

Legislative Council

Thursday, 7 September 1989

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

BILL OF RIGHTS

Exhibition

THE PRESIDENT : Before we commence the day's business, I remind members that at 6.30 this evening the exhibition of documents associated with the Bill of Rights of 1688 will be launched in the foyer at the entrance to Parliament House. I trust that as many members as possible will attend, bearing in mind that each and every one of us benefits from the privilege that was given to members of Parliament in Article 9 of the Bill of Rights.

MOTION - DEPUTY CHAIRMAN OF COMMITTEES

Standing Orders Committee - Members

On motion by leave by Hon J.M.Berinson (Leader of the House), resolved -

That the following members be elected to act as Deputy Chairmen of Committees and be members of the Standing Orders Committee - The Hons Garry Kelly, Doug Wenn, J.N. Caldwell, D.J. Wordsworth and Muriel Patterson.

MOTION - STANDING ORDERS

Amendments - Sessional Orders: Time Limits, Sittings and Adjournment of the Council, Address-in-Reply Precedence

HON J.M. BROWN (Agricultural) [2.42 pm]: I move -

That Standing Orders be amended by-

1. repealing Standing Orders Nos 15 and 16 and substituting the following -

Precedence of Address in Reply

15. Except as provided in SO 155, any order of the day for the resumption of the adjourned debate on the motion to adopt an address in reply to the Governor's speech shall take precedence on each sitting day over all other business, and no motion shall be entertained that, if passed, would have the effect of nullifying that precedence.

Transaction of other business

16. On any sitting day before the adoption of the address in reply, but subject to SO's 166 and 197, motions and other business may be dealt with, and in the event that the address in reply debate is adjourned prior to the time at which the House itself is adjourned, the House may proceed to orders of the day (if any) as they appear on the Notice Paper.
2. inserting after Standing Order No 63 the following -
Time Limits on Speeches -
 - 63A. (1) A member may not speak in the House for more than 45 minutes, and in a committee of the whole for more than 10 minutes each time, on any motion, amendment, or amendment to such amendment:
Provided that on a motion to adjourn the Council, no member shall speak for more than 10 minutes and the whole debate shall not exceed 40 minutes.
 - (2) Subclause (1) shall not apply to:
 - (a) the Minister or member in charge of the business comprising the subject matter of the debate or to the Leader of the

Opposition, or the Leader of the National Party of Australia, or to any member speaking on behalf of the said Leaders;

(b) any member when speaking in the address in reply debate or on any motion moved under SO 137(c); or

(c) any bill that the Council may not amend,

and, for the purposes of paragraph (a), no time limit shall be imposed, and in the case of paragraph (b) and (c) each member may speak for not more than 60 minutes.

(3) By leave, a member's time may be extended by 15 minutes, but no extension shall be sought or granted in a committee of the whole House or on a motion to adjourn the House.

3. repealing Standing Order No 52 and substituting the following -
Sitting and adjournment of Council

52. (1) The Council, unless otherwise ordered, shall meet for the despatch of business at 3.30pm on Tuesday, 2.30pm on Wednesday and 2.30pm on Thursday in each week. Unless previously adjourned, the House shall continue to sit until 11.00pm on Tuesday and Wednesday and 6.00pm on Thursday.

(2) Where the House is sitting at 11.00pm or 6.00pm, as the case may be, the President, unless the House has otherwise ordered, shall interrupt the business then proceeding and any debate then in progress shall be deemed to be adjourned. The business interrupted, and any debate so adjourned, shall be set down for resumption on the next day of sitting.

(3) If the House be in committee at 10.55pm or 5.55pm the chairman, unless the House has otherwise ordered, shall interrupt the business then proceeding and, without putting any question to the committee, report progress on any matter referred to that committee, and no progress on any matter referred to that committee but not reached at the time of such interruption, and move for leave to sit again.

(4) Upon the interruption of business as so provided, no further business shall be transacted except:

(a) the receipt of messages and, in the case of a Bill received from the Assembly, the moving of its second reading by the Minister or member in charge;

(b) a motion to adjourn the Council to a date or time or both that is different from that already ordered,

and upon the conclusion thereof, or if there is no such business, a Minister shall move the adjournment of the House.

The purpose of this motion is to adopt as the Standing Orders of this House the Sessional Orders relating to time limits, sittings and adjournment of the Council, and the precedence of the Address-in-Reply. The Sessional Orders result from the 1985 report of the Standing Committee, and have been in operation on a trial basis for the past three years. I believe that not only has that trial proved successful; it is now opportune for these Sessional Orders to be adopted as new Standing Orders.

There has, to my knowledge, been only one major change to the 1985 Sessional Orders; that resulted from the request by the then Leader of the Opposition, Hon Gordon Masters, to alter the sitting time of the House on Thursdays from 11.00 am to 2.30 pm. The Leader of the Opposition put forward at the time several good reasons as to why this course should be adopted: First, that there was limited time for members to be able to devote to their duties on the Standing Committees of this House; and the importance of those Standing Committees demanded that members have an uninterrupted period of time. Secondly, those members of the House who were not domiciled in Perth needed the opportunity to attend to their

electorate business, as well as their parliamentary duties; and the changed sitting times enabled them to have Thursday morning available for this purpose. Thirdly, it was necessary to allow more time for the work of the Select Committees of this House. The Leader of the House readily accepted these changed times, because he realised that members generally accepted the situation.

I want now to spend a few moments going through the Sessional Orders which are proposed to be adopted as the Standing Orders, and I do this not only for the benefit of the new members of the Chamber; I can assure them it will be also for my benefit, and for that of the other members. The motion seeks to repeal Standing Orders Nos 15 and 16 and substitute the new Standing Orders Nos 15 and 16. This will give the Government the opportunity to consider Bills, introduce them, and move their second reading prior to the adoption of the Address-in-Reply, but will also maintain the privilege which gives precedence to the Address-in-Reply. It must be noted that Standing Order No 155 is proposed to be exempted; this Standing Order is in respect of precedence of motions for disallowing regulations, and provides the opportunity of conducting the affairs of the Chamber without inhibiting in any way the rights and privileges of members.

Standing Order No 166 deals with the interruption of motions; and members will have observed that after one hour of debate on motions the President interrupts the Chamber to seek its determination as to whether the debate should continue. Standing Order No 197 has a similar purpose - to enable the Council to proceed with the Orders of the Day. This again gives the House the opportunity to dispose of its business. The motion proposes to insert a new Standing Order No 63A; and I do not need to go through the proposed Standing Order because it has been used on many occasions in this Chamber. The time limits on speeches, in proposed Standing Order No 63A, are not intended to inhibit in any way the right of members to present their arguments for or against, or in contribution to, a debate. Members will see that there is the opportunity for members on both sides of the House to contribute to the debate.

The Leader of the Opposition or his lead speaker has unlimited time to respond in debate on a motion or Bill, as does the Leader of the National Party in this House, or his lead speaker if he delegates one of his colleagues to respond on behalf of his party. Of course, the same applies to the Government of the day, where the Minister presenting a Bill or motion, or his nominee, has unlimited time in which to speak. This has worked quite well. We have imposed restrictions which have served the Council without fear or favour, I believe, in suggesting that 45 minutes be the length of time in which a speech is delivered, with the opportunity in certain cases for an extension of time. For instance, this would apply in the Address-in-Reply debate or under Standing Order No 137(c), which refers to the Estimates, whereby a member has up to one hour. Likewise, an opportunity exists to extend that time by a further 15 minutes.

Proposed new Standing Order No 63A also provides that in a Committee of the Whole House members shall have 10 minutes in which to discuss any matter, with no limit to the number of times that he or she may contribute to the debate. In my experience these time limits on speeches have not affected the operations of this Chamber; indeed, I would not be putting the motion forward if I did not think it would enhance the operations of the Chamber. I do not say that with any disrespect to any member who wishes to speak for several hours, but in the past when members had unlimited time it could sometimes be seen that a curtailment of the time for delivery of speeches would benefit us all. I will not use my unlimited time in presenting this motion to members, but I felt it was to the benefit of other members as well as my own that I relate my intentions with regard to the Standing Orders of this Chamber, which form part of our Sessional Orders, to regularise them for the benefit of the advancement of this Chamber.

My final point concerns Standing Order No 52. I have already said that we will repeal that Standing Order, and replace it with the sessional sitting times. Originally those times were 4.30 pm on Tuesdays and Wednesdays, and 2.30 pm on Thursdays. We have amended those to 3.30 pm on Tuesdays, and 2.30 pm on Wednesdays and Thursdays. We used to sit at 11.00 am on Thursdays but have reverted to the time of 2.30 pm for the benefit of the legislators and the workings of the Parliament, and certainly for the benefit of our Standing Committees and Select Committees, as well as for those members who have other duties to perform. Under this arrangement members know they have a morning available to them in which to follow their own pursuits relating to their responsibilities as members of Parliament.

I hope my explanation has given members a better appreciation of the way in which the business of the Chamber is to be conducted, and I commend the motion to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

MOTION - TRANSPORT (PETROLEUM PRODUCTS LICENSING) AMENDMENT REGULATIONS

Disallowance

Order of the Day read for the resumption of debate from 6 September.

Debate adjourned to a later stage of the sitting, on motion by Hon Fred McKenzie.

NORTHERN MINING CORPORATION (ACQUISITION) AMENDMENT BILL

Second Reading

HON R.G. PIKE (North Metropolitan) [2.57 pm]: I move -

That the Bill be now read a second time.

This Bill deals with accountability. The overall purpose of this Bill is to tighten Parliament's supervisory grip on a Government's commercial activities where the path chosen is direct trading in the marketplace through a company such as Northern Mining Corporation Limited. This name has been changed to WA Government Holdings Ltd, which is now a public company, and is not subject to any provisions of the Financial Administration and Audit Act. The Northern Mining Corporation (Acquisition) Act 1983 purports to give the Treasurer power to make advances and instruments of guarantee with the backing of the Consolidated Revenue Fund and the public account of Western Australia. Eminent legal opinion challenges whether a charge, or appropriation, or guarantee, or advance satisfies any liability incurred under the Northern Mining Corporation (Acquisition) Act 1983 in view of the requirements of section 72 of the Constitution Act 1889-1980. This Bill makes certain amendments to the 1983 Act. These are -

1. The requirement for the Treasurer to obtain the Governor's prior approval is removed. There is no doubt that the Governor exercises the powers of office on the recommendation of the responsible Minister or, as in some cases, the Executive Council.

Given the fact that responsible Government is entrenched as part of our system of Government, it seems illogical to cast the Governor in a role where he would not be in a position to reject ministerial advice in giving approval. The Treasurer, as the Minister responsible, must answer for what is done under the Act.
2. To ensure that there is ministerial responsibility, section 3 is amended by requiring approval by both Houses of Parliament for the acquisition, sale or payment of calls in respect of the company's shares.
3. In addition to removing the requirement for the Governor's approval, section 4 is also amended to put beyond any doubt that where the Treasurer makes advances to the company, it is done on the basis of a written agreement. I understand that there is an outside chance that an oral agreement could be legally enforceable. Obviously, it is important to know the precise terms on which any advance is made. Accordingly, it is intended that the section reflect that.
4. Much of the controversy about the Government's handling of the Petrochemical Industries Co Ltd project relates to the giving of guarantees. The solution is not to prohibit the giving of guarantees, so much as to ensure that both Houses of the Parliament know and permit a guarantee to be given, and the Government of the day then seeks their approval for the expenditure of funds to meet that guarantee if and when that becomes necessary. This is achieved in the Bill by removing from subsection (2), paragraph (a), the automatic appropriation of funds necessary to meet a guarantee.

5. Clause 4 inserts new sections in the Act. A new section 7 deems agreements, advances and instruments of guarantee to be regulations under the Interpretation Act, with the consequence that they are subject to disallowance by either House. Any inconvenience that this may cause the Government is balanced by the right of Parliament to know of and to ratify commercial activities undertaken by the Government at taxpayers' expense.
6. The new section 8 makes it clear that the State Trading Concerns Act is to fill in any blanks that might otherwise be left. It is not intended that the 1916 Act should override any express provision of the 1983 Act, but it does mean that the ability of the Government to enter the marketplace without parliamentary sanction under the auspices of the 1983 Act is removed.

I recommend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

MOTION

Select Committee on Parole - Appointment

Debate (on amendment to motion, as amended) resumed from 6 September.

HON J.M. BERINSON (North Metropolitan - Minister for Corrective Services) [3.02 pm]: Mr President, I believe the stage we had reached in this discussion was the move by Hon P.G. Pental to amend the original motion by item 2 on the list of proposed amendments which were circulated in the House yesterday. I therefore direct my attention to those matters. In recent times we have had some pretty dramatic experiences in this House of what can follow from further reconsideration overnight. My own experience between yesterday and today would hardly qualify for the drama category. However, the fact is my view on this amendment has changed in the meantime and I now believe it should be rejected.

My first impression when the amendment was distributed yesterday was that I did not like it much but it did not seem to do any harm. The reason for that was that the original terms of reference are drawn so widely that any view of parole including the view that it should be abolished would have been open for consideration by the committee. On that view of the position, it seemed to me at first that if this amendment calls specifically for attention to the possibility of abolition, nothing is really changed or lost. In one sense, that is true; but in another sense, this amendment if carried would significantly change what I call the "signals", so to speak, which the original terms of reference were meant to convey. My approach to a review of the parole system is directed at seeking proposals for its improvement. The signal of this amendment to the committee puts more definitely into the balance the prospect of seriously considering the abolition of parole. Alternatively, it could open the way to something called parole but which would not be parole at all as traditionally understood and as previously applied in this State. For myself, I make it clear that while I readily acknowledge the scope for improvement of the parole system, I would strongly oppose its abolition.

Experience in this State since 1964 supports the view that it has important benefits to offer and that on any reasonable view it has operated successfully. It has helped prisoners directly and it has provided an important incentive to their good conduct in prison and their orderly and law-abiding return to the community thereafter. Because its most immediate and apparent benefit is to prisoners and their families, this system has often been criticised on the general "going-soft on crims" basis. That ignores the benefits to the general community which the parole system offers. There are huge financial savings in non-custodial supervision as against custodial supervision. However, although that is important it is really a secondary consideration. A greater benefit to the community is the other aspect of the system, and that is the one to which I have already referred; namely the assistance and encouragement it offers to an orderly reintegration of offenders into the community. It would be a great shame, in my view, if that were to be jeopardised let alone lost altogether.

I said yesterday we find constant change in parole and prison systems wherever we look; fashions change. One current fad is for so-called "truth in sentencing"; that is reflected in this amendment, and it has to be acknowledged it sounds good. After all, who would want to argue for the alternative of, say, "lies in sentencing"? Unfortunately, the so-called truth in

sentencing will inevitably have an effect, whatever the declared intention, of substantially longer prison terms and the need in turn for many more prisons. Especially in this State we need to approach any such prospect cautiously, to say the least. Our rate of imprisonment as is well known is well above the national average and almost double the rate in some other States. That rate of imprisonment has been notoriously difficult to reduce and it is also notoriously difficult to justify.

I am not talking here about long terms for major offences. The Government has shown its support for long terms in those areas in many ways. I am talking about the general rate of imprisonment; the well known fact that it is far above the rate which is found in comparable jurisdictions and which repeated studies, inquiries and reports have indicated ought to be reduced. I fear very much that should the committee be encouraged by the change of direction which this amendment offers and should it be persuaded to adopt the approach which is implied by the amendment we would be going in exactly the wrong direction. For that reason, I believe that, while generally leaving all aspects of parole open for consideration under the original terms of reference, this amendment should not be adopted.

Hon P.G. Pental: Did you address yourself to the second part of that as well?

Hon J.M. BERINSON: My comments mainly related to item 2.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.11 pm]: I understand the views expressed by the Minister for Corrective Services. However, I cannot possibly accept them. I understand the proposed Select Committee is being appointed to inquire into and report to this House on parole. It will be asked to pay particular attention to various elements that are described on the Notice Paper. The purpose of Mr Pental's amendment is to widen the opportunity or scope of the Select Committee to consider the wider question of parole. For the Minister for Corrective Services to suggest -

Hon T.G. Butler: Are you suggesting that that is not covered by the suggested terms of reference?

Hon GEORGE CASH: Does Hon Tom Butler believe that?

Hon T.G. Butler: I object to your smugness. I am asking you a question.

The DEPUTY PRESIDENT: Order!

Hon GEORGE CASH: I am asking the member a question, too. Perhaps I could advise Hon Tom Butler - I do not want to offer him too much advice because he believes he knows everything - that he can explain to the House what he understands about the proposed Select Committee and whether he believes the existing terms of reference are adequate when I am finished. He will get his opportunity. One thing I have noticed in this place is that all we get from Hon Tom Butler is interjections; we never hear him say anything of substance.

Hon T.G. Butler: All I get from you, Mr Cash, is nonsense.

The DEPUTY PRESIDENT: Order! I remind members that we are dealing with the amendment to the motion. I would appreciate it if they could confine their remarks to the amendment.

Hon GEORGE CASH: I reiterate my earlier comments that there is a need for the terms of reference to be sufficiently wide to convince the community and the Parliament that as many matters as possible on the question of parole are canvassed. Members of the Government are arguing that the existing terms of reference include already those matters that are raised in the amendment. I suggest that no damage will be done by including these additional words. We are certainly not taking away from the original motion moved by the Minister for Corrective Services.

If the proposed Select Committee is to have any credibility, it is clear it will have to report to this House in due course on the matters that it has canvassed. I, for one, will ask the proposed Select Committee whether there should be a system of parole or whether we should rely on a system of remissions as is currently provided for in the Prisons Act.

Not so long ago, the Federal Minister for Justice, Senator Tate, raised questions on parole and whether it should be considered in all cases or whether there were cases that should involve no consideration of parole. I accept that in our current system the courts can make an order as to parole. That is obviously a direction to those who carry out the instructions of

the court. However, because Senator Tate raised questions on parole, it is an area that needs to be canvassed by the proposed Select Committee; for it not to do that would leave gaping holes in the matters that will be considered by it. One would not want to constrain unreasonably the Select Committee to very tight terms of reference that did not allow it to expand into other very important areas.

With those comments, and not forgetting the conclusions that were arrived at at the Law Society seminar on sentencing and parole held in Perth a few weeks ago, I support the amendment moved by Hon P.G. Pendal.

HON E.J. CHARLTON (Agricultural) [3.15 pm]: The National Party supports the comments made by the Leader of the Opposition. It also supports the amendment because it adds an extra dimension to the matters that can be examined by the proposed Select Committee. The point we should remember is that the matters that should be examined by the Select Committee are of significant concern to the public. There have been too many examples of parolees being involved in offences against their fellow human beings. As a consequence, I think the amendment enhances the terms of reference put forward by the Minister for Corrective Services.

HON P.G. PENDAL (South Metropolitan) [3.17 pm]: I was puzzled to hear the Minister for Corrective Services talk as he did, given the philosophy he has expressed in the past on these matters. If we take Hon Joe Berinson's remarks to their logical conclusion, he has given us an argument for not having a Select Committee on, say, de facto relationships on the ground that we might agree that there should be a legalised basis for those relationships.

Hon E.J. Charlton: That is right.

Hon P.G. PENDAL: In this case, Hon Joe Berinson is telling us that we do not really want to examine whether there should be a parole system because we might stumble across sufficient information that would persuade us to abandon it. That is a pretty narrow way for a House of Parliament to operate. The Minister for Corrective Services has conceded that, in a general sense, what we are seeking to achieve is accommodated elsewhere in the motion that he moved. If it is accommodated in a general sense elsewhere, nothing will be lost in our being more specific in the terms of reference of the Select Committee.

The Minister for Corrective Services placed some emphasis on the fact that the proposed Select Committee might send out the wrong signals. Whatever has become of the idea of strident and robust public debate on something? It is not a question of sending out signals for or against if a request is made for a Select Committee to have the power in a specific sense to decide whether to have a parole system, finite sentencing, or anything of that nature. That does not signify to the public anything other than that the Parliament is prepared to look at the merits and demerits of the arguments involved.

Hon Joe Berinson also referred - I thought in a helpful way - to the Opposition amendment to the system in New South Wales known as truth in sentencing. Indeed, he went so far as to say that one had to accept that because, if one did not, the corollary was that one believed in dishonesty in sentencing. In New South Wales it is clear that the Government has been prepared to send a signal to the community indicating quite specifically that if a person is hauled before a court and the court deals with him in a certain manner, that is what it means. I would have thought that in a community sense that is a strength rather than a weakness; that is, for the community to know that when a court makes a certain judgment and passes sentence, that sentence will be applied to the defendant concerned. Hon George Cash mentioned moves by the Federal Labor Government, through Senator Michael Tate, to consider the same question in relation to offenders under Commonwealth law. Before making my final observations, I thank Hon Eric Charlton and the National Party for accepting the arguments put forward by the Liberal Party last night and for foreshadowing their support.

I conclude my comments at the point where I started: The Minister for Corrective Services appears to be saying that he is frightened the system might not stand the scrutiny of Parliament. Otherwise why would he not want the Select Committee to consider that area? It is hardly a radical move, nor even a novel one, because it has been considered in other Commonwealth countries under the Westminster system. We ask that the Select Committee be given terms of reference which are broader than those proposed by the Government, and

which might help to stimulate a greater level of public debate on the direct question of parole than would otherwise be the case. I urge the House to support the amendment.

Amendment put and a division called for.

Bells rung and the House divided.

The DEPUTY PRESIDENT (Hon J.M. Brown): Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (14)			
Hon J.N. Caldwell	Hon Max Evans	Hon N.F. Moore	Hon Derrick Tomlinson
Hon George Cash	Hon Peter Foss	Hon Muriel Patterson	Hon Margaret McAleer
Hon E.J. Charlton	Hon Barry House	Hon P.G. Pental	(Teller)
Hon Reg Davies	Hon P.H. Lockyer	Hon R.G. Pike	

Noes (13)			
Hon J.M. Berinson	Hon Graham Edwards	Hon Sam Piantadosi	Hon Fred McKenzie
Hon J.M. Brown	Hon John Halden	Hon Tom Stephens	(Teller)
Hon T.G. Butler	Hon Garry Kelly	Hon Bob Thomas	
Hon Cheryl Davenport	Hon Mark Nevill	Hon Doug Wenn	

Pairs	
Ayes	Noes
Hon D.J. Wordsworth	Hon Kay Hallahan
Hon W.N. Stretch	Hon Tom Helm
Hon M.S. Montgomery	Hon B.L. Jones

Amendment thus passed.

Question (motion, as amended) put and passed.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order of the Day No 5, Budget papers.

Point of Order

Hon GRAHAM EDWARDS: Mr Deputy President, I wonder whether you might explain your decision to the House. I was of the view that we were still dealing with Order of the Day No 4, given that the amendment we have just dealt with brings us back to the substantive matter that we are debating.

The DEPUTY PRESIDENT: I put the question that the motion as amended be agreed to; and no member stood to his or her feet to speak to that question. I did not want in any way to stifle the debate on such an important question as the matter then before the House. However, I explained to members earlier that we were debating the two amendments moved by Hon Phillip Pental. I put that question, and there was a division. I then put the question that the motion be agreed to as amended, and that was the time for members to rise to their feet. However, it is possible that, because of my newness to this position, my perception was not as good as it could have been; therefore, I believe I have probably inadvertently misled the House in putting the question and not giving the call to Hon John Halden, who I knew wanted to make a contribution to the debate. The only remedy is to recommit the question that the motion as amended be agreed to, which needs the absolute concurrence of the House, and I am advised by the Clerk that requires seven days' notice. Therefore, I am obliged to move on to Order of the Day No 5.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 31 August.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.33 pm]: I wish to go through the content and the likely effect of the statistics presented to the House in

the Budget papers for the 1989-90 financial year. It is clear that the current State Budget has been drawn up in the face of the following prevailing political and financial considerations: First, the political necessity of the Government's meeting its pre-election promises, or trying to meet them, as best it can. Second, the priority of the Government to meet its ongoing liabilities, which have occurred as a result of its involvement in business dealings, and in particular for the Petrochemical Industries Co Ltd project, but certainly for other projects it has been involved with over the previous 12 months and, indeed, prior to that time.

The liabilities which will flow from the Government's involvement in PICL are not satisfied in this Budget alone; it is estimated that \$70 million of this year's Budget will be applied in respect of that liability, and ongoing costs and liabilities will be incurred that may extend for many years to come. I will deal later in my speech with the possible extent of those liabilities, but I refer in passing to the fact that if it is that the litigants who currently are taking the Government to court in respect of its backing down on previously given undertakings are successful in the court, this State may face a damages bill in the order of \$250 million to \$400 million to make good the damages incurred by those companies which believed they had valid contracts with the Government.

The Budget this year will see a revenue to the Government from all sources of \$4.82 billion; that is up from last year's total revenue of \$4.27 billion. The Consolidated Revenue Fund figures indicate that Government expenditure in the previous financial years was \$3.7 billion; this year it will increase to \$4.2 billion. So we have the situation where there is an increase in revenue from all sources, yet the Government has failed to cut back on any of its expenditure. The Government has continued to increase State taxes and charges, and the Budget could be summarised, in very broad terms, as being a Budget which hits the business community because it will be required to foot the Bill in respect of State taxation for this financial year. This is happening at a time when business is facing tremendous difficulties, and when interest rates are at a record high level of between 18 per cent and 20 per cent. So it could be said that the increases which the Government is seeking from the business community may well be counterproductive to the Government in the longer term, because there are many businesses which will not survive the next 12 months because of the pressures they are facing; and as a result the revenue which the Government expects to derive from this source may not be as high as is anticipated.

I refer now to some statistics which indicate clearly that over the past six years there has been a significant increase in growth rates in the areas where the State has raised revenue. I use 1983-84 as the base year, and extend it through to the Estimates for 1989-90. During that time there has been a 134 per cent increase in State taxation revenue: Land tax has increased by 98 per cent; stamp duty has increased by 214 per cent; and payroll tax has increased by in excess of 95 per cent. We see in the other areas of revenue raising, which are described in the Consolidated Revenue Fund accounts as "Territorial", that there has been an increase in excess of 157 per cent. Mining royalties have increased by 106 per cent. Timber royalties have risen by 189 per cent.

In the other areas that are generally covered in that area described in the Budget as revenue raised by the State we see that revenue for law courts has increased over that time by 94 per cent, departmental revenue by 104 per cent, public utilities by about 12 per cent, and the total State revenue generally has increased by more than 81 per cent in that period. Those figures by themselves indicate that this Government is a very high taxing and high spending Government. The figures are there for members to see. They are taken from the Consolidated Revenue Fund Estimates of Revenue and Expenditure as tabled in this House the other day by the Minister for Budget Management.

If we look at the receipts from State taxation sources, and then at the increases in the Consumer Price Index for the respective years, we see that in 1983-84 the Perth CPI increased by approximately 4.1 per cent but State taxation during that time was \$585 million, an increase of 23 per cent over the previous year. In 1984 the CPI increased by 6.7 per cent and State taxation receipts were \$678 million, an increase of 16 per cent over the previous year. In 1985-86, just before the 1986 election, we saw the Perth CPI increase by in the order of 7.8 per cent, and State taxation receipts for that year amounted to \$728 million - a mere seven per cent over the previous year. However, the Government certainly made up for it in the following year because in 1986-87, when the Perth CPI increased by approximately 10.5 per cent, we had State taxation receipts of \$833 million, or an increase of 14 per cent for

that year. In 1987-88 the CPI increase was 6.7 per cent and State taxation receipts were \$1.07 billion - an increase of 28 per cent. In 1988-89, when we had a CPI increase of 7.5 per cent, we saw State taxation receipts of \$1.28 billion, an increase of 20 per cent over the previous year. The Estimates for this year indicate that State taxation receipts for 1989-90 will be in the order of \$1.368 billion, or \$88 million more than last year. I suggest that is ample confirmation that this is a very high taxing, high spending Government.

Hon P.G. Pendal: Hear, hear!

Hon GEORGE CASH: If we look at the net effect those increases have had on the taxpayer over the year and work that out on the basis of State taxation per head of population for the period 1982-83 to 1988-89, we see that in 1982-83 the tax per head was \$405; in 1983-84 it increased to \$521 per head; and in 1984-85 it increased to \$588 per head, which was a considerable increase on the year before - in fact, it was a 12.9 per cent increase when the CPI was only 6.7 per cent for that year. In 1985-86, State taxation was \$617 per head, rising in 1986-87 to \$718, in 1987-88 to \$849, and in 1988-89 to \$960 per head. The source of these figures is the Supplementary Budget Information Papers, table 19.

[Continues on p 2001.]

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

BUSINESS OF THE HOUSE - RESUMPTION

Points of Order

Hon R.G. PIKE: I ask that the President give a ruling in regard to Standing Orders Nos 141(a) and 140(c). As 141(a), which deals with oral questions without notice, says in the fourth line that the Minister -

... may thereupon answer the question and, if not, request that it be placed on notice.

and Standing Order No 140(c) reads -

... replies shall be concise, relevant and free from argument or controversial matter.

is the House to be subjected to a Shakespearian prologue, midilogue and epilogue from the two Ministers tonight, or do they have to answer questions precisely?

Hon J.M. Berinson: Good question.

Hon P.G. Pendal: A lot better than your answers.

Hon TOM STEPHENS: Can I take a point of order?

The PRESIDENT: If it is a relevant point of order.

Hon TOM STEPHENS: It is relevant, Mr President. As I understand it, the question has previously been put to you by the same member, and he has effectively reflected on your previous ruling in his latest point of order.

The PRESIDENT: That is not a point of order. The first one is a point of order, but the only answer I can give to the honourable member is that Standing Order No 141(a) is very clear. It simply means what it says. I am not going to run through it.

With regard to the second point that the honourable member raised, about the conciseness of an answer that a Minister gives, it is the President's responsibility to determine when the bounds of decency have been overrun in regard to that. The member would recall that earlier today I did remind one of the Ministers of that requirement. I do not ask the questions and therefore I am not familiar with what sort of answers members are after. Some questions require longer answers than others. I learnt how to ask questions very early in my parliamentary career and I never seemed to have any trouble getting the answers.

It is up to the House to decide whether at any stage of any proceedings the form in which the Standing Orders are being applied is satisfactory to them. The House has the opportunity to change the Standing Orders, to suspend any of the Standing Orders, or to do anything it likes if it does not like the way the present Standing Orders allow the functions of the House to proceed. My role is to ensure that members comply with the Standing Orders. How they do that is a matter of option, as is whether they go beyond the realms of those Standing Orders.

Hon Robert Pike is perfectly correct in raising a point of order if he believes there has been some breach of the Standing Orders. Having said all those things, the short answer is that I do not think there was.

Hon GRAHAM EDWARDS: On another point of order, Mr President, could you give me some guidance and clarification on a question I have on the same Standing Order? I refer specifically to Standing Order No 140(c) which states -

- (c) Replies shall be concise, relevant, and free from argument or controversial matter.

I understand that Standing Order to imply that the question also shall be concise, relevant, and free from argument or controversial matter.

The PRESIDENT: Order! The Minister certainly has no argument from me in that regard. Standing Order No 142(a) begins by saying that questions shall be concise and shall not contain a great heap of things. I have explained this on so many occasions: While the question must be concise, so must the answer. It is difficult for me to determine when an answer ceases to be concise because I am not sure of the information the member who is asking the question is seeking. I guess that after about 30 minutes even I would begin to feel that perhaps the Minister had gone on for too long, but it is a matter of judgment and provided people conform to the spirit of the Standing Orders we will not have any trouble.

I want to know why we are having trouble. I have been here for 12 years and I have never had the problem that we seem to have had in the last week or two in determining how questions should be answered and who should be asking them, with people becoming irate about it.

Hon Tom Stephens: It is that new Leader of the Opposition over there.

Hon P.G. Pandal: It is the covering up that is going on.

The PRESIDENT: Order! It is out of order to make those interjections while I am trying to inform everybody so that everybody gets a fair deal. I ruled before - or rather, I advised members - that the Minister in charge of the House has done nothing to breach the Standing Orders in determining that, when he feels that enough is enough, questions shall cease. That is a fact of life. After a while the message should get through. I have done a bit of boxing in my time, and after a bloke had hit me about 15 times I started to get the message that I was not protecting myself enough. Even I woke up to that. The same thing applies to questions - if members know they have 30 minutes, they should use those 30 minutes to the best advantage.

Having said all that, I think we are on Order of the Day No 5 relating to the Estimates of Revenue and Expenditure.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from an earlier stage of the sitting.

HON GEORGE CASH (Noth Metropolitan - Leader of the Opposition) [4.45 pm]: Prior to the afternoon tea suspension I pointed out that last year State revenue was in the order of \$4.27 billion and this year it had increased to \$4.82 billion, with expenditure as indicated in the Consolidated Revenue Fund accounts rising from \$3.7 billion last year to \$4.2 billion this year. I made the point that the impact of those increases indicated in the Budget will clearly fall on the business community at a time when the business community not only in Western Australia but also across Australia is suffering as a result of the current very high interest rates, and that the subsequent double-whammy from both high interest rates and now increased taxes and charges by the Government not only might send some businesses to the wall but also most definitely would have a very negative impact on the State's overall revenue for the year. I pointed out the impact on the cost per head of population, and at the conclusion of my speech I will ask for a statistical table and a graph to be incorporated in *Hansard*.

Members will no doubt recognise that, because of the Government's commitment to the Petrochemical Industries Co Ltd project and its having raised a debenture of \$175 million

from the State Government Insurance Commission, interest is now payable on that debenture and approximately \$24 million will need to be set aside this year for the interest only on that debenture. As well, until such time as that debenture is discharged the community of Western Australia - the taxpayers - will be up for \$24 million a year which will come out of the Consolidated Revenue Fund accounts.

That points in part to the tragedy that has beset this State in recent years, and I refer to the tragedy of WA Inc.

Hon P.G. Pendar: Hear, hear!

Hon GEORGE CASH: That is, in part, related to the collapse of Teachers Credit Society, Swan Building Society, Rothwells Ltd, the infamous PICL deal the Government has entered into, the dealings of Western Australian Development Corporation and also of WA Exim Corporation and a number of other Government departments. Let us put into perspective some of the costs the community has paid to date and will be forced to pay again this year as a result of Government dealings in the business area. Members will see that the total amount that the taxpayer has had or will have to foot by the time we complete the 1989-90 financial year is extremely significant. In fact, it is of the order of \$326 million just on those items I have mentioned.

In respect of Teachers Credit Society, for instance, in 1987-88 the taxpayer, through the Consolidated Revenue Fund account, had to make a payment of \$18.8 million. In 1988-89 Teachers Credit Society cost the taxpayer \$110.4 million through the Consolidated Revenue Fund account. The bad news is that payments are still to be made, and the estimate for this year is put at \$400 000 for the TCS debacle. That, over the three year period, amounts to \$129.6 million.

In the case of Swan Building Society the CRF accounts for 1987-88 indicate that a payment of \$12 million was made, in 1988-89 the payment amounted to \$4.6 million and this year the payment is estimated at \$10.8 million, making a total of \$27.4 million of taxpayer's money which has been committed through the CRF account into Swan Building Society. The Rural and Industries Bank had an injection of \$35 million during 1987-88; this year the Consolidated Revenue Fund has provided an additional \$10 million for that organisation, taking the increases in capital to \$45 million over the last three years. Much of that has been needed to support the R & I Bank in its takeover of various other financial institutions that have collapsed or met with substantial financial difficulties over recent times. The Rothwells indemnity in 1988-89 cost the taxpayers \$22.5 million; in 1989-90 the amount of \$200 000, taking the total to \$22.7 million for that period. WA Government Holdings Ltd, in respect of Petrochemical Industries Ltd, as it is now known, cost the taxpayers \$38.8 million in 1988-89, and \$62.3 million in 1989-90, totalling \$101.1 million for that period. That 1989-90 figure is indeed the estimate that the Government believes it will be up for in expenditure for PIL during this financial year. Western Australian Development Corporation, over the period 1988-89 and 1989-90, will cost in the order of \$8.9 million. Exim, while running a long last, has cost the taxpayer \$1.3 million during that period, being the amount expended during 1989-90.

Just from those payments alone, which represent some of the WA Inc stable, and which have been paid directly out of CRF between 1987 and the estimates for 1989-90, we see that \$326 million of taxpayers' funds has been committed to those institutions. That in itself indicates the damage that the Government has caused in respect of its bad financial dealings and decisions - not on its own behalf but on behalf of the taxpayers of Western Australia. One does not wonder when one reads the Eastern States newspapers, why they ask the question, "Just what is going on in Western Australia; who is steering the ship and who is in control of the State Government's purse?" If that question was asked of six different people, I suggest that we would receive six different answers.

Apart from the damage that has been done by WA Inc, in particular the PICL deal, we still witness the Government making announcements from time to time on all sorts of expenditure programs. I refer to the general Capital Works Program announced from time to time. One is entitled to ask: If the Government is losing so much money in its business dealings, and creating huge liabilities that the State will have to meet in future - and the Government faces a huge damage bill if litigation between some of the big financial institutions and the Government are decided in favour of the financial institutions - how does the Government

expect to come up with all the proposals to spend money on capital works and then carry through with the projects?

A close study of the accounts for this year indicates clearly that while the Government is making all the statements about its proposed Capital Works Program, if members look closely at the actual expenditure versus the proposed expenditure, they will see each year the Government carries over huge amounts of money. I am not suggesting that it is easy to announce the building of a police station or complex at Joondalup, and in the Budget set aside an amount of money for a given financial year - but the point is if the Government does not go ahead with the job that money can either be reallocated to prop up some other debt the Government may have incurred - or that amount could be kept in the bank and carried over to the next year.

I refer to a graph I have had made up which indicates a comparison between the funds allocation for capital works from the General Loan and Capital Works Fund and those funds that have been actually spent in the year of allocation. The graph clearly indicates that there will be huge carryover figures which the Government is using to prop up its Capital Works Program. For instance, in 1986-87 the Government claimed it would spend \$389.9 million on Capital Works, whereas in fact it spent only \$379.5 million. An unspent amount of \$10.4 million was carried over into the next year. In 1987-88, the Government claimed it would spend \$391.6 million on various capital works programs but only spent \$319.9 million; for that year, the Government carried over or underspent \$71.7 million. At the end of the year the Government had \$71.7 million which had been put aside in the Budget but had not been spent. That amount has been carried over into the next year to prop up its capital works promises. In 1988-89 we had a situation where the Government set aside \$464.4 million but had spent - and this is an important figure - only \$303.9 million. In other words, last year the Government carried over \$160 million which it did not spend during the year even though those funds had been allocated previously.

Clearly, the art is, as far as the Government is concerned, to make huge announcements as to the Capital Works Budget for the year, set the money aside, but not spend that money during the year - and then cause that money to be carried over at the end of the year to be entered into the next year's figures; that has been done in respect of a huge number of projects.

Hon Garry Kelly: Are you sure about the reason for the carryover?

Hon GEORGE CASH: There are lots of reasons why the Government might carry that amount over. For instance, perhaps in the case of a police complex an amount of, say, \$50 million could be put aside - that is a hypothetical figure - to be spent during that year. But the project only got as far as producing the plans, which might cost \$10 million. So a huge amount would not be expended during that year even though it is available for that project. That amount would be carried over to the next financial year.

Hon J.M. Berinson: How does that help you? The money is committed.

Hon GEORGE CASH: It is absolutely committed. I would have thought the Minister for Budget Management was a person who would have a fairly intense knowledge of financial matters generally. If the jobs are not completed during the financial year - they are continuing jobs - clearly the money is carried over for the balance of the work to succeeding years. Surely the Minister would not argue with that?

Hon J.M. Berinson: I should not have interrupted; I did not hear the first part of the argument. I cannot see what the complaint is.

Hon GEORGE CASH: There are any number of reasons for carry-overs. Industrial action can cause a job to slow down and not be completed on time. In turn that can cause the period to be extended. All sorts of other reasons could be advanced by a Government that was claiming to do certain things. In that regard, I instance the Joondalup police complex that the Government promised would be completed later this year or early next year. I went to that block of land a few weeks ago and found only a sign on it claiming that a police complex would be built there. No doubt that sign was erected for the benefit of the Labor members from that area prior to the last election.

Hon J.M. Berinson: That is a bad example.

Hon GEORGE CASH: We have been asking for some time for additional police stations in

the northern suburbs. I took up the matter of the construction of the Joondalup police complex with the Minister for Police and Emergency Services by way of a question. He has now acknowledged that while the work is behind schedule, it will go ahead. One day, as a result of the Opposition's prompting, we might see a police station in that area.

Hon J.M. Berinson: Did you ask him for the reason for the delay?

Hon GEORGE CASH: I will tell Hon Joe Berinson the reason for the delay. He knows that one of the Assistant Commissioners of Police recommended that the police station was not necessary at this time and that the money would be better allocated to other areas of police work. Is that not true?

The PRESIDENT: Order! The member should address his comments to the Chair and the Minister should know better.

Hon GEORGE CASH: The Minister for Budget Management is aware of the document that I am talking about. It was signed by a very senior police officer and made certain recommendations about the Joondalup police complex not being completed in the time set by the Government. I am sure that the Minister knows that document exists.

Hon J.M. Berinson: Don't you think that is a good reason for reassessing it?

Hon GEORGE CASH: The Minister would not dispute that the scheduling of that police station has been delayed.

Hon J.M. Berinson: Mr Cash, do you think that advice should be ignored?

Hon GEORGE CASH: The Minister for Budget Management has very little understanding of the breakdown of law and order in the northern suburbs. I doubt whether he goes there very often, although, that in itself would not necessarily be the reason for his lack of knowledge.

Hon J.M. Berinson: I thought you were going to blame me for the lack of law and order.

Hon GEORGE CASH: I do not want to blame the Minister, but the policies of his Government have substantially contributed to the breakdown of law and order in that area and throughout Western Australia.

Hon John Halden: That is rubbish.

Hon GEORGE CASH: The Minister for Budget Management acknowledged last night that there are problems of law and order in Western Australia which this Government has not addressed sufficiently. If he moved around the State those problems would be brought home to him. He should attend public meetings on the breakdown of law and order as I and my colleagues, including Hon Reg Davies, have done in our electorate. I also know that Hon Derrick Tomlinson and Hon Peter Foss who represent East Metropolitan Region and the members from South Metropolitan Region have also attended meetings. It is clear from those meetings that the public believe this Government should be doing much more in addressing law and order problems. I am astounded that the Minister for Budget Management can suggest that the problem does not exist. It suggests once again that the Government is out of touch.

Hon J.M. Berinson: Why are you trying to put words in my mouth? I did not say that.

Hon GEORGE CASH: A state of chaos has existed in this State since July. On 26 July there was a power strike which cost the State in excess of \$50 million - a conservative figure. On 31 July and 16 August there were teachers' strikes over a matter that, to date, has not been resolved.

Hon John Halden: Do you support that strike?

Hon GEORGE CASH: I have to tell the member -

Hon John Halden: I would be delighted if you would.

Hon GEORGE CASH: - that I rarely support strikes. Twenty-five years ago as a young person I was forced to join the Australian Workers Union. I was told that I had to either join the union and pay five or ten pounds membership fee or I did not work. It so happened that I wanted that job because there was a lot of overtime involved in it. It was a job in the railways industry and involved the building the standard gauge line to Northam. I objected strenuously at the time to joining the union.

Hon Doug Wenn: Did you take advantage of all the pay rises?

Hon GEORGE CASH: I will finish this story and then I will tell the member about some of the advantages. I paid my five or ten pounds and my name was placed in the records of the Australian Workers Union as one of its members, although not a loyal and proud member. Within a number of weeks a stop work meeting was held at the base camp at Middle Swan where I worked. We were told that if we did not strike the union would ensure that every job between Middle Swan and the north west of the State would close down. Huge developments were taking place in the north west 25 years ago. I ask Hon Doug Wenn whether those are the sorts of advantages that he was talking about. Many of the workers were married with families and huge responsibilities. We were very worried about the position in which the union was placing us by telling us to strike. As much as the union movement has done for the Australian community, there have been times when militant people have gone too far. It is equally fair to say in the case of employers that, although they have done much for the Australian community over many years, some have at times gone too far. If Hon Doug Wenn is trying to suggest I am not a supporter of unions, he has copped the wrong person because I used to be a member of the Australian Workers Union; I will not say I was a proud member, given the sort of instructions that union issued to members which had to be carried out whether or not they liked it, but I was a member.

Referring again to the strikes, in the weeks preceding 18 August 1989 the mining industry strike occurred from 2 to 12 August and caused tremendous disruption to our export industries, which contribute much to the Western Australian and Australian economies. If that is the sort of thing Hon Doug Wenn and his colleagues support, so be it, but I cannot accept that type of strike action. Between 4 and 10 August the dockers were on strike; again, the strike cost millions of dollars and resulted in huge losses in export income. If this State earned enough export income, that would bail the State out of its problems.

Hon T.G. Butler: What was the reason for the strike?

Hon GEORGE CASH: From 13 August the pilots decided on a work to rule campaign and since that time, because of the mismanagement of the strike and industrial action by the Federal Government, many pilots have refused to work and have resigned from their companies.

Hon T.G. Butler: What was the cause of the strike?

Hon GEORGE CASH: Inasmuch as my friend, Hon Tom Butler, continues to interject, I invite him to rise to his feet when I finish and express some of his views. It is difficult for me while directing my comments to you, Mr President, to pick up the inane comments from that side of the House. However, I make that offer to Hon Tom Butler, and I hope he takes it up.

Hon T.G. Butler: Do my comments upset you?

The PRESIDENT: Order! The member's comments may not be upsetting the Leader of the Opposition in this House, but they are upsetting me and I suggest that he should not continue.

Hon T.G. Butler: It is certainly not my intention to upset you, Mr President.

Hon GEORGE CASH: On 17 August a strike took place in the trucking industry. I am relating these strikes to the fact that during July and August Western Australia was in a state of chaos. On 17 August a strike occurred in the milk industry, and I am sure all members will recall the milk producers of Western Australia pouring their milk down the drain because of industrial action in another sector of the industry. I am not proud of that and I hope the members opposite are not proud of it either. Once again, the hard work and income of one sector was destroyed. On 22 August a rail strike took place in the metropolitan area, but thankfully that was resolved after a reasonably short time. The details I have given were taken from *The West Australian* of 18 August.

On 19 August a full page supplement, headed "State in Crisis", referred to the industrial chaos existing in Western Australia. The headline on page 6 of that issue was "Ministry softens stand on teachers". That referred to the State Government's difficulty with the teachers in Western Australia. A further headline stated "NW mail delayed, but beer safe". At least somebody was trying to get their priorities right! Further headlines read "Hammersley hit by third union action" and "Hospital doctors in mood to join action". On the same day on another page a headline read "Airlines get tougher over pilots' row".

I will quote further from *The West Australian* of Tuesday, 22 August, again under the heading "State in Chaos" - I will hold up a copy of the newspaper for the benefit of members opposite.

Hon N.F. Moore: Does it have pictures for the benefit of Hon John Halden?

Hon GEORGE CASH: Yes, and comics for Hon Doug Wenn so that he will understand it. Under the banner headline "State in Chaos" are the following headlines: "Meat union threatens to strike", "Dampier strife could escalate", "Milk deal claim denied", and "Nats warn of wages blowout". It is interesting to note that Government members jeer and laugh at this situation; that suggests they support the present state of chaos. The following headlines also appeared in the same newspaper: "More disruption to rail service looms", "Teachers warn: we have not backed down", "TAFE teacher wins battle", and "Safety row intensifies".

I do not want to sound repetitive, but on 25 August - on a different day - the articles generally fall under the caption "State in Chaos". Further headlines appeared relating to the industrial situation in Western Australia.

By 29 August the banner headline changed from "State in Chaos" to "Dowding's Crisis". Under that banner headline the following headlines appeared: "Connell flies out as NCSC" and "Dowding takes the plunge by showing petro papers". I guess the message is that, although the headlines state that Dowding took the plunge by showing petrochemical papers, the real news is that he did not show all the papers.

I can assure the House that with the resolve of members on this side of the House we shall get all the papers and work out the extent of the Government's dealings in various business ventures. I do not say that the information will be obtained for the benefit only of members on this side of the House, because I am dead set sure that many of the Labor backbenchers are eager to see what is in those documents.

On 30 August, under the banner headline in *The West Australian* "Dowding's Crisis", the following headlines appeared: "State funds were committed: bank", "Premier tells of Bond 'threat'", "Insults fly in day of shocks". On 31 August, under the same banner headline, further headlines indicate that not only is the State in chaos but also the Government is in crisis. In today's issue of *The West Australian* the banner headline has become "The Petro Crisis", having previously been "State in Crisis" and "Dowding's Crisis". The newspaper devoted a full page to articles dealing with the Government's involvement in the petrochemical project.

Headlines in this morning's newspaper read: "Bond seeks \$225m for PIL breakdown" and "Liberals want QC on WA Inc inquiry". A further interesting headline, to which Government members should pay attention is, "We've no sympathy - Walsh". So members opposite should not ask Senator Walsh, the Federal Minister for Finance, for any money, because he is not interested in bailing them out. He does not think they have any competence in running the finances of this State, and neither he nor the Federal Government will come to the rescue of this State Government. I say again that the damages bill that we are likely to incur as a result of the bad financial dealings of this Government will be between \$250 million and \$400 million. The court will decide whether the State will become liable for those damages; and that will be determined in due course. I sincerely hope that the taxpayers of Western Australia will not be lumbered with a damages bill of this magnitude; I hope there will not be any damages paid by this State at all.

We have talked about a State in chaos, and about Dowding's crisis and the petrochemical crisis, but we have not yet dealt with the State Government Insurance Commission and the State Superannuation Board. This Parliament will in the very near future have to look at the financial dealings of these institutions to examine the methods behind their investment policies, the types of investments they have made, the worth of those investments to date, and any depletion to funds which may have occurred. That investigation will, no doubt, bring to light the true value to date of the Anchorage site in Fremantle, which was acquired in part by this Government some years ago, at a huge cost to the State.

This Government is in shambles, and the Budget papers that were tabled a few days ago indicate clearly that we are in a crisis situation. It has not been indicated in the Budget papers, nor in the other papers tabled to date, what are the contingent liabilities which this Government has built up as a result of its business dealings. The bottom line for this

Parliament is to work out just how much the State is now in hock as a result of the poor business dealings of this Government.

I move on in this speech to the second report of the Auditor General.

Hon Tom Helm: A speech!

Hon GEORGE CASH: We have again an interjection from the Government backbench, but I really do not think they have read the second report of the Auditor General, and before they make clumsy and possibly foolish interjections they would do well to read the report, and the qualifications which he made against some of the accounts that he investigated. For example, in the case of the South West Development Authority the Auditor General's report shows clearly that the accounts were 16 weeks late; there were significant amendments to the financial accounts; and that the money loaned to a Bunbury region-based private organisation, in the order of \$1.6 million, was not in its balance sheet. The Auditor General qualified the accounts, and raised these matters. It was suggested in the report that money had been used for non-repayable grants - that is, non-repayable grants back to the authority - and other subsidies, and that there were questions of propriety and legality as to whether the authority had the power to make those grants and subsidies.

The State Energy Commission is also an interesting organisation, and it is in the interests of all members to find out just where SECWA is in respect of its true financial position. The Auditor General's report raised the matter of an amount of \$6.7 million, which was entered as income rather than as a deferred item; it said there was an amount of \$12 million as a prior period adjustment to retained earnings; and there were other substantial qualifications which I believe the House should investigate at the earliest possible opportunity.

I want now to raise some issues in connection with the White Paper, "Investing for the Future, Financial Guidelines for Development", which was tabled yesterday by the Attorney General. That document set out a number of broad principles. It talked about accountability, prudence and benefits. I subscribe to the matters raised within those broad principles, but given the fact that accountability legislation was introduced into this House in April or May of this year, and that we heard all sorts of speeches from Government members about how they would abide by the criteria which Sir Francis Burt recommended in his Commission on Accountability, I ask the Government why is it now necessary to bring down this White Paper? Is it the case that the Government has, all of a sudden, worked out that it has not been subscribing to the principles set down in the earlier Commission on Accountability; or is it the case that if a nice, glossy brochure is issued, telling the people that these are the ideals which will be stood for and abided by, that will be enough to cure the ills of Western Australia?

This Government can table as many White Papers as it likes, and it can talk about the theory of accountability, but how will it practise accountability in its future business dealings? The Government claims that it has practised accountability in its previous dealings, but until such time as the theories become practice, and the Government lets the people of Western Australia into the dealings it has been involved in, and until it publishes reports on what it has been doing, no-one will believe that this Government has come clean about its business dealings. I urge the House to bear in mind that if we are to have a democratic Government that is truly responsible to the people there is a need for the Ministers themselves - and, indeed, Government members and Opposition members - to maintain a level of credibility, integrity and honesty that is acceptable to the community.

I support the motion.

HON E.J. CHARLTON (Agricultural) [5.30 pm]: In addressing this Budget I begin by imploring members to assess one item in it which has been central to our exchanges and debates in this place in recent times. I know many people are saying that the debate has been repetitive, that they are sick to death of these goings on, and that they want to know when we will get to the bottom of it all, but we must go down this path if we are to reach a solution.

An allocation of \$62.3 million appears in the Budget for Petrochemical Industries Ltd. I draw the attention of members to what I believe is the real meaning of that allocation. As at 30 June 1989, \$39 million was expenditure written off for PIL. Of that, \$19 million was for interest payments and some other costs, and about \$20 million was to pay off a portion of the \$75 million interim financing facility. Bearing in mind those facts, in a failed project such as

PIL this leaves the Government having to write off the \$230 million remaining. We are constantly reminded that court cases are pending, but we cannot escape the fact that we are addressing a Budget in which an allocation of \$62.3 million has been made for PIL. An amount of \$230 million remains, of which \$175 million constitutes a guarantee to the SGIC for the entry cost and \$55 million relates to the interim financing facility. We have to be fully aware that as that \$230 million write-off would have to come from the Consolidated Revenue Fund, the Government has chosen to roll the debt forward. It will not address this whole question right now; it will roll it forward and provide \$62.3 million for 1989-90 to cover the cost of the interest - obviously the interest component on the debt will be in the order of \$35 million - and an additional amount of perhaps \$27 million to cover the shutdown costs of contractors and other incidentals.

A whole host of players are to be found in this current operation. We have all heard from the Premier and the Government that this project, under the current set-up, is not going anywhere. If it is not going anywhere, how can the Government make an allocation of \$62.3 million and say that this is the amount involved in carrying on this current operation?

I draw the attention of members to the *Hansard* of 31 August, when the Treasurer said, and I quote -

In a project of this size and complexity, it is not surprising to encounter organisational and technical problems.

That is a fairly interesting statement. The Treasurer went on -

However, we are sparing no efforts to ensure that a viable project goes ahead to secure a return on the Government's funds that have been invested and to ensure that the associated economic benefits accrue to the State. This year, the Budget provides \$62.3 million to meet our funding obligations and I would call on all those opposite to provide bipartisan support for this venture which has such obvious benefits for the economic development of Western Australia.

While not trying to be repetitive and boring by constantly stating a fact that probably everyone has heard not once but several times before, if the project is going ahead we must return to this important point: This amount of \$62.3 million has been set aside in the Budget. Are we expected to accept that if this amount has been set aside it has been set aside in the terms the Treasurer has said - that is, for a project that is to go ahead to secure a return on the Government's funds? It seems to me that that is not an accurate statement and that this allocation is not to do that; it is not to secure the project and keep it going at all. I put it to the Ministers of this Government, and especially to the Minister for Budget Management and Leader of the Government in this place, that if that allocation was made to keep this project afloat so that it could go ahead, why would we be consistently being told that this project, under the present set-up, is dead?

From that we can make one or two conclusions. That allocation of \$62.3 million is nothing more than a camouflage for what might, at some future time, come to a head in the form of that final \$230 million, and the Government - and the taxpayers, because it is we who are paying - will have to front up with that amount of money.

I raise this point because it seems to us that it is not accurate for this allocation in the Budget to be described simply in the terms described by the Treasurer. The \$62.3 million Budget item contains no provision for a contingent liability to Bond Corporation. As has been stated today, the Minister for Budget Management is in possession of the two opinions from the Solicitor General dated 16 August and 1 September 1988 respectively. From what the Minister for Budget Management said today in answer to my question about the opinion from David Ipp, QC - who is now a Supreme Court judge, incidentally - and I will not quote the Minister because I would not want to misquote him, it would appear that there is certainly a responsibility on the Government under the form of those guarantees that were given; it is possible that the Government will be called upon to meet those guarantees, which could amount to \$225 million.

As well, I wonder whether the Government has had discussions with its Federal counterpart. Comments made today or last night by Senator Walsh - I heard them on the ABC's "AM" program - included, among other things, that the Federal Government certainly would not come to the aid of this State or assist the taxpayers of Western Australia by picking up the deficiency that would be caused by the sudden requirement of \$230 million-odd.

While this allocation of \$62.3 million has been made in this Budget the Government is really misrepresenting the people of Western Australia in determining by those comments from the Treasurer that that is what the money will be used for. It is simply made up partly of an interest fee and partly to meet some other contingencies, and it does not address the real question of what will happen in the final analysis. The people of Western Australia should be warned that not only are they contributing \$62.3 million at this time but also a further \$62.3 million will go down the drain, because the Government has stated the project has no future under the present setup. The only way the project can go ahead will be if new conditions are applied to it. Why do not the Budget papers contain an allocation of \$230 million? That is the amount owing. Just as any business or individual makes financial commitments, the Government has made guarantees - as witnessed by the papers tabled - so we know that is the amount owing.

In my view the \$62.3 million allocation raises two issues: First, a Budget allocation has not been made for that amount. The quotation given by the Treasurer is misleading and inaccurate; it does not reflect the true position. Secondly, any allocation made should be something like \$230 million.

The Budget allocations represent some significant increases, but some should probably have been higher if the true position is to be reflected. I believe a number of areas should be addressed seriously by the Government. Members of this House should put to the Government some positive ideas about actions to be taken in the future. Local government is one of these areas, and Aboriginal affairs is another key area in which we should suggest changes. Members would be aware of the recent inquiry into Aboriginal funding programs. My concerns here are similar to those which I have regarding the Federal Government fuel system and its related excises and taxes.

The Federal Government has a deplorable record on Aboriginal affairs. We are witnessing a disgraceful situation in this State - indeed, throughout Australia. We hear continual comments by people, many of whom have had no experience at all and others who should know better. Possibly no-one has done more harm in recent times in relation to the progress of Aboriginal people than the Federal Minister for Aboriginal Affairs.

Hon John Halden: We don't believe that.

Hon E.J. CHARLTON: Mr Halden, how many times have you gone out and spoken to Aboriginal people? Two weeks ago in Esperance, I met representatives of three Aboriginal groups. They were the most positive Aboriginal people I have ever had the pleasure to talk to. When I asked for their opinions their overwhelming response was that they wanted to have a greater say in the distribution of the funds allocated to Aboriginal people. Instead of that, the Federal Government uses most of the allocations on administration and a host of other inappropriate areas. The health system provided for Aboriginal people is set up in such a way that it is available only when people face extreme situations. When Aboriginal people receive medical benefits they then return to the environment which forced them into that situation in the first place. More emphasis should be placed on the importance of preventive health care so that Aboriginal people are not placed in situations of such dire need. I do not know how anyone can justify, with any conscience, the present system. People come from all parts of the world and make comments about the deplorable situation in which some of our Aboriginal people exist. We must emphasise the word "some" - even though they represent a significant percentage of Aboriginal people. We do not seem to be taking any action to overcome this problem.

Hon Fred McKenzie: Was the member not critical, while serving on a recent committee, about the way those people spent money?

Hon E.J. CHARLTON: That committee made recommendations about the way funds should be spent in this area. In other words, instead of the Federal Government wasting three quarters of the money, it should be placed in the hands of the State Government, perhaps in a trust account, so that the Aboriginal people would have more direct control. The Aboriginal people should have more say. The problem will not be solved unless it is solved by the Aborigines; it certainly will not be solved by the white people in Canberra.

Hon John Halden: The Minister would agree with that.

Hon E.J. CHARLTON: I know. I spoke to her the other day.

Hon John Halden: I mean the Federal Minister for Aboriginal Affairs.

Hon E.J. CHARLTON: No. Is Mr Halden sure that he is not dreaming? I do not believe the Federal Minister has any inclination to associate himself with the States. He came to this State and was against almost everything this State Government is trying to do to change the system. The Federal Minister is a centralist; he wants total power. He wants to deal with the future of Aboriginal people; but that will not work. An organisation in the States should administer any operation in relation to funds allocated to Aborigines. The Aboriginal people of this State have been denied that opportunity.

More fighting among Aboriginal people will occur if the situation is not resolved. Fights occur now because groups have been set up which race off to Canberra to ask for a slice of the cake, which does not bring an ounce of improvement to the situation. I predict that the situation will deteriorate. Family groups will get their hands on money to help each other; various organisations will be set up and perhaps incorporated. That has not worked in the white man's world, and it will not work in the Aboriginal community. What is happening today is dividing the Aboriginal people. Members have seen for themselves what is happening at the sites of some developments in which the Government is involved. There is total disunity among Aboriginal people. If we want to do something positive for the Aboriginal people of this State, we should take responsibility for them out of the hands of the Federal Minister for Aboriginal Affairs. Only in that way can we encourage Aboriginal communities to work together.

Local government authorities have a very significant and critical part to play in the solution of Aboriginal problems. Someone from the Government should be appointed to liaise on Aboriginal affairs between the various Government departments and the Country Shire Councils Association. Only in that way can local authorities be involved in the housing and health problems confronting Aborigines. In fact, the Country Shire Councils Association has endorsed the recommendations of our committee.

Last week, I attended a seminar in Geraldton with the Minister for Mid-West and representatives of all Government departments and local authorities. After all of the speakers at that seminar finished their speeches, the question they asked was, what are we going to do about solving the Aboriginal situation with which we are being confronted? Each of those shire councils has houses being built in its areas from funds provided by the Commonwealth Government and controlled by Aboriginal housing committees in association with Homeswest. However, the local authorities have no communication with any of the bodies involved. How would members here like it if the Federal Government became involved in their areas of responsibility without communicating with them?

I believe we have to get stuck into the do-gooders and take the financing away from the Federal Government. No-one has suggested that the funds provided for health, education, employment and training should be reduced. However, we want to see Aborigines benefiting more from those funds.

The Aborigines who are making the most significant contribution to the future of all Aborigines in this State are those who were educated in the missions. That does not occur any more because it was considered bad for Aborigines. White people are no longer allowed to foster Aboriginal children. The other day, I was informed of the case of an Aboriginal child who wanted to be fostered by a white family. The request was refused and the child was given to an Aboriginal family against the child's will. That sort of thing does no good for anybody.

Hon John Halden: How old was the child?

Hon E.J. CHARLTON: I do not know, but I could find out.

In our report, we recommended that only through education and hygiene could Aboriginal people have the burden of their problems lifted from their shoulders. Without accepting that, they will not progress. I wish all of the do-gooders would get their heads out of the sand and start to encourage Aboriginal people. The Aboriginal people who maintain a basic standard of hygiene should be encouraged and assisted because if they do not they have no hope of obtaining an education, decent housing or employment; they have no future. I cannot understand why we are constantly told what a terrible race of people we are because of what we did to them 100 years ago, 200 years ago or even yesterday. Without being positive, we

will continue down the path that we have been going down for all those years and will compound the problems. We are dividing the Aboriginal people. Unless we do something, the problems will be worse in 20 years time than they are today. Too many white people do not know what they are doing. They have no idea of how to assist and encourage Aboriginal people.

Only when Aborigines are in control of their own destinies will they rise from the mire of the problems enveloping them. Unless members of Parliament remove the restrictions that are holding these people back the more they will become more factionalised and this nation will be the loser.

[Pursuant to Sessional Orders, debate adjourned.]

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 19 September at 3.30 pm.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [6.00 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Federated Liquor and Allied Industries Employees Union
Fast Food Employees - Underpayment Agreement*

HON PETER FOSS (East Metropolitan) [6.01 pm]: I wish to draw to the attention of the House a matter which I hope will have the support of members on both sides of the House, and which relates to a union not affiliated to the Western Australian Trades and Labor Council. A report appeared in yesterday's issue of *The West Australian* regarding the Federated Liquor and Allied Industries Employees Union which is alleged to have agreed to the underpayment of thousands of fast food workers in exchange for the companies' obtaining union dues from employees whether or not they were members of the union.

I am pleased that Crown Law Department has been involved, and that the industrial relations side of this matter is being dealt with. I understand that proceedings are being contemplated under section 73 of the Industrial Relations Act to deregister the union.

However, I am concerned about two other matters. If these allegations are true, I do not believe it is sufficient that the consequence of this behaviour is purely the deregistration of the union. It seems to me that a breach of faith of this nature should be the subject of criminal proceedings. I have not considered whether there is appropriate provision in the Criminal Code to deal with this matter, but I urge the Attorney General to ask officers of Crown Law Department to carry out appropriate investigations to determine whether a breach of the Criminal Code has occurred.

Hon T.G. Butler: Has an investigation been carried out?

Hon PETER FOSS: Yes, but not with regard to this point. From my reading of the newspaper article it appears that the investigation was directed towards the provisions of the Industrial Relations Act and the consequences to the union in that regard. I do not believe the investigation related to possible criminal consequences.

Hon T.G. Butler: Would that not normally follow on? If an investigation found that a breach had occurred, would it not move on to the criminal side?

Hon PETER FOSS: Hon Tom Butler may be correct, but my experience is that sometimes people's minds are directed on one track and they do not necessarily proceed to other tracks.

Hon T.G. Butler: Would the proper course be for the Office of Industrial Relations to investigate it, and if it found there was a problem, to pass it to Crown Law Department?

Hon PETER FOSS: I hope the member is correct, but at the moment it appears that the proposed action is purely to take proceedings under the provisions of the Industrial Relations Act. That is understandable, because the thoughts of the Office of Industrial Relations are on that track. It may well be that further action is being contemplated by Crown Law

Department, but I ask the Attorney General to determine whether there is any basis to the suggestion that a breach of criminal law has occurred. In any event, if this union's conduct does not constitute a breach of the criminal law, I suggest the matter should be referred to Mr Michael Murray, QC, to determine whether an amendment to the Criminal Code would be appropriate.

I am more familiar with the second point I raise, the question of taking union dues in exchange for leaving the employer alone. I have come across this situation before and I believe this matter is covered by that part of the criminal law relating to extortion. If the allegations are correct, it appears the union has received a benefit by not taking action against the employer. This happened before in the case of Mr J.J. O'Connor and the Transport Workers Union, although in that instance the Attorney General decided not to allow the matter to proceed. Without wishing to judge the matter purely on the basis of statements in the newspaper, if they are correct this is another matter which warrants some form of investigation. I have certainly heard this allegation referred to on previous occasions where unions have secured some benefit by telling employers that if the union dues are paid they will not take action.

The other matter which has not been dealt with, but which may be an omission in the report, relates to the money paid in respect of people who were not members of the union. What has happened to that money? I ask the Attorney General whether that matter has been covered and, if not, request him to make appropriate investigations in that respect.

Adjournment Debate - Motion - Select Committee Appointment - Pike, Hon R.G.

HON R.G. PIKE (North Metropolitan) [6.06 pm]: This House should not adjourn until the following matters have been brought to its attention. In *The West Australian* of 7 September an article appeared with regard to the motion to set up a Select Committee. It is stated three times in that report that I would do certain things; for example, ask Mr Fitzgerald or seek people with similar attributes to work on the committee. I point out that at all times the terminology I used was that should the House agree to the Select Committee, and should the Select Committee be appointed, and should the Select Committee see fit, these people would be approached. I could not recommend it until the committee had been formed. It is important that the House is aware of that because from the article it appears that I am making unilateral decisions which I have no right to, and nor would I ever do so.

Adjournment Debate - Bartholomaeus, Mr Neil - Government Appointment - Criticism

The House should not adjourn until its attention is drawn to an article which appeared in *The West Australian* on 6 September under the heading "Dowding's man gets top civil service job", and referred to Mr Neil Bartholomaeus. He is a twice defeated Labor Party candidate.

Hon Tom Stephens: He is a former Liberal.

The PRESIDENT: Order! I ask honourable members not to interject because they are all aware that a very important function will take place at Parliament House tonight. It is incredible that they are doing things to prolong the sitting.

Hon R.G. PIKE: His appointment by the present socialist Labor Government to this senior position, and the appointment of many Labor Party supporters to senior Public Service and statutory authority positions are an indication that the Premier, Mr Dowding, has gone below the Plimsoll line. By his actions he is indicating that the Government will be upright but not this week. He is obviously devoted to the philosophy that nothing succeeds like excess. This appointment can be compared to the Roman Emperor Caligula's appointment of his horse as a consul. I point out that Caligula was assassinated by his Praetorian Guard, which in present day terms would equate to the Cabinet. That may well be the fate of Peter Dowding.

My final point is relevant to the whole of Western Australia. Because of the seriousness of this clear destruction of the impartiality of the Public Service in this State, and in order to investigate its insidious extent, I invite all interested public servants in this State to inform me on an anonymous basis of the names and evidence indicating those Public Service appointees whom they allege are socialist Labor Government political appointments. The actions of the Labor Party in this State, by emasculating the principle of the impartiality of the Public Service, have gone too far. I repeat that the Premier has gone below the Plimsoll

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line in integrity and bastardisation of what was the impartiality of an excellent Public Service. I warn this House and the people of Western Australia that this matter needs to be addressed.
Question put and passed.

House adjourned at 6.10 pm

QUESTIONS ON NOTICE

RAILWAYS - PASSENGER JOURNEYS

Armadale-Perth, Fremantle-Perth, Midland-Perth, Perth-Joondalup

332. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) What are the current passenger journeys on the three metropolitan railway lines -
 - (a) Armadale-Perth;
 - (b) Fremantle-Perth; and
 - (c) Midland-Perth?
- (2) What increase in passenger journeys is anticipated on completion of the current electrification program?
- (3) How many passenger journeys per day are anticipated on the proposed Perth-Joondalup railway line?
- (4) What is the projected passenger growth on the Perth-Joondalup rail line by the year 2001?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Sample weekday passenger journeys (total in both directions), May 1989 -
 - (a) 15 713
 - (b) 12 413
 - (c) 14 113.
- (2) A conservative estimate of increased passenger journeys anticipated on completion of the current electrification program is an immediate 15 per cent; by 2001 an increase of 50 per cent was anticipated but this is expected to be exceeded due to the added attraction of the Joondalup line in promoting longer distance rail travel, to the increase in population growth in the metropolitan area from two per cent to three per cent, and to the effect of urban planning policies encouraging development adjacent to railway stations.
- (3)-(4) 41 300 in 2001.

RAILWAYS - CAPEL-BUSSELTON, WONNERUP-NANNUP

McFarlane Report - Recommission Recommendation

374. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Does the McFarlane report of May 1989 recommend the feasibility of recommissioning the Capel-Busselton and Wonnerup-Nannup rail lines?
- (2) What action does the Government intend to take on re-opening these lines?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The McFarlane report commissioned by the South West Development Authority, the Shire of Busselton, and the Shire of Nannup recommends -

the Capel-Busselton rail line be recommissioned;

the Wonnerup-Nannup rail line not be recommissioned now but that the rail easement should be retained.

- (2) The Government is presently reviewing options for the transport of mineral sands in the south west. The options being reviewed include the use of the two lines in question. When the review is complete the Government will be in a position to consider the future of the lines taking into account the McFarlane report recommendations.

ROTTNEST ISLAND AUTHORITY - BACK, DR C.

Chief Executive Appointment

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

- (1) Whose decision was it to appoint Dr C. Back as Chief Executive of the Rottnest Island Authority -
- (a) the authority at a full meeting;
 - (b) authority members consulted individually;
 - (c) the chairman of the authority;
 - (d) a combination of any of the above; or
 - (e) a Minister or Ministers?
- (2) What experience did Dr Back bring to the post at the time of his appointment, including the last two full time positions that he held?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

(1)-(2)

Dr Chris Back was selected and recommended for appointment by a properly constituted panel convened by the Department of Executive Personnel, including representation from the private sector.

He was selected from a field of other highly qualified and experienced applicants in accordance with the Public Service Act 1978 as stipulated in the Rottnest Island Authority Act 1987 section 25(1).

ROTTNEST ISLAND AUTHORITY - GEORDIE BAY GENERAL AND LIQUOR STORE LEASE

Application Failure - Tender Selection Criteria

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

- (1) Will the Minister for Planning state why the application of the previous lessees of the Geordie Bay general and liquor store was passed over in favour of Detective August?
- (2) What were the criteria for the selection of the successful tenderer?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) The submission by Mr and Mrs August was financially superior to that of the previous lessees.
- (2) Financial commitment;
financial security;
willingness to reside on Rottnest Island.

ROTTNEST ISLAND AUTHORITY - GEORDIE BAY GENERAL AND LIQUOR STORE LEASE

Back, Dr - Detective August's "Financial Superiority"

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

- (1) Will the Minister for Planning seek from the Chief Executive Officer of the

Rottnest Island Authority an explanation of what Dr Back meant by his reported statement that Detective August had "financial superiority"?

(2) Did Detective August have a guarantor?

(3) If yes, who was it?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) The combined tenancy plus committed capital injection in the proposal submitted by Mr and Mrs August was higher than the other parties who were finally considered.
- (2) None was sought. Mr and Mrs August presented a statement of their financial situation as part of their documentation.
- (3) Not applicable.

ROTTNEST ISLAND AUTHORITY - GEORDIE BAY GENERAL AND LIQUOR STORE LEASE

Chief Executive Officer - Short List Interviews

391. Hon P.G. PENDAL to the Leader of the House representing the Minister for Planning:

- (1) Is it correct that the Chief Executive Officer of the Rottnest Island Board interviewed the four people on the short list for the Geordie Bay general and liquor store?
- (2) If so, were the Leipers on that short list?
- (3) If not, why were they not?
- (4) Did the chief executive recommend Detective August for the lease?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) Yes.
- (2) Yes.
- (3) Not applicable.
- (4) The recommendation was made by a standing subcommittee of the Rottnest Island Authority.

ROTTNEST ISLAND AUTHORITY - GEORDIE BAY GENERAL AND LIQUOR STORE LEASE

Expressions of Interest Advertisements - Appearance Date

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

- (1) When were "expressions of interest" or the first public advertisements lodged for the upcoming lease for the Geordie Bay general and liquor store?
- (2) Did the chief executive consult with the chairman of the authority or the Minister or any other Minister before deciding not to formally call tenders?
- (3) Similarly, did the chief executive consult any or all of the above people before -
 - (a) settling the short list; and
 - (b) before making a recommendation?
- (4) If not, why not?
- (5) If so, what advice and/or comments did the chairman, the Minister or any other Minister give?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) The advertisement for expressions of interest was placed in *The West Australian* of 26 August 1989.
- (2) The decision to call for expressions of interest was made by the board of the Rottnest Island Authority.
- (3)-(5) The selection of the short list of submissions and the recommended applicant was carried out by a standing subcommittee of the Rottnest Island Authority.

ROTTNEST ISLAND AUTHORITY - GEORDIE BAY GENERAL STORE LEASE
Lease Date - June Lessee

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

- (1) What is the date of the lease to the Geordie Bay general store?
- (2) To whom, according to the minutes or any other documentation, was the lease granted in or around June?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) It is not clear to what the member refers. However, the lease expired on 31 August 1989. There is a management arrangement from 1 September 1989 to 30 November 1989. It will then be a three year lease plus a three year option from 1 December 1989 if a suitable applicant can be found.
- (2) The lease was offered to Mr and Mrs August.

STATE PLANNING COMMISSION - LAND PURCHASE
Maylands Peninsula - Historic Tree Protection

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

- (1) Is the Minister for Planning aware that the State Planning Commission's recent purchase of land on the Maylands peninsula has brought with it several historic trees planted by early colonists and a well that remains in good condition and holds water?
- (2) Will the Minister give an unequivocal undertaking that the State will preserve and protect these important colonial relics?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) Yes.
- (2) The State Planning Commission has initiated registration of the trees with the National Trust and has implemented protection measures.

ROTTNEST ISLAND AUTHORITY - GEORDIE BAY GENERAL AND LIQUOR STORE LEASE
June Meeting - Minutes Tabling

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

I refer to the recent decision of the Rottnest Island Authority to award the lease for the Geordie Bay general store and liquor lease, and ask -

- (1) Will the Minister table the minutes of the June meeting of the Rottnest Island Authority at which the decision on the lease was made?

- (2) Will the Minister table any and all correspondence between the Rottnest Island Authority and the Liquor Licensing Division on the matter of the transfer of the liquor licence to the party awarded the lease?
- (3) Will the Minister table all or any correspondence between the Rottnest Island Authority and the party awarded that lease, notwithstanding that this decision has now been altered?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

(1)-(3)

No. If the member has a particular concern the Minister will respond to it.

ROTTNEST ISLAND AUTHORITY - GEORDIE BAY LIQUOR STORE LEASE

Expressions of Interest - Pre-Lease Agreement

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

- (1) How many firm approaches and/or tenders and/or expressions of interest for the lease on the Geordie Bay liquor store did the Rottnest Island Authority deal with prior to agreeing to give the lease to Russell August at the June meeting of the authority?
- (2) What were the terms of the successful tender?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) There were six firm approaches to the authority in respect of the Geordie Bay Store lease.
- (2) The authority has recently renewed its call for expressions of interest and it would therefore be inappropriate to release details of previous tender negotiations at this stage.

ROTTNEST ISLAND - GEORDIE BAY LIQUOR STORE

Liquor Licence - Transfer Application

398. Hon P.G. PENDAL to the Minister for Racing and Gaming:

- (1) Can the Minister inform the House in whose name an application for the transfer of the liquor licence for the Geordie Bay liquor store at Rottnest was received by the Liquor Licensing Division?
- (2) When was the application lodged?
- (3) As of 10.00 am Tuesday, 22 August whose name appeared on the liquor licence transfer application?

Hon GRAHAM EDWARDS replied:

- (1) Sedgebrook Holdings Pty Ltd - Trustee for the August Family Trust. Subsequently a further application was received on 21 July 1989 from Sedgebrook Holdings Pty Ltd - Trustee for the August Family Trust - and Leeuwin Holdings Pty Ltd - Trustee for the Leeuwin Investigations Trust, trading as Eagle Bay Trading Company. This application was withdrawn on 4 August 1989.
- (2) 11 July 1989.
- (3) Sedgebrook Holdings Pty Ltd - Trustee for the August Family Trust.

ROTTNEST ISLAND - GEORDIE BAY LIQUOR STORE LEASE

Award Alteration - Date and Explanation

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

- (1) Will the Minister say precisely when, and for what reason, the decision to award the lease for the Geordie Bay liquor store was altered?
- (2) Was the authority itself involved in bringing about this alteration or withdrawal?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following reply -

- (1) The decision not to take up the lease was made by Mr and Mrs August, and conveyed to the authority's solicitors by letter dated 21 August 1989 from their solicitors.
- (2) No.

MARINAS - EXMOUTH

Budget Allocation - Hotel Construction Negotiations

400. Hon N.F. MOORE to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) What funds have been allocated in the 1989-90 Budget for the Exmouth marina?
- (2) What will these funds be used for?
- (3) What stage have negotiations reached between the Government and Australian City Properties on the construction of a hotel at the proposed marina?
- (4) What price was paid by Australian City Properties for the hotel site?
- (5) Is the hotel site leasehold or freehold and, if leasehold, what is the length of the lease?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) An amount of \$350 000 has been allocated in the 1989-90 Budget for the Exmouth marina.
- (2) These funds will be used to complete investigation and design works and to relocate an existing rural subdivision.
- (3) Australian City Properties Ltd has agreed to lease a hotel resort site at the Exmouth marina under terms and conditions that are currently being negotiated.
- (4) Not applicable; see (3) above.
- (5) The total site is being made available under a leasehold arrangement. The length of the lease has not been finalised.

HOUSING - HOMESWEST

Clientele - Racial Origin Identification Code

403. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

- (1) Does Homeswest use a code to distinguish or identify the racial origin of its clientele?
- (2) If so, will the Minister give the reasons for the need for this code?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) Applicants for Homeswest loans and rental properties are asked if they are Aboriginal. It is the choice of the applicant to identify their aboriginality. This is recorded on a computerised database.
- (2) The Commonwealth Government provides funding for housing specifically for Aboriginal people. Asking clients a question about their aboriginality is to ensure that they receive the services to which they are entitled. This information is also used to plan the location, size, type and number of houses for Aborigines.

TAXIS - PLATE LICENCES
Statistics - Additional Plates Release

404. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) How many taxi plate licences were operating in Perth as at -
 - (a) 30 June 1988; and
 - (b) 30 June 1989?
- (2) Are there any plans to release additional plates?
- (3) If yes, how many?
- (4) What were the criteria based on which indicated additional plates were required?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) (a) 890;
(b) 971.
- (2) Yes.
- (3) Up to 80 temporary restricted metered taxi-car licences. Up to 10 premium restricted metered taxi-car licences.
- (4) Justification for the issue of additional taxi-car licences was based on -
 - a retrospective view of last year's service difficulties;
 - an increase in population in the metropolitan area;
 - a knowledge of service difficulties in specific areas.

QUESTIONS WITHOUT NOTICE

CORPORATE AFFAIRS DEPARTMENT OFFICERS - MINISTER OF THE CROWN
Proceedings Initiation - Ministerial Discussions

197. Hon GEORGE CASH to the Attorney General:

- (1) Does the Attorney General have any knowledge of any discussions held during the last three weeks between officers of the Corporate Affairs Department and either Government Ministers or Government employees regarding the possibility of the issuing of proceedings for criminal charges against a State Government Minister?
- (2) If so, will he provide details?

Hon J.M. BERINSON replied:

(1)-(2)

I would very much like to answer that question directly but I will not do so because an important principle is involved. Therefore, I answer it in the same

way that I have invariably answered questions to the same effect by indicating the following -

As I have previously indicated, questions of this nature are improper. Inquiries, whether by police, Corporate Affairs or any other investigatory authority, are inappropriate for public comment unless proceedings are initiated or, where proceedings are not initiated, the matter is the subject of official report.

That is an answer that I gave to Hon Gordon Masters in response to a similar question on 12 April 1989. In view of that situation and the undesirability of encouraging further improper questions of that nature, I indicate that all such questions will be continued to be answered in that standard form.

PETROCHEMICAL INDUSTRIES CO LTD - GOVERNMENT GUARANTEE
Western Australian Government Holdings Ltd - Crown Law Department Opinion

198. Hon GEORGE CASH to the Attorney General:

- (1) Can the Attorney General advise the House whether prior to 16 August 1988 he sought an opinion from the Crown Law Department on the State Government liability in respect of a certain guarantee which is alleged to exist between WA Government Holdings and Petrochemical Industries Co Ltd, which was a binding guarantee on the Government?
- (2) If so, can he advise of the Crown Law Department's opinion in respect of that advice, and if not, why not?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition in the Legislative Assembly for some advance notice of that question. It appears that relevant matters were raised in the Legislative Assembly earlier today and this has enabled me to -

Hon P.G. Pendal: Have more time to make up your story.

Hon J.M. BERINSON: - have time to look up the records and provide an answer which I certainly could not have done without some notice. It is only a day or so ago that I made the point here that it is extraordinarily difficult to keep dealing with questions from the other side which go into such detail as to whether I spoke to someone on an evening or a morning. I confessed that that was a difficult question to answer in the circumstances, and that question was only about one week after the event. I ask the House to recognise that when one is being asked to put one's mind to a question without notice directed as to whether something happened before, after or about 16 August 1988, all that one is being invited to do is to walk into some sort of ambush.

Hon P.G. Pendal: How do you explain the lapse in memory?

Hon George Cash: Why don't you just decline to answer the question?

Hon J.M. BERINSON: I will answer the question as I have had notice from the Leader of the Opposition in the Legislative Assembly.

Point of Order

Hon R.G. PIKE: I ask the President to rule as to whether a Minister should answer a question or go into a prologue or epilogue into the history of the answer.

The PRESIDENT: Order! That is not a point of order.

Questions Without Notice Resumed

Hon J.M. BERINSON: In the very short time that has been available to me since I had my first indication of the Opposition's interest in this question, I have not been able to fully examine my records and I had to rely on some very rapidly obtained advice. I give the answer that I do on the basis that it is to the best of my knowledge.

Hon George Cash: We should hope so.

Hon J.M. BERINSON: If anything contrary to what I am saying emerges -

Hon P.G. Pental: You will have an alibi.

Hon J.M. BERINSON: - I will take the first opportunity on the resumption of the House after today's sitting to make any corrections that might be necessary. My belief at this stage is that no correction will be necessary.

- (1) I made no approach to the Crown Law Department on this matter. However, I do not want to split straws on the issue. Hon George Cash would have put his question better had he asked me whether I had made any inquiries of the Solicitor General, who is not a member of the Crown Law Department.

Hon George Cash: Perhaps you would like to answer that question.

Hon J.M. BERINSON: They are two separate statutory offices. Having indicated to Mr Cash what his question ought to be, I will answer that as well. To the best of my knowledge I did not seek the Solicitor General's opinion prior to 16 August, but I am advised that his opinion was sought directly.

I add to that that on the information available to me at the moment it appears that in addition to him providing his advice directly to the initiating office, the Solicitor General provided a copy to me for my information, which was marked "for your attention". That is the position and the extent to which my knowledge of this issue arose.

- (2) The second part of the question asked whether I was prepared to table that advice. Is that correct?

Hon George Cash: That is right.

Hon J.M. BERINSON: The answer is no, and that is in spite of the fact that the Leader of the Opposition, Mr MacKinnon, has apparently indicated he already has a copy of it.

I answer no because again, to repeat the advice which I provided in response to a question earlier this week, if it is not my invariable practice to refuse to table legal advice to the Government it is my virtually invariable practice. As I indicated a day or two ago, I can recall only two occasions in six years when I have departed from that practice. I add one other consideration and I hope members will take this seriously, particularly on questions related to this subject matter: One does not have to be a very avid reader of newspapers to know that the State and Bond Corporation are either engaged, or about to be engaged, in very serious and substantial litigation. It would be utterly irresponsible in those circumstances -

Hon P.G. Pental: You say that when we ask questions whether they are the subject of litigation or not.

Hon J.M. BERINSON: That is right.

Hon P.G. Pental: You wriggle out all the way.

Hon J.M. BERINSON: I do not wriggle out of answering questions as to whether I will table legal advice. I simply say that I will not. I do not classify that as wriggling out -

Hon P.G. Pental: You are certainly wriggling out now.

Hon J.M. BERINSON: Nothing could be clearer and I will repeat that it is my virtually invariable practice, departed from to my memory on two occasions in six years, to refuse to table legal advice to the Government and that will continue to be the practice. I again caution members that they should not be too heroic when the interests of the State are involved and they are involved in this impending litigation. We have to act responsibly in the light of that consideration.

PETROCHEMICAL PROJECT - FINANCE
Bankers' Negotiations - Attorney-General's Involvement

199. Hon GEORGE CASH to the Attorney General:

I refer the Attorney General to his answer to my question, No 171, to him dated Tuesday, 5 September 1989, and I ask that in view of the opinions of the Solicitor General dated 16 August 1988 and 1 September 1988 addressed to the Attorney General, how does he justify his claim that he was not involved in the negotiations?

Hon J.M. BERINSON replied:

Because it happens to be the truth.

SPORT AND RECREATION - "TIME OUT" PROGRAM
Continuance Proposal

200. Hon DOUG WENN to the Minister for Sport and Recreation:

Would the Minister advise whether there is any proposal to continue the "Time Out" program that was piloted on a trial basis in the Perth metropolitan area last February?

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of the question. I am pleased to advise that the Ministry of Sport and Recreation's "Time Out" program, providing child-care services to enable women to get out of the home to enjoy organised recreation will be reintroduced from 12 September. As members are aware this program was introduced on a trial basis last February. In fact, the pilot program was a first in Australia and it was an outstanding success. Hundreds of women, mostly with pre-school age children, accepted the ministry's challenge to improve their fitness by tackling a range of activities like surfcasting, windsurfing, canoeing and abseiling. The program also provided health, nutrition and lifestyle information through a "Bodytime" segment, and that will continue as an integral part of the new "Time Out" series of activities.

The pilot program received many more applicants than could be accommodated. As a result, the new program has been expanded to create more places. Participants will pay \$15 for each outing they decide to attend and that fee will be discounted to \$10 for anyone with a current pension card. The fee includes professional child-minding. Women who took part in the pilot program provided input to the choice of activities incorporated in the new "Time Out" schedule which will run until 28 November. The program will be resumed in early February after the Christmas-New Year holiday break. Activities in the new "Time Out" schedule include bodytime, cycling, bushwalking, canoeing, abseiling, caving, rock climbing, orienteering, sailing and wave skiing.

In addition to the metropolitan program I am pleased to be able to say that "Time Out" programs are due to be introduced in Pinjarra, Bunbury, Albany, Narrogin and Northam during September and October; in Geraldton the program is planned for February-March; while the activities for Camarvon - Hon Phil Lockyer will be interested in this - will be delayed until about April when the cooler weather arrives.

PETROCHEMICAL PROJECT - GOVERNMENT LIABILITY
Ip, Mr David - Opinion

201. Hon E.J. CHARLTON to the Attorney General:

Further to the question asked by the Leader of the Opposition, would the Attorney General advise whether an opinion was sought from David Ip, QC, in relation to the liability of the Government, not on a specific day, but between 16 August and 1 September?

Hon J.M. BERINSON replied:

To get this question clear, could I ask whether Hon Eric Charlton is asking whether an opinion was sought from Mr Ip, as he then was, on the same subject, and if so, by whom?

Hon E.J. Charlton: That is right. That is what I am asking.

Hon J.M. BERINSON: Mr President, I am aware that Mr Ip was asked for an opinion in recent months, but I cannot recall and, in fact, I am not sure that I ever knew precisely what the point of inquiry was. I also believe that that opinion was not sought by the Government. I will take that answer a little further; answering in the negative and saying who it was not sought by is not altogether satisfactory. I can assure the House that no request to Mr Ip was made by me. So far as I am aware no request for an opinion would have been directed to him by the Crown Law Department. Having said that I probably should not have answered that I knew Mr Ip gave an opinion on anything. If he did, it was not in relation to any of my portfolio responsibilities.

PETROCHEMICAL PROJECT - GOVERNMENT LIABILITY

Ip, Mr David - Opinion

202. Hon E.J. CHARLTON to the Attorney General:

Is the Attorney General in possession of that opinion?

Hon J.M. BERINSON replied:

No.

PETROCHEMICAL PROJECT - BUDGET ESTIMATES

Western Australian Government Holdings Ltd - Repayments

203. Hon MAX EVANS to the Minister for Budget Management:

From the Estimates it is obvious that the petrochemical deal is not going ahead. Therefore, why is there not something in the Estimates in respect of how WA Government Holdings Ltd will repay, over nine years, \$175 million to the State Government Insurance Commission, including \$24 million interest?

Hon J.M. BERINSON replied:

In spite of the fact that these matters are raised in the Estimates, so are all other matters related to Government business and expenditure. I believe this question clearly comes within that category which should be directed to the responsible Minister on notice.

STATE ENERGY COMMISSION - BUDGET "MISCELLANEOUS SERVICES"

North West Shelf Gas Grant Reduction - Re-Establishment

204. Hon MAX EVANS to the Minister for Budget Management:

Under "Miscellaneous Services" in this year's Budget, last year's actual figure for State Energy Commission-North West Shelf gas is \$8.95 million and the estimate this year is \$1.3 million. During the debate earlier the Minister said that the grant was being reduced and that money would be used to pay the interest of WA Government Holdings to the State Energy Commission. That was because the State Energy Commission would benefit from the gas sales. If it does not go ahead, will the grant be re-established for the State Energy Commission?

Hon J.M. BERINSON replied:

I must ask that that question be directed to the responsible Minister.

HUME, S.E.K. - BRIEF AND OPINION

Tabling - Solicitor General's Opinion 1 September 1988

205. Hon PETER FOSS to the Attorney General:

Is he willing to table the brief to S.E.K. Hume, QC and the opinion of

S.E.K. Hume, QC referred to in the 1 September 1988 opinion of the Solicitor General directed to the Attorney General?

Hon J.M. BERINSON replied:

I cannot recall whether I had that opinion. Is the honourable member indicating that it was attached to, or referred to in full in the Solicitor General's advice that I received?

Hon Peter Foss: My understanding is that the Solicitor General had both those documents provided to him to give that opinion.

Hon J.M. BERINSON: If he received that document, I can only say that, to the best of my recollection, he would not have received it from me.

LIQUOR LICENSING ACT - NEW LEGISLATION *Aims Achievement*

206. Hon CHERYL DAVENPORT to the Minister for Racing and Gaming:

What action has the Minister taken to ensure that the new Liquor Licensing Act is achieving its aims?

Hon GRAHAM EDWARDS replied:

I thank the member for advance notice of her question. In general, the Liquor Licensing Act 1988 has been well received by both the liquor industry and the general public. However, it is apparent that some fine tuning of the operations of the Act is necessary and to that end I have initiated the following: First, I have met with members of the Liquor Industry Council to discuss some of their concerns. Secondly, I have brought forward the review of the Act which was originally due to commence in February 1990. That review is underway and I understand that the first meeting was held yesterday. Thirdly, I also arranged a working session involving legal practitioners, members of the liquor industry and senior members of the liquor licensing division of the Office of Racing and Gaming. The aim of the session was to provide information and advice on those matters which seem to be causing some concern for people dealing with the Act. It is my hope that the review process will be completed early next year, with any unnecessary amendments to the Act framed for the autumn 1990 session. Throughout this exercise there has been a pleasing degree of cooperation among all parties, all of whom have a common desire to further improve the working of the Act and of the industry generally.

RACING - TOTALISATORS, MOBILE *Country Race Clubs' Request*

207. Hon P.H. LOCKYER to the Minister for Racing and Gaming:

I refer to the Minister's recent world trip to look at racing and gaming and express some disappointment that he did not invite me to accompany him as I could have been of enormous assistance. Is the Minister considering a request made by some country race clubs about the possibility of providing mobile totalisators to offset the need for individual clubs to provide their own?

Hon GRAHAM EDWARDS replied:

I am advised that the member's interest in this matter stems from the fact that those totalisators that are not mobile are taking too much of the honourable member's hard earned cash. There is a serious part to this question and I appreciate the member's interest. I would hate the new members in this place who have seen the exchanges that take place here to think that that happens all the time, because in the main I, as a Minister, and other Ministers, are only too keen to assist members with problems in their constituencies, or members who have an interest in particular industries as Hon Philip Lockyer has in the racing industry. Although Hon Philip Lockyer sits on the other side of the House and is part of a different party, we are able to come together to work together to resolve problems that have some impact on the community, the

State and on the industry generally. I encourage that approach and hope that other members will follow suit.

As the honourable member knows, I am strongly supportive of the proposal put to me by the Camarvon Racing Club that it combines some resources with other clubs in the north west so that they can avail themselves of a mobile totalisator to be used in Camarvon, Exmouth, or even in places such as Onslow, one that would be totally secure, capable of being towed and capable of being established as required on courses on race days. In my view that would provide a better service to punters who go on course. Of course, it would provide a much better and much more efficient system for those people who currently have to ensure that punting facilities are available for people on course. In the main, we need to recall that these people put their time into the industry on a voluntary basis.

Point of Order

Hon GEORGE CASH: I ask, Mr President, whether it is usual for a Minister to speak for an extended period, possibly for the purpose of trying to speak until 4.30 pm so that no other member will get the call?

Hon P.G. Pandal: At the request of the Attorney General.

Hon J.M. Berinson: Is that a point of order?

The PRESIDENT: Order! I was about to draw the attention of the Minister to Standing Order No 140(c), which states -

Replies shall be concise, relevant, and free from argument or controversial matter.

I suggest that it is important, in view of the new approach to questions, that they be at least concise. The Minister still has the floor.

Questions without Notice Resumed

Hon GRAHAM EDWARDS: I appreciate that. I have also just been admonished by the Leader of the House. In conclusion, I requested the TAB to look at this matter. It looked around in Australia and overseas and advised me that at this stage nothing suitable has come to the fore. Something has been developed in England which might have some relevance here, but in the meantime I have requested that the Race Course Development Trust look into this matter.

HUME, S.E.K. - BRIEF AND OPINION

Tabling - Solicitor General's Opinion 1 September 1988

208. Hon PETER FOSS to the Attorney General:

In view of the fact the Attorney General is the Minister responsible for the Solicitor General's Act, if the Solicitor General has the two documents to which I have referred, will the Attorney table those documents in this House?

Hon J.M. BERINSON replied: I will consult with the Solicitor General on that question. I would prefer to take his advice before indicating one way or the other.

STATE FINANCE - BUDGET MISCELLANEOUS DIVISION

Subsidy Parameters - Relevant Department Payments

209. Hon W.N. STRETCH to the Minister for Budget Management:

Can he give an indication of why sundry subsidies and concessions come under the administration and disbursement of his department rather than under the various departments one would have thought would be responsible for them? For example, one would have thought the reimbursement for scholars' concessional fees would come from the Education Department's budget but it turns up in the Attorney General's budget. Similarly with social welfare concessions, one would have expected pensioners' rebates on rail fares to come under the community welfare budget.

Hon J.M. Berinson: Is the honourable member talking about the Budget Management portfolio, the Miscellaneous Division?

Hon W.N. STRETCH: Yes. Will the Minister provide information about the parameters in relation to how he takes on board those payments when they would normally be within other departments?

Hon J.M. BERINSON replied:

The parameters within which these particular subsidies are taken on can be explained very simply: Only those matters which other Ministers will not accept are taken on. Over the years the Miscellaneous Division has developed into what its name indicates, and that is, a miscellaneous set of payments which have not comfortably fitted into particular portfolios. They have therefore been left to Treasury to administer and to check. Financial statements must also go to Treasury when questions arise as to whether funds have been properly disbursed by recipients. In recent years every effort has been made to gradually hive off recipients under that generalised heading towards responsible departments. I think there have been at least four or five such cases in this year's Budget as well. Certainly a decision was taken in this year's Budget considerations to hive off matters to the Departments of Health, Community Services and so on. If the member would like more details I am happy to provide them. However, I can give him the general indication that the aim, as far as possible, is to divert what are now miscellaneous applications and payments directly relevant to departments.

STATE FINANCE - BUDGET MISCELLANEOUS DIVISION

Social Welfare Concession - Inappropriate Department Responsibility

210. Hon W.N. STRETCH to the Attorney General:

I thank the Attorney General for his explanation. I am still a little puzzled that such a large amount as \$46 million, for argument's sake, from the social welfare concession could be lumped as a miscellaneous expense in the Attorney General's department, when one would think it was very much one which should be ordered by Treasury.

Hon J.M. Berinson: Say that again.

Hon W.N. STRETCH: In most people's budget \$46 million would not be considered miscellaneous. One would expect that it would have gone straight back to community welfare or health or another appropriate department. Against Item 78 there is an amount of \$62.3 million which I do not think anyone would see as a miscellaneous amount, and which goes to WA Government Holdings Ltd. It would seem that what the Attorney General has said in this House in accepting responsibility for those sorts of payments to WA Government Holdings Ltd would have applied to either Treasury or the Premier. The Attorney General has not taken them on directly as his responsibility, yet he is lumbered with a payment of \$63.2 million to WA Government Holdings Ltd. Would he explain why that should come under Miscellaneous?

Hon J.M. BERINSON replied:

Again, I provide this answer subject to correction. I believe that the amount of, what was it - \$42 million?

Hon W.N. Stretch: \$46 million.

Hon J.M. BERINSON: I believe the amount of about \$46 million which is listed under the heading of -

Hon W.N. Stretch: Social Welfare Concessions.

Hon J.M. BERINSON: Social Welfare Concessions.

Hon W.N. Stretch: To the Metropolitan Transport Trust.

Hon J.M. BERINSON: Entirely to the Metropolitan Trust?

Hon W.N. Stretch: Reimbursement to the Metropolitan Perth Passenger Transport Trust.

Hon J.M. BERINSON: I am caught a bit by surprise by that. From memory, that sounded like the sort of reimbursements which were made to local government bodies, for example, in order to meet pensioner rebates. However, the principle is much the same.

Hon W.N. Stretch: That was only \$2.8 million.

Hon J.M. BERINSON: Is that all, I thought it was much more than that.

Hon W.N. Stretch: It was \$7 million.

Hon J.M. BERINSON: I am sure the honourable member will understand that I do not have the Budget papers in front of me. I will talk in principle. Let us say for the moment that the purpose is to meet the subsidisation of pensioners in respect of local government rates. On the face of it that is something which one would say ought to be dealt with by local government, but local government is not in the business of assessing such entitlements or making calculations of that kind and adding up the sums that have to be found and so on. Treasury is well placed to do that and for that reason over the years that particular type of activity has gone to Treasury. As I understand the position, in previous Administrations those payments were actually made under the Treasurer's direct authority. However, in those days we did not have the Budget Management portfolio. The opportunity has been taken to use that portfolio to relieve the Treasurer from what, in many cases, is a relatively mechanical process, but nonetheless one that can be quite time consuming.

Hon W.N. Stretch: Why should it relieve him of \$62 million from payment of WA Government Holdings Ltd from the Premier's department to yours?

Hon J.M. BERINSON: I can only put this down to administrative arrangements which have been found to be most appropriate to the case. I am happy to ask Treasury for any further elaboration. However, it is very clear that, in a situation like this, there is no question of the process being used to obscure any payments. If anything, provisions under the Miscellaneous Division are the most clearly identifiable of all. They each have their line, they each have their amount and each allows the opportunity for Mr Stretch to give me a bit more pain.

Hon W.N. Stretch: It is enormously wide of the definition of miscellaneous.

Hon J.M. BERINSON: Having now gone beyond the time which I had indicated would be appropriate for questions, I ask that the business of the House be brought on.

The PRESIDENT: The Leader of the House has asked me to resume Orders of the Day.
