Bill will not clean things up, as I have amply demonstrated. It has everything to do with chopping off political donations for non-Labor parties in Western Australia; namely, the Liberal Party and the National Party. It has been demonstrated elsewhere that the Labor Party will not be demonstrably affected by this Bill. Corporate donations amount to about eight per cent of the donations made to the Labor Party. I am told that they represent about 40 per cent of the donations made to the Liberal Party. Members opposite know as well as I do that this Bill is designed to bring to their political knees parties which do not have access to trade union funds.

Hon J.M. Berinson: What are you talking about? What absolute nonsense.

Hon P.G. PENDAL: That is exactly what this Bill is intended to do. That is the reason that the Bill deserves to be thrown out. The Labor Party is smart enough to work out that, in the current climate, if it can put the fear of God into legitimate businesses so that they will not make donations to the Liberal Party or to the National Party, it will substantially dry up the funds available to those parties without affecting the funds available to the Labor Party.

Hon J.M. Berinson: Commonwealth legislation has not stopped businesses from making donations to all parties.

Hon P.G. PENDAL: The Attorney General should not be so ridiculous. Is he telling me that businesses will be as likely as they were previously to make donations if they know that their names will be tabled in this Parliament and be published in the newspapers? The Attorney General is living in the sort of world in which he has lived for the last five or six years - fantasy land. That will catch up with him in due course.

Hon Tom Stephens: Why do you not want Liberal Party funds disclosed? Have you been bought?

Hon P.G. PENDAL: I did hear that smart alec remark and I will ignore it. The time has come when we should stop this Bill in its tracks because it is a dishonest Bill. It is a cosmetic Bill. We should put it to one side and look seriously at the question of public funding of elections in Western Australia. I have not supported that principle in the past, but I am saying now that the Government is moving down the path - and I particularly ask Hon Reg Davies to take notice of this - where it knows that the result of its action will be to cut the funds available to one side of politics without affecting the funds available to the other side of politics.

Hon J.M. Berinson: Why does that not happen elsewhere in the world?

Hon P.G. PENDAL: It has happened, Mr Berinson. Public funding of elections in Western Australia ought to become a real agenda item now.

Hon T.G. Butler: You would throw it out.

Hon P.G. PENDAL: No, I would not. The Government's move will produce something not unlike a one party State -

Hon J.M. Berinson: Why not both? I am not disagreeing with your public funding proposition as something worth considering, but why is that not consistent with supporting this Bill as well?

Hon P.G. PENDAL: I will put it another way to answer the Attorney General. We should put the Bill to one side and take a serious look at public funding. If the Parliament were seriously prepared to entertain that - and I have changed my view on it - or if it decided that we did need this Bill, we may well get everyone to support it. It would be designed to have no reliance on society running elections through corporate donors, or in the Government's case from the trade union movement. Members opposite would be getting their election funding from the public purse.

Hon J.M. Berinson: I put it to the member seriously that there are many instances where public funding coexists with private donations which are publicly declared.

Hon P.G. PENDAL: As Hon Eric Charlton has reminded me, the Attorney General wants it both ways. I will even look at that as a member, and plenty of others here would be prepared

to look seriously at that. All the evidence is that the public do not support public funding.

Hon Mark Nevill: They do not support paying taxes either.

Hon P.G. PENDAL: They do not. The public may have to learn to like public funding if that is one of the steps we take towards reassuring people that we are starting to get back to proper standards in public life. As a colleague said to me today, in the current climate and considering the matters coming out of the Royal Commission, the chances of going to the most reputable corporations and business enterprises in Western Australia and receiving donations has been reduced almost to zilch - not because of what the Liberal or National Parties have done but because of what the Labor Party has done. It is also because in the ultimate those people had their names released by the Royal Commission. To many people politics is like religion; it is something very private, it is something they do not want broadcast over the air waves or in the newsprint.

Hon Tom Stephens: Maybe we will hear from the Royal Commission its attitude on the issue of public funding.

Hon P.G. PENDAL: It was suggested in another place that this Bill should be stopped in its tracks, and that we should await the outcome of the Royal Commission's report on the whole question of disclosure, but the Minister in the other place gave that view no sympathy. The comments by Hon Tom Stephens may turn out to be true.

I expected this debate to take place tomorrow. Unlike the Government, we do not have access to research facilities, and the material that would have arrived tomorrow in order for me to debate this Bill has not arrived. However, my recollection is that we would base such a system on the percentage of the vote a party received at the most recent general election. The quick calculation I made while waiting to take part in this debate suggests that there are about one million voters in Western Australia, so we would be looking at about $5 per head of population out of the Consolidated Revenue Fund, because we are probably looking at expenditure of about $5 million for the two major parties, as well as the amount the National Party would spend, and the Democrats, the greens and other people.

Hon Tom Stephens: Under that system you would receive more dollars.

Hon P.G. PENDAL: We would get more votes. In the last election, as I never tire of pointing out, we did not win Government. We were told we had all the wrong policies and leaders, but it was sufficient for the Liberal and National Parties to poll 52.7 per cent of the vote, whereas the Labor Party scraped home and formed Government with 47.3 per cent of the vote.

I am not saying that the question of public funding is ideal, but it would spike the guns of the Labor Party, which has introduced the current Bill in what I call a pitiful attempt to make it look clean. The only political party that has shown a systematic attempt to corrupt the donation system is the Labor Party; the irony is that the Labor Party is the sponsor of this Bill. I do not believe that the commentators, the journalists, and the public have woken up to the latest Labor Party rort in this State. That is what we have witnessed tonight. The Bill is designed to enforce disclosure following a period of sustained concealment of donations. The current Premier, whose mind has worked overtime to present herself as "Dr Clean", has the audacity to introduce a Bill seeking to enforce disclosure when she has repeatedly sanctioned unethical and immoral transfers of Treasury funds to fund blatantly political exercises such as that we witnessed on the Esplanade 10 days ago.

Hon Bob Thomas: What are you talking about?

Hon P.G. PENDAL: I am talking about the use of $1 million that was designed to do no more than to promote the Labor Party. In my electorate, the Labor Party would not fund a sole parent centre at East Fremantle. The centre was closed down because $300 000 could not be found to keep it going. The extravaganza on the Esplanade could have paid for three such centres. So much for the Labor Party's belief in social equality and the protection of the battlers in this world. Members opposite sit around the Caucus room and put their names to the waste of $1 million of public funds in order to take part in a cruddy exercise such as that just to put themselves in a better light before the electors. The immorality of it all did not stop there. When the Reverend George Davies had the cheek to bring public attention to some of the values of the Government, the telephone was snatched from his hand by a couple of ministerial monkeys.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon P.G. PENDAL: I do not agree with anything Hon Tom Butler interjects about. The Labor Party does not fool anybody with legislation of this kind. If the Labor Party believed in it we would never have seen the revelations we have from the Royal Commission. If the Labor Party believed in doing things properly, in having an account called "The Australian Labor Party Account" with a couple of signatories, where what came in one side went out the other, and that account was audited, a Bill in this House in this form would be fully justified.

Hon T.G. Butler: Don't you agree with public disclosure?

Hon P.G. PENDAL: I do not agree to it under the terms of the Government's Bill. The time may have been reached when public funding of elections is necessary to prevent the political system of this State from collapsing. The political system has certainly collapsed over the past eight years; if it had not, the Government would not be in the strife in which it now finds itself. A good case exists for putting aside the legislation. A number of amendments will be proposed by the Opposition during the Committee stage. I will not tell members about all of them, but they are excellent amendments. One of the amendments in which I am involved would prevent this Government, which has broken all the rules, from using public funds to promote itself in the next three to nine months of its term in office. That amendment will test the seriousness of members opposite and will show whether they are prepared to put that kind of limitation on themselves and on their behaviour which has, up until now, been nothing short of disgraceful. The other amendments will be left to other members to discuss.

The legislation is nothing but a put up job. It is designed to suggest to the public that the Labor Party believes in something which it demonstrably does not believe in, as has been shown in the evidence given to the Royal Commission over the past eight months. Members of the Labor Party who supported this Bill in Caucus should hang their heads in shame because they know it is nothing more than a political diversion to make things difficult for their opponents while making sure - in the immortal words of Philip Collier - that the Legislative Council throws the Bill out. As Mr Collier said on many occasions, the Labor Party has much to thank the Legislative Council for. It has always been able to throw out the silly, excessive nonsense that the Labor Party was compelled to introduce and put on the Notice Paper while secretly hoping that it would be consigned to the legislative scrap heap. That is where this Bill belongs. I oppose it and hope that the rest of the House will oppose it. It should suffer the fate it deserves and be thrown out.

HON E.J. CHARLTON (Agricultural) [10.33 pm]: I do not intend to speak at length because Hon Phillip Pendal has covered the major reasons that the National Party will not be supporting the Bill. The comments of Hon Phillip Pendal received the positive assistance of Hon Fred McKenzie. In fact, Hon Fred McKenzie's comments demonstrated why this Bill is before this House: The problem is located totally within the Labor Party! The Government has brought this Bill to the Parliament for nothing more than political reasons. It is a public relations exercise aimed at giving the people of Western Australia a warm feeling inside so that they can believe that this Government is fair and above board and will ensure that all political donations to political parties are disclosed. Instead of introducing this Bill, the Labor Party should have established this code of practice for its own organisation.

Hon J.M. Berinson: Will you set it up for yourselves?

Hon E.J. CHARLTON: There has never been as much public disquiet about the goings on of people making donations to political parties which have been considered financial manoeuvres to obtain pay backs as there has been in recent years in Western Australia.

Hon J.M. Berinson: You cannot seriously mean that, given the experience of your own party in Queensland?

Hon E.J. CHARLTON: I am prepared to take it on the chin when comments are made about what went on in Queensland. The Government in Queensland did not have any force put on it from the outside. The Queensland Minister for Police instigated the move to call for a Royal Commission. He did not have to be forced biting and scratching to that end when misappropriation of taxpayer's funds was revealed. People in Queensland were sent to gaol for misappropriating a few hundred thousand dollars. I am not condoning those people's actions, but I am illustrating what was the result for Queensland's economy. It is the

strongest, soundest, and most profitable State in the nation and would not we in Western Australia give our socks to have an economy like Queensland's; like the economy Mr Goss inherited and over which he plays godfather while the rest of the nation is facing the worst recession since the 1930s? Those are the facts about Queensland's economy. Hon Joe Berinson might think that I have run off on a different track from the one he wants me to talk about; that is, from where did they get the money?

Hon J.M. Berinson: I want you to talk about the Bill.

Hon E.J. CHARLTON: As I stated at the beginning, a man of the Leader of the House's ability would have taken the proposals in this legislation to the Labor Party headquarters and said that this is how it should operate its organisation. He would have said that the Labor Party could show the people of Western Australia that it did not intend to be related in any way to what has taken place in the past few years and brought the Labor Party into disrepute with the people of the State, even though it has managed to camouflage those things and present itself in a positive light to the people. Based on the Government's comments and the interjections tonight, that is what the Leader of the House should have done.

This Bill is aimed at shifting the onus of the misappropriation of funds from the culprits within the Labor Party organisation to everyone else who was doing nothing wrong. Is the death penalty ever adopted in a society which has witnessed no crime? No-one would ever have thought about hanging people or having a death sentence if murder had never been committed. Members opposite have committed a crime and we are all being judged guilty of misappropriating funds, of lacking credibility, honesty and integrity. The National Party will not have any problems in this State, unlike the situation in Queensland, because it has not been able to attract that kind of money. That is obviously not a reflection on the people who comprise the party in Western Australia. It seems that we are not in the big league.

Hon J.M. Berinson: Do you support Mr Pendal's comments on public funding?

Hon E.J. CHARLTON: No, I do not. If we want to form a political party, a football club or voluntary organisation, we should be able to seek the support of people who believe as we do, and that includes seeking financial support. That is what free enterprise is all about. We are supposed to be living in a democracy. Every time I look at the newspaper is seems the Labor Party is talking about further deregulation, but it applies to only some activities within our society. The Labor Party only wants to regulate to benefit itself and to deregulate when it is to someone else's disadvantage. We never hear a peep from the hard core of the Labor Party over deregulation when it does not suit it. All people who contribute to a political candidate, party or organisation will be on the public record and the public will know who they are and what they did because the Labor Party decided to make a meal of a democratic process which had been in the best interests of the State. The Labor Party wants to ruin it for everybody and it wants us all to cop it. It is like this "you beaut" idea about losing 12 demerit points which has been introduced for the people who do the wrong thing on our roads. Those people who drive 100 000 kilometres are more likely to lose 12 points than those people who drive only 25 000 kilometres. The Government talks about the rights of the individual and United Nations charters with which we concur and to which we are signatories. That is all bulldust. We hear across the nation about the freedom of the individual, but when it comes down to the freedom of the individual who wants to support a political party by making a donation, his actions must be paraded for all the world to see. The unions are also locked into that situation. Every time the superannuation funds are changed we see another gazetted, controlled means of money going out of somebody's pocket or bank account and being siphoned off. It finishes up where it can be controlled by Labor Party branches around this nation. The other side of politics either does not have the money, or does not want that sort of situation where people are gazetted, controlled and directed to ensure that a percentage of their turnover goes to a particular political party. It is sad day if we have reached that situation.

Obviously Hon Fred McKenzie and Hon Tom Stephens feel badly about what has happened. Their interjections suggest they feel disgusted about what has gone on in the past. Their way of dealing with that is to ensure that we are all controlled and come to heel so that that cannot happen again. As sure as the sun rises in the east in the morning, and like the tax laws, which are changed from time to time, an accountant will find a loophole to get around the law. I am sure members opposite will find ways of dealing with this situation. It will not do

any good for those of us who depend on a more voluntary type of financial support. Those options will not be there in as great a measure as previously.

I am disappointed that this Bill has come before the Parliament for the reasons I have mentioned and, worse still, that the public of Western Australia will believe, as the Government wants them to believe, that this Bill will clean up political donations. It will do two things: Firstly, it will create a camouflage for what will happen in the future and, secondly, it will create the impression that what took place in the past will not happen again because of the limitations being imposed. However, people will get around the requirements because the Government has made decisions which will ensure that satisfactory funding for the Labor Party's requirements for conducting election campaigns will be met. We will not see that same sort of funding on this side of politics and that is a bonus for the Labor Party; so the National Party will not support the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.46 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Kelly, Hon Gary - Birthday Anniversary

HON GARRY KELLY (South Metropolitan) [10.47 pm]: I cannot let the House adjourn without informing members that today, Tuesday, 26 May 1992 is the 23rd anniversary of my 21st birthday!

Question put and passed.

House adjourned at 10.48 pm

QUESTIONS ON NOTICE

SCHOOLS - COSMO NEWBERY
Teacher and School Facilities Consideration

258. Hon P.H. LOCKYER to the Minister for Education:

(1) Has the Minister further considered putting a teacher and school facilities at Cosmo Newbery?

(2) If so, what is the Government's decision?

(3) If the Government is not going to provide school facilities and a teacher, why is this community being denied such facilities?

Hon KAY HALLAHAN replied:

(1)-(3)

Housing is not readily available for a teacher at Cosmo Newbery. Until such time as it is, a community resident will be employed as an untrained teacher. Funding has also been approved for an Aboriginal education worker - AEW - there. A demountable classroom will be provided by the end of May. The Kalgoorlie District Education Office, the Kalgoorlie School of the Air, the Distance Education Centre and Laverton District High School will continue to provide resources, advisory visits and assistance.

SWAN BREWERY SITE - HERITAGE COUNCIL OF WA
Submissions Tabling

272. Hon P.G. PENDAL to the Minister for Education representing the Minister for Heritage:

Will the Minister table all submissions received by the Heritage Council in connection with the Swan Brewery?

Hon KAY HALLAHAN replied:

Reply provided by the Minister for Heritage -

For personal confidentiality reasons, I am not prepared to table all the submissions received by the Heritage Council of WA in connection with the interim listing of the old Swan Brewery in the Register of Heritage Places. However, I am prepared to present summaries of the submissions for the member's information and perusal. Further, I have no objections to arrangements being made for the honourable member to visit the office of the Heritage Council of WA to view the actual submissions.

POLICE - RETIRING OFFICERS
Government Bonds Offer in Lieu of Lump Sum Superannuation

277. Hon DERRICK TOMLINSON to the Minister representing the Minister assisting the Treasurer:

Are retiring police officers being offered Government bonds in lieu of lump sum superannuation benefits?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

No.

PERTH MINT - GOLD BULLION
Dollar Value of Write Off and Gold Returned

284. Hon MAX EVANS to the Hon Tom Stephens representing the Minister for State Development:

Further to question 203 regarding the Perth Mint -

(1) What was the dollar value of the write off at 30 June 1982?

(2) What was the weight of the gold stolen?

(3) What was the total dollar value of the gold returned to the Mint?

(4) How much was the profit or loss incurred as a result of the theft?

(5) How was the profit/loss shown in the annual report at 30 June 1990?

(6) What was the weight of the gold returned?

(7) Was the gold returned identified as the same gold that was stolen?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

(1) It was shown in the 1982 accounts as $109 311, based on the accounting policy used by the Mint at the time of valuing gold at $50 per ounce. The market value at 30 June 1982 was $662 028. New management brought into the Mint adopted the practice of valuing gold stocks at market value from 1 July 1986.

(2) 2 186.206 fine ounces.

(3) $838 767, based on market prices prevailing at the time.

(4) The Mint stresses that, generally speaking, it deals in quantities of metal and, as all the gold fraudulently removed has not been recovered, the Mint still has a loss of 306.236 ounces of gold as a result of the fraud. Therefore, the fraud cannot on any reasonable basis be regarded as having yielded the Mint a "profit", as suggested by the member. Expressing in money terms, fluctuations in the gold price since the fraud was perpetrated giving the following results -

	$		$
Market value of gold returned	838 767		838 767
Value of gold lost as then recorded in accounts ($50 per ounce)	109 311	Value of gold lost at 1982 market value	662 028
Difference	729 456		176 739

(5) The recovered gold was shown in the 1990 accounts in accordance with Australian Accounting Standard AAS1, that is, the recovery value of $838 767 was treated as revenue.

(6) 1 879.970 fine ounces.

(7) Some of the gold returned was in the form of a 20 ounce bar, the serial number of which enabled it to be identified as one of the bars fraudulently removed in 1982. The rest of the gold had been melted into a form known as granulations. This metal was of the same assay as that removed from the Mint, though it is not possible to prove beyond any doubt whatsoever that it was the same metal as was removed. Gold Corporation understands that the metal was returned to the Mint after consultation between the Police Department and the Crown Law Department determined this was the correct course.

ASBESTOS - REUSING AS A BUILDING MATERIAL OR FENCING
Allowable Practice

285. Hon MURRAY MONTGOMERY to the Hon John Halden representing the Minister for Consumer Affairs:

(1) Is the practice of re-using asbestos as a building material or as fencing still allowed?

(2) If yes, is there a requirement that such products are clearly labelled as containing asbestos and with an appropriate health warning?

Hon JOHN HALDEN replied:

Reply provided by the Minister for Consumer Affairs -

(1) No. Regulation 808(1) and section 19(1) under the Occupational Health, Safety and Welfare Act apply in workplaces. The Health Department of WA is currently proceeding with regulations for non-workplace.

(2) Not applicable.

OPTHALMIA DAM, NEWMAN - CONSTRUCTION ACT
Amendments

310. Hon N.F. MOORE to Hon Tom Stephens representing the Minister for State Development:

(1) Which Act of Parliament allowed for the construction of the Ophthalmia Dam at Newman?

(2) Have there ever been any amendments to this Act pertaining to the Ophthalmia Dam?

(3) If so, when?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

(1) The Iron Ore (Mount Newman) Agreement Act No 75 of 1964.

(2) No.

(3) Not applicable.

MINING INDUSTRY - GOLDSWORTHY MINESITE
Ground Water Salinity Levels

316. Hon N.F. MOORE to Hon Tom Stephens representing the Minister for State Development:

(1) What was the ground water salt content in parts per million at the Goldsworthy minesite prior to mining and what is the present reading now that mining has ceased?

(2) If this information is not available, why has the appropriate department failed to monitor the salinity levels of the ground water?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

(1) Prior to the cessation of mining at the Goldsworthy pit, the salinity levels of water from dewatering was around 1 500 to 2 000 ppm. The salinity levels increased to over 5 000 ppm in 1990. BHP will continue to provide advice to the Government on these levels. The Geological Survey of WA - Mines Department - and the Water Authority have provided advice that, due to the high evaporation rates in the minepit and the net inflow of water into the pit, there is little possibility of the pit water affecting the groundwater quality in the adjacent formation.

(2) Not applicable.

FIRE - EFFLUENT PONDS, LINLEY VALLEY ROAD, WOOROLOO
Isolated Location Definition

318. Hon BARRY HOUSE to the Minister for Education representing the Minister for Health:

Further to question on notice 163, answered on 1 April 1992 -

(1) How does the Minister define an isolated location as referred to in the answer to part (4)?

(2) What distance is the El Caballo Blanco Resort from the location of this effluent fire?

(3) Was there at any stage concern for the health of any residents within five kilometres of the effluent fire?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(1) The area in this instance was defined as isolated as there was sufficient distance between the location of the fire and local residents to allow for the dispersion of smoke before it may have impacted on the health of individuals.

(2) The resort is located approximately one kilometre from where the fire was located.

(3) The Environmental Protection Authority has advised there was no concern or threat to the health of any residents. The only impact may have been the fire's smoke which was seen as a nuisance factor.

SCHOOLS - COMPLEMENTARITY OF SCHOOL SYSTEMS WORKING PARTY
Appointment - Western Australian Representatives

319. Hon DERRICK TOMLINSON to the Minister for Education:

(1) Has the working party on complementary of school systems agreed to at the meeting of Premiers and Chief Ministers in Adelaide on 21 and 22 November 1991 been appointed?

(2) Is Western Australia represented on that working party?

(3) By whom is Western Australia represented?

Hon KAY HALLAHAN replied:

(1)-(2)
Yes.

(3) Mr Mike Helm, Ministry of the Premier and Cabinet.
Mr Brian Easton, Ministry of Education.

ABORIGINES - INDOOR CRICKET ENTERPRISE, BROOME
Receivership

329. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Aboriginal Affairs:

(1) Is the Government aware of an indoor cricket enterprise in Broome owned by an Aboriginal enterprise being placed in receivership?

(2) If the enterprise is not in receivership is the Aboriginal and Torres Strait Islander Commission trying to dispose of it?

(3) If so, to whom has it been offered?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following response -

(1) The Government has no information on the current status of this private trading enterprise. All inquiries should be directed to the company.

(2)-(3)
See answer to (1) above.

SCHOOL OF THE AIR - INADEQUATE BUILDINGS
Derby, Carnarvon, Port Hedland, Meekatharra

330. Hon P.H. LOCKYER to the Minister for Education:

(1) Is the Minister aware of the serious inadequacies of School of the Air buildings in Derby, Carnarvon, Port Hedland and Meekatharra?

(2) What steps are being taken to overcome the serious overcrowding in these schools?

Hon KAY HALLAHAN replied:

(1) The need for improved accommodation at the Schools of the Air in Derby, Carnarvon and Meekatharra is recognised. It is contended, however, that the School of the Air in Port Hedland is adequately accommodated in four air-conditioned classrooms.

(2) The Schools of the Air at Carnarvon and Meekatharra have been listed for the provision of a temporary classroom. The needs of the Kimberley School of the Air in Derby will be considered in a future capital works program.

FINANCIAL INSTITUTIONS - NON-BANK
Legislation for New Regulatory Regime

331. Hon N.F. MOORE to the Attorney General:

(1) When will the Minister introduce the legislation proposed for a new regulatory regime for non-bank financial institutions?

(2) By what date does the Minister seek to have this adopted?

(3) Is it correct that the scheme proposes for all costs of supervisory administration to be borne by industry?

(4) Has the Minister been advised by credit unions or others of their concern about the potential costs to individual institutions of such arrangements and their need to pass them on to the public?

Hon J.M. BERINSON replied:

(1) Relevant Bills are on 14 May, 1992 Notice Paper for the Legislative Assembly.

(2) 1 July 1992.

(3)-(4) Yes.

STATE DEVELOPMENT, DEPARTMENT FOR - NORTH OF PERTH MINERAL SANDS STUDY COMMITTEE
South of Perth Mineral Sands Study Committee Committment

332. Hon BARRY HOUSE to the Hon Tom Stephens representing the Minister for State Development:

(1) Has a North of Perth mineral sands study committee been formed by the Department for State Development?

(2) Has a commitment to form a South of Perth mineral sands study committee been made?

(3) If so, when is it proposed to form this committee and who will the members be?

Hon TOM STEPHENS replied:

The Minister for State Development has provided the following reply -

(1) The committee to which the member refers is probably the "Geraldton-Perth Mineral Sands Advisory Committee". The work of that committee was completed in 1991.

(2) The Government has made no formal commitment to form a similar committee to the south of Perth.

PRISONS - ALBANY REGIONAL
Precast Cell Modules Contract - Devaugh Constructions

333. Hon J.N. CALDWELL to the Minister for Corrective Services:

(1) Has a contract been agreed between the Department for Corrective Services and Devaugh Constructions in relation to the construction of precast cell modules for the Albany Regional Prison?

(2) If yes, did the conditions of the contract include the following -

> It is a condition of this contract that the whole production line for the construction and fitting-out of the precast units is done under cover or in an approved weatherproof environment, including site amenities, to the complete satisfaction of the Superintendent. ?

(3) Is the Minister aware that the condition was included in the tender documents sent out to the companies who tendered for the contract?

(4) Has the superintendent or any other departmental officer checked to see if Devaugh Constructions is complying with this condition of the contract?

(5) If yes, when and by what means?

(6) Is the Minister aware that a news program on Golden West Network recently showed that this condition of the contract was not being complied with?

(7) Did the Devaugh Constructions tender include an allowance for the cost of providing the special undercover facilities required by the contract?

(8) Did the unsuccessful tenderers include in their tenders an allowance for this cost?

(9) If no to (6) and yes to (7), does the Government consider that the tendering process was fair?

(10) Why did the tender contract require the cell modules to the constructed and fitted-out under cover and what is the likely effect on the Albany Regional Prison if the construction and fitting-out takes place in the open?

(11) What steps will the department take to ensure the special condition in the contract is being complied with and what action will it take if the condition is not being or has not been complied with by the successful tenderer?

Hon J.M. BERINSON replied:

(1)-(4) Yes.

(5) Yes, during each site inspection fortnightly.

(6) No.

(7)-(8) Not known.

(9) Not applicable.

(10) The conditions were written into the contract to protect the finishes and minimise delays due to inclement weather. If a fit-out takes place in the open during inclement weather, the fittings and finishes risk damage with subsequent costs to the contractor to repair the damage and with consequential risks of delay to the delivery of the units.

(11) Forbes and Fitzhardinge, the commissioned architects for the project, have advised that on 13 May 1992 the contractor was not complying with the requirements of the conditions of contract. They have instructed the contractor to comply with the conditions of contract and if that is not done, the contractor will be in default.

SODIUM CYANIDE - RAIL TRANSPORT SPILLAGES

336. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

(1) Have there been any spillages of sodium cyanide in Western Australia during its transportation by rail during the past five years?

(2) If yes, at what locations did these spillages occur, and what quantities were involved?

(3) Were these incidents reported to the following authorities -

(a) Health Department;

(b) Department of Occupational Health Safety and Welfare;

(c) local authorities;

(d) Waterways Commission; or

(e) Environmental Protection Authority?

(4) If no, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

No. However there have been several instances of solution contamination detected on rail wagons and containers. The contaminations were of a minor nature consisting of small patches and specks of dry material with a low concentration of cyanide. It is believed the minor contaminations occurred during loading at the company plant or unloading at mine sites.

(3)-(4)

In each incidence of detected contamination advice was provided to the Environmental Protection Authority and the Department of Mines. There was no apparent health threat or likelihood of environmental pollution; therefore, no other authorities were involved.

QUESTIONS WITHOUT NOTICE

LIMITATIONS ACT - AMENDMENTS

220. Hon GEORGE CASH to the Attorney General:

Will the Attorney General undertake to bring before the Parliament legislation to amend the Limitations Act, specifically those provisions which enable a plaintiff who is an infant, lunatic, idiot or married woman to bring an action up to six years after the disability has ceased?

Hon J.M. BERINSON replied:

I would prefer to have this question put on notice as I am left in some doubt about the state that our consideration of the Limitations Act has reached. I know that it has been the subject of considerable study by the Law Reform Commission, among others. I also have the impression the work is approaching some sort of finality but, given the complexity of the various issues involved in that Act, I am unable to give an undertaking about the timetable of proposed amendments.

COURTS - CIVIL ACTION DAMAGES
Interim Payments Legislation Amendments

221. Hon GEORGE CASH to the Attorney General:

(1) Has the Attorney General given further consideration to amending legislation to permit an interim payment for damages in civil actions?

(2) If yes, when does he expect the legislation to come before the Parliament?

Hon J.M. BERINSON replied:

I start by clarifying some confusion which may have been created by the previous question. I was not suggesting that the question itself be put on notice, as that related only to my ability to give an undertaking. I think I responded to that fully by saying that I could not give an undertaking.

(1)-(2)

I believe I am right in saying that despite some efforts to include this provision in a forthcoming Bill, which deals with many aspects of

court procedures, that is unlikely to occur. The department and various people who have been assisting me with this Bill are working very hard to have it available for introduction next week, with a view to the recess then allowing adequate consideration by members of Parliament and the public. I will look again at the question of including this item in the Bill, but I think I am right in saying that on latest advice it has not been possible to include it in the general Bill now being drafted.

EDUCATION, MINISTRY OF - BOLTON, MARJORIE
Mesothelioma Workers' Compensation Claim - Test Case Consideration

222. Hon N.F. MOORE to the Minister for Education:

I draw the Minister's attention to the fact that Mrs Marjorie Bolton, who alleges that she has contracted mesothelioma as a result of teaching in Government schools, has decided not to proceed with civil litigation against the Minister for Education, and ask -

(1) What was the ministry's attitude towards Mrs Bolton's action?

(2) Has the Government considered supporting a test case to ascertain whether the ministry is in any way liable in the event that teachers contract mesothelioma; and, if not, why not?

Hon KAY HALLAHAN replied:

I thank the member for giving some notice of his question.

(1) Mrs Bolton lodged a claim for compensation with the Ministry of Education on 17 September 1991. The claim alleged the contraction of mesothelioma arising from exposure to asbestos through employment with the ministry.

An offer of settlement in respect of her workers' compensation claim was made by the ministry without any acknowledgment of liability, and without prejudice to any further claim she might make. Following a meeting between ministry representatives and the State Government Insurance Commission on 13 February 1992, a decision was made to pay Mrs Bolton her entitlement under the Workers' Compensation Act. The offer was made on the ministry's behalf and was accepted by Mrs Bolton. The official Workers' Compensation Board order for settling the workers' compensation claim was signed on 24 February 1992.

The claim by the State School Teachers Union that because the compensation claim was settled the Government accepted that Mrs Bolton's condition occurred as a result of her employment in the Ministry of Education is untrue and, in my view, mischievous. It has not been established that Mrs Bolton contracted mesothelioma through her employment with the ministry. Early settlement was offered to Mrs Bolton on compassionate grounds. Mrs Bolton elected to pursue the claim of negligence through the Supreme Court. She subsequently withdrew her claim on 14 May 1992.

In accepting her decision, I have instructed the ministry not to pursue the matter of costs. Members would appreciate that the Government, through its instrumentalities, has a responsibility to account for Government funds. It cannot simply make a payment to an individual where it has not been established that the Government has a liability. To suggest otherwise would constitute a dereliction of duty.

(2) No. On the facts gathered in this case, it is not considered that it would constitute a test case.

SCHOOLS - ABORIGINAL ASSISTANCE FUNDING
Redirection from Schools to Parents Problems

223. Hon E.J. CHARLTON to the Minister for Education:

I understand that some of the funding that is made to schools for specific Aboriginal assistance is currently being redirected from the schools to the parents of Aboriginal children to assist those children, and that some Aboriginal parents are not passing on those funds to the schools. As a consequence, the schools are being severely disadvantaged financially. What is the Ministry of Education doing about that problem, and is all of that funding from the Federal Government?

Hon KAY HALLAHAN replied:

I cannot recall that a complaint of the nature outlined by the member has been made to me, but I would prefer to have the matter researched and to come back to the House with a thorough answer. I suggest that the member put his question on notice. I could then provide a full answer with regard to State Government funding. If the question involves Federal Government funds which are administered through the State Ministry of Education, I could also give him information about that.

ABORIGINES - SOUTHERN ABORIGINAL CORPORATION
North America and Canada Trip

224. Hon MURIEL PATTERSON to the Minister for Education representing the Minister for Aboriginal Affairs:

Some notice has been given of this question, which concerns details of a trip that was undertaken to North America/Canada at the beginning of May 1992 for approximately three weeks by members of the Aboriginal and Torres Strait Islander Commission and possibly the Southern Aboriginal Corporation and others.

(1) Who authorised the trip?

(2) Where did the funding for the trip come from?

(3) What was the cost of the trip?

(4) Was there an allocation for personal spending money in the funding?

(5) Was an itinerary arranged?

(6) What was the purpose of the trip?

(7) Who were the people who went on the trip?

(8) What was the criteria for selection of those people who went on the trip?

(9) What are the names and qualifications of those who participated in the trip?

(10) Will a report be presented on the findings of the trip?

(11) If so, when and by whom?

(12) What places were visited on the trip?

The PRESIDENT: Order! Before I call on the Minister to answer the question, I direct Hon John Halden to take the opportunity at the earliest convenience to have a look at Standing Order No 79. He will find that what he is doing now is out of order.

Hon KAY HALLAHAN replied:

I thank the member for some notice of the question. The Minister for Aboriginal Affairs has provided the following response -

(1) The Southern Aboriginal Corporation. This followed a submission regarding funding for 11 Aboriginal people from the south west to

attend a study tour in North America and Canada. An itinerary was prepared in consultation with the Universities of Oklahoma, Calgary and Edmonton to look at ethnic groups and models that are involved in the maintenance and treatment of mental health/illness for indigenous people.

There are no culturally appropriate services dealing with mental health issues for Aboriginal people in the south west. Existing services generally fail to meet the psychological, social, physical and spiritual needs of Aboriginal people.

The Southern Aboriginal Corporation therefore brought together a group of people ranging in age, expertise, knowledge and vigour to research community models that are operating in indigenous communities of North America and Canada. From this it hopes to establish a model for the south west to address the mental health needs of the Aboriginal people. The purposes of the visit were consistent with the recommendations of the Royal Commission into Aboriginal Deaths in Custody and the priorities of the State's Aboriginal Advisory Council.

(2)-(3) The Federal Department for Housing, Health and Community Services - $34 000; Aboriginal and Torres Islander Commission - $11 500; and Aboriginal Affairs Planning Authority - $29 000.

(4) No.

(5) Yes.

(6) To present a paper at the Child Abuse and Adolescent Mental Health Conference in Orlando, Florida and to view appropriate models of mental health services provided for indigenous people in America and Canada.

(7) A cross-section of the Aboriginal community in the south west was selected by the Southern Aboriginal Corporation.

(8) The criteria were established by the Southern Aboriginal Corporation.

(9) This is an internal matter for the Southern Aboriginal Corporation.

(10) Yes.

(11) The Southern Aboriginal Corporation has undertaken to provide a comprehensive report from the findings of the trip. This is expected in the near future.

(12) Academic institutions and community settings.

Mr President, I guess it can be said that much money has been wasted by Select Committees of this House inquiring into matters of Aboriginal health, education, and other social infrastructure. If a criticism is to be made of the opportunity these people took to travel overseas to see models of indigenous people's work, the people making those critical comments -

Hon George Cash: Is this part of the answer provided?

Hon KAY HALLAHAN: No, I am adding to that.

Hon George Cash: It is important we should understand that this part was not provided by the Minister for Aboriginal Affairs.

Hon KAY HALLAHAN: I will make it clear for the member. The answer as far as point (12) was provided by the Minister for Aboriginal Affairs. I am now saying, as a Minister of this House, that we should consider the benefits that come from our Select Committee inquiries into matters regarding Aboriginal people. I say that in response to the interjection by Hon George Cash, because sometimes we hear critical comment about indigenous people going overseas to look at the models provided by indigenous people elsewhere.

EDUCATION, MINISTRY OF - EDUCATION FUNDING DETAILS

225. Hon E.J. CHARLTON to the Minister for Education:

Further to my previous question, can the Minister advise whether all the money that comes into the State for education purposes flows through the Ministry of Education, or does some funding flow directly from the Federal Government to schools?

Hon KAY HALLAHAN replied:

The situation is possibly more complicated than that. I suggest that the member place the question on notice so that I can provide an answer.

REID, VERNON - WORLD WINDSURFING CHAMPIONSHIPS
Morrison, Greg - EventsCorp Promotions Work

226. Hon MAX EVANS to the Attorney General:

Some notice has been given of this question to the Minister for Police representing the Minister for Tourism. I understand that the Attorney General has the answer.

(1) Did an EventsCorp employee, Mr Vernon Reid, make contact with Mr Greg Morrison of Solutions Advertising/Promotions regarding the World Windsurfing Championships of which it considered it would be in charge, and for which Mr Reid had offered promotion support?

(2) Did Mr Reid or any other representative of EventsCorp subsequently contact the Professional Board Association in London and obtain promotions work for EventsCorp?

Hon J.M. BERINSON replied:

I acknowledge that notice of this question was provided to officers of the Minister for Police but I have been informed that those officers were unable to provide a reply in time. The reply says the information is not available, but that does not help.

EDUCATION, MINISTRY OF - BOLTON, MARJORIE
Mesothelioma Workers' Compensation Claim - No Test Case Reason

227. Hon N.F. MOORE to the Minister for Education:

Following my previous question regarding Mrs Marjorie Bolton, why is it considered by the ministry that Mrs Bolton's case would not constitute a test case?

Hon KAY HALLAHAN replied:

The member is seeking a legal opinion. The information that I conveyed to him was as a result of a legal opinion. It would become complicated for me to interpret a further opinion. On the facts gathered in this case, the claim appeared to be one of minimal exposure to an asbestos hazard; it was not considered to constitute a test case. That being so, it would have been vigorously defended. The decisions that the parties made in this case were on the basis of the evidence available to them.

EDUCATION, MINISTRY OF - EDUCATION PORTFOLIO
Significance Consideration

228. Hon B.L. JONES to the Minister for Education:

How significant does the Government consider the Education portfolio?

Hon N.F. Moore: Not very significant, to have given this Minister the job.

The PRESIDENT: Order! I am not sure about that question. The Minister for Education might make a brief response while I think about whether the question is in order.

Hon KAY HALLAHAN replied:

The Government considers the Education portfolio to be a very significant one indeed. As to the ungenerous interjection by Hon Norman Moore, it is interesting that he has not been appointed shadow spokesman for education.

The PRESIDENT: Order, Minister! With respect, I find it difficult to keep up with you, because I suggested that I had grave doubts about whether the question ought to be allowed. I suggested you make a brief response while I thought about it. I would have thought that a smart Minister for Education would ignore Hon Norman Moore completely and use the couple of minutes I offered to her to answer the question.

Hon KAY HALLAHAN: Mr President, as usual, your advice is very wise. The Government has spent more than $1 billion on the Education portfolio. It is a very significant one because it constitutes about one-fifth of the State's Budget. The Government would not have a management team that did not include the Minister for Education. It is a very grave concern to see the Opposition relegate education to the B team. Mr Tubby, nice man that he is, is not included in the management team.

Hon N.F. Moore: How pathetic.

SCHOOLS - FIVE YEAR OLDS
Full-time Schooling - Refusals Identification

229. Hon DERRICK TOMLINSON to the Minister for Education:

I refer to the phasing in over three years of optional full time schooling for five year olds. How will the two-thirds of five year olds who will be denied the option of full time schooling in 1992 be identified?

Hon KAY HALLAHAN replied:

That work is now going on. The decision has been made to proceed with offering the option of full time schooling for five year olds. It is the Government's intention to indicate later this year, certainly well before the end of the school year, the schools that will be in a position to offer that option in their communities. Parents will then have an opportunity to plan around the eventuality that it will be offered in their community in the coming year or, indeed, in the following or final year of the phase in program.

SCHOOLS - FIVE YEAR OLDS
Full-time Schooling - "Full-time Education for Fives in WA - Consideration and Challenges for the Future" Report

230. Hon FRED McKENZIE to the Minister for Education:

Is the Minister aware of a report entitled, "Full-Time Education for Fives in WA - Considerations and Challenges for the Future" and, if so, what are the views put forward in that paper?

Hon KAY HALLAHAN replied:

I thank the member for that question because, coincidentally, yesterday I met with the Western Australian Primary Principals' Association, which gave me a copy of that very important discussion paper.

Hon E.J. Charlton: Did they give you some good advice?

Hon KAY HALLAHAN: The paper was prepared for the Western Australian Primary Principals' Association, the Australian College of Education (WA Chapter) and The Early Years in Education Society by Dr Anna Alderson, who is with the Meerilinga Young Children's Foundation, and is dated April 1992. Everyone who is interested in the debate on five year old schooling should read this paper. The last paragraph is very interesting and states -

> The early years of a child's life are well recognised as having a significant bearing on all later development. Schools have an increasingly important part to play in these years. The proposal that

schooling for five year olds be increased to a full day implies an even greater involvement of schools than previously. It provides the government, the Ministry, and individual schools and teachers with another opportunity to revitalise the programmes offered to children in their early years to ensure that all children get the very best start possible.

It is a good initiative by those three professional associations presented by a well respected author. I seek leave to table this document.

[See paper No 151.]

SCHOOLS - FIVE YEAR OLDS
Full-time Schooling - Budget Consequences

231. Hon E.J. CHARLTON to the Minister for Education:

What consequences will the extra funding required for the voluntary five year old schooling program have on the Budget, particularly on country education facilities and school bus services?

Hon KAY HALLAHAN replied:

The House has been in recess for a week and we all have busy lives, but before the recess I said there would be an expenditure of $7 million for recurrent funding for the first year and $10 million in capital expenditure.

Hon Derrick Tomlinson: Rising to $30 million in the first year.

Hon KAY HALLAHAN: It will have no effect on the country school bus service, which is a very important part of our educational provision in a State as geographically extensive as ours.

SCHOOLS - DONNYBROOK
Ministerial Visit - Overcrowding

232. Hon W.N. STRETCH to the Minister for Education:

Has the Minister recently visited the Donnybrook schools and is she taking some action to overcome, firstly, the extreme crowding and the shortage of remedial teaching staff in the primary annexe of the school and, secondly, the serious overcrowding in the district high school? In view of the demographic trends which indicate an increase in the local school population, if she has not visited Donnybrook would she be in a position to visit in the near future?

Hon KAY HALLAHAN replied:

I did plan to visit the Donnybrook area; regrettably that had to be delayed. I assure the member that the Donnybrook community has written to me in great detail about its needs. The matter has been thoroughly assessed by the Ministry of Education in the run up to the Budget preparation and one of my own staff is taking a careful interest in the various needs that have been put forward by the parents and concerned members of the community in Donnybrook. I hope to visit Donnybrook very soon. I cannot give a date or undertaking about when that will be, but I accept that the Donnybrook community sees the need for certain works at the school. I do not need to remind members, especially those who are in areas with increasing populations, of the pressure on resources. The Government will do all it can to overcome the difficulties experienced in those centres.

Hon W.N. Stretch: You will be very welcome in Donnybrook.

MICKELBERG CASE - INK TESTS
Government Tests at Own Expense

233. Hon REG DAVIES to the Attorney General:

Serious concerns have been raised by the tests on the documents in the Mickelberg case which were recently uplifted pursuant to an order of the Chief Justice. In view of the need for further tests to take place on the ink, will the Government undertake to carry out the further tests at its expense?

Hon J.M. BERINSON replied:

I have initiated some inquiries on the basis of the documents presented following the recent visit by representatives of the Mickelbergs overseas. I still do not appear to have received any formal submission from them or their advisers, but as always any submissions of this kind, including the documents already presented, will be thoroughly assessed.

CRIMINAL CODE - AMENDMENTS
Spreading of Common Diseases

234. Hon GEORGE CASH to the Attorney General:

I refer to an article in today's *The West Australian* headlined, "Deliberate infection to become a crime", about proposed amendments to the Criminal Code, that suggests the Government intends to introduce legislation to cover sick people who deliberately spread diseases such as mumps and measles. Could the Attorney General explain why legislation which was originally targeted at individuals who were deliberately spreading the AIDS virus has been expanded to include common non-life threatening diseases such as measles and mumps?

Hon J.M. BERINSON replied:

Given that I have not seen the article to which the Leader of the Opposition refers and that I would be most surprised if I were quoted in respect of measles and mumps since -

Hon George Cash: You have never had them!

Hon J.M. BERINSON: - I have had both, but have never been prosecuted for either. The legislation clearly is not presented in response to any perceived threats from diseases of that nature. When the Bill is available, hopefully, next week, it will clearly emerge that what is being looked at are life threatening diseases which can be deliberately transmitted or, if not positively life threatening in all cases, are capable of doing serious bodily harm. Measles is not in that category. The example provided in my comments on the Bill used hepatitis as an extension of the cover previously relating to AIDS. In both of those cases, and presumably in others, it is possible for people to use their own diseases as potent weapons. The objective of the legislation is to ensure that very clear grounds exist for imposing as severe a penalty as the circumstances require.

Hon George Cash: What about non-life threatening diseases such as measles and mumps? You appear to be bundling them all into the same area.

Hon J.M. BERINSON: No; my impression was that the Leader of the Opposition was attempting to bundle them into the same area. The only bundle I am concerned about involves diseases of a life threatening nature or, if something short of that, diseases capable of leading to serious bodily harm. I do not believe that any suggestion has been made that measles and mumps are in that category and, in fact, the situation that the Bill is designed to cover is well understood and involves, in almost all cases, the use of a syringe in an attempt to infect another person with infected blood.

Hon George Cash: You should have read your own Press release and then you would know what you are being quoted about.

Hon J.M. BERINSON: I always read my Press releases and I am very confident that my Press release did not refer to measles and mumps - at least at the time that I saw it before its release. I am interested in *The West Australian* report; however, irrespective of how my release was understood or of any further comments that may be made by others in elaboration of it, the facts are as I have put them. At one time I probably knew how mumps and measles were transmitted, but if I did ever know I have now forgotten. I am reasonably confident, however, that whatever their means of transmission it is not through a hypodermic syringe.