Legislative Assembly

Tuesday, 1 December 1992

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

PETITION - LIBRARY AND INFORMATION SERVICE OF WESTERN AUSTRALIA

New Book Stock 50 per cent Cut Protest

DR ALEXANDER (Perth) [2.05 pm]: I present the following petition -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned users of the State Public Library system wish to protest at the recent 50% cut in the new book ordering rate. We also request that the 1993/94 State Budget makes good this shortfall and brings the rate back to a level that will allow for the 15% annual replacement rate of new stock which is the minimum necessary for a healthy library collection.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 1 301 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 141.]

PETITION - BICYCLE HELMETS LEGISLATION OPPOSITION

MR LEWIS (Applecross) [2.06 pm]: I present a petition in the following terms -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, protest strongly against the recent introduction of compulsory helmets for adult bicycle riders. This law is an unjustified restriction of our freedom, has no clear statistical justification, and is a cheap substitute for real improvement in traffic conditions, for cyclists and motorists alike.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 796 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 142.]

MATTER OF PUBLIC IMPORTANCE - SIMCOA SILICON SMELTER GOVERNMENT FINANCIAL ASSISTANCE

THE SPEAKER (Mr Michael Barnett): Earlier today I received a letter from the Leader of the Opposition seeking to debate as a matter of public importance the financial assistance provided to the Simcoa silicon smelter.

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

[At least five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, half an hour will be allocated to each side of the House and 10 minutes to Independents for the purpose of this debate.

MR C.J. BARNETT (Cottesloe - Deputy Leader of the Opposition) [2.12 pm]: Mr Speaker -

Speaker's Ruling

The SPEAKER: On a previous occasion I ruled that it was not possible for a member other than the member who gave notice of a motion for a matter of public importance to move the motion. However, I am endeavouring to facilitate the will of the House. I am advised that on the last occasion the member who wrote the letter advising of the motion was in the House, but asked someone else to move the motion. Standing Orders provide an opportunity for members in this place to move a motion on behalf of other members, so the member for Cottesloe may move the motion on behalf of the Leader of the Opposition rather than in his own right.

Debate Resumed

Mr C.J. BARNETT: I move, on behalf of the Leader of the Opposition -

> That this House is not satisfied by the explanation offered by the Government as to why direct financial assistance has been provided to the Simcoa silicon smelter and, in the interest of public accountability, calls on the Government for a full explanation of the events leading to and the reason for the use of taxpayers' funds to assist the project.

It has emerged over the last month that the Government has provided financial assistance to the Simcoa silicon smelter at Kemerton. The Government made no public announcement of that assistance and it became public knowledge only as a result of information that arrived by accident or, if one likes, was leaked from the Department of State Development, and as a result of questioning of the Minister for State Development and the Premier by the Parliament and the media. Throughout the last month the Government has been evasive on this issue to the point of secrecy, and has been contradictory to the point of deceit. Important issues are covered in this matter: What is being concealed by the Government? Why are details being concealed? What is the background to this issue? What justification is there for assistance to this company? This motion is concerned with the openness and accountability of Government. It follows the period of WA Inc through the 1980s and comes hard on the heels of the Burt Commission on Accountability and the Royal Commission into Commercial Activities of Government and Other Matters.

The Simcoa silicon smelter was originally developed by the Barrack House group and came into production in 1989. It is currently producing and selling 30 000 tonnes of silicon metal annually. The project has experienced financial difficulties due primarily to a falling commodity price, from about US$2 000 to US$1 100 per tonne. As a result of the collapse of the Barrack House group the project is now in the hands of an international syndicate of banks headed by the Chase AMP group. The silicon smelter is continuing to operate at full production, albeit under difficulty, and is continuing to sell its full production to world markets. On 3 November 1992 I asked the Minister for State Development a question in Parliament about whether assistance had been provided for the Simcoa silicon smelter, and what was the reason for that assistance being provided. He answered that question by saying that assistance had been provided and the reason was to save jobs. He made no comment about why the assistance had not been made public. An article in *The West Australian* of 4 November headed "Secret rescue for troubled smelter" states -

> Asked why the bail-out had been agreed, State Development Minister Ian Taylor said: "Jobs. Quite simply, jobs."

The article continues -

> Mr Taylor would not respond to calls from *The West Australian* last night. But a spokesman said that Simcoa's plea for help had been dealt with at Cabinet level in June after an independent assessment of its case.

From that quote three things emerged: The rescue was allegedly to save jobs; it had been agreed to as long ago as June - five months earlier than that question was asked in Parliament - and the Deputy Premier said it had been agreed to because Simcoa had come to the Government seeking help. That was in the initial story that we were told by the Government. However, let us look at those three factors. It was a June Cabinet decision, yet five months later there had been no public announcement of significant assistance to business in Western Australia. That is extraordinary in itself, because when this Government has given assistance to other companies, one has been more or less knocked over in the rush as it

sought to make public announcements. I remind members of the blaze of publicity which surrounded two recent examples of Government assistance; that is, Compact Steel Pty Ltd and the Orbital Engine Co Pty Ltd. Here is another example of major assistance but not a word has been said! What does the Government say about it? In an article in *The West Australian* of 7 November, the Minister for State Development is quoted as saying -

> . . . there had not been a decision not to release information, but he had gone on holidays soon after the bail-out was approved.

We are led to believe that there was no announcement of that major decision because the Minister had gone on holidays and had forgotten. Very shortly afterwards, a document summarising this project emerged from the Department of State Development. A column headed "Progress to Date" states -

> Simcoa has requested an $8.5M support package and Cabinet approval has been granted.

Another column is headed "Media Release (Y or N + Date)", and the answer provided is "No". It was not just a matter of forgetting or going on holidays; there was a conscious decision not to make a media announcement about that assistance package to Simcoa. What are the details of the assistance package? What was offered to this company? An article in The *Australian* of 4 November states -

> A spokesman for the Deputy Premier, Mr Ian Taylor, yesterday confirmed the assistance package and that no public record of it existed.

There was a public record; I quoted earlier from a Department of State Development document. The article continues -

> The financial package included a $1.5 million ex-gratia payment from consolidated revenue. The cash was payable in four quarterly instalments, the first of which was made on September 30 1992, the spokesman said.
>
> A further $1 million assistance was given to the company by way of electricity tariff reduction.
>
> The Government has agreed to reconsider its assistance to the company on June 30, 1993.

It is not yet over; there is an obligation to look at more assistance next year. It has emerged that the money came from the investment attraction program which was part of the announcement of the Government's so-called WA Advantage document. A media release by the Premier on 12 February 1992 stated -

> The Western Australian Government will offer 50 per cent more assistance towards the capital cost of new projects in the State's regional areas . . .

That investment attraction program was for new projects; it was not for the purpose of corporate rescues. It was clearly promoted as moneys approved by the Government and by this Parliament for new investment activities. What did the Minister for State Development have to say about the figure of $8.5 million which appeared in his own department's document? Under the heading "Minister advised to reject bail-out" an article in *The West Australian* of 9 November reads -

> Further intrigue emerged when a State Development Department document showed Cabinet had approved an $8.5 million bail-out.
>
> Simcoa chief executive officer Mike Spratt said the document was a mystery and the $8.5 million figure a figment of someone's imagination.

The article further states -

> Mr Taylor reconfirmed a Department statement that Simcoa asked for $8.5 million but said the reference to its approval was a mistake.

Who is telling the truth? The Minister said Simcoa sought help. I will explain later that it did not. The Minister said the amount involved was $2.5 million; however, his department's documents show it was $8.5 million and the company concerned said it had never heard of $8.5 million. I do not know who is telling the truth. Someone is not telling the truth. Why did the Government provide assistance for this project? The Minister for State Development said the assistance was to save jobs.

The SPEAKER: Order! I know members are very anxious about getting as much done as possible during this last week. If they must discuss those matters, could they either do it very quietly so that the person on his feet can be heard, or perhaps have a meeting in one of the many committee meeting rooms throughout the building?

Mr C.J. BARNETT: In response to a question I asked on 3 November in this place the Minister said, "Quite simply, jobs"! His explanation was that it was all about jobs. How many jobs? In *Hansard* of 4 November the Minister for State Development is reported as saying -

> As far as I am concerned, the Government has done the right thing with this operation. That silicon smelter is still operating and 350 people or thereabouts still have their jobs.

The Simcoa silicon smelter employs only 145 people; yet the Minister said the assistance was to save 350 jobs. While I concede a multiplier factor, for him to turn 145 jobs at Simcoa into 350 jobs is a little expansive. The Minister certainly led the public to believe 350 people were employed at that project. Even more importantly, one must ask whether the jobs were at risk. There is some doubt about whether they were. Indeed, the project was at full production and the company had a full order book. Had it been mothballed it would have lost value, start up costs would have been high and the international banks, which were looking to sell it, would have lost value on their asset. It was certainly not in their interests to close it down.

Under the heading "Simcoa did not seek aid: claim" an article in *The West Australian* of 11 November reads -

> Troubled silicon processor Simcoa managed to get $1.5 million of tax-payers' money without even asking the State Government for help.
>
> Sources close to the controversial deal revealed yesterday that the Government became involved in putting together $2.5 million in aid only at the request of the State Energy Commission of WA.

The article further states -

> The sources said there was a wrong perception that Simcoa was on its corporate death bed and went to the Government in search of help.

The company did not even approach the Government for help.

Mr Taylor: Are you sure of that? You said it.

Mr C.J. BARNETT: The Minister can refute that; he will get his chance in a minute.

Mr Taylor: Are you sure? You said the company did not even go for help.

Mr C.J. BARNETT: I do not believe it did.

Mr Taylor: You will back off that statement.

Mr C.J. BARNETT: I do not back off. An article in the *South Western Times* of 12 November reported under the heading "Simcoa set for a bright future" a statement by a spokesman from Simcoa as follows -

> Simcoa's full order book and improving global market should ensure job security at the Kemerton silicon smelter.
>
> The company's general manager marketing, Andrew Simpson confirmed yesterday that the company was in a fully sold position for all its products and was not stock piling.
>
> He said Simcoa was increasingly positive about its future and that he could see no changes to employment at Kemerton.

Mr D.L. Smith: What date was that?

Mr C.J. BARNETT: The article is dated 12 November.

Mr D.L. Smith: What year?

Mr C.J. BARNETT: The year was 1992. Considerable doubt exists about whether the project was in any danger of collapse. What would it have meant to the banks? The banks

originally lent $105 million to the Barrack group. They have subsequently lent more for capital works, and have had a moratorium on interest. It is estimated that their exposure to this project is now $170 million against a potential sale price of between $70 and $90 million. The banks are heavily exposed to this project. In that environment, what difference would $1.5 million make? It would make very little difference. To the international banks, it would be a drop in the bucket. Why should the taxpayers of Western Australia have given money to a syndicate of international banks, particularly out of an investment incentive package which is part of a program to help provide new jobs in this State? The concept of saving this project to save the banks has no credibility. The facts simply do not stack up.

What did the Department of State Development say? Again, I quote from an article in *The West Australian* of Tuesday, 10 November under the heading "Doubts no barrier to smelter rescue" -

> State Cabinet was uncertain how serious the Simcoa silicon smelter's troubles were when it contributed $2.5 million towards a rescue campaign for the project in June, Premier Carmen Lawrence said yesterday.

The article further states -

> However, *The West Australian* knows the decision was seriously questioned by State Development Department officials, who did not believe the project would have collapsed without Government support.

As a matter of interest, on the question of making details public the Premier went on -

> "It's unfortunate that the matter wasn't made public through the normal vehicle of a media release or press statement, but on the other hand it was well known to the industry and associated bodies that the support had been given," she said.

However, it was not known to the Chamber of Commerce and Industry, the major industry group in this State. It knew nothing about it and neither did the Opposition, the Parliament nor the people of Western Australia. Not a word has been said since June. I will now get down to the nitty gritty; to the important question of what the assistance was for. Again, I quote from an article in *The West Australian* of today -

> Cabinet approved $1.5 million aid for the Simcoa silicon smelter at Kemerton without asking how the money would be used, Premier Carmen Lawrence said yesterday.

Why, one might ask? It was only taxpayers' money! The article continues -

> And neither Dr Lawrence nor Deputy Premier Ian Taylor has found out yet.

A month later they still do not know what the money was used for. The article further states -

> "I don't know the detail of the expenditure," Dr Lawrence said.

She should know; she is the Treasurer, and she is responsible. We have a mystery: A project which did not ask for help, but was given assistance which was not made public. The details of that assistance were not made public because the Minister for State Development went on holidays. But the Department of State Development's document shows that it was deliberately not to be made public. We were told it was to save jobs. However, the project was not in danger of closing. Although it was in trouble the banks were not going to close it; it had a full order book and it was in full production. A payment of $1.5 million would have meant nothing to an international syndicate of major banks and the Department of State Development said closure was unlikely.

There is an answer to the riddle of why a Government would give away $1.5 million to international banks to keep a project going which was not going to close. The issue was of a local nature, as the member for Mitchell knows. The Simcoa smelter happens to be a little noisy. I have heard the noise. I have attended a public meeting at Australind. The Environmental Protection Authority in Bunbury has received 50 to 70 formal complaints about the noise from the Simcoa silicon smelter. That smelter is in the electorate of Wellington but the residents affected reside in the Australind area, which is in the electorate of Mitchell, an increasingly marginal Labor seat. The company has obligations to the

Australind community to solve the noise problem. I agree that the noise problem should be solved. However, could it be that the banks, already exposed to the extent of $170 million, were not particularly interested in more capital expenditure on this plant? They were certainly not interested in exposing more of their money to solve a local political issue. Could it be that in one way or another pressure was placed on the company to solve the problem? It was not willing to do so; therefore, the only solution at the end of the day was for the Government to provide the money and the company would then solve the problem. Some members may think that is a Machiavellian scenario, but it explains the mysterious process which has occurred. It explains why this Government has been less than honest, why it has concealed details and why, after a month, it still has not provided the information. In answer to those questions the Minister for State Development said two weeks ago that the expenditure was for environmental and occupational matters, but he did not know what they were. Subsequently, the company has confirmed to the Opposition that at least part of that money was used for noise control.

Why did it take over a month to get that information? Why could the Government not have told the Opposition a month ago for what the money was to be used? Why is the Premier still saying that Cabinet approved that assistance without even knowing for what it would be used? That is totally unacceptable. The Government has not been truthful about this project. It has concealed details from the public, has issued a series of conflicting statements, and has used funds inappropriately. Those funds were approved by this Parliament for assistance for new projects; they were not for the purpose of corporate rescues. The Government took that money which was approved by this Parliament, used it in a corporate rescue and concealed that information from the Parliament and the people of Western Australia. All of that occurred in the second half of 1992, after the scandals of WA Inc in the 1980s and after complaints about a lack of accountability in Government. It followed the report of the Burt Commission on Accountability and the recent tabling of the Royal Commission's reports. When the Lawrence Government was put to its first real test on accountability in its relationships with business it failed in a spectacular way. It failed any reasonable test of accountability and openness and it is still not providing full details. I am appalled, not that money was used to solve a noise problem or because the project was in trouble, but by the lack of accountability and the concealment of information by this Government, particularly in the wake of the Royal Commission's report. Nothing at all has been learnt by this Government from that report.

MR TAYLOR (Kalgoorlie - Minister for State Development) [2.33 pm]: The Opposition must make up its mind before too long and tell the public of Western Australia where it stands in its support for industry. The Deputy Leader of the Opposition is an economic rationalist of the first order, a flat-earther and a level playing field person who would not, under any circumstances, support any financial assistance or other direct assistance to industry in Western Australia. As other Opposition members know, that does not stop them coming to me and asking for support for a range of industry projects inside and outside their electorates in Western Australia. It is high time that Opposition members sorted themselves out.

Mr C.J. Barnett: Spare the lecture and get on with it. I have had this lecture three times.

Mr TAYLOR: The member for Cottesloe may not like the lecture, but it is a necessary part of my reply on this debate. That is exactly the problem facing this Opposition. The Leader of the Opposition was supposed to move a matter of public importance; however, he was not even in the Chamber to move it. Additionally, only last Wednesday I told the Deputy Leader of the Opposition, the member for Cottesloe, that I was more than happy to provide him with the information he was seeking about this MPI.

Mr C.J. Barnett: You still haven't provided that a month later.

Mr TAYLOR: I said last Wednesday in this House that I was happy to provide the member with that information. One can only wonder at the nature of the MPI, what drives it, and in particular why members opposite would waste an hour of this Parliament's time when, as I said to the member for Cottesloe, I would be more than happy to provide him with the information.

Mr C.J. Barnett: You should sit down if you are concerned about time.

Mr TAYLOR: I will reply to this matter.

Although the Deputy Leader of the Opposition said that 145 people were employed in this operation, which is about correct, people are also employed in the Department of Conservation and Land Management, Westrail and the State Energy Commission of Western Australia and in providing services to this company. Those people more than easily take the number involved in this operation up to about 350 jobs. That is the number of people and their families who are dependant in one way or another on this operation.

Mr C.J. Barnett: It wasn't going to close.

Mr TAYLOR: The member concluded his speech on this matter by saying that the Government should not be involved in corporate rescues. Was it a corporate rescue or was it not going to close? The member cannot have it both ways. He said then that it was not going to close but in his speech he spoke about its going to close. If I had said to the banks involved in this matter, the people who approached me and those who approached SECWA, that I did not believe it was going to close and that I would gamble - quite frankly, I do not mind a bet - that it would not close, and the project had closed, the member for Cottesloe and the Leader of the Opposition would have been screaming from the roof tops of this place that one of the leading value added producers and one of the most important value added industries in the State had closed. They would ask what the Government was doing about that and why the Government had let it close. Can members imagine the reaction of the member for Wellington or the member for Collie - some of those people are employed in her electorate - if that had occurred?

Mr Omodei: You have not answered the question.

Mr TAYLOR: I will come to that. I am making a few clear points about this rescue. I turn now to the matters of concern with which the Government was faced. Firstly, Simcoa is a major user of energy in Western Australia; it uses about 35 megawatts of power.

Mr Bloffwitch interjected.

Mr TAYLOR: It is a very good price; however, it was underlined at the beginning of the project that it must be competitive with companies which are making silicon metal and using power from hydroelectric schemes in places such as Venezuela. It is a reasonable price which enables Simcoa to be competitive. However, for SECWA to allow the project to close would, firstly, wipe off a major component of its energy use in Western Australia. Secondly, it would have resulted in a significant loss of revenue to SECWA. Other Western Australian operations such as Westrail and CALM would also have lost revenue through royalties and payments relating to those operations. They are also important issues. Members opposite must also take into account that the State would have lost profits - if I can call it profit in the State's sense - in 1992-93 of approximately $1.15 million. The Government has granted a concession to the State Energy Commission worth about $1 million in a year which has kept the project going.

Mr Cowan: Did you say $1 million a year or $1 million in this year?

Mr TAYLOR: Part of the agreement was a proposal for the energy price to escalate. SECWA agreed not to escalate the energy price in accordance with the agreement. The loss to SECWA would be about $1 million if it did not go ahead with the agreement. We agreed to a payment of $1.5 million. If the project goes ahead the taxpayers will receive profits of about $1.1 million. Therefore, the net cost to taxpayers is about $400 000. However the agreement ensures the creation of those jobs in Western Australia.

Mr C.J. Barnett: It was not going to close.

Mr TAYLOR: I will come to that. The last annual report of the Department of State Development for 1991-92 shows that payments were made to competitive and economically sustainable industry of about $15.4 million in grants, subsidies and assistance to public enterprise, but more often than not private enterprise, in Western Australia.

Mr C.J. Barnett: Did you announce them?

Mr TAYLOR: Yes.

Mr C.J. Barnett: Did you forget this one? Did it just slip through?

Mr TAYLOR: To give an idea, some of those assistance packages included the super alloy aerospace package of $3.7 million; the Compact Steel package of $1 million; $750 000 to Delta West for its pharmaceutical operation; the package to Almena, although it has not been paid out as yet; the $1.3 million package to ERG Nokeo in relation to telecommunications; and the package for the Morley Shopping Centre. I could go on and include a low interest loan of $2 million to Western Mining to allow it to go ahead with a copper prospecting project in the Wittenoom district. As members of the Opposition would know, we are in the business of making sure that if industry needs assistance to go ahead or keep going, we will endeavour to help.-

Mr Omodei: Was the prospecting project assisted with a grant?

Mr TAYLOR: That was a low interest loan. Assuming that the company goes ahead with the next stage, the amount will be repaid. The idea is to give the project an early start, which is exactly what has happened.

Mr D.L. Smith: Will the Opposition support similar assistance to industry, if necessary?

Dr Lawrence: They specifically reject it.

Mr C.J. Barnett: Read Fightback WA and you will see how it goes. You have 100 000 people out of work, if you have not noticed. Compare it with Rothwells.

Mr TAYLOR: If members opposite need a comparison, in this project taxpayers will provide net assistance of $400 000 to keep those jobs and a major value added industry in Western Australia. This company was a finalist for the best new exporter award for outstanding export achievement in 1992. That is how this company has dealt with the problems with which it has been faced.

The member for Cottesloe referred to some comments which appeared in the *South Western Times* of 12 November when Simcoa said it had a full order book and that an improving global market should ensure job security at the Kemerton nickel silicon smelter. It went on to say that the company was in a fully solvent position for its products and was not stockpiling. That is very different from the situation outlined in a letter from Simcoa Operations Pty Ltd, which I am happy to table. As a result of comments made by the member for Cottesloe and others, this company wrote to me on 30 November.

Mr C.J. Barnett: What is the date of the letter?

Mr TAYLOR: It is 30 November 1992.

Mr C.J. Barnett: That is a coincidence!

Mr TAYLOR: It is as a matter of fact, given that we did not know yesterday that this matter of public importance was coming on. This letter states -

> This letter places in proper perspective the recent media reports regarding the granting of assistance to Simcoa's silicon smelter in June 1992.
>
> As you know the Company has been concerned since 1990 about the competitiveness about its electric tariff and had initiated detailed discussion on subject with SECWA and your officers commencing in February 1992.

Despite what those opposite have said, they did come to the Government.

Mr C.J. Barnett: What was the sequence?

Mr TAYLOR: I have told the member for Cottesloe that. He said a little while ago that the company did not come to the Government. The letter continues -

> This culminated in a series of discussions in May and June 1992 during which the precarious financial position of the Company was outlined, and where it was made clear that the Owners could not be relied upon to inject further capital into the project.

The company had $170 million, if I remember rightly, including capitalised interest of $30 million or $40 million.

Mr C.J. Barnett: It is quite clear they were in trouble. They had lost money.

Mr TAYLOR: The letter continues -

> During these discussions, Simcoa requested continuing assistance including a

reduction of electricity tariff over a period of three years, in order to allow time for the effects of improving silicon prices and cost improvements to benefit the Company's financial situation.

In the event, the Government agreed to provide assistance of $1.5 million by way of a grant to assist the ongoing operation of the Kemerton plant, including the funding of essential capital expenditure -

I will come to that in a minute, too -

- whilst SECWA agreed to a 1 million dollar rebate in respect of the power tariff charged to the smelter.

The Government declined to commit itself or SECWA to ongoing assistance, advising that it would review the situation again on 30 June 1993.

So much for the comments of a couple of months ago that we were giving $8.5 million! We were never going to give $8.5 million. Members opposite wanted to follow that comment through and put out a Press release saying that we had paid $8.5 million and were trying to cover it up, knowing it to be wrong.

Mr C.J. Barnett: It was on your documentation.

Mr TAYLOR: Members opposite knew it to be wrong.

Mr C.J. Barnett: There is documentation from your department saying $8.5 million and you are quoted in *The West Australian* as saying that Simcoa requested $8.5 million.

Mr TAYLOR: That is right. The member for Cottesloe said it had been paid out.

Mr C.J. Barnett: You said it had been approved by Cabinet because it was on the documentation.

Mr TAYLOR: The member for Cottesloe said that the first payment was $8.5 million.

Mr C.J. Barnett: I said it could well have been.

Mr TAYLOR: The member knew it was not. He has been caught out time and time again today. The letter continues -

In return for the short term assistance of $2.5 million granted by the Government and SECWA, the Owners agreed to extend their interest moratorium until at least 30 June 1993.

- The following is the sequence of events which led to the Company's approach to SECWA and the W.A. Government:

1. Since the middle of 1990 the Owners had supported the silicon product with cash injections of A$35m, in addition to the original project loan of A$105m.
2. The Owners have not received interest on the project loan since April 1990, thus raising the total project debt, including capitalised interest, to A$172m.
3. Because of the heavy financial burden carried by the Owners, they requested the Board to put the company on the market in October 1991.
4. The Board sought proposals from three international, reputable investment banks and eventually retained one of these to manage the divestment process.
5. Over a period of 8 months more than 30 companies were approached and, although expressions of interest were made by several of these companies, no proposal acceptable to the owners was received and consequently the sale process was terminated in June 1992 -

I might say, contrary to comments made in the Press -

6. During this period the Owners informed the Board that the banks could not be relied upon for any further financial assistance. This being the case, the Board had no alternative but to target a significant reduction in operating costs in order to survive.

The company was in trouble.

Mr C.J. Barnett: They already had $170 million in. That is exactly the point I am making.

Mr TAYLOR: The member for Cottesloe made the opposite point. The letter continues -

> Since a very large proportion of Simcoa's total operating costs is made up of electricity, an approach was made to SECWA in February 1992, in an effort to have electricity charges reduced to a level where they were internationally competitive with other silicon producers.

Mr TAYLOR: That relates to my comment to the member for Geraldton about the critical nature of this issue.

Mr Bloffwitch interjected.

Mr TAYLOR: From a Western Australian perspective, I am very pleased to say that the value of the dollar has come down. It is of great assistance to this project. The letter continues -

> 7. The favourable response eventually negotiated with SECWA and, subsequently the W.A. Government, over a period of several months played a major part in making Simcoa's survival possible.
>
> 8. In return for the short-term assistance of A$2.5m granted by the Government and SECWA, the owners agreed to extend their interest moratorium until at least 30 June 1993.

It was not put in the bank's pocket; it went to Simcoa.

Mr C.J. Barnett: Who is in control of Simcoa? The banks.

Mr TAYLOR: I will tell members where it went in Simcoa. The agreement with the banks is that they will continue to capitalise their interest.

Mr C.J. Barnett interjected.

The SPEAKER: Order! I will set the ground rules for the week right from the beginning. When I call for order members must come to order and the person who has been given the call may continue with his or her speech. Members will not continue with their points in the interjections and ignore the Speaker. When they do the Speaker gets pretty cranky and by the end of the week he kicks people out.

Mr TAYLOR: The letter continues -

> 9. There was no information available to the owners or the Board which suggested the existence of a serious buyer at the time assistance was being sought from the W.A. Government, nor, indeed, has any serious buyer emerged since that time.
>
> The decisions of the Government and SECWA to grant the assistance and concessions outlined above, have been vindicated by the fact that the Company has been able to fully sustain its operation into a period of slightly improved silicon prices, falling exchange rates and reduced operating costs. All of these factors have benefited the smelter operation, and supported by the assistance package, the Company has, since October, traded into a cash positive position.

Mr Lewis: Of course it will say that.

Mr TAYLOR: Come on! The member can say that the company will say, "Of course it is going to say that." The member and his leader know full well that they have been caught out. The letter continues -

> Despite this, the Company is still incurring a substantial loss.
>
> The company does not wish to engage in a public debate regarding the issues outlined above and is already deeply concerned about the potential damage to its image in the international marketplace caused by the publicity to date.

I thank the member for Cottesloe very much for that! The letter continues -

> We appreciate the recognition which the Government and SECWA have given to the difficult circumstances being faced by the Project, and we look forward to maintaining a dialogue with you in relation to these matters.

Mr Donovan: Will the Minister table that document for the information of the House?

Mr TAYLOR: I have said already that I am happy to do that.

I have also asked Simcoa to give me the details which I told the member for Cottesloe last Wednesday I would obtain. The letter from Simcoa Operations Pty Ltd states -

> I note your request for details of the way in which Simcoa spent the first instalment of Government payments.
>
> Since the grant was made to assist the ongoing operations of the Kemerton plant, including (but not restricted to) essential capital expenditure, it is impossible to give a precise and detailed breakdown of how the first instalment was spent.
>
> As a notional indication of significant areas of capital expenditure, to which some of this money has been and will be directed, the following is provided :
>
> Occupational Health and Safety $60,000
> (primarily control of dust emissions on the tapping floor of the smelter
>
> Noise Abatement $70,000
> (primarily associated with the charcoal manufacturing plant)
> Cost and productivity improvements in the casting hall of the smelter $230,000
>
> Although most of this expenditure has been approved for commitment, not all of it has been spent.
>
> Should we be able to assist further in this matter, please advise.

Mr Wiese: Were the required noise levels lowered over that time?

Mr TAYLOR: I am not sure. The member will have to ask the member for Mitchell, who has been involved in this from the start.

Although the member for Cottesloe may seek to be mischievous, he still has not made up his mind whether it was under threat; he said it was under threat but on the other hand he said it would have kept going. He should make up his mind about that. I say to the Opposition in general: If the Opposition is going to be led down the wrong path by the member for Cottesloe with his flat earth economics, the Opposition will fail absolutely. The member for Cottesloe has sat there and said to me that this Government is the cause of 100 000 people being out of work. However, he is prepared to wash his hands of doing anything about the jobs associated with this issue. This Government and I are not prepared to wash our hands of such an important project in Western Australia. I am also very pleased to note that not only has the assistance been supportive of the project, but the project is also in a much better position and people's jobs are much safer than they were in June of 1992.

[See paper No 611.]

DR LAWRENCE (Glendalough - Premier) [2.56 pm]: This motion gives us an opportunity to outline very clearly what I regard as one of the fundamental choices that the people of Western Australia have. They need to be aware of the views of the Opposition, views that have been expounded directly and indirectly by the Deputy Leader of the Opposition today. We can, as the Opposition proposes - the Leader of the Opposition is a proponent of this view - look towards the future in a very complacent way and develop our resources as and when the private sector wishes on the basis of the member for Cottesloe's flat earth economics as described by the Deputy Premier, or we can grasp the opportunities available to us as is the case with many of our competitors and trading partners in the region and make sure that we not only create a favourable climate by changing payroll tax, land tax and other regimes and keeping taxation low and ensuring that approvals processes are streamlined, but also assist industry in a deliberate way to achieve new markets with new products and add value and wealth for the employment of Western Australians. We can continue to treat Western Australia as a large mine, a quarry or as a farm and send those products overseas without any modification or adding of value.

Mr WIESE: What is wrong with farms?

Dr LAWRENCE: Nothing, but it is not sufficient for any Government that is looking toward

the future of this State to say, "Let the market decide." Many good ideas come to the Government that would add value to our abundant resources. They are assessed carefully under the investment attraction program to ensure that we are adding value and employment and that we are producing a greater level of wealth from our exports. The Deputy Premier was quite right in his insistence that that is the way of the 1990s and into the next century. We are not prepared to go back to the 1960s when all that was required of the Government was to open a mine every couple of weeks. Whether we are talking about iron ore, mineral sands or agricultural products, it is essential that we move down the chain of adding value to our products. Given the resources of this State, the few examples that can be pointed to by the Opposition are not enough.

We had an $11 billion trade surplus last year and we are still faced with high unemployment. Any sensible politician and economist would ask why that is so. It is because we are exporting too much of our produce in an unaltered form. We are not earning the wealth and employment that should flow from that. Therefore, the Government, quite unashamedly through its investment attraction program, is supporting major initiatives where a very substantial investment is contributed by the proponents, where significant numbers of jobs are generated, a new market or a new product is created, where there are technology transfers and where there are clear strategic benefits to the State. We have made a number of such investment assistances to companies in Western Australia. I will give a couple of examples to members of the House because I think this is the clear distinction. The Deputy Leader of the Opposition has, on many occasions, indicated that his view - I believe it is the view of the Leader of the Opposition but I am not sure about the National Party - is that there should be no assistance of this kind by the Government. That is basically the Opposition's Fightback position; it is the national coalition's position and it is wrong because Western Australia needs to develop these new industries. Western Australia does not have a sophisticated manufacturing sector and it needs one. It can, without modification, continue to send its manufacturing sector offshore, or it can use its brain.

An example of where the Government is using its brain is that it has provided a $3.7 million land and building package to Western Australian Specialty Alloys towards the establishment of a $37 million super alloy plant at Canning Vale. Construction is under way and I understand the plant is due for completion shortly. It is a joint venture between the Western Australian company and two major United States companies - Pratt and Whitney and Wyman-Gordon. Representatives from these companies came to Western Australia during the Into Asia conference and said how good it was to do business in Western Australia. They recommended that other companies should become involved in this sort of processing which will open the door for Western Australia in the aerospace industry, provide high level skilled jobs for Western Australians and add very significant value to Western Australia's exports. The plant to which I have referred will provide at least 70 highly skilled jobs and about half of the finished product will be exported generating approximately $60 million each year, not to mention import replacement.

Similarly, assistance has been provided to the Orbital Engine Corporation which, according to the Deputy Leader of the Opposition, fits into the category of a company which can afford to do it itself. However, members must remember that Western Australia is competing with other Australian States and nations. The Government could tell these companies to go to places where people are offering them incentive packages and this State would have to sit back and cop it. The Government was not prepared to say that to the Orbital Engine Corporation. The large research and development facility it has in Balcatta is being extended after assistance of $4 million over three years from the State Government.

Several members interjected.

Dr LAWRENCE: I am referring to a published document titled "Update" which gives in detail the funds which are provided under the investment attraction program and outlines for what purposes they have been provided, as well as a justification for the assistance. It flows directly from the document, WA Advantage, which outlines the criteria which is to be applied to companies which will benefit the future of Western Australia. A large number of examples are available and the Minister for State Development has given an indication of some of them.

Simcoa was clearly in trouble. There is no doubt that that was the view of the company and its proponents and there is no doubt that that was the view communicated to the Government.

In relation to Western Australian Specialty Alloys, the Orbital Engine Corporation, Delta West and others, the Government did not say to them, "Show us the paving stone or the generating plant that you have spent the money on." The Government has told them that it is prepared to provide a package of assistance which will ensure their operation in Western Australia.

I agree that Simcoa is somewhat different from the packages which have been approved, but it will ensure the continuing operation of a major value-adding enterprise in Western Australia. The company was in trouble and the Government could have sat back and said that under the rules of the game there would be no intervention by the Government and the approach made by it to the State Energy Commission of Western Australia should simply be ignored. Jobs would have gone out the window and the signal sent to the international community would have been that the Western Australian Government does not care about value-adding or new export markets. This company was in a fragile position and if the Government had sat back, as the Minister said, the Opposition would have been the first to criticise it. It is a matter for the public record and it was also stated in WA Advantage and the annual reports of the Department of State Development, as is properly the case.

The Deputy Leader of the Opposition is fixated on this question, but it reveals his true position which is that as far as the Opposition is concerned new enterprises, value-adding and the future of this State can go to hell. The Government is not prepared to take that view and it thinks the Opposition is entirely wrong. The Opposition will find that the people of Western Australia believe it is time that the Government provided assistance to new enterprises and ensured that they get off the ground to provide added value, added employment and added wealth.

MR COWAN (Merredin - Leader of the National Party) [3.04 pm]: Regardless of how often the Government tries to claim that the coalition parties are not interested in development or in providing assistance to people who wish to develop projects in Western Australia, I do not think it will ever be accepted that the coalition parties are opposed to development in this State.

In the time left to me I will deal with a couple of issues which relate to this motion. I understand that this project was thrashed out in June and an undertaking was given that the Government would make a contribution to Simcoa. Now that the Minister for State Development is in the House he will correct me if I am wrong.

Mr Taylor: The proposal was put to Simcoa in June and was finally agreed to, if I remember correctly, in August.

Mr COWAN: It was agreed to in July or August, but the money became available in September.

Today is the first time I have heard from the Minister the detail of how some of this money was spent. He spoke about quarterly instalments of $375 000. For the first time we have heard how $360 000 of that money was allocated. Most members of Parliament, particularly Government members, should be extremely sensitive about the accountability of the Executive to this Parliament and to the public of Western Australia. I would have thought that it would take less than two months for the Government to indicate to the Parliament precisely where the funds that were earmarked for assistance to Simcoa were spent. It might be argued that the allocation of funds for measures such as dust suppression and noise abatement, whether in a general sense or in the casting hall of the plant, are critical to the operation of Simcoa. Now that we have been made aware of where the funds were allocated, particularly the first instalment, the suspicion most people have has been confirmed; that is, that this funding is not about the critical operation of Simcoa, but more about Simcoa being able to meet some of its environmental standards for other reasons. Those other reasons go, as has been suggested, more to a political relationship than to the profitability or otherwise of the company.

Several members interjected.

Mr Taylor: I can give you an example of where this has occurred in my electorate.

Mr COWAN: Where the Government has allocated funds from the taxpayers' purse for the purpose of assisting a company to reach the necessary occupational health and safety standards?

Mr Taylor: The Government has supported companies, sometimes financially and sometimes in other ways, to deal with issues concerning environmental matters.

Mr COWAN: I would be delighted to receive a list of the companies to which the Government has provided financial assistance for those purposes.

Dr Turnbull: In the Minister's electorate.

Mr COWAN: Not only in the Minister's electorate, but also throughout Western Australia. This debate is about accountability and this Government has given $2.5 million to Simcoa.

Mr Taylor: That is not right.

Mr COWAN: I will put it this way: The Government has agreed to give $1.5 million to Simcoa in four quarterly instalments. The first instalment has been set aside for the purpose of meeting the occupational health and safety standards -

Mr Taylor: That is not right.

Mr COWAN: - the noise abatement levels or the environmental requirements of the company in relation to health standards and noise abatement.

Mr Taylor: To deal with productivity issues in the casting hall.

Mr COWAN: If the Minister cares to look at his notes he might find that it includes noise suppression.

Mr Taylor: Noise is an issue one cannot ignore.

Mr COWAN: It is. I do not know whether it would be appropriate for the Government to give hard earned taxpayers' dollars to a company for those purposes. Surely those matters are the responsibility of the company.

Several members interjected.

Mr D.L. Smith: What about fruit fly control, apple scab or rail freight? Do you agree they are the sorts of things that farmers should be left to do on their own?

Mr COWAN: We have waited three or four months to find out the purpose for which the money paid to Simcoa in the form of a cash appropriation was being used. We have finally learned of that through the information given by the Minister today. The situation is totally inadequate from the point of view of accountability.

I now turn to the other half of the deal; that is, the SECWA operation. I am sure that if the Government believed in accountability, it would have been much easier for it to say that when the silicon plant began it entered into a start up negotiation that gave some benefits to Barrack Silicon. Those benefits would have been built around a concessional cost for electricity, which I strongly suspect is 2¢ a kilowatt hour or less. That was recognised as a start up concession available for a period while the plant was being commissioned and commencing production. Now that it is in full production, I venture to suggest that SECWA will require the company to renegotiate that start up deal. I have no doubt at all that SECWA will require the company to meet additional costs associated with the regular supply of power. What is wrong with somebody in the Government or SECWA acknowledging that that is the case? I have no doubt I am right that SECWA, either through the Government or in conjunction with it, negotiated with Barrack Silicon a concessional price for electricity during the start up phase. Subject to the capacity of the plant to produce a certain quantity of silicon and to find a market for that silicon, it is clear to me that SECWA - and even the Government - would have required the company to renegotiate the contract for the supply of power and that renegotiation would require the company to pay a much higher charge for the supply of power. It would have been very easy for the Government to acknowledge that SECWA, instead of giving money to Simcoa, had agreed that it would not take the additional income that would normally come from a review of the tariff which was applicable during the start up period, but which was no longer applicable. That would have been the end of the matter and the Parliament would have been able to make a judgment based on the merits of the case.

Mr D.L. Smith: The coalition parties do not believe in any such support.

Mr COWAN: We could have made that judgment but we were not told of the reasons for the $1 million concession or assistance provided through SECWA. This Parliament deserves to

know. SECWA is a Government agency for which this Government is responsible and taxpayers have a right to know what happens within that agency. The funds from the Consolidated Revenue Fund, the $1.5 million allocated quarterly, should have been clearly identified to allow this Parliament to make a judgment. As it stands, we have learnt after the event that $2.5 million has been given to Simcoa in the form of assistance - $1 million through SECWA but we do not know how, and $1.5 million through the Department of State Development and, again, we do not know how. If situations like this arise in future, I would be very pleased if openness and accountability were attached to the forfeiture of income or appropriation of moneys from the taxpayers' purse. That is called accountability and that is what this Government lacks.

MR DONOVAN (Morley) [3.15 pm]: It will come as no news to the Government, or indeed to the Opposition, to be reminded of the fundamental objections I have to large financial assistance from the taxpayer to major enterprises of this kind. I refer to this kind of assistance as industry welfare, and it seems to me that the State is being asked more and more, rather than less and less, to provide that kind of welfare support, in this case in the form of tariff subsidies and an ex gratia grant of $1.5 million, making a total of $2.5 million.

I understand that later in the day we will debate the Committee stage of a Bill dealing with a similar situation, which is a matter close to my heart and which I support, apart from the concessions made to it. In the past few weeks we have had a similar situation in relation to the Dardanup pine log sawmill, and other matters. The list goes on. I ask the Minister for State Development: How often will this Government simply give in to the shotgun held at its head? I must stop myself a little from pushing that too far because I know that previous experience and the predictable future suggest that a Government of the Liberal-National Party coalition would do exactly the same thing. The coalition Government did it in the Court and O'Connor years; Burke, Dowding and Lawrence have simply taken over from there. If events in February unfold as anticipated, we can expect several more of these projects under a coalition Government. The only difference one can hope for in the future, regardless of who is in power, is that the explanation we have heard today will not have to be pulled like teeth from future Governments, after the event. That is the most disturbing part of these sorts of activities.

Members are all sensitive to the employment and unemployment situation, and these projects often ride or fall on some fairly tenuous grounds. The results of their falling often have a major impact on the employment of the sort of people that I, for example, represent. It is cold comfort in my electorate to the people lining up at St Vincent de Paul Society or the Salvos shop who, when Christmas is coming, cannot put a decent Christmas pudding on the table or fill their children's stockings, to read in the newspaper that the Government has handed $1.5 million to the Simcoa smelter operation. It is very poor comfort to the people in Lockridge and Bassendean and similar areas in the electorates of other members in this place. It does not go over very well in the community. Notwithstanding that, the motion asks for an explanation. That is the essential thrust of this motion which states that the House is not satisfied by the explanation offered by the Government as to why direct financial assistance has been provided to Simcoa silicon smelter. There is further comment about accountability and the explanation of the events leading up to it and so forth. That has been provided late - certainly some could argue it has been pulled like teeth from the Government - and we are now faced with a motion that will not make any sense in its passing.

Mr C.J. Barnett: Are you satisfied with the explanation?

Mr DONOVAN: I thank the member for jogging my memory about another aspect. On the question of dragging teeth and the lateness of the hour at which these explanations are received, I note that the three page explanation from Simcoa is very comprehensive notwithstanding that the Minister read it quickly to allow the Premier time to get to her feet. I might not like it - and members know my feelings about industry welfare - but it constitutes a quite comprehensive explanation. The document is dated 30 November, which was yesterday. I would have liked to see it dated a month or six weeks ago. The other letter itemises areas of expenditure and specific areas for disbursement of that assistance. It has today's date and is addressed to Hon Ian Taylor, Minister for State Development. Notwithstanding those concerns, we have a comprehensive explanation.

Amendment to Motion

Mr DONOVAN: Therefore, I move -

To delete all words after "House" and substitute the following -

notes the explanation offered by the Government as to why direct financial assistance has been provided to the Simcoa silicon smelter.

DR ALEXANDER (Perth) [3.21 pm]: I support the amendment to the motion related to the Simcoa silicon smelter for slightly different reasons from those given by the member for Morley. This whole episode illustrates that Western Australia can still claim the title of client State for international capital, as I suppose it has been able to do since it was founded 150 years ago. It is clear that an operation with international connections has put the heat on the Government and said that if it did not come to the company's assistance the project would close down.

The Government has been panicked into providing financial assistance for that company's project. The difficulty with the explanation before the House is that it is late in the day and has been forced on the Government by the persistent questioning undertaken by the Opposition.

Mr C.J. Barnett: It is not very convincing.

Dr ALEXANDER: I do not believe it is totally convincing, but it is an explanation. It seems to me that a system should be implemented to enable all Governments to provide to their Parliaments, as a matter of course, all details of expenditure of this sort, especially when an industry in a marginal electorate is assisted financially. We are not entirely sure of the history or detail of the expenditure.

Over the past few weeks the Minister for State Development has avoided providing a proper explanation of this expenditure to the House in answer to questions from the Deputy Leader of the Opposition. The information supplied was patchy. I think the Minister for State Development may have read some of the words he was using in the Parliament last week from the letter tabled today as they had a strong resemblance to the wording in that letter. Whatever the case, it is clear from the answers given here and reports in the Press that the information has come to the Parliament - and more importantly to the people of Western Australia - only in fits and starts; in fact, it is as though it has been pulled tooth by tooth and that the more difficult teeth, perhaps the wisdom teeth, are still left.

I am not fully satisfied by the explanation given. The Government has gone some way towards providing an explanation to the House. It needs to review its way of approaching this sort of explanation so that when it is asked for such explanations it does not take a motion of public importance for 50 per cent of it to be provided; rather, it should be more up front in providing such information when asked for it.

A statutory obligation should rest on Governments to provide full details of financial assistance to the Parliament when it is decided upon rather than providing it some months down the track as a result of intense questioning. The proposed amendment to the motion does not condemn or support the Government; it merely notes the fact that the Government has provided an explanation. Whether it is a satisfactory and full explanation is something the public will judge along with many other issues in the months to come.

Division

Amendment put and a division taken with the following result -

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Ayes (27)

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

Noes (25)

Mr Ainsworth	Mr Cowan	Mr Minson	Dr Turnbull
Mr C.J. Barnett	Mrs Edwardes	Mr Omodei	Mr Wau
Mr Blaikie	Mr Grayden	Mr Shave	Mr Wiese
Mr Bloffwitch	Mr House	Mr Strickland	Mr Bradshaw *(Teller)*
Mr Clarko	Mr Kierath	Mr Thompson	
Dr Constable	Mr Lewis	Mr Trenorden	
Mr Court	Mr MacKinnon	Mr Fred Tubby	

Pairs

Mr Graham	Mr McNee
Mr Ripper	Mr Nicholls

Amendment thus passed.

Motion, as Amended

Motion, as amended, put and passed.

The SPEAKER: Does any Minister have a brief statement that he or she would like to make now rather than at question time, thereby invoking the wrath of the Chair?

MINISTERIAL STATEMENT - BY THE MINISTER FOR FUEL AND ENERGY

Collie Coal Fired Power Station Decision, ABB-SECWA Agreement

DR GALLOP (Victoria Park - Minister for Fuel and Energy) [3.30 pm]: I inform the House that the Government has made a decision which will allow the State Energy Commission of Western Australia to finalise key negotiations with Asea Brown Boveri on the $2 billion power station project. SECWA will develop a firm power purchase agreement with ABB, and a draft form is expected to be initialled within the next few weeks. Cabinet retains the right to review the final power purchase agreement to determine that it is acceptable and in the long-term interests of the State.

A State agreement will be introduced during the next session of Parliament, and ABB understands that final approval for the project will depend on Parliament. The power purchase agreement will also be made available to the Parliament to allow proper consideration of the issues. ABB will now put in place the contractual agreements with its other parties relating to such matters as construction, operation and fuel supply. The Government understands that the project is subject to the banks agreeing to fund the project.

The average price of electricity to SECWA over the life of the project will be 4.81 cents per kilowatt hour on a discounted weighted average basis. The 600 megawatt power station will produce savings through the development of a new coal mine producing the lowest-cost coal in the State; the introduction of world-best practice in power station construction and operation; and through the retirement of older generating plant.

Consideration of the issue has been based on energy requirements and costs only. However, it is clear that there are much broader economic spin-offs in investment and jobs. Jobs will be created during construction, both direct and indirect. The construction work force will involve 1 200 jobs, with thousands more employed indirectly; 300 permanent new jobs will be created within the station and the coal mine, with another 200 local people employed directly to service the development. Skills created and improved in these processes will be of great benefit to Western Australia in the future.

The Government continues to support the Collie power station project as the best means of meeting the State's energy needs at the lowest possible cost.

MINISTERIAL STATEMENT - BY THE MINISTER FOR TRADE AND INVESTMENT

Trade Strategy on Overseas Market

MR GORDON HILL (Helena - Minister for Trade and Investment) [3.34 pm]: In response to the economic challenges which have faced the Western Australian community in recent times, the Government and industry have pursued a trade strategy which concentrates on

increasing our market share overseas, encouraging investment in Western Australian industry and technology and generally improving our export performance. As part of this strategy we have encouraged overseas visitors to visit WA so that they can view first-hand the facilities and services we have to offer.

Between now and Christmas, four major international delegations will visit Perth. These include a 360 member delegation from the Provence region of France and 22 representatives from the influential Japan Federation of Economic Organisations. A 10 member group from South Korea will visit Perth to examine opportunities in mineral processing; and in addition we will soon have a United Nations mission here to investigate Perth as a possible site for an international solar energy research centre. Similarly, the Government's support for the Into Asia trade and investment convention aimed to attract international and national visitors to our State. The convention was designed to showcase WA and to highlight our strategic regional significance to the Asian region. The region represents significant opportunities for WA industry and projections indicate that by the year 2050 developing Asia will account for 58 per cent of world income. Given this and our geographical advantage it would be ludicrous for us to ignore this market. The Into Asia convention was a deliberate strategy by the Government to put WA firmly on the map in Asia, and I believe that we succeeded. Although we had a target of 350 delegates, 475 delegates attended the convention of whom 110 were either from overseas or were representatives of international companies. Contrary to some of the assertions of the Opposition, only 75 of the 475 delegates were State public servants. If we examined the work responsibilities of the officers who attended the convention I am sure we would find that they are working in key areas which made their attendance at this convention critical. The convention was covered by media from Hong Kong and six Australian-based representatives of the South East Asian media. I am happy to table the results of that media coverage.

Because of commercial-in-confidence issues, and the early nature of some of those discussions, it is difficult to identify the commercial outcomes of the convention. However, I am aware that a total of 150 formal meetings between delegates were held. The convention also provided a vehicle for the signing of a billion dollar contract between the Iranian Government and Multiplex as well as a memorandum of understanding between the Malaysian Government and ourselves on collaboration in the development of information technology.

Mr Speaker, it is very easy to criticise any event. The Into Asia convention should be seen as part of the broader strategy by the WA Government to improve our export and general trade performance overseas. While the Opposition has adopted a cargo cult mentality, the Government has got off its backside and done something about the situation with its Into Asia strategy.

IRON ORE (HOPE DOWNS) AGREEMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr Taylor (Minister for State Development), and read a first time.

Second Reading

MR TAYLOR (Kalgoorlie - Minister for State Development) [3.38 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify an agreement dated 30 November 1992 between the State and Hope Downs Limited, a wholly owned subsidiary of Hancock Resources Limited. The Iron Ore (Hope Downs) Agreement has been negotiated to assist the establishment of a new iron ore project in the Central Hamersley Range area by Hope Downs Limited. This iron ore development agreement closely follows the format established for the Iron Ore (Marillana Creek) Agreement ratified by Parliament last year, and provides a greater degree of flexibility for expansion and overview of company activity under the agreement than has been the case in the past. The Hancock group of companies, under the direction of its new chairman, Gina Rinehart, is looking forward to the early development of the iron ore tenements that the company holds in the Pilbara. Hope Downs Limited has stated that within three years it should be able to begin an initial mining operation. Detailed studies will be needed to firm up the proposed operation but I am advised that present work has identified a

likely $120 million investment employing 300 people on site. The timing of the agreement will allow the company to proceed with its increased investment and employment program planned for 1993. The agreement also will assist the company in developing further its plan for a future major mining operation with its own railway and port facilities with an estimated investment of $1-2 billion. The agreement provides a comprehensive framework for managing the project as it evolves, particularly in relation to production and work force increases and the future development of a port or town site or a railway line from the mine to that port. The agreement allows for reconsideration of the agreement provisions, particularly if the company seeks to increase capacity or production beyond 15 million tonnes per annum or its mine camp work force beyond 150 persons.

The agreement provides for an initial royalty rate of 5.625 per cent on lump and fine iron ore. Existing producers of lump and fine iron ore pay royalties of 7.5 per cent and 3.75 per cent respectively. The State will receive more revenue under this new agreement than if it had continued with the existing arrangement. The increase will be dependent on the fine ore to lump ratio and will increase as the ratio increases. The agreement also provides for the royalty rate on lump ore to increase to 7.5 per cent on a fixed date, 1 December 2008. This is an incentive for the company to commence the production of ore as early as possible to take advantage of the existing rate on lump ore. During this year the company has drilled a large number of exploration holes in the northern ore deposit in the Hope Downs 1 area, which is area A on plan X attached to the Bill. The company has identified and indicated resources of around 400 million tonnes of Marra Mamba iron ore in this northern deposit and is continuing its drilling program in the areas held further south.

I will table plan X of the agreement which outlines areas A, B and C at the conclusion of my speech. The company is required to progressively explore and carry out full geological investigations on lands within area B. The company has until 30 June of year 2000 to include area B into the mining lease. Any part that is not included will continue under the Mining Act until the end of its term then current.

Area C is land held for exploration and development further into the future and the agreement provides for retaining title to this land under an exploration licence until 30 June 2003. Provision is made for the company and the State to negotiate the basis on which rights to mine area C are given to the company. If a basis is not negotiated, after June 2003 the tenement will leave the agreement and be held under the Mining Act for the remainder of the term then current. The project is expected to commence with mining within area A, to produce up to 15 million tonnes per annum of iron ore. The project will most probably initially connect with and use the existing infrastructure of the other iron ore producers. I support the rationalisation and maximum utilisation of both existing and new infrastructure. As the project expands, the agreement recognises there could be a need for both a separate railway and a port site.

The agreement allows for temporary accommodation units - that is, a mine camp - in the initial stages of the project. However, the company is restricted to accommodating a maximum mine work force of 150 at the minesite. The accommodation and associated facilities will be of a standard generally used in the mining industry. The arrangements are similar to those developed for the Marillana Creek agreement and allow for the future transfer of this work force to an open town, when established in the region. Under the terms of the agreement the company shall use all reasonable endeavours to ensure that as many as possible of the company's work force are recruited from people already resident in the Pilbara. The project is subject to the Environmental Protection Act and the agreement includes the most modern clauses for the protection and management of the environment.

I now turn to the specific provisions of the agreement schedule to the Bill before the House. Clauses 1, 2, 3 and 4 are in the current form of State resources development agreement opening clauses dealing with -

the definition of terms used in the agreement;

certain interpretations of references and powers contained therein;

the initial obligations of the State with regard to the ratification of the Bill and to allow entry upon Crown lands for the purposes of the agreement; and

the coming into operation of the agreement.

The State has agreed to endeavour to secure the passage of this Bill as an Act prior to 31 December 1992.

Clause 5 outlines the initial obligations of the company to continue its geological, engineering, environmental, marketing and financing studies to enable it to finalise and submit proposals for the project. The company is required to keep the State fully informed by reporting on a quarterly basis. Clause 6 requires that the company confer with the Minister with respect to the proposed mining of up to 15 million tonnes per annum to determine the areas to be included in the proposals and ensure that the areas are available to be included in a future mining lease.

Clause 7 requires the company to submit to the Minister, on or before 30 June 1998, detailed proposals for, among other things, the production, transport and shipment of iron ore, with provision for associated infrastructure including power, water, railway, roads, mine aerodrome, accommodation and ancillary facilities for the work force, use of local labour, services and materials and an environmental management program. The detailed proposals may, where consented to by the Minister and the other parties concerned, instead of providing new facilities, equipment or services, provide for the use by the company of any exiting facilities, equipment or services. It is a long standing policy that infrastructure should be shared wherever possible. The State does not wish to see fragmented and duplicated development of infrastructure in the Pilbara or any other part of the State.

Clause 8 contains similar provisions to those contained in other ratified agreements for consideration and implementation of proposals. Subclause (7) of clause 8 provides that if all proposals required under clause 7 are not approved or determined by 30 June 1999, the Minister may give 12 months' notice of intention to determine the agreement subject to the agreement determination provisions. Under clause 9 the company, during formation of its initial development proposals and any subsequent proposals, is required to take into account and/or make provision for, where it is reasonably practicable -

> the economic and orderly overall development of the agreement lands and those other iron ore deposits;
>
> appropriate infrastructure development in the Pilbara area, having regard to the existing iron ore operations and facilities and other existing developments; and
>
> open town or other appropriate housing and accommodation arrangements to service the iron ore mines and other developments in the Pilbara area.

The company and the State are required to cooperate and consult on the above matters, State Government policies and objectives, the company's commercial requirements and any other relevant matters.

Clause 10 provides for the submission of additional proposals if the company wishes to produce more than the tonnage of iron ore approved under clause 7 or to modify, expand or otherwise vary its activities significantly beyond those specified in any approved proposals. Clause 11 provides that if the company should ever wish to produce more than 15 million tonnes per annum of iron ore from the mining lease or exceed 150 persons accommodated at the minesite, the provisions of the agreement may be opened up for renegotiation at the State's sole discretion, except for the following matters -

(i) the term of the mining lease or railway lease or the rental thereunder;

(ii) the rentals payable under any other lease or licence issued pursuant to the agreement;

(iii) the rates and method of calculating royalty; and

(iv) arrangements entered into for the railway transport of iron ore under clause 24.

The company may not submit proposals unless the Minister consents. If there is no consent the project cannot go beyond its approved capacity or work force. This decision is not open to arbitration. This clause was first introduced into the Marillana Creek agreement and gives the State better control over the future directions of the project.

The term of the mining lease granted pursuant to clause 12 will be for a term of 21 years with the right for the company to take two renewals of 21 years each. The rental will be as set

from time to time under the Mining Act. Subclause (4) of clause 12 requires that the company lodge with the Department of Minerals and Energy -

> periodical reports and returns as may be prescribed pursuant to regulations under the Mining Act;
>
> annual reports on ore reserves within the mining lease; and
>
> reports on drilling operations undertaken to discover or define future ore reserves on the mining lease and, if requested by the department, reports on drilling done within blocks of proven ore for the purpose of mine planning.

Subclause (8) addresses the process by which third parties may obtain mining tenements for minerals other than iron ore over areas the subject of the mining lease. Clause 13(1) provides that royalty on iron ore from the mining lease be set at the rates of -

> 5.625 per cent for lump and fine iron ore;
>
> 3.25 per cent for beneficiated iron ore;
>
> 7.5 per cent for manganese or manganiferous ore;
>
> 5.0 per cent for beneficiated manganese or manganiferous ore; and
>
> 7.5 per cent for all other iron ore.

Lump ore shipped separately on and after the 1 December 2008 will attract a royalty of 7.5 per cent. The 5.625 per cent rate of royalty on fine ore is an increase over older iron ore agreements, which provide for a royalty of 3.75 per cent for fine ore. This is a reflection of the increased saleability of fine ore in its own right and is a continuation of the process of raising the royalty on fine ore.

The concession of 5.625 per cent on lump iron ore has been given on the understanding that if any of the existing Pilbara iron ore producers agree to increases in the royalty rate for fine ore, the company has undertaken to negotiate an increase in this royalty rate for lump ore.

Clause 14 requires the company to explore and carry out full geological investigations progressively on lands within area B, with spending at least equal to the expenditure prescribed under the Mining Act. Until 30 June 2000 the company may apply for tenements within area B to be included in the mining lease. Any part of area B not included in the mining lease will continue to be held under the Mining Act for the balance of the term then remaining.

Clause 15 ensures the continuity of exploration licences within area C to enable the State and the company to negotiate, up to 30 June 2003, the basis on which the company may be given rights to mine and recover iron ore from area C. After 30 June 2003 the licences within area C will continue in force under the Mining Act for the balance of the term then remaining. Clause 16 requires the company to carry out a continuous program of investigation, research and monitoring to ascertain the effectiveness of the measures it is taking pursuant to approved proposals for rehabilitation and the protection and management of the environment.

The company is required to submit a brief annual report on its environmental program and to submit a comprehensive report every three years which is to include a plan covering the following three years. This clause has the facility for the Minister to require additional detailed proposals to be submitted for the protection and management of the environment.

Clause 17 addresses the use of local labour, services and materials. Subclause (1)(a) requires the company, except in those cases where it can demonstrate its impracticability so to do, to use labour available in Western Australia while using all reasonable endeavours to ensure that as many as possible of the company's work force be recruited from the Pilbara. The company is also required to give proper consideration and, where possible, preference to Western Australian suppliers, manufacturers and contractors. Clause 18 is a standard roads clause for projects developed under agreement Acts.

Clause 19 sets the standard for the mine aerodrome to be used for the project and requires the company to confer with the Minister about upgradings required to existing aerodromes in the Pilbara as a result of the company's activities.

Under the provisions of clause 20 the company is required to purchase its electricity requirements from the State Energy Commission or negotiate with that commission for the

payment of an equitable contribution towards facilities which would enable the commission to supply power to the company. Should the company demonstrate to the Minister that those arrangements would unduly prejudice its activities or if the SEC were unable to provide power, the company may propose to install, subject to the provisions of the Electricity Act 1945 and at no cost to the State, equipment of sufficient capacity to generate electricity for its activities under the agreement. Subclause 20(4) makes provision for the commission to purchase power for its own use from the company on terms and conditions to be negotiated.

Clause 21 addresses water use and management for the project, an important issue in the arid Pilbara. Under subclause (1) the company and the State shall agree on the amounts and qualities of water required for use at the minesite, and the company shall, to the fullest extent reasonably practicable, use water obtained from dewatering on the mining lease for its operations under the agreement. The company is not exempted from any liability arising out of or caused by dewatering or discharge. The remainder of the clause is similar to the provisions that exist in most agreements and covers the various possibilities that could arise over the term of the agreement.

Clause 22 provides that accommodation for the mine work force at the minesite up to the limits mentioned in clause 11 shall be temporary accommodation units. Unless otherwise agreed, no dependants or pets are permitted at the minesite. The company is required to confer with the Minister on any changes it desires to make to these arrangements. If an open town is proposed by the State in the Pilbara area, the company is required to cooperate in studies and if both agree that the mine work force can be located in the proposed open town, the company will relocate the work force to the town and contribute to infrastructure and community facilities. This clause also provides that the company will confer with the Minister and the local authority with a view to assisting with the cost of provision of community infrastructure that is required in existing towns to service the company work force.

Under clause 23 the State is obliged to grant to the company leases, licences, easements and rights of way for the purpose of the company's mining activities under approval proposals. Clause 24 relates to the construction and operation of a rail spur line or railway line along the route specified in the approved proposals. Subclause (3) requires the company to carry the iron ore of third parties using its railway in accordance with arrangements to be entered into with the State. Subclause (4) requires the company to transport passengers and carry freight of the State and third parties over the railway where it can do so without materially prejudicing or interfering with its operations under the agreement. The clause further provides that the company will not enter into any agreement or arrangement for the use of any railway not established by the company under this agreement without the prior approval of the State. This is consistent with the State's wish to develop uniform railway arrangements and maximise the utilisation of railways in the Pilbara.

Clause 25 makes provision for the development of a port for the shipment of iron as approved by the Minister. Subclause (3) allows for State and third party use of any wharf or port facilities or services. Further processing of iron ore is addressed in clause 27 where the company is required to undertake ongoing investigations into the feasibility of establishing facilities for the further processing of iron ore in Western Australia. Where, as a result of investigation by either the company or the State, it is concluded that further processing is feasible, the parties are required to consult on the implementation of such further processing. If the company is unwilling to proceed with the implementation of such further processing, the State may allow a third party to carry out the further processing. If this should occur the company will be required to supply iron ore to the third party at the wharf or port in sufficient quantities and at appropriate rates and grades to meet the requirements of the third party. This obligation will continue for at least the first 10 years of the third party's operations.

Clause 29 provides that for the purpose of rating by local governments all agreement lands shall be valued on an unimproved basis. However, such valuation constraint does not apply to any lands containing accommodation units or housing for the company's work force or any lands used for commercial undertakings not directly related to the mining operations. The mining lease will, for rating purposes, have the same value per hectare as any other mining lease held under the Mining Act. The company is precluded from adopting the provision of section 533B of the Local Government Act with regard to making an election

for lower valuation. The rating provisions will increase the shire's income compared to the income which would have been the case if provisions common to earlier State agreements had been adopted.

Clause 39 is the most recent version of the environmental protection clause ensuring compliance with any requirements made pursuant to the Environmental Protection Act. The stamp duty exemption provisions in clause 43 allow for the specific assignments of interest in the project from Hancock Resources Ltd to the company, in addition to the standard exemptions. Stamp duty exemptions have been restricted to a period of approximately four years from the date of the agreement. Generally, the remaining clauses are similar to those of other State agreements and they do not require any additional comment. I table Plan X relating to this Bill. I commend the Bill to the House.

[See paper No 612.]

Debate adjourned, on motion by Mr Bradshaw.

COMMISSION ON GOVERNMENT BILL

Message - Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

SALARIES AND ALLOWANCES AMENDMENT BILL

Receipt and First Reading

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

Second Reading

MR D.L. SMITH (Mitchell - Minister for Lands) [3.53 pm]: I move -

That the Bill be now read a second time.

This Bill serves two purposes: Firstly, the definition of remuneration will be updated to be more concise, and to allow for the possibility of a salary package which may include allowances such as motor vehicle or superannuation benefits and the like to be considered for all positions within the jurisdiction of the tribunal. Secondly, the tribunal will be empowered to consider in its deliberations the remuneration of the Clerks and the Deputy Clerks of both Houses. Their remuneration is currently determined by the Governor on the advice of the President and Speaker. The tribunal will be able to consider submissions by the President and Speaker and is also better equipped to consider comparative parliamentary and public sector salaries in its deliberations.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Bradshaw.

ACTS AMENDMENT (PARENTS OF JUVENILE OFFENDERS) BILL

Receipt and First Reading

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

ELECTORAL AMENDMENT (POLITICAL FINANCE) BILL

Returned

Bill returned from the Council with amendments.

COMMISSION ON GOVERNMENT BILL

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Dr Lawrence (Premier) in charge of the Bill.

Clause 1: Short title -

Mr MacKINNON: As we know, this Bill results from matters referred to in the second report of the Royal Commission. In that report, the Royal Commission made a couple of significant comments that have led to this legislation's being debated today. Paragraph 1.1.1 of the report states -

> The Commission has found conduct and practices on the part of certain persons involved in government in the period from 1983 to 1989 which were such as to place our governmental system at risk.

In paragraph 1.1.2, the Royal Commissioners referred to Ministers and stated -

> Some ministers elevated personal or party advantage over their constitutional obligation to act in the public interest.

In most respects, that behaviour related to decision making and the behaviour referred to was that of former Premiers Brian Burke and Peter Dowding, former Deputy Premier David Parker, and a former Minister, Julian Grill, the member for Eyre. Of all of those people referred to in the debate last week, only one, the member for Eyre, has attacked the Royal Commissioners. His descriptions of the Royal Commissioners and their report range from the comment that he did not believe the Royal Commissioners acted independently or honestly in all cases to the claim that the Royal Commission failed in its duty to witnesses. He even referred to the Royal Commissioners as neo-McCarthyists for allowing witnesses to be ambushed and, of all things, by allowing the media to dictate the issues it examined.

The CHAIRMAN: Order! I do not believe the member's remarks relate to clause 1 of the Bill, the short title. The second reading debate was a very wide ranging debate. I also understand that Chairmen of Committees have often allowed a similarly wide ranging debate on the short title. However, by precedent, debate on clauses of Bills must be contained to their specific subject matter; in this case, the short title. The only advice I can offer is that the third reading debate may allow the member a little more scope although he will be aware of certain restrictions in that debate. As I said, though, I do not think the Committee stage, particularly the short title, allows such a general debate.

Mr MacKINNON: I accept your advice, Mr Chairman. However, I think it is important that these comments be made. The definitions clause refers to the Royal Commission. I hope that it will be possible for me to make these comments about the Royal Commission's findings under that definition. I will seek to do that at that time.

The CHAIRMAN: Clearly, the definitions relate to terms used in the Bill. That will not preclude the member from raising certain matters. However, I think it prevents a general comment on the activities of the Royal Commission because we have had that debate in the second reading stage. However, we will test the water as we go along.

Clause put and passed.

Clause 2: Commencement -

Mr COURT: This clause is one of the important clauses in the sense that -

Dr Lawrence: It gets things going, yes, rather than delaying them.

Mr COURT: No-one wants to delay the establishment of a proper Commission on Government. However, there is a school of thought in the community which we support -

Dr Lawrence: Me and my brother.

Mr COURT: - that it would not be proper for this Government to appoint this commission and get it up and running. As far as the Premier's brother goes, he has an opinion. I heard him on "The 7.30 Report" on the night the report was presented.

Dr Lawrence: He was briefing your Hon Max Evans in the Parliament last week in some detail.

Mr COURT: I would not know about that. I have not spoken to the Premier's brother, and I would not mind if I had. I am not referring to the Premier's brother; I am referring to a large number of people in the community, which has had an active interest in the WA Inc deals over a long period. It is interesting that, in an editorial on Saturday, *The West Australian* stated that there was some question as to whether this Government should be the body to set up the Commission on Government.

Dr Lawrence: It said that the commission should proceed as the Royal Commission has suggested as a matter of priority.

Mr COURT: Does the Premier think that it is proper for a Government which we and a large proportion of the public believe has forfeited its right to govern because of the way it has handled the affairs of this State -

Dr Lawrence: That is your opinion.

Mr COURT: The Royal Commission made it clear that this Government cannot be trusted in government.

Dr Lawrence: It recommended that the Commission on Government be set up without delay and the appointment proclaimed in the Bill is exactly the one it recommended.

Mr COURT: What? That the guilty party should set up the Commission on Government?

Dr Lawrence: Do not repeat your advertising slogans; it is boring.

Mr COURT: It is boring, is it? Does the Premier find the whole thing boring?

Dr Lawrence: Your repeating your advertising slogans is.

Mr COURT: What? Using the words "guilty party"? The point I want to make is that we have gone through a decade of Labor government and we are in the last two sitting days of the Parliament, according to the Premier. The Premier is suggesting in this Bill that the people who have acted highly improperly and, in some cases illegally, should set up this body. The school of thought I was referring to is a number of people who represent a wide range of views on the sorts of changes that should be made to our system. Those people do not believe it is right that the Labor Party should set up the commission. The Premier said in her second reading speech that before the commission is up and running people will have an opportunity to make their submissions and once it is in operation their submissions will be heard. When the Royal Commissioners were carrying out their work and preparing part II of their report they made it clear that they had not had time to consider a number of very good submissions that had been made about the change some people would like to be achieved. The commission will carry out an important role and, far from delaying the operations of this Commission on Government, the Opposition wants it to be up and running by next year.

Dr Lawrence: By 22 May next year? That is getting it up and running all right.

Mr COURT: The Premier knows that the Legislative Councillors finish their term of office on 22 May next year. The date in the Opposition's proposed amendment is 22 May, which is the date in the Constitution by which the election must be held, or on such earlier day after the commencement of the first session of Parliament following a general election. The amendment proposes that it shall be after the general election.

Dr Lawrence: That is okay if we win the election because we will deal with it as a matter of urgency. However, conservative Governments have a habit of not sitting until later in the year which will certainly not be dealing with it as a matter of urgency.

Mr COURT: It will be for the people of this State to decide who will win the next election, and after a decade of Labor Governments they will have the opportunity to elect their representatives. Who knows who will come back into Government in this Parliament? That is democracy at work. It is appropriate that the newly elected Government go through the procedure of establishing this commission. The Opposition's later proposed amendments indicate that the Parliament should play a key role in the appointment of the commissioners.

Dr LAWRENCE: It was quite obvious to me, given the second reading debate and recent comments by the deputy leader of the coalition this morning, that the Opposition by one means or another does not intend to deal with this legislation as a matter of priority and without delay, as recommended by the Royal Commission. That must be drawn sharply to the attention of the Parliament and the people of Western Australia. There is a Bill before the Committee. All the members of Parliament represent the various interest groups in our community and the political parties - the Independents, the Liberal-National Party, and the Labor Party - so it is proper for us to do as the commission requests, and as is reasonable, and get this up and running. This body will investigate the serious matters referred to in part II of the report - all of which are included in this Bill - and the Bill does not seek to add to or subtract from any of the recommendations in that report, as do the amendments proposed by the Opposition. It is a matter of priority. The reason we had the Bill drafted directly from

the Royal Commission's recommendations, taking up all the points raised in its report - the mechanisms by which it should be established, and the membership that should be established without delay - is that after a two year Royal Commission and $30 million expenditure, it is quite inappropriate for members opposite to say this Parliament should not deal with the matter. We are dealing with political finances, the financial interests of members of Parliament, and the Freedom of Information Bill, all of which were referred to and about which recommendations were made in part II of the Royal Commission report. It is quite wrong to say that this Bill is somehow different. It is a body that will make recommendations. This Parliament and any future Parliament must still decide what action it will take on electoral reform, secrecy provisions, codes of conduct for public officials, and a whole range of matters of great significance not dealt with in full by the commission but considered important enough to establish a special body for their consideration.

The Bill provides not only for a starting date of no later than February of next year, but also for the Parliament to be consulted about the membership of the commission. I intend to take that very seriously. No-one in his or her right mind would attempt to establish a commission on a partisan basis. The matters with which it must deal require a broad community view and a philosophical framework that is extended to all members of the community, regardless of political persuasion. I hope members opposite will indicate their views about the people who might sit on that commission and that, as with the appointments of the Ombudsman and the Auditor General, having established a short list, we can agree in the Parliament about the membership of the commission and get it up and running. It is a two year program. These issues referred to in the Bill, which are in part II of the Royal Commission report, are matters of importance. The Parliament cannot sit around waiting for two years after May next year, at least, as proposed. That is two and a half years into a four year parliamentary term, by which time it will be very difficult for the Parliament to consider the matters which have been raised and considered. I understand why members opposite want to delay this matter. One of the key points referred to and one of the things that most frightens members opposite is the possibility of reforming the electoral system in Western Australia. The commissioners got it right; they gave a clear direction on what should be considered by the Commission on Government and the people of Western Australia expect that to be considered.

Mr Court: Do you think it caused WA Inc?

Dr LAWRENCE: Of course not, but 100 years of malapportionment and conservative control of the upper House were bound to be noticed by anyone asked to examine the problems of the 1980s. Although it was not the cause, it is a contributing factor to some of the issues outlined in the commissioners' report. I ask the Leader of the Opposition as a matter of urgency whether his party intends in the other place to support the passage of this legislation.

Mr Court: We want to establish a Commission on Government but we have a couple of amendments in relation to the timing of it and the involvement of the Parliament in appointing the commissioners. You have no intention of having the Parliament involved in establishing the commission.

Dr LAWRENCE: The Leader of the Opposition wants it established by May next year. Is that without delay?

Mr Court: As soon as the next election is completed the incoming Government can go about its business.

Dr LAWRENCE: The election can be held at any time between now and then and it is quite clear that the Opposition intends to delay the Bill by one means or another. I understand that the deputy leader of the coalition has stated in the media that the technique to be used to delay it further is to refer it to one of the committees of the upper House for consideration.

The CHAIRMAN: Order! We are debating the commencement date and although an amendment has been foreshadowed, it has not been moved. Therefore, I ask the Premier to confine her remarks to the commencement date.

Dr LAWRENCE: The commencement date of February is clearly what the Government wishes to achieve, or sooner if we can get agreement on the nature of the commissioners, their qualifications and their appointment. I again ask the Leader of the Opposition whether members in another place intend to pass this legislation or push it to a committee.

Mr Court: Sit down and I will tell you.

Dr LAWRENCE: That is a polite way for the Leader of the Opposition to conduct himself! I am sure the people of Western Australia will be pleased to hear about that sort of thing. February is the very latest date by which this Parliament could reasonably consider this legislation going through. It is not something for the Leader of the Opposition to play with or something that the Parliament should ignore. I know it is uncomfortable for members opposite and they are seeking to include other matters not referred to by the Royal Commission in order to protect their own political positions.

Mr COURT: What a nerve the Premier has to say that this is not something with which to play! Her Government has played with the interests of the taxpayers of this State for the past 10 years.

Dr Lawrence: What are you going to do?

Mr COURT: I will answer the question I have been asked. The Premier has a nerve accusing members on this side of the House of playing with the interests of the public of this State. She should stop playing cheap politics. We want to establish a Commission on Government and we shall debate the legislation fully in both Houses. We do not mind sitting for the next month if that is required, and we have some amendments of which we have given notice in relation to the legislation.

Dr Lawrence: What about the view of the deputy leader of the coalition, who said that it would be referred to a committee?

Mr COURT: I have said that we want this matter to be debated in both Houses of the Parliament and we want the legislation to go through. We are prepared to stay here for one month, two months, or for whatever time is required, in order to get the legislation through. We do not come into this Parliament and just take for granted the Government's legislation. We have had 10 years of the Government's legislation. The Government does not understand that this Royal Commission was all about telling the Government in no uncertain terms that the Labor Party cannot be trusted with Government and that it acted improperly and illegally. Therefore, the Premier should not come into this Parliament and talk about who is playing around with the public of this State.

I return to the commencement of this legislation. The editorial of *The West Australian* of Saturday, 28 November, stated that -

> In a pre-election atmosphere, there is a danger that political debate on the commissioners' proposals could be reduced to sloganeering and point-scoring and the main thrust of their reform program sidetracked.
>
> That lends weight to the argument that the COG legislation should be put off until after the election. But that course should be adopted only if the Opposition undertook to adopt the commissioners' recommendations, including the review of the electoral system for both Houses.

The media are saying that we will go to the polls shortly; we have a Government which has been discredited by its actions; therefore, it makes sense that an incoming Government which is elected by the people - and who knows who will be the incoming Government - should establish the Commission on Government. The commission will make recommendations to the Parliament, and whoever will be the Government will have the opportunity, if it so desires, to do whatever it wants with those recommendations. That is how our system of Parliament and of democracy works. At the end of the day, the elected people will have the opportunity to bring about those changes.

The amendment which I will move to clause 2 is slightly different from the amendment which has been circulated. I move -

> Page 2, lines 6 and 7 - To delete all words after "operation" and substitute the following -
>
> > on 22 May 1993 or on such earlier day after the commencement of the first session of Parliament following a general election as is fixed by proclamation.

In other words, the election can be held, and the incoming Government can then establish the Commission on Government.

Mrs EDWARDES: The latest date upon which both Houses can be reconstituted after the next general election is 22 May 1993. Therefore, the amendment provides that the Bill will come into operation on 22 May, at the latest date, or on such earlier day after the commencement of the first session of Parliament following a general election as is fixed by proclamation. Therefore, if a general election were held on 6 February or on any date thereafter, this Bill could be proclaimed on that date. The only delay that will be incurred by our amendment is in respect of the calling of the general election, because as soon as a general election is called, this Bill can be proclaimed. The latest date on which the Bill can be proclaimed will be 22 May 1993, or it can be proclaimed as soon as the general election is called prior to that date.

We propose to move amendments to clauses 3 and 9 in respect of the appointment of the commissioners, because we believe not only that the next Government should appoint the commissioners, but also that the appointment of commissioners should be subject to the approval of the Parliament. Part II of the report of the Royal Commission states that the Parliament should be supreme over the Executive, yet this Bill provides that the Minister shall appoint the Commission on Government. We believe that a committee of both Houses of Parliament should approve the appointment of the commissioners. Our amendments will strengthen the Bill in order to comply with the matters raised in part II of the report of the Royal Commission and also in part I of the report. We are not seeking to delay the proclamation of the Bill, but are implementing what the Royal Commissioners state in part II of their report; and we are seeking also that the Parliament should approve the appointment of the commissioners.

Dr LAWRENCE: It is clear that the Royal Commissioners recommended the exact mechanism that is incorporated in the Bill for the appointment of commissioners, and that they understood that that mechanism was proper, given that this will be an advisory and not a legislative body. It will not override the Parliament. It will advise the Parliament. The Royal Commissioners recommended also that members of the other political parties should be consulted in order to ensure a fair and reasonable composition of the Commission on Government. I remind members that the Government has the power to appoint a Royal Commission and Royal Commissioners. Those commissioners were appointed by the Parliament, and I did not hear at any stage any suggestion that they were somehow partisan or incapable of doing an objective and careful job in the interests of all Western Australians.

Mr MacKinnon: I heard someone say that they were dishonest and lacked integrity.

Dr LAWRENCE: That was one person's note. No-one on the member's side, according to the member, has said that.

The mechanism described in the Bill is precisely that recommended by the Royal Commissioners, who were appointed by the same mechanism which they now recommend to us as appropriate for this body. The mechanism suggested by members opposite, given that we are near the end of the parliamentary term, would mean delay in the implementation of the Bill. The reason for the delay is that the question of electoral reform could not then be dealt with in time for the next redistribution, which would mean that the principles which the Royal Commission clearly enunciated in relation to electoral reform could not be discussed by anyone in respect of the next change of boundaries. The effect of that would be that were the Commission on Government to recommend significant electoral reform, it could not be implemented until the year 2001, or thereabouts - at the election following the election after next. I can understand, because we have heard the deputy leader of the coalition express his views about that, why members opposite might want to resist electoral reform, but it is very transparent.

There is no reason that the Bill should not be proclaimed by February at the latest, and there is no reason that the various parties in this Parliament cannot agree upon a composition of a commission which will be sensible, which will begin to conduct its affairs over the next two years, which will make recommendations in relation to electoral reform, and which will enable reform to apply at the election after next and not at the one after that, as members opposite might want, so that these matters of great urgency and importance are not delayed unduly. Members opposite may seek to delay this Bill for their own purposes, but every voter in Western Australia must know that the Opposition is seeking to do that because there are some matters which the Opposition cannot stomach and tolerate, and electoral reform is

one of them. Why is it that in respect of this question the Deputy Leader of the Opposition and the Liberal Party have been so adamantly opposed to proper consideration of electoral reform, to the point where the deputy leader of the coalition proposed this morning to put this Bill before a committee of the upper House where it would languish until such time as the Parliament resumed well after 22 May?

The Opposition may seek to put a 22 May proclamation date within the Bill, but if it cannot control its members in the other place it is likely that its Legislative Council members will pop this Bill into a committee and the Bill will not emerge until Parliament next resumes. The committee will consider the Bill at its leisure and this will cause greater delay for the Commission on Government. Does the Leader of the Opposition intend to refer the Bill to a committee of the upper House?

Mr Court: I cannot answer for what the Legislative Council does.

Dr LAWRENCE: Exactly! That is typical. The two conservative parties in the lower House have formed a coalition, but no coalition exists between the conservative members in the Legislative Assembly and Legislative Council. It is important that if this House debates this matter comprehensively some assurance is given about whether it will be dealt with in the other place; namely, that it will not languish with a committee until a time when the upper House committee believes it is politically convenient to deal with it. Now that the deputy leader of the coalition is here, I can ask him the same question: Will he not allow his members in the upper House to refer this Bill to a committee to let it die?

Mr Cowan: Do not put the thought into our heads.

Dr LAWRENCE: Will his party take this Bill to its conclusion at this sitting, or will he send it off to a committee? In that case the proclamation date will be irrelevant. What is the member's view?

Mr Cowan: What would you like us to do?

Dr LAWRENCE: I would like the matter dealt with without delay, as the Royal Commissioners have recommended.

Mr Court: That is what we are doing now.

Dr LAWRENCE: No. A media report - which may or may not be correct - included comments from the deputy leader of the coalition indicating that the legislation would be referred to an upper House committee, and that the legislation would not reach its conclusion until Parliament resumed some time after the election.

Mr Cowan: I do not recall saying that it would be referred to a committee of the other House; however, I certainly said that it would be amended.

Dr LAWRENCE: Therefore, the National Party will not refer it to a committee?

Mr Cowan: I do not say that; the Legislative Council will decide that.

Dr LAWRENCE: I cannot get a straight answer. Does the Leader of the National Party control his members in the upper House?

Mr Cowan: Are you prepared to allow the elected Government to appoint the commission after the election?

Dr LAWRENCE: Why is the Leader of the National Party worried about the appointments? Does he want to appoint somebody to draw the electoral boundaries according to his wishes?

Mr Court: What an outrageous thing to say!

Dr LAWRENCE: No, that is obviously what the member wants. The recommendation from the Royal Commission was for electoral reform "without delay and with due consultation", yet the Leader of the National Party seeks to have it delayed until 2001. The leaders of the coalition have given no commitment to this Bill; they are not prepared to direct their members in the other place on how they should vote. The Leader of the Opposition said that he could not control his members in the other House; clearly, the deputy leader of the coalition cannot do so either.

Mr THOMPSON: I do not support the amendment. We are witnessing a little sparring by which one side of the political equation wishes to put itself in a position of advantage.

Frankly, the Opposition intends not to have this Bill passed through the Parliament this session because it does not want to see the Government of the day appoint the commission. We should be clear in our minds about what is happening here: A long debate will take place in Parliament today and many amendments will be moved to this Bill. This will set the scene for what will happen in the Legislative Council. If the Bill is not kicked off to a committee of the Legislative Council, it will be heavily amended to a form which suits the conservative forces.

Mr Wiese: Does all wisdom reside with the Government - especially after the past 10 years?

Mr THOMPSON: All wisdom does not reside with the Government; in this matter all wisdom resides with the Royal Commission which recommended that a Commission on Government be established. That recommendation should be implemented forthwith. All members of this Parliament have an obligation to establish that commission. Let us not fool one another: The conservative forces believe that it will be to their advantage to appoint the commission.

Mr Clarko: Do you think the Labor Government is entitled to appoint the commission when it has caused all of the trouble?

Mr THOMPSON: The member for Marmion has confirmed my position. The Parliament should pass this legislation now and implement the recommendation of the Royal Commission. If this Government is frustrated in passing the Bill through the two Houses of Parliament this week, it should, by administrative means, appoint the Commission on Government. The Government has the authority to do that. If that is the result, at least it will have attempted to establish the commission in the proper way. If one element of the Parliament will not cooperate in implementing the Royal Commission recommendation, the Government has a sincere responsibility to the people to establish the commission by administrative means. The Government should signal that possibility to the Parliament at this early stage of the debate so that we do not waste many hours of the precious three sitting days remaining debating a predetermined matter.

A great deal of legislation is on the Notice Paper for which people in the community are waiting, including many people with a direct interest in adoption laws, the chiropractic area and other fields. Therefore, the Government should quickly assess its prospects of having this legislation passed through the upper House. If it is its judgment - as it is mine - that it has a snowball's chance in hell of passing the legislation through that House, it should desist with this Bill, deal with other legislation and appoint the commission by administrative means tomorrow.

Mr COWAN: It is fair to say that people other than members of the Opposition believe that this Government has forfeited its right to appoint the Commission on Government. Irrespective of the comments of the member for Darling Range, this view is held by me, the National Party, the Liberal Party and the majority of electors in Western Australia.

Dr Lawrence: Have you asked them?

Mr COWAN: That will not be known before the election. Let me rephrase that point: It is my opinion that the majority of electors in Western Australia hold that view. Undoubtedly, very few people trust this Government after the events of the past 10 years. Therefore, the National Party - for that matter, the coalition - is unprepared to accept an appointment of the commission made by this Government.

The member for Darling Range may say that the Opposition parties are seeking to delay the passage of this legislation by certain means. However, I issue a challenge to the member for Darling Range and this Government: If they accept the amendments as proposed which clearly indicate that this Parliament will have some say in the appointment rather than the nonsensical claim that the appointment will be made through consultation -

Mr Thompson: What else is nonsensical in the Royal Commission's report? If the commission's recommendation for consultation is nonsensical, what else falls into that category?

Mr COWAN: With your indulgence, Mr Chairman, I shall tell a story of what happened to a former Leader of the Opposition and a former Premier. From memory this matter dealt with something close to the heart of the member for Darling Range and most people who bleat on

the Government back benches. At that time the Premier approached the member for Jandakot concerning a certain clause in the legislation which required her to consult him about who should be appointed to the position of Electoral Commissioner. She said, "I have appointed Les Smith; consider you have been consulted." She then sat down.

Mr Thompson: The opportunity was there for him to kick up a shine if he disagreed.

Mr COWAN: Not all members have the same power of the English language and the capacity to influence people as the member for Darling Range. I am quite sure that if the member for Darling Range were to kick up a fuss, everybody would sit up and take notice immediately! I am absolutely certain the Government would take notice and immediately bow to his wishes! The truth is that that situation - I will not use the word deal - does not exist between the Government and the Opposition parties. There is no value in someone's being told they must consult someone else. The purpose of this amendment is to indicate very clearly to the Government that the Opposition does not trust it with the appointment of the Commission on Government. Consequently, it wants to make sure that that responsibility is transferred to an incoming Government.

Mr Riebeling: That will be us as well.

Mr COWAN: If it is, the present Government will have the power to appoint the commission. I believe that view is shared by the majority of electors and, therefore, the Opposition prefers to see the clause amended to ensure that the incoming Government has the power to appoint the commission. I can see nothing wrong with that; it would be acceptable to the majority of people other than, of course, this Government. The Government has decided it will act on the phrase used somewhere in part II of the Royal Commission document, that the commission should be implemented without delay. Once upon a time someone said to the Premier that she should implement a Royal Commission without delay. However she delayed and delayed; she even waited for the Ombudsman to suggest a Royal Commission be established. She still delayed, but three days later she appointed one.

Dr Lawrence interjected.

Mr COWAN: We should not talk about undue delay. It is convenient for the Government to say there should not be undue delay particularly at this time. All I am saying is that if the Government waits until after the next election and allows the elected Government to appoint the commission that will not constitute undue delay.

Dr Lawrence: This is the elected Government.

Mr COWAN: I am referring to the next elected Government. Most observers, particularly political observers, would agree with that. However, the Premier does not want to because she wants to put in place her commissioner. She probably even has the name written out now. The Opposition will not be a party to this Parliament's passing legislation which appoints a Government member in that position.

Dr Lawrence: It is nonsense to suggest that will happen.

Mr COWAN: It is not nonsense; the Government has done that before, and it will do it again. Other aspects of this Bill should come back to the Parliament.

The CHAIRMAN: We should come back to them in due course, but at present we are debating the commencement of the commission.

Mr COWAN: The question is: Should we allow the Government to appoint the commission under the claim that a recommendation has been made that no undue delay should occur in the appointment of the commission, or do we acknowledge that the electors of Western Australia have lost confidence in this Government? They have certainly lost confidence in the Government's ability to appoint a commission of this nature. This Government should acknowledge that and be prepared to allow an election to be held first and the incoming Government to have the opportunity of appointing the commission. If it has the guts to do that, the Premier will see this legislation pass through this House like a dose of salts and that exercise repeated in the other place.

Mr DONOVAN: I am rather surprised, especially after the debate we had in this place regarding the freedom of information legislation, that this legislation has already become

bogged down on the proclamation clause. In response to remarks made by the Leader of the National Party, my impression of what the public, to which he referred so often, will make of this matter is certainly that it would be in the Government's interests to appoint a commissioner whom it would see as at least favourable to the Government's agenda for electoral reform. Equally, if one studies the comments of the Leader of the Opposition and his deputy, one sees the bottom line is that the Opposition wants the opportunity to appoint a commissioner who will not be disfavourable to it, but who will suit it. It is hopeful of winning Government in February; I can understand that. Indeed, it may even win Government. It is hopeful and somewhat optimistic of doing that.

The Opposition made it very clear last week and since - the Leader of the National Party certainly has - that it will not brook electoral reform in this State. Its position is that electoral boundaries and the system of voting in both this and the other place is adequate and it sees no reason to change that. Clearly, if the Government has the opportunity to appoint a commissioner it would be silly - I am quite sure that whatever criticisms I have of the Government, it is not always silly on these matters - not to appoint a commissioner who has at least some understanding of, and some commitment to, electoral reform. Conversely, the Opposition will be hoping for the opportunity of achieving the exact opposite. It has made it clear that is what it wants. Despite all the criticism I have made about the Royal Commission's first report, and what I see as some of its weaknesses, one of the best things to arise from it is an agenda for reform in this State at parliamentary, Executive and Public Service level. I am sure most fair minded people will agree that those areas need reform.

I am surprised that the Royal Commissioners delved into that area. I seriously did not expect that what I regarded as a fairly conservative group of gentlemen would have gone to the extent that they did to emphasise the importance of electoral reform. Nonetheless, they did. It is indisputable when one reads the report that the bottom line of their agenda for change is electoral reform. Indeed, had there been some inclination in the other place, rather than this Bill, I would have been happier to see an electoral reform Bill pass through Parliament in time for a redistribution for perhaps a late election to produce Statewide proportional representation in the upper House and one-vote-one-value in this House. However, that is not to be. It would be silly, naive and romantic of me to hope for that. Nonetheless, the commissioners have found - it bears repeating because they are a conservative group of gentlemen - that electoral reform is the bottom line of all the other reforms needed in this State. That tells me, at the very least, quite apart from the Government's opportunities, that we should make sure that a commissioner is appointed who knows something about electoral reform and who is at least sympathetic to the objectives of electoral reform.

If we do not achieve that, this would become a mickey mouse document next year. I would go further: If the conservatives are successful in achieving Government in February, I am not optimistic that the essential provisions of the recommendations of the second report of the Royal Commission will ever see the light of day.

Mr Bradshaw: Do you believe this is part of the problem and why we had to have a Royal Commission?

Mr DONOVAN: The question is not whose fault it was that we had to have a Royal Commission but what we do with its report.

Mr Bradshaw: That report is the Government's fault.

Mr DONOVAN: The question of whose fault it was, was campaigned quite effectively, determinedly and in a very protracted way by the previous Leader of the Opposition. I am surprised that he was dealt with in the way he was after that.

Mr Court: Can I tell you what you should have done after the Royal Commission report came down? Get rid of the Government. Any Government shown to be so improper simply should not still be there. It should go.

Mr DONOVAN: The question put to me by interjection related to whose fault it was that we had to have a Royal Commission. That question has been resolved. The member for Jandakot has dealt with it for more than two years. The question now before the Parliament is what do we do with its report. The bottom line of the report is electoral reform. We must have a commissioner who, firstly, understands it; and, secondly, has some commitment to it. Even if there is a hostile Government, the commissioner must have some basis upon which to argue his case. If we leave this matter until 25 May when proclamation is being sought, until

after the election, and the conservative forces in this State are successful in their political ambitions, we will not get a commissioner who, firstly, understands the basis of electoral reform and, secondly, is committed to it. I suggest that those opposite would seek someone who satisfies neither of these requirements. I do not trust the conservative forces in this State to embark on a program of electoral reform. Indeed, they will do what they can to keep the system as it is. They have said so publicly.

Mr Bradshaw: What you have called electoral reform is not necessarily reform for the better; it is electoral change.

Mr DONOVAN: Those opposite have said publicly that there is nothing wrong with the electoral system in this State. In my view that position would cause serious problems when it comes to providing those opposite the opportunity to appoint a commissioner to oversight the reform process. The bottom line - as the Royal Commissioners note; I was surprised that they did this - is for electoral reform; namely, Statewide proportional representation in the other place, and one-vote-one-value in this place, neither of which those opposite have any love for.

Mr MacKinnon: They never said that. Read the report.

Mr DONOVAN: I stand corrected. The consequence of what the report said is that we arrive at one-vote-one-value. My point is that the Deputy Leader of the Opposition said in support of this amendment that no-one should trust the present Government to appoint a commissioner. I say that no-one should trust a force that is opposed to electoral reform to appoint a commissioner who will have the job of enacting it. That seems to be a nonsense. As the member for Darling Range said, we should be getting on with this job now, not proclaiming the commission after the next election, but as soon as it can be proclaimed.

Mr CLARKO: The member for Morley said words to this effect: "You, the Opposition, want to appoint a commissioner of your choosing. That is why you support this amendment." That is totally untrue. We want the Government of the day to play a prime part in the selection of the commissioners. The Premier made the fallacious argument that it will take the Commission on Government two and a half years to report. She said that there would then not be enough time for a redistribution before the 1997 election. What sheer, utter humbug! Until this term the normal term of office in Western Australia has been three years. If there were a requirement for a redistribution in a three year period, the electoral commissioners, or equivalent, would make their deliberations in the second year and at the beginning of the third year one would see the start of the redistribution. The Government never had more than the period of a year and a half to which the Premier now objects. This system has been operating successfully for a long time.

Mr Kobelke: With a rigged system, you do not have redistributed electoral commissions.

Mr CLARKO: The Premier was talking about the issue of time. That is a separate question. I will be happy to argue it with the member for Nollamara at some future stage.

The CHAIRMAN: Order! But not under clause 2. Let us come back to the debate.

Mr CLARKO: It is hard for a patient person like me to put up with interjections that are as extraneous as that one, Mr Chairman. The Premier is wrong to say that there would not be enough time for a redistribution following the report of the newly appointed commissioner in two years' time. Redistributions have always been done without any problem. Months before an election occurred - I suggest six months or more - these arrangements have been in place. In my 19 years in this place there have been no problems. The Premier is trying to distort the argument, and she is wrong. In an editorial *The West Australian* argued that the choice of a commissioner and four part time commissioners should not be the prime role of this present Government; it should be the role of the new Government. We do not know which party will form the new Government. We are happy with the suggestion that we will be in Government, but we do not know that. It will be the role of the new Government, whichever side of politics it is from. The specious claim of the Premier that we were trying to waste time was supported by the member for Morley. The exact opposite is the case. In my nearly 20 years in this place this is the most important issue that has come before the Parliament, and there has been more haste, more rush and more deception about pressing these things through than any other matter in which I have participated. The Premier said that there would be a full debate on the second report of the Royal Commission. She lied.

Withdrawal of Remark

Mr KOBELKE: Mr Chairman, the words just uttered by the member for Marmion are completely unparliamentary and I ask you to direct him to withdraw those words.

The CHAIRMAN: Order! The member will withdraw. I also ask him to come back to the point about the commencement date.

Mr CLARKO: I withdraw, Mr Chairman.

Committee Resumed

Mr CLARKO: The Premier told a whole series of untruths. At no time was she accurate when she said to the House that there would be an opportunity to discuss the second report of the Royal Commission in full. She was saying one thing to the people of Western Australia, but doing another. This Chamber has not been given an adequate opportunity to discuss the six volumes in the first report. Mr Chairman, I am sure that if you were given the opportunity, you would speak to the matters in the Royal Commission report No 1.

The CHAIRMAN: Order! It is improper to draw the Chair into debate, as you know. I cannot reply, but I would ask you to return to the debate on report No 2.

Mr CLARKO: I am sorry. The Government and the Premier are trying to suggest, unsuccessfully, that we want to delay; but the Government is trying to rush. That is the heart of the matter. It is a spurious suggestion by the Government that we are trying to delay. In fact, the Government is trying to rush.

Mr Taylor: Some go too fast and some go too slow, and you are in the latter category.

Mr CLARKO: We have this dying, decadent Government, this Government that year after year has led Western Australia through the worst, most improper conduct that this State has experienced, and now it is trying to rush through this action. In the last stages of this Parliament, the Government is like a moth approaching a flame and flaring up briefly before it expires. In its usual improper way this Government is rushing to try to turn it around. The Government, in its typical style, brought the second report of the Royal Commission to this Parliament when it was about to rise for a week's recess. The Labor Party is the guilty party in regard to the whole of the Royal Commission, yet this Government wants to appoint the umpires for the next game. If this clause is passed it would be similar to appointing a mafia don to chair a committee of inquiry into a new civil or penal code. It is absolutely intolerable that we should have this situation. Last week I used the term that it was like putting Dracula in charge of the blood bank; that is probably a more colourful expression, but it certainly describes the situation. This Government led Western Australia into the worst situation this State had ever experienced and it was of a level probably never before seen in Australia. This Government's actions have been so bad that it received publicity on the front page of *Time* magazine for its malpractice. The truth of the matter is that within a few months the people of Western Australia will have the opportunity to elect a new Government and when they do, that Government will have the fresh mandate. The mandate of this mob is stale. At the 1989 election members opposite received half a per cent less of the primary vote than did my party. However, they got 30 seats to 21, yet have the gall to bleat that they were short changed. The Labor Party received 50 per cent more of the seats from half a per cent less of the primary vote than the Liberal Party and it still bellyaches about that. The reality is that in a couple of months' time, under a system which favourably enhances the Government's entitlement to its share of members in this House, the people will elect a new set of members of Parliament and they will have the fresh mandate. They are the people who will have the opportunity to play a greater role in the appointment of the commissioner.

Division

Amendment put and a division taken with the following result -

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Ayes (23)

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

Noes (27)

Mr Michael Barnett	Dr Gallop	Mr McGinty	Mr Thomas
Mrs Beggs	Mr Graham	Mr Pearce	Mr Thompson
Mr Bridge	Mr Gordon Hill	Mr Read	Mr Troy
Mr Catania	Mr Kobelke	Mr Riebeling	Dr Watson
Mr Cunningham	Dr Lawrence	Mr D.L. Smith	Mr Wilson
Mr Donovan	Mr Leahy	Mr P.J. Smith	Mrs Watkins *(Teller)*
Dr Edwards	Mr Marlborough	Mr Taylor	

Pairs

Mr McNee	Mr Ripper
Mr MacKinnon	Mrs Henderson
Mr Fred Tubby	Mr Grill

Amendment thus negatived.

Clause put and passed.

Clause 3: Definitions -

Mr COURT: I move -

Page 2, after line 17 - To insert the following -

> **"Minister"** means the Minister of the Crown to whom the administration of this Act is committed by the Governor in the Government formed following the next general election after this Act receives the Royal Assent.

This amendment is part of a series of amendments the Opposition will move to this Bill which illustrate how it believes the commission should be set up.

Mrs EDWARDES: I support the amendment which primarily links in with the other amendments the Opposition will move to clause 9, and to its previous statements in this place today and on previous occasions that the Minister appointed by the Government which is elected at the next general election should be responsible for the administration of this legislation, including the appointment of the commissioner. The appointment should then be referred to the parliamentary committee. The prime focus of this amendment is that it is the Minister responsible for this legislation in the next Government who should be the Minister referred to in other clauses of this Bill, not the current Minister. If a commission is appointed it should be appointed by the next Government. This amendment to define "Minister" is an easy way to ensure that the Minister appointed by the next Government is responsible for the administration of this legislation.

Mr CLARKO: I support the amendment. Anybody who has read part II of the Royal Commission report will be aware that all the current Ministers of the Crown are tainted; they are all part of what has happened in the last decade in Western Australia. The thousands of words comprising the Royal Commission report clearly point out to anyone who has an acceptance of the concept of Cabinet responsibility that a Minister who does not agree with what happens in Cabinet must resign. Hon Barry Hodge, a former Minister for Health, showed his feelings about Cabinet decisions by resigning. It is true that some things were not put to Cabinet by Premier Burke that should have been. Notwithstanding that, many items came under the jurisdiction of present Ministers who are collectively bound by Cabinet responsibility. It would be singularly inappropriate for any current Minister to make this appointment. This amendment is designed to prevent a tainted Minister undertaking that task.

Mr DONOVAN: This amendment is cute. I thought at first that the Opposition was being charitable and having looked at the definitions, as I did, thought that no definition appeared for "Minister" and it would help the Government by moving this amendment. However, the operative part of the amendment appears at the end where the Opposition seeks to achieve the same result as it sought to achieve in the amendment just debated. This amendment makes the point more succinctly and the Opposition is up front in saying that it wants to appoint the members to this commission when in Government because, as the member for Darling Range said, this is not a debate about principle but about advantage. It would be to the advantage of the conservative forces in this State, if elected to Government in February, to have the situation precisely put to the House. The coalition parties want to appoint a

person to this position who has no commitment to, or understanding of, electoral reform. That is what this amendment is about and why I will not support it.

Dr LAWRENCE: Two reasons, apart from the one put succinctly by the member for Morley, exist for disallowing this amendment. First, it cannot work because the provision that was lost needed to be successful for it to do so. Secondly, if the amendment were agreed to and the legislation came into effect on 1 February no Minister would be available to administer it. For that simple and straightforward reason, as well as the fact that it is clearly another attempt to implement a delay for reasons well and truly canvassed previously, the Government opposes the amendment.

Division

Amendment put and a division taken with the following result -

Ayes (23)

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

Noes (26)

Dr Alexander	Dr Gallop	Mr McGinty	Mr Thompson
Mr Michael Barnett	Mr Graham	Mr Pearce	Mr Troy
Mrs Beggs	Mr Gordon Hill	Mr Read	Dr Watson
Mr Bridge	Mr Kobelke	Mr Riebeling	Mr Wilson
Mr Catania	Dr Lawrence	Mr D.L. Smith	Mrs Watkins *(Teller)*
Mr Cunningham	Mr Leahy	Mr P.J. Smith	
Mr Donovan	Mr Marlborough	Mr Taylor	

Pairs

Mr McNee	Mr Ripper
Mr Fred Tubby	Mrs Henderson
Mr Minson	Mr Grill

Amendment thus negatived.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Functions -

Mr COURT: Chapter 7 of part II of the report of the Royal Commission at 7.2.4 lists a number of things the commission believes should be examined by the Commission on Government. The Government keeps harping about electoral reform. The report contains a number of changes the Opposition has been fighting to have implemented for many years; that is why it is keen that these matters be looked at properly. The commission asked that 12 areas be looked into including standards of conduct for public officials, the Press and the Government Media Office, political finance, whistleblower protection and many other things that are difficult to legislate for.

As discussed in relation to the Corruption Commission, no single perfect system is in place to handle these matters. The Opposition believes the Commission on Government should consider additional matters to those spelt out by the Royal Commission in its second report. As a result of that belief the Opposition's amendments seek to include further matters it would like investigated.

Dr Lawrence: Is it not an additional thing? That is, the one thing that the Royal Commission disagrees with you about.

Mr COURT: What did it disagree about?

Dr Lawrence: Forty five minutes after the report was brought down you said something about collective responsibility. You had not read the report, because the commissioners said the opposite.

Mr COURT: The Premier has it all wrong in relation to collective responsibility.

Dr Lawrence: You were disappointed by the second report so you wanted it deferred despite the fact they did not.

Mr COURT: The Premier cannot have it both ways. She has commissioned two reports. The Burt Commission on Accountability spelt out how her Government should be operating under the conventions of the Westminster system. Does the Premier accept that point?

Dr Lawrence: It is hardly surprising. It is a description of what it does -

Mr COURT: So, the Premier accepts the conventions of the Westminster system!

Dr Lawrence: You misunderstand what they are, especially in relation to Cabinet. It is clear that your statements are upside down and inside out.

Mr COURT: The Premier is the master of half truths.

Dr Lawrence: The Leader of the Opposition could not cop the fact that neither the first nor the second report said what he wanted to hear.

Mr COURT: The second report commented that if a Minister provided misleading information then other members of Cabinet could not be held responsible for the events that flowed from the misleading information. I see the former Leader of the House nodding his head -

Mr Pearce: Like everyone else, I recognise that you are talking nonsense.

Mr COURT: Our point on collective responsibility is that if individual Ministers knew something was wrong and were told by members of Parliament that something was wrong, then all members of Cabinet had a responsibility to find out through Cabinet what was going on. The reason for my foreshadowed amendment relating to the examination of the conventions and doctrines of collective ministerial and individual responsibility is that the system will collapse if the Government is not prepared to operate under those conventions. It is the basis of the system of Government under which we operate. The events of the past 10 years included a series of outrageous deals undertaken by the Government which were found to be improper and, in some cases, illegal. Not one Minister was prepared to accept responsibility for what had taken place during that time. No-one was prepared to stand up in Cabinet and question the situation after we had exposed these things in Parliament. The Premier cannot say she did not know. We can accept that she may have been misled by one of her colleagues in Cabinet but she cannot say that she did not know what was going on because we were outlining in detail what was going on, as was the media, and the Premier had a responsibility to do something about it. The Premier can laugh, but we have addressed that question of collective responsibility today in relation to Simcoa. The Premier does not take responsibility for that decision. She is saying that she did not know. Will the Premier accept responsibility for what was done with Simcoa?

Dr Lawrence: Cabinet made the situation clear. It was outlined in the Parliament, and it has been the subject of parliamentary report in annual reports to the Parliament. The form in which support was given is outlined; it was not designed for a specific -

Mr COURT: The Premier said she did not know what the money was for!

Dr Lawrence: The Leader of the Opposition is reporting what the journalist said as part of my comments. The Government does not give support in the form of a bit for an engine, a light pole, or cleaning up the back yard but support across a project must be the whole amount in due course.

Mr COURT: Simcoa is a good example. We have asked questions about what the money was for. The Premier has repeatedly refused to tell us.

Dr Lawrence: No.

Mr COURT: Yesterday the Premier said that she did not know what the money was for.

Dr Lawrence: That is not what I said.

Mr COURT: So the Premier was misreported.

Dr Lawrence: I said that as a matter of principle the Government did not provide funds in that form so I did not know in particular what they had spent funds on; but no doubt it could be ascertained.

Mr COURT: So Cabinet has approved it, and the Premier and Treasurer does not know what the money is for.

Dr Lawrence: A couple of minutes ago you accused me of half truths!

Mr COURT: We have seen the Premier in action long enough to know -

Dr Lawrence: The people are watching you and they are very disappointed.

Mr COURT: Is that right?

Dr Lawrence: They do not think that you are up to it.

The DEPUTY CHAIRMAN (Dr Edwards): Order! I ask all members participating in debate to return to the subject of debate.

Mr COURT: People will have the opportunity at the next election to vote for whom they want - not personalities but parties. The public will make up their minds about the way in which the Premier and her colleagues have operated in Government. That is what we are debating under this clause. Among other things, we are debating how the Government performed, for example, with its use of Press secretaries and its misuse of the proceedings of Parliament. That is the reason we are keen for the question of collective responsibility to be examined by the Commission on Government.

One of the major failings of the system over the last 10 years has been that the Premier did not operate her Cabinet in the proper manner. The report says that Cabinet became a subcommittee of Caucus; her Cabinet did not keep proper records.

Dr Lawrence: It does not say anything about my Cabinet; its terms of reference did not extend to that time.

Mr COURT: It talked about the Cabinet of which the Premier was a member. The Premier cannot be proud of that; she must accept responsibility just as every one of the nine Ministers remaining in this place from that time must accept responsibility. Does the Premier accept that?

Dr Lawrence: Not the way you describe it; it is upside down and inside out.

Mr COURT: Time and time again the Premier has come to this place and said she will not accept responsibility for what took place. How can the public have any confidence in her Government if the members of Cabinet are not prepared to accept any responsibility for the decisions?

Dr Lawrence: Has the Leader of the Opposition not noticed that there has been a change of leadership, deputy leadership, and in other areas? That was done openly and publicly. The Leader of the Opposition does not understand the conventions. He never has, and I do not expect that to change.

Mr COURT: Is the Premier saying that Opposition members do not understand the basic conventions of the Westminster system? The Royal Commission report spells out in detail how the previous Government acted according to the rules and did not get into trouble. The Premier's Government threw the rule book out the window and got into trouble.

[Leave granted for speech to be continued.]

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Dr Lawrence (Premier).

[Continued on p 7616.]

[Questions without notice taken.]

Sitting suspended from 6.00 to 7.30 pm

PAY-ROLL TAX ASSESSMENT AMENDMENT BILL (No 2)

Introduction and First Reading

Bill introduced, on motion by Dr Lawrence (Treasurer), and read a first time.

Second Reading

DR LAWRENCE (Glendalough - Treasurer) [7.33 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to reduce the impact of payroll tax on employers by increasing the payroll tax exemption threshold level by approximately seven per cent, as part of a $19 million package of payroll tax concessions recently announced by Government. Complementary increases to the payroll tax threshold levels to which the tax rates apply are contained in the Pay-Roll Tax Amendment Bill.

This Bill provides for the annual payroll tax exemption level to be increased by $25 000 from its current level of $350 000 to $375 000. It is estimated that approximately 180 employers who would otherwise have had a payroll tax liability will now be exempt as a result of this increase. The weekly wage level at which point an employer is liable to register will also increase from $6 731 to $7 212. These measures will operate from 1 December 1992.

The Government's recently announced commitment to index the exemption threshold level over the next two years, in line with increases in average weekly earnings, will prevent employers from becoming liable for payroll tax due to wage increases. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cowan (Leader of the National Party).

PAY-ROLL TAX AMENDMENT BILL (No 3)

Introduction and First Reading

Bill introduced, on motion by Dr Lawrence (Treasurer), and read a first time.

Second Reading

DR LAWRENCE (Glendalough - Treasurer) [7.35 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to reduce the impact of payroll tax on employers by extending the threshold levels to which the tax rates apply by approximately seven per cent, as was recently announced by the Government as part of a $19 million package of concessions. A complementary increase in the payroll tax exemption threshold level is contained in the Pay-roll Tax Assessment Bill. These concessions, which are primarily targeted at small to medium sized businesses, form one of many Government initiatives designed to encourage employment growth and stimulate the economy. The increases in threshold levels are in addition to a 10 per cent increase provided earlier this year, and will reduce the payroll tax liability for approximately one half of all payroll taxpayers. This Bill proposes that the highest annual payroll level at which the 3.95 per cent tax rate will apply is to increase from $1.4 million to $1.5 million. The level at which the 4.95 per cent rate will apply will increase from $2 333 333 to $2.5 million. The annual payroll tax level at which the maximum rate of six per cent comes into effect will also increase from its current level of $2 916 667 to $3.125 million. As mentioned earlier, almost 50 per cent of employers liable for payroll tax will benefit from this initiative. It will provide a benefit of up to $8 500 for an individual employer and will result in an estimated cost to revenue of $2 million for the balance of the 1992-93 financial year and $4 million in a full year. The extension of the threshold levels will operate from 1 December 1992. The Government has also announced its commitment to index payroll tax threshold levels over the next two years in line with movements in average weekly earnings. This will prevent employers moving into higher tax brackets due to wage increases. I commend the Bill to the House.

Debate adjourned, on motion by Mr Court (Leader of the Opposition).

COMMISSION ON GOVERNMENT BILL

Committee

Resumed from an earlier stage of the sitting. The Chairman of Committees (Dr Alexander) in the Chair; Dr Lawrence (Premier) in charge of the Bill.

Clause 5: Functions -

Progress was reported after the clause had been partly considered.

Mr COURT: We would like to see the functions of the Commission on Government expanded to include, among other things, the conventions and doctrines of collective ministerial responsibility and individual ministerial responsibility. We find it rather amusing, and also in many ways rather sad, that the Premier has refused in this Parliament to say that the Cabinet will accept any responsibility for the dealings which took place. Therefore, the public can rightly ask the question: "Who will accept responsibility for what took place?" If the Cabinet will not accept responsibility, what a crazy situation we have. I move -

Page 3, line 5 - To delete the words "Part II of".

Dr LAWRENCE: The deletion that is recommended by the Leader of the Opposition will allow for other matters - presumably this is the justification - to be referred to the Commission on Government. Certainly the words "Part II of" do not preclude other matters being referred, but it is important that at this stage we have the report of the Royal Commission, which was very clear in respect of the matters which it believed should be referred, and went through them in some detail. Those matters are all enunciated in the Bill in virtually the same form as proposed by the Royal Commission during the course of its deliberations. The Royal Commission believed it had not been given sufficient time to consider those matters, or not had sufficient opportunity to consult the community. It is quite clear that all members understand that position, because there are other matters which we might seek to refer to the Commission on Government. Obviously the Opposition has some interest in the question of collective Cabinet responsibility, and it has tried on various occasions to assert that the Royal Commission made certain findings or observations on that matter, which it did not. I suppose this is another way of the Opposition's having another bite at the cherry. I said earlier today that the Leader of the Opposition, when the report first came down, and in fact within 45 minutes of its being tabled, had expressed a view about the commission's findings which was incorrect, so I suppose this amendment -

Mr Court: That is not correct.

Dr LAWRENCE: It is. I can read to the Leader of the Opposition the relevant section of the report, at pages 4 - 2, 4 - 3 and 4 - 4, where the commission gave an explicit description of its understanding of the question of individual ministerial responsibility and Cabinet responsibility which is quite different from that proposed by the Leader of the Opposition. We have before us a set of findings and of recommendations in respect of matters on which the Royal Commission could not reach a conclusion. The Royal Commission did reach a conclusion in respect of collective ministerial responsibility and individual responsibility; that conclusion just did not happen to suit the Leader of the Opposition.

The simplest way to proceed at this stage, which does not preclude other possibilities, is to ensure that we consider all of the matters in part II of the report, which are in the schedule and are listed here in the table; namely: The secrecy laws of the State; the functions of media secretaries of the Government, and that includes the Opposition's media secretaries; the establishment of an archives authority; the standards of conduct for public officials; the registration of pecuniary interests to the extent that they were not dealt with in the terms recommended by the commission; the financial independence of Parliament; the electoral reform measures for both this House and the Legislative Council; the means best suited to be adopted by the Parliament to look at parliamentary committees, question time, and the manner in which departments and agencies report to Parliament; the accommodation of the right of the public to make representations; and the other matters listed in the table. Those 15 matters were transcribed from the commission's report on the understanding that they were matters on which the commission could not finally reach conclusions, although the Royal Commission did indicate how those matters should be considered.

The Government believes that although a number of other matters could usefully be referred to the Commission on Government, and we outlined them in our response to the second report, this is the most appropriate point for the commission to undertake its work. We must be careful, since the recommendations of the Royal Commission and the Commission on Government Bill contain a two year time frame, not to set up a body which would seek, in a

sense, to usurp the conventions of the Parliament and the Parliament's own deliberations, and to conclude those matters which have not been concluded before the Royal Commission. To the extent that members opposite want to add to those 15 matters, they would basically be adding matters that certainly might entertain them but are not ones which the commission found necessary to be examined further. We have desisted from adding to that list on the basis that those 15 terms of reference are quite enough work for a commission, even with a two year time frame, particularly when one of those matters is absolutely fundamental to the operations of the Parliament and the State - namely, the question of electoral reform - and others relate to the operation of the Parliament.

I add in parenthesis that the commissioners' recommendations were designed carefully to ensure that the Commission on Government will not be a creature of the Executive, nor of the Parliament. It is required to be appointed by the Executive and it is required, to some extent, to answer to a committee of the Parliament, but it is meant to be independent of both. That point seems to have escaped members opposite. That is why we have not sought to intervene by adding additional matters here that we might think would be interestingly assessed by the commission but which have not been judged by the Royal Commission to pertain to its terms of reference and to be likely to provoke the sort of debate that is necessarily somewhat separate from the Executive and the Parliament. Many of these matters are ones about which members of Parliament have strong opinions, but the Commission on Government is designed to get the opinions of people other than the Executive and members of Parliament, because finally we will have to take the necessary action, following the recommendations of the Commission on Government. We are not required to abide by its recommendations; the Parliament will retain its capacity to act, and presumably in some cases the Executive will retain its capacity to act. However, following a careful assessment by the Commission on Government, which I assure members opposite will comprise people who will be acceptable to all parties, and we would not do otherwise -

Mr Cowan: Oh yeah!

Dr LAWRENCE: The deputy leader of the coalition should ask himself whether, when we appointed the Royal Commissioners, we sought to appoint people who were sympathetic to the Labor Government or to the Labor Party. The answer is no.

Mr Cowan: That is a matter of opinion.

Dr LAWRENCE: I am interested to hear that comment. That is the first time that has ever been said in this place.

Mr Cowan: It is a matter of opinion. Of course it is a matter of opinion.

Dr LAWRENCE: I am suggesting that this is the first occasion that I have heard anyone suggest that the commissioners could be described as partisan, as the deputy leader of the coalition is suggesting they are.

Mr Cowan: All I am suggesting is that it is a matter of opinion.

Dr LAWRENCE: It is not the member's opinion?

Mr Cowan: No, but a number of people have suggested that.

Mr Court: Ask the member for Eyre what he thinks.

Dr LAWRENCE: We intend to operate in the same way in this case.

The CHAIRMAN: Order! I point out that we are debating only the deletion of three words.

Dr LAWRENCE: The Government believes that it is important to give the Commission on Government a manageable task which flows from the Royal Commission reports I and II; and it is precisely those matters which are referred to in this clause of the Bill. It may be convenient for the Opposition to seek to insert the question of collective and individual ministerial responsibility, but I again draw the Opposition's attention to the conclusion reached by the Royal Commission, which may not suit its purposes, but which states clearly that it is a matter for the Parliament, not for the Commission on Government, and ultimately a matter for the people. It is not a matter which can be assessed by an outside body and then recommended to the Parliament or to the Executive in the way in which some of these other matters can. Therefore, without my being oppositional about it, we have taken the view that there are matters which we might refer to the Commission on Government, but we have

desisted from including them. We have included only those matters referred to by the Royal Commission. Therefore, we are not prepared to accept the amendment because were we to accept it, the Commission on Government would be a body that would go on forever and decide nothing as we added more and more to its agenda and made its operations less and less likely to reach a favourable outcome.

Mr COWAN: I am very disappointed in the Premier's remarks. Nobody would accept that the Royal Commissioners' recommendations must be followed implicitly, as the Premier appears to indicate they should. The commissioners made a number of recommendations which need not necessarily be put before the Commission on Government. Perhaps the best example of that is recommendation 5.4.4 which reads -

> The Commission on Government inquire into the means best suited to be adopted by the Parliament to bring the entire public sector under its scrutiny and review. In this, particular regard should be had -
>
> (a) to the use of parliamentary committees for the purpose;
>
> (b) to question time; and
>
> (c) to the manner in which the departments and agencies of government should be required to report to the Parliament.

Question time does not have to be the subject of review by the Commission on Government.

Mrs Edwardes: The Government could do it for itself if it wanted to.

Mr COWAN: Indeed. The Premier has claimed some credit in following the recommendations of the commissioners implicitly, and that all these matters should be investigated by the Commission on Government, yet the Premier has rejected our proposed amendments to insert other issues for examination. At the same time as arguing the merits of following the recommendations of the commissioners, the Premier is not prepared to turn question time into a forum which would respond accurately to the recommendations of the Royal Commission.

It may be better for the credibility of her Government that she continue to say that she accepts the recommendations of part II of the Royal Commission report, and that on the eve of the Parliament's retirement she has introduced legislation and expects it to be passed. However, the Premier does not give a continental about the way in which her Government - and she particularly - performs at question time! How can people believe her? She says that the Government is following the recommendations of the commissioners and that their reputation is such that they must be followed, yet she takes no notice of those recommendations when it is in her power to correct the situation without reference to the Commission on Government.

Nobody in this place has to be told that question time is a farce, and the largest contribution to that situation comes from the Government. This has two causes: First, the answers given to questions and, second, the fact that most questions have been preordained by the Ministers being asked the questions.

We have been told that the Royal Commission wanted a Commission on Government to investigate certain issues, and the Government has told us that we must follow the recommendations implicitly without changes to those recommendations, so why is the Premier not prepared to institute -

Dr Lawrence: What recommendations are there regarding question time?

Mr Court: The first recommendation is that you should tell the truth!

Dr Lawrence: I do every day. If you are suggesting otherwise, you are being unparliamentary.

Mr Court: The report says that you didn't tell the full story.

Dr Lawrence: Not me.

Mr Court: I'm talking about your Government.

Dr Lawrence: Be careful. The observations about question time are vague and broad.

Mr COWAN: I wish I could find the references -

Dr Lawrence: You will not find any apart from the reference to the Commission on Government.

Mr COWAN: I am sorry; the reference to question time makes it clear that the commissioners regarded question time with some disdain. It refers to the need for question time to have some capacity to provide accountability. With all due respect to the Premier, question time in this place is a disgrace, and the Premier has done nothing about it!

Dr Lawrence: The report reads, "Because this is a matter of fundamental importance to the public itself, and because it is one which affects the Parliament, it is not a review which should be undertaken by the Parliament."

Mr COWAN: I am not asking the Premier to review the situation; I am asking her to correct what is obviously wrong. She should turn question time into an opportunity for Ministers to provide information to members of Parliament and through them to the public. That is not a big ask; does the Premier believe it is?

Dr Lawrence: We do it every day. With questions on notice, when one has an opportunity to check details, we carefully and conscientiously answer questions.

Mr COWAN: I have been here for some time and I recognise - as the Premier probably knows - that one of the most unfortunate aspects of questions without notice is that it was not this Government or any previous ALP Government which turned question time into a farce; it was a Government of my political ilk. That is something we have regretted for 10 whole years. However, when we attain the Government benches question time will be returned to a forum in which members of the public can expect their elected representatives to obtain answers rather than the rubbish this Government dishes up every afternoon.

The Government expects us to accord it some credibility regarding the implementation of the recommendations of the Royal Commission's report, yet the Government's performance regarding accountability is lamentable. Until the Premier deals with those matters, no-one will believe her when she says that she is acting because of her desire to implement the recommendations of the Royal Commissioners. The Premier has the ability to implement some of those recommendations without putting them before the Commission on Government. I am sure the Commission on Government would be delighted to receive a submission from the Premier.

Dr Lawrence: And from you. You are the one complaining about it.

Mr COWAN: Hang on! The commission would be delighted to receive a submission indicating what the Government had done since part II of the Royal Commission report was published. The submission could outline how the Government has toned up question time and provided access to information for members of Parliament; it could explain what has been done with the Government Media Office and the rules applied to it; and it could outline action to be taken with Government advertising during the next election campaign.

Dr Lawrence: There are no advertising campaigns for the election period.

Mr Court: You said that last week and three full page advertisements appeared in the newspaper. One explained that the Minister for Water Resources' band was playing at a water concert.

Mrs Edwardes: The Premier says that because the election campaign period does not begin until the writs are issued. Again, the Premier is using a half truth. The Government does what it can get away with.

The CHAIRMAN: Order!

Mr COWAN: Two issues arise from this matter: Firstly, the Premier has the capacity to address a number of the recommendations outlined in the second report of the Royal Commission.

Dr Lawrence: If you believe there are problems with question time, what changes would you make to the behaviour of your members in asking questions? Should we refer to the Commission on Government the matter of the way in which questions are put? Also, it is better to have independent observers conducting the review rather than politicians acting on a political basis. In that way the review will reach an unbiased, considered conclusion.

Mr COWAN: The first thing I would do is get rid of the practice of every second question coming from the benches of those members of this Parliament who support the Government.

Dr Lawrence: That is a convention in every Parliament in Australia, for goodness sake!

Mr COWAN: I might quote to the Premier her own Deputy Premier, "You asked the question, I am now giving you the answer; if you don't like it, it is too late." The second thing the Premier should do is make sure Ministers give a clear, concise answer. How many times when the Premier has read out her answers - she should be honest, if there is some honesty left in her - have they been clear, concise and not the long winded drivel they usually are? That is exactly what they are. I refer now to the Government media office.

Dr Lawrence interjected.

Mr COWAN: I am still awaiting the Premier's answer. The Premier acknowledged that the question was asked, but she did not give an answer.

Dr Lawrence: I did not have time.

Mr COWAN: This Government has the capacity to do something about a number of issues raised in the second report of the Royal Commission. The Government's response to those issues has been zero; it has done nothing about question time or about the Government Media Office. I suggest the only thing the Premier will do about Government advertising is increase the level of advertising between now and the date of issue of the writs. The Premier may fool some people; she may even get a sympathetic or considerate Press, but that will not fool anybody, particularly when she says that the Government is prepared to support only those recommendations that the commissioners made. I have just pointed out that she has not supported them at all. It would be proper and appropriate for the Government to look at other issues which the commissioners did not address. We are allowed to speak three times during the Committee stage, so I will deal with those other issues during my second or third opportunity to speak. This is a critical issue. Parliament needs to be able to determine matters which can be referred to the Commission on Government for investigation and report. It does not necessarily have to implicitly follow the recommendations of the commissioners. The Premier has not followed the recommendations of the commissioners in those areas in which it is her capacity to do so. The Opposition thinks that by the same reasoning the Commission on Government could be told to investigate a number of other issues which the Opposition regards as important and which I can assure the Premier the electors of this State see as very important.

Mr THOMPSON: I listened with interest to my colleague, the Leader of the National Party. Other than myself, he is the longest serving member of the Parliament currently in this Chamber.

Mr Cowan: The member for Vasse is.

Mr THOMPSON: The member for South Perth has served longer, but he is not here; I am talking about people present tonight. I would have thought his memory of the evolution of question time in this Chamber was a little more lucid than the speech he made indicated. When I occupied the Chair as Speaker of this House I recognised that the way in which question time was handled at the time was an absolute nonsense. For those who were not here, every question on notice was answered in full by each of the Ministers to whom those questions had been asked. When I was first elected, the late Sir David Brand encouraged members of the Opposition to have a few questions on the Notice Paper for the first day of sitting and on each of the other days of sitting. In those days 30 questions were regarded as a reasonable number to have on the Notice Paper. At the commencement of business each day the Speaker would call questions which were numbered from, say, 1 to 30, or whatever happened to be on the Notice Paper of that day. Questions these days are numbered consecutively throughout the session, but in those days they were not. The Speaker used to invite the Minister to whom the written question had been directed to rise in his place and read the answer to the question prepared for him by his departmental officers. That situation was fine until I became the Speaker. We found then that from 70 to 100 questions were on the Notice Paper each day.

At that time there was no Standing Order which gave recognition to questions without notice. I think that is still the case, although there may be now. However, members should not think my argument any less valid if that is not the case. It was something which the Speaker

tolerated. Generally, two or three questions without notice were awarded to the Leader of the Opposition. No other member had the right to answer questions without notice. I had visited a number of Parliaments by the time I became the Speaker which caused me to realise that question time in this place was an absolute joke. I therefore initiated a reform which eliminated the Ministers' answering questions on notice and in its place I allowed there to be a number of questions without notice. I set the time, I think, at 20 minutes. I recognised members of the Opposition who could ask questions. No questions without notice were asked by Government members. It was not until some smart arses joined the conservative Government that question time in this place became prostituted. It was not this Government that did that.

Mr Cowan: That was what I said; I did not quite use your colourful language.

Mr THOMPSON: It was not this Government which initiated the dorothy dixers, it was the Ray Youngs, the Cyril Rushtons, and the Ray O'Connors. To his credit, it was not Sir Charles Court, although he was the leader of the party at the time.

Mr Clarko: There were not too many of them.

Mr THOMPSON: No, but that Government initiated them. It was not the Labor Party which initiated the dorothy dixers and long winded answers, it was the conservative Government. However, the Burke Government honed them into an art form. That Government dominated question time to the detriment of this Parliament. Those on this side of the House should not beat their breast and say, "We are holy; we did the right thing."

Mr Cowan: We do not say that.

Mr Court: You missed the first part of his speech. He made the point that you have just made.

Mr THOMPSON: I am making it again. There are people on this side of the House who keep punching their chests over their hearts saying, "We were holier than thou." There must be a return to the form of question time that was initiated when I was the Speaker. It was not because of me that question time was effective; it was because of the honourable way in which members in this House were prepared to act. We must return to those days; get rid of these dorothy dixers; get rid of these long winded answers. In fact, when I was Speaker I was somewhat embarrassed because I could not shut up people such as the late Cyril Rushton who would go on for extremely long periods, up to 10 minutes, when giving answers.

Mr Cowan: Could I tell the story about the time he took 19 minutes to answer a question. Someone stood up and told him that it was a pity that Australia did not have a competition for sidestepping because the House had just seen the gold medallist in action. He holds the record for the longest answer.

Mr THOMPSON: He does, indeed. That was when the abuse of question time commenced. It is to the detriment of this Chamber that members of Parliament have allowed this to continue. This present Government has an obligation, in my view, to return to a more appropriate form of dealing with question time. Those in Government do not have much of an opportunity in these dying moments, but I hope they will.

The CHAIRMAN: Before this debate goes any further, I point out that we are debating whether three words in line 5 of clause 5 should be deleted. So far as I can determine, whether question time is being abused has very little to do with that amendment. Question time will be referred to the commission regardless of the result of that amendment. I draw the member back to the amendment.

Mr THOMPSON: Mr Chairman, you are right. These things should be referred to the commission. I refer to something my colleague the Leader of the National Party said with respect to advertising. The first Minister of the Crown who advertised extensively in his capacity as a Minister of the Crown, including a smiling photograph of himself, was Hon R.G. "Call me Bob" Pike. That is another example of where Government advertising was inappropriate. The Burke and Dowding Governments in lead-ups to elections in the past misused the States resources under the guise of ministerial activity deliberately to promote their candidature, their party and those who stood under that banner. Having heard the remarks of the Leader of the National Party - I concede that I was not here for the early part of the debate - I thought I would give a little history lesson.

Mr DONOVAN: By way of prefacing my remarks on the amendment, I would like to correct the member for Darling Range. Breast beating does not go with the statement about being holier than thou; it is an old Christian tradition that goes with "Mea culpa, mea culpa", which means "Through my fault".

It worries me that we are making very slow and painful progress on this legislation tonight. I foreshadow the subsequent two amendments because I am conscious of the Premier's reply when she commented on these amendments. The amendments before us are in two groups: Those which clearly seek to gain an advantage for the Opposition, should it win Government - we have dealt with two of those already - and those that may offer some constructive improvement to this Bill. This amendment may fall into the latter category. I ask the Premier to take another look at it, notwithstanding that it was given to the Chamber only this afternoon. Would that they had come earlier, but they did not.

It may be that there are areas before us - this is only one of them - that will add some value to the Bill and reduce the number of objections to it. I would be very grateful to see the number of objections to the Bill reduced and that such a reduction hopefully might be reflected in the Bill's consideration in the other place later. The value of this amendment is that it broadens the functions of the commission to require it to inquire into matters specified in the table of this subclause, being matters referred to in part II of the report of the Royal Commission.

The Leader of the Opposition, who will move these amendments, has tried to make the point that the matters go beyond part II of the report and should not be seen to constrain it. If that is so that is important and this amendment falls into the category of improvement to the Bill, rather than advantage to the Opposition. In that respect I urge the Premier to have another look at the amendments - I know there is not much time in which to do that - so that we do not overlook the improvement of the Bill when we throw out the bath water of Opposition advantage.

Mrs EDWARDES: This amendment relates to clause 5(1) which deals with the functions of the commission and the table which deals with other aspects. In chapter 7 of part II of the report the commissioners refer to the establishment of the Commission on Government and to a number of matters which have been included in the table. However, they say that the commission, in accordance with the recommendations in this report, should inquire into a number of matters. The report goes on to say that they are noted in short form. If we go through each of the points, we will find two others which were included in the body of the report have been added to the table, which were not noted in short form. It is not that these points should be considered as being exhaustive; rather they are illustrative of the types of matters which the Commission on Government is required to look into but not be limited to.

Paragraph 7.2.4 states that the commission should inquire into a number of matters, not only into those matters which we will prescribe in this legislation. This Commission on Government will be a child of the Royal Commission reports, per se, and it should be given the opportunity to address any issue, particularly if there are matters that this Parliament feels should be included. The commission should accept that those matters set out in short form are not the only ones it should inquire into.

Point 11 in the table comes out of paragraph 5.7. It is not referred to in chapter 7. Point 15 comes out of paragraph 5.7 and is not referred to in chapter 7. There are other matters which are included in this report but that is not to say that the inquiry should be limited to those which are included.

Division

Amendment put and a division taken with the following result -

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Ayes (23)

Mr Ainsworth	Mr Court	Mr McNee	Mr Trenorden
Mr C.J. Barnett	Mr Cowan	Mr Minson	Dr Turnbull
Mr Blaikie	Mr Donovan	Mr Nicholls	Mr Watt
Mr Bloffwitch	Mrs Edwardes	Mr Omodei	Mr Wiese
Mr Clarko	Mr Grayden	Mr Shave	Mr Bradshaw *(Teller)*
Dr Constable	Mr Lewis	Mr Strickland	

Noes (25)

Mr Michael Barnett	Mr Graham	Mr Pearce	Mr Troy
Mrs Beggs	Mr Gordon Hill	Mr Riebeling	Dr Watson
Mr Bridge	Mr Kobelke	Mr D.L. Smith	Mr Wilson
Mr Catania	Dr Lawrence	Mr P.J. Smith	Mrs Watkins *(Teller)*
Mr Cunningham	Mr Leahy	Mr Taylor	
Dr Edwards	Mr Marlborough	Mr Thomas	
Dr Gallop	Mr McGinty	Mr Thompson	

Pairs

Mr Fred Tubby	Mr Ripper
Mr MacKinnon	Mrs Henderson
Mr Kierath	Mr Grill
Mr House	Mr Read

Amendment thus negatived.

Mr COURT: I move -

Page 3, after line 14 - To insert the following -

2. The conventions and doctrines of collective ministerial responsibility and individual ministerial responsibility.

I made some comments on this subject earlier. Part II of the Royal Commission report states that collective responsibility is generally understood to require that all Ministers should support in public the policies agreed to in Cabinet. Is that the Premier's understanding?

Dr Lawrence: The principle is that once Cabinet has made a decision all members of Cabinet are required to represent that as the position of the Government.

Mr COURT: Does the Premier support it?

Dr Lawrence: That is what it means and that is what I understand it to mean. If you read my submission to the Royal Commission, it is what it says as well.

Mr COURT: Again the Premier will not give a straight answer.

Dr Lawrence: I would not be saying that is my view of events if I did not support it. I am giving you a straight answer, but you cannot hear it.

Mr COURT: I can hear the Premier very well, but if that is what she supports -

Dr Lawrence: I do not support your view that if an individual Cabinet Minister make a decision all members of Cabinet are responsible for that decision.

Mr COURT: I am saying if Cabinet makes a decision, not an individual member of Cabinet. The Premier should stop skirting around the issue.

Dr Lawrence: The commission says all members of Cabinet are required to make a decision. You are trying to make it something else and that has always been the problem of members opposite.

Mr COURT: The Opposition is not trying to make it something else. The Premier is skirting around the issue and now she is leaving the Chamber.

Mr Taylor: The Premier will be back shortly.

Mr COURT: I will argue with the Deputy Premier. I am sure he agrees with the concept that if Cabinet makes a decision and he does not agree with it and he is not prepared to resign he should publicly support it.

Mr Taylor: Correct.

Mr COURT: Therefore, when Cabinet Ministers became involved in all the deals which had the approval of Cabinet, all of them accepted collective responsibility for those decisions.

Mr Taylor: The Royal Commission did not find that.

Mr COURT: The Deputy Premier is too smart by half.

Mr Taylor: That is what you wanted to happen and you were disappointed when it did not.

Mr COURT: Not at all. The Royal Commission clearly defined collective responsibility.

The Royal Commission also states that if a Minister has acted improperly in giving wrong information to other members of the Cabinet, Cabinet cannot be expected to take responsibility for that action. Leaving aside the question of one of the Cabinet Ministers acting improperly, the Opposition and the media were spelling out in detail the events that were taking place in the 1980s. Cabinet was well informed of what was taking place, yet not one Minister had the courage to resign from Cabinet and explain to the public the reason for his resignation. It does not matter how Ministers opposite squirm and try to get out of it, they must all accept responsibility because they decided to stay on as members of Cabinet even though what was taking place was publicly disclosed. Not one member of Cabinet bothered to question what was taking place. That is the reason the Opposition believes it is very important that this amendment be included in this Bill.

In paragraph 4.2.8 the Royal Commission, when referring to the question of the operations of Cabinet, states that the most remarkable feature in all of this is that at the very time Cabinet and its procedures were being neglected the Ministry of the Premier and Cabinet had issued and reissued detailed guidelines to assist Ministers. We had a crazy situation where Cabinet was completely ignoring the guidelines and the Royal Commission describes Cabinet as a subcommittee of Caucus. In other words, Cabinet Ministers threw all the conventions out of the window and they ran Cabinet their own way. Of course, we have seen the consequences.

Mr Donovan: Last week you said lucidly that the reverse was the case.

Mr COURT: I am referring to Cabinet's record keeping and the like. It is an absolute joke. For that reason the operations of Cabinet have certainly highlighted the need for people to have a better understanding of its responsibilities. If Cabinet Ministers are not prepared to accept their responsibilities under our system, who will? It is the end of the line and that is where the system broke down. I ask members to support this amendment.

Mr CLARKO: The amendment moved by the Leader of the Opposition relates to collective and individual ministerial responsibility. It is important to note the advice given by Professor Boyce from Murdoch University as reported in *The West Australian* on Thursday, 26 November this year when talking about the second report of the Royal Commission and ministerial responsibility. He referred to associate Professor O'Brien quite clearly and deliberately as follows -

> Professor O'Brien is wrong to claim the second report recommended against collective Cabinet responsibility.

Dr Lawrence: Read some more.

Mr CLARKO: I am quoting this. If the Premier wishes to stand and make one of her mouse that roared speeches she should do so. Professor Boyce said that Professor O'Brien was wrong to claim that the second report recommended against collective ministerial responsibility. It seemed to me that he was saying that the report did not recommend against collective ministerial responsibility but favoured it. Irrespective of whether the Premier wants me to read on, I will. The article continues -

> Collective responsibility and individual ministerial responsibility are vital conventions in responsible Government (i.e. the Westminster system) -

Mr Court: Except with the Labor Party in this State which has a different set of rules.

Mr CLARKO: That is correct. This Government has a different set of rules. It puts special arguments against this amendment with which Professor O'Brien agrees. I refer members to chapter 4 of the second report of the Royal Commission under the heading "Integrity in Government", something to which this Labor Government has been diametrically opposed since 1983. At 4.2 the report states -

> Cabinet is a distinctive institution in our system of responsible Government.

It continues later -

> The conventions which have attracted most attention in discussions on the relationship between cabinet and Parliament are those relating to individual ministerial responsibility and, as well, those affecting the collective responsibility of the cabinet.

The commissioners say that these are the things that attract the most attention. If the report

says that this issue attracted the most attention, why is it not included in the rules, guidelines and terms of reference of the Commission on Government? It is asinine of the Government not to do so having spent months and months looking at what happened and after the commissioner saying that they attract the most attention in discussions. Surely that is a matter at which the Government should have a further look. What has the Government to hide except its deplorable way of running Cabinet? The report continues at 4.2.2 -

> In each case, parliamentary practice and scholarly interpretation alike reveal a diversity of views extending to fundamental disagreement.

If that is the case, what is the basis of the Government's saying it will not have this amendment in the legislation? The report states it is a fundamental disagreement, yet the Premier seeks to argue to not include this worthwhile examination of Cabinet responsibility in the legislation.

Mr Thompson: Is the member saying is that if someone is in fundamental disagreement with what Cabinet is doing he or she should resign and state publicly why?

Mr CLARKO: I am one of the few people on this side of the House who was in Cabinet. The member for Darling Range should have been there many years earlier than I was, but was not. I was there for a year, and my understanding was quite clear. As a former lecturer in politics I knew that if Cabinet decided on something with which I disagreed I had to stand - and the member has seen me do this many times in the party room and knows that I have the character to do so - and say that I did not agree so I must go. If the member had been in Cabinet and an issue arose with which he fundamentally disagreed he also would have stood and said he had to go. The whole system of Cabinet government requires a Minister to do that. There are other variations.

Mr Thompson: I am glad the member clarified that, because I have a little more history for him in a moment.

Mr CLARKO: I am happy to hear that. That is a fundamental thing. People in the present Government have said they could not go along with certain happenings and they had to quit. That is the only way to deal with Cabinet responsibility. Cabinet is one group, it is the bundle of sticks that Mussolini talked about, the quintessence of fascism, that people stand together and that one stick can easily be broken. I used to say repeatedly to Arthur Tonkin that fascism and members opposite were the same and that they were all socialists together. Hitlerism was despised and thrown out. That was allied to the thinking of members opposite because they were nationalist socialists. The socialism of Mussolini was despised. I used to give such speeches when I came into this Parliament and Arthur Tonkin would have a fit when I allied the Labor Party to fascism and Nazism. Communism is another form of socialism. The three of those have collapsed and this Government is the last to go; in a couple of months socialism, which began in 1796, if my memory serves me well, will be gone when this Government goes, at least in this part of the world.

Dr Gallop: Was that the Old Testament?

Mr CLARKO: That was not called socialism. I would not for one moment, knowing the way members opposite have behaved for the past decade, identify a socialist with either the Old or New Testament. The report continues for several pages about Cabinet and its procedures and expresses various points of view. I am sure that with your learned background, Mr Chairman, you would agree with some of the points made and would not agree with others. What I believe you would say, as a former academic, when you looked at this part of the report, is that it demands further examination and investigation. If the Cabinet system of Western Australia is not to continue as it was previously, we should revise it. If members then feel that way, and I believe it is the only way they can feel if they cannot lightly accept or reject this amendment, they must concur with the amendment moved by my colleague.

Mr DONOVAN: I will argue briefly the merits of the argument that this amendment should be included in the table describing the functions of the commission rather than talking about the history of the Soviet Union or other Governments leading up to the labelling of this Government as the last socialist bastion. It was an interesting analysis. Simply put, this amendment seems to improve the Bill because it requires the commission to look at the issue of collective ministerial responsibility versus individual ministerial responsibility in his or

her established duties. It seems to improve the Bill in contrast to those amendments that seek to keep the appointment of the commission until after the election to suit certain political agendas.

Mr THOMPSON: The member for Marmion has prompted me to say one or two things about fundamental disagreements. In his experience and mine, when we were in Government, on a number of occasions we were aware of people who had fundamental disagreement with what the Government was doing. On one memorable occasion, the member for Marmion, with me and the now President of the Legislative Council, stood out against a Government which determined it would forcibly remove some physically and mentally handicapped children from a place called Tresillian in Nedlands at a time of significant public controversy over that proposal. In my view it was an example of what should happen within a political organisation. However, one cannot ignore the fact that that occurred at significant cost to the member for Marmion, Hon Clive Griffiths and me. As a result it is very hard to understand how people can say - as they are saying during the course of this debate - that people should stand up and oppose the party of which they are a member, when they have a fundamental disagreement. I have always done that, and that has been my strength. Had I been a weak-kneed, jelly belly member who went along with everything that happened, I might have been replaced in the seat of Darling Range by many and various people who would have liked to see me rolled for preselection. On two or three occasions during my career those endeavours were made but I made myself impregnable because I generated a fair amount of support across the political boundaries. More of that should be displayed in politics than is the case. The fact is that most people go along with what the party wants for fear of reprisals that will result if they stand out.

Hon Derrick Tomlinson showed some favour to the person who is now the member for Floreat and he was unceremoniously dumped from the position of first place on the ticket for the East Metropolitan Region because he had the temerity to have a fundamental disagreement with his party. One cannot have it both ways. In my experience a number of controversial issues have arisen under Governments of which I have been a part. Another example was the Electoral Act Amendment Bill which became a significant matter. The 1977 election resulted in a close call for the seat of Kimberley; the present member for Kimberley was the opponent of Alan Ridge who was the incumbent member. It was a pretty close call and accusations were made after the election of malpractice by both the political parties involved in the contest. It resulted in the present member for Kimberley taking a case to the Court of Disputed Returns. All the evidence before that court indicated that there had been some high jinks by the Liberal Party. I was aware of some severe allegations about the activities of the Labor Party but the Liberal Party decided that it would not submit that as evidence in the court because to do so would certainly result in a fresh election. The Liberal Party deliberately refrained from submitting evidence of malpractice on the part of the Labor Party. While the considerations of the Court of Disputed Returns were going on, the Liberal Party Government introduced a Bill in the Legislative Council which passed through that place, the central thrust of which was to deny the right of Aboriginal people to vote. It was not until that Bill arrived in this place that the community woke up to the fact that it was a rort. I remember the date very well; it was 15 November 1977. Between 7 000 and 8 000 people paraded in protest against what the Government was up to. As it happened, the Bill went to the vote at about 6.15 that evening and four members of the then Government party, members of the National Party who were not Ministers - and six members of the National Country Party were Ministers - and the other four crossed the floor.

Dr Tom Dadour walked from the Parliament which gave me, as Speaker, a casting vote. I defeated the legislation. That took a little doing but it was a demonstration of what should have been happening during the period of this Government when people should have had the courage to stand for what they believed and to accept the consequences that flowed from it. It is easy for people in hindsight to consider what has gone on in the Labor Government over the last 10 years, and say that at a certain point this Minister should have resigned or that at another point another should have resigned. However, it is difficult to achieve that because the argument is always advanced - as it was to the member for Marmion - that if one does not like something one should cop it for the sake of the party and not upset the vote.

Mr Court: If impropriety were involved, and if you heard the Opposition saying that the purchase by the SGIC of the Bell Group shares was against company law, would you not make further inquiries and find out whether it was legal when it was being debated?

Mr THOMPSON: Because of my nature, I would have, but I recognise that many members of the party that the member now leads have sat on their hands and bitten their tongues rather than speak when they should have, simply because it would have damaged their prospects in future.

In this place we need more people who are less inclined to want to hang on to their positions in Parliament; people should accept more responsibility and stand up for what they believe to be right. There is too much dominance by the party of people in the system. Until we can gain acceptance by the political machine that there must be more freedom within the parties, it will not matter what sort of pious statements people make, or what sort of doctrines to which people say we should adhere. Until we have people with enough moral fibre to stand up, and parties which are prepared to accept that individuals within a party have the right to hold out because they conscientiously believe that what the party is doing is inappropriate, we will not have any fundamental change in the system. We need a significant reduction in the authority that the political parties hold over people. Until that occurs we will not get the sort of Government and Parliament that we all think we should have.

It is easy to examine the reports of the Royal Commission and say that the commissioners should have done this or that. It is a political fact of life that some people in the system will act on the basis of self-preservation and be less inclined to stand for that which they believe to be correct if parties exercise a discipline that certainly the Labor Party traditionally has exercised over its members, but which the Liberal Party, to its discredit, recently has shown a propensity to do. I have never known the Liberal Party to pursue with such vigour people who hold a contrary point of view, not necessarily to that of the party but in some cases to that held by particular factions in the party.

A lot of hostility was generated in the Floreat by-election, and long after that event people were being pursued because they had shown some propensity to support my colleague, Dr Constable, who now sits in this place as the member for Floreat. The dominance of political parties has given rise to the number of Independents in this Parliament. It was partly because the Liberal Party tried to exert that dominance over me that I left the Liberal Party. It certainly was because of the dominance of the Labor Party that the former member for Ashburton, the late Pam Buchanan, the former member for Geraldton, Jeff Carr, the member for Perth and the member for Morley resigned from the party. They were not prepared to be subjected to the sort of treatment that their party was prepared to mete out without any recognition of the individual by some people within those parties. Both parties have been guilty in believing that the party interests were best served by the sort of action that was taken by those parties against individuals. I hope that in the next Parliament that is elected political parties will recognise that they endorse people to be candidates, but the candidates are elected by the total electorate. At its zenith, the Liberal Party in the seat of Darling Range could muster no more than 200 financial members; that is an electorate with 20 000 electors. Although I recognise the responsibility that I had to those 200 Liberal Party members, I was also conscious that my principal responsibility was to the 20 000 people who elected me. It can be refined down even further: Of the 200 people who made up the financial membership of the Liberal Party in that area, 20 people were the movers and shakers. The other 180 paid their subscriptions and never went near the party. The result was 20 sycophants who determined the destiny of the seat of Darling Range.

Mr Wiese: You are being very uncharitable to those people.

Mr THOMPSON: I might be, but that applied to the majority of them.

Mr C.J. Barnett: I assume that in previous years you believed they showed great judgment.

Mr THOMPSON: I always recognised, and I told them, that my responsibility was not just to the Liberal Party but also to the 20 000 electors in the seat of Darling Range; and when it was a country seat, to the 10 000 electors I represented, They always accepted that. On the occasions when I went against the party, they always supported me. That was what made me impregnable; the heavies in the party were not able to take me on because they knew I had the overwhelming support of my area. More people should stand up for the interests of the wider community, not ignoring the position of the party, but not accepting that the party is supreme; because the party is not supreme in our system, the electorate is supreme.

Dr LAWRENCE: I made these points in relation to the first amendment which has been

defeated. The Government does not accept these amendments, not because it is not a matter of considerable concern as shown in debate this evening, but for the simple reason that when this Bill was prepared, rather than enter into controversy and include matters that the Government thought might be interesting, the Government restricted itself to all those matters explicitly referred to the Commission on Government by the Royal Commission in its second report. The member for Kingsley suggested these matters were not the total offered, but as far as we have been able to glean they are all those matters that were referred to the Commission on Government for consideration, and I have checked on this during the course of debate. This is a vehicle which provides for a degree of independence from the Parliament and the Executive. The question of collective responsibility is referred to in the commission's report. The commissioners do not apparently see the need to take it further because they understand it is a matter of convention and practice rather than some formal requirement. The Cabinet is not a legal entity; as I am sure members understand, it has developed over a long period from practice in the Westminster system. Our understandings about collective responsibility are bound to differ, but the Royal Commission has clearly said that it is a matter for the Parliament and the people and has therefore not referred this specific matter to the Commission on Government, and I intend to continue with the line outlined in my earlier speech on this matter.

Division

Amendment put and a division taken with the following result -

Ayes (24)			
Mr Ainsworth	Dr Constable	Mr Lewis	Mr Strickland
Dr Alexander	Mr Court	Mr McNee	Mr Trenorden
Mr C.J. Barnett	Mr Cowan	Mr Minson	Dr Turnbull
Mr Blaikie	Mr Donovan	Mr Nicholls	Mr Watt
Mr Bloffwitch	Mrs Edwardes	Mr Omodei	Mr Wiese
Mr Clarko	Mr Grayden	Mr Shave	Mr Bradshaw *(Teller)*

Noes (24)			
Mr Michael Barnett	Mr Graham	Mr McGinty	Mr Thomas
Mrs Beggs	Mr Gordon Hill	Mr Pearce	Mr Thompson
Mr Bridge	Mr Kobelke	Mr Riebeling	Mr Troy
Mr Catania	Dr Lawrence	Mr D.L. Smith	Dr Watson
Mr Cunningham	Mr Leahy	Mr P.J. Smith	Mr Wilson
Dr Gallop	Mr Marlborough	Mr Taylor	Mrs Watkins *(Teller)*

Pairs

Mr Fred Tubby	Mr Ripper
Mr MacKinnon	Mrs Henderson
Mr Kierath	Mr Grill
Mr House	Mr Read

The DEPUTY CHAIRMAN (Dr Edwards): The voting being equal, I give my casting vote with the Noes.

Amendment thus negatived.

Mr COURT: I move -

> Page 5, line 6 - To insert after "The" the words "role of committees on legislation including the".

This amendment relates to number 11 in the table. As it reads now, it states -

> The accommodation of the right of the public to make representations on legislative measures referred to parliamentary committees on legislation.

It is important that members understand the role of some of the committees of this Parliament because it has been the practice over the past 10 years to by-pass the scrutiny of Parliament. However, in the past couple of years a number of committees in both places have played a more active role. Many of the revelations of the WA Inc deals were possible only as a result of some of the work done by different committees in this Parliament. This is only a simple amendment. The Opposition does not see why the Government would not

support the functions of the commission's being expanded to include the role of the committees on legislation in addition to the access the public has to those committees.

Dr LAWRENCE: I am inclined to agree. Reading the sections of the report, it does not refer to the role of the committees and seem satisfied with that question. It refers to the accommodation of the right of the public to be part of that process; however, if that amendment makes members opposite feel more comfortable, I have no objection to that.

Amendment put and passed.

Mr COWAN: Part of this clause refers the electoral system for representation in the Legislative Council and the Legislative Assembly to the Commission on Government for its consideration. I am sure that matter will receive quite a bit of attention in not only this place but also the other place. The second report of the Royal Commission dedicated considerable time to the claim that the Parliament and the system of the election of members of Parliament were quite critical to the whole system of Parliament as we know it. The Opposition does not have any great argument with that. It believes that democratic principles are fundamental to the system we enjoy in Western Australia. However, many people in this State are concerned that whereas the first report of the Royal Commission identified improper conduct or impropriety on the part of Ministers, public servants and persons who were responsible for statutory agencies, the second report deals with ways and means of looking at the system to see whether it can be corrected. Everybody expected that was going to occur. One of the links that seems to have been tied in between the improper conduct or the impropriety of individuals in the first report, and which were referred to again in the second report, has been improper conduct and impropriety with the system itself.

The Premier is one of the people most responsible for trying to link in the concept that all of the improper activities of individuals is, for some inexplicable reason, the consequence of the system in place. I do not think too many people outside the Government and the Labor Party accept that proposition. Nevertheless, it has been widely canvassed. Like a limpet, the Premier stuck to the electoral processes in this State. Not only did she stick to them but also the people who hold that view for the philosophical ideals of the Labor Party agreed with her. That is the Premier's prerogative. One of the fundamental issues to be examined is not so much what the commissioners have reported about the fact that the electoral system is paramount to the whole parliamentary and democratic system. The Premier, her Government and her party have been keen to make that giant step across to the system itself being responsible for individual members behaving in an improper fashion or with impropriety. Therefore, it is appropriate that the Commission on Government, when it investigates the question of electoral systems in the Legislative Council and Legislative Assembly, clearly identifies whether the current electoral system for representation in both Houses - whether it be proportional representation in the Legislative Council or single constituency seats in the Legislative Assembly - or any part of that system can be identified as being responsible, as the Premier has alleged time and time again, for any impropriety, misdemeanour or misconduct as has been identified in part I of the Royal Commission's report.

The greatest disappointment of most people I know who have taken an interest in the Royal Commission and the reports of the Royal Commission is that whereas part I identified the improper conduct and impropriety - no-one disputes that - part II gave those people who were guilty of a misdemeanour or of improper conduct a let off. For some reason people such as the Premier were able to draw the conclusion that it was not the individuals who abused the system, but the system itself. Although that was a very tenuous argument, as I said earlier, the Premier latched on to it and stuck to it like a limpet. She has stuck to the proposition that it was not the individuals, not the people who allegedly misappropriated funds, not the people who kept Cabinet in the dark and not the people in Cabinet who did not want to know about these things when they should have insisted that they be told, but it was the system. I am disappointed about that.

Dr Lawrence: That is not correct. My response to the first report was to take necessary actions in relation to individuals who were seen as individually culpable and, in some cases, despite some modest criticisms of them, they were stood aside. The second report was about the weaknesses the Royal Commissioners had identified in the first report. We took quite explicit, direct and appropriate action following the first report.

Mr COWAN: The Premier might not be able to say that after the Director of Public

Prosecutions has had a look at the other report that we will never see. If the people who did all of the things referred to in the first report are prosecuted, the Premier might be able to make some claim that she has treated the first report seriously and that she is not using the second report as her escape route by saying that it was the system that was bad, not the individuals in it. The Premier cannot legislate for honesty. She cannot have committees investigating matters and then making recommendations about how we will turn members opposite into honest people because that does not happen.

Dr Lawrence: That does not need to happen. The people you are looking at across the Chamber are all honest.

Mr COWAN: Are they? I suggest it is not honest for people to hide behind the recommendations of the second report when individuals have conducted themselves improperly or are guilty of impropriety and where they use the recommendations of the second report to say to the people of Western Australia, "Do not blame us; let us focus all of our attention on the system so that all of the misdemeanours committed by these people disappear."

Mr WIESE: I am appalled at what the Premier is doing here tonight. She is hiding behind the Bill that she has brought to the Parliament and is refusing to go any way towards admitting that this is about 10 years of gross abuse of the parliamentary system. That has all been detailed in the first report of the Royal Commission. Having dealt with the first report, the Premier has had the nerve to introduce this piece of legislation into the Chamber after not allowing it to be debated in the public arena or even to be seen by the public so that they might have an opportunity to comment on it. She is attempting to bypass all public scrutiny that she is so keen on talking about and ramming it through the Parliament in its last three days.

Mr D.L. Smith: The Commission on Government will call for all of the public submissions it likes.

Mr WIESE: Exactly. We are in the process of setting up a Commission on Government and all of the suggestions put forward so far by the Opposition, many of which are a reflection of things being said in the community, are being totally ignored by the Premier. The Premier has accepted one very minor amendment. However, she is walking away from the real guts of what we are trying to set in place and trying to tell this Parliament that she is being accountable. She is ignoring what I believe are reflections of public disquiet and distrust put forward in the amendments. Worse than that, she is deliberately misleading the public by saying that she has already addressed the recommendations of the commissioners. One of those recommendations refers to pecuniary interests. That is an absolute joke because the legislation that this Government put through this Parliament was abysmal. It had openings in it that we could drive a D9 through and did absolutely nothing to ensure that pecuniary interests and accountability are addressed.

The other matter that she has talked about is freedom of information legislation. All I can say about that is to quote from paragraph 2.3.1. of the second report of the Royal Commissioners on official secrecy -

Mr D.L. Smith: Not on FOI.

Mr WIESE: I wish to read what was said about this matter by the Royal Commissioners into *Hansard* without interjections from the gentleman alongside me. The Royal Commissioners said -

> For those who place their faith in FOI legislation as in itself a sufficient means of securing open Government, we simply note that the form of legislation proposed in this State (as elsewhere in Australia) is compatible with the most illiberal of official secrecy regimes.

In other words, even the commissioners accept that what was put in place in this Parliament is totally meaningless. It was meaningless because major sections of the operations of Government and Government departments have been exempted.

Mr Donovan: The commissioners take the view that freedom of information legislation is not sufficient, but it is certainly necessary.

Mr WIESE: I will not interpret what the commissioners meant when they wrote that. I presume they meant what they wrote and did not intend us to interpret it.

Mr Donovan: They are not the font of all wisdom.

Mr WIESE: The Premier suggests that we are enacting this legislation because the commission is the font of all wisdom. Therefore, where does that leave the general public of Western Australia? A great many factors are not being addressed and unfortunately in speaking to this clause the Premier has closed her eyes and ears to the reality of the public opinion. The public will not accept that this clause addresses many of the factors about which they have a great deal of concern.

Mr COURT: I support the comments of the previous two speakers. The Government is conveniently forgetting the contents of those two reports by the Royal Commission. The Government is trying to give the impression that should the Commission on Government be established and look into the electoral system, that would solve the Government's political problems. As the Leader of the National Party said, the Government is trying to indicate that its lack of accountability and misdemeanours could somehow be overcome by a change in the electoral system.

Mr D.L. Smith: The truth is you would not give up a corrupt electoral system for anything.

Mr COURT: The Labor Party put in place the present system and made the last set of amendments to it.

Mr D.L. Smith: We got what we could from your upper House. It is still corrupt and you know it.

Mr COURT: What changes would the Minister introduce?

Mr D.L. Smith: One-vote-one-value.

Mr COURT: That is not what Labor members were pushing for last time the system was amended. The Minister knows damn well what happened at that time. One of its members resigned because the Government did not carry through with that.

Mr D.L. Smith: Nonsense.

Mr COURT: What did Arthur Tonkin do?

Mr D.L. Smith: I suggest you read the *Hansard* record of debates in another place. You used your corrupt numbers to perpetuate the system that was corrupt.

Mr COURT: What does the Minister mean by corrupt numbers?

Mr D.L. Smith: Under a corrupt electoral system.

Mr COURT: The Labor Government has just taken the State through the most scandalous period ever in its history. This State has had 102 years of responsible Government and only in the past 10 years have the scandalous dealings exposed by the Royal Commission taken place. However, Government members suggest that their behaviour is a result of the electoral system. They will not get away with it, although it is a good try. It is an absolute nonsense to try to give that impression.

Mr Thompson: They did not say it, the Royal Commission did.

Mr COURT: The Royal Commissioners have not said that at all. This Government is trying to latch onto one part of the recommendation that the overall system of Government and Parliament be looked into. The report contains comments about Ministers providing misleading information to the Parliament and outlines how they were doing that, yet the Government wonders why it ran into problems. Of course, at the end of the day, as we have said on many occasions, one cannot legislate for honesty. Any Government that is prepared to mislead and condone illegal activities, of course, will run into trouble and that is exactly what happened.

Clause, as amended, put and passed.

Clause 6: Reporting -

Mr COURT: I move -

Page 6, lines 9 to 11 - To delete the lines.

This clause refers to items 8 and 9, relating to the electoral system for the Legislative Assembly and Legislative Council, and contains a time frame of nine months, whereas the

rest of the legislation has a two year time frame. The commission should determine the period during which it will carry out its responsibilities. The Premier has said that a review of the boundaries will be undertaken and that is why this matter must be determined beforehand. Should the commissioners envisage a conflict in this area two years down the track, I am sure that they will deal with the problem in advance. It is their decision and it is unnecessary to provide this time frame within the legislation.

Dr LAWRENCE: The reason for this clause is quite clear; that is, to ensure, given the timetable of the proclamation of the Bill and the commencement of the Commission on Government, compliance with the Electoral Distribution Act which clearly specifies that -

> the State shall be divided into districts and regions in accordance with this Act as soon as practicable after the day that is one year after the polling day for the second of those general elections.

It would not be possible to accommodate the timetable about which the Leader of the Opposition is talking, if there were to be changes, for the election after this one coming. The net effect of the proposal by the Opposition would be to defer any electoral reform - and the assumption is there would be a recommendation and then some action by the Government of the day - to the year 2001. That is unacceptable.

Mr Court: Do not make things up.

Dr LAWRENCE: Not at all. If the commission did not report at the time specified in this legislation to enable the boundaries to be drawn on the basis of the new principles, it could not be enacted in time for the election in 1997 and would be delayed until 2001. The alternative is to at some later stage delete these provisions, if the members find them offensive, and change the Electoral Distribution Act to allow a redistribution to take place on the basis of the new principles at a time closer to the following election. Section 2A(1) of the Act states that the State shall be divided into districts and subsection (2) continues "as soon as practicable after the day that is one year after the polling day for the second of those general elections". It cannot be delayed for another 18 months or two years. If it is left until the end of May - which is half way through the first year - with another two years on top of that, the Parliament would have to amend the Act and the commissioners draw the boundaries. It would be delayed to the point where it could not be enacted for that election.

Mr Wiese interjected.

Dr LAWRENCE: That is how members of the Liberal Party did it, but proper electoral commissioners take much longer than a week or two to complete an electoral redistribution. That must be in place ahead of the election, and it could not be done. That is the only reason for that timetable and if there were any other way of achieving it, for instance, by afterwards deleting this provision and making changes to the Electoral Distribution Act, I would certainly be comfortable with that. No more is attempted to be done here than to ensure that the commission will report on this matter in a timetable that will enable the Electoral Commissioner to determine any new boundaries and any new arrangement for the other Chamber that might be contemplated by the Parliament on the receipt of the recommendations of the Commission on Government. The timetable otherwise would mean, as I say, that no changes could be made to the system under which the people of Western Australia vote until the year 2001. We have checked that carefully and have worked out a realistic schedule for the commissioners, were they to take that sort of action -

Mr Strickland interjected.

Dr LAWRENCE: Electoral redistribution is not achieved in the same way as drafting instructions coming out of a Royal Commission report and a Parliament's debating the matter for a number of days and hours. It is a much more complex process, as members understand, and as was demonstrated by the last time that the electoral redistribution was undertaken. If new principles were enunciated - for example, proportional representation in the upper House - it would not be achieved in a few days by this Parliament or by any other body.

Mr THOMPSON: Do I take it that the Government does not accept this amendment?

Dr Lawrence: No. We do not accept the deletion of the time frame, for the reasons that I have outlined.

Mr THOMPSON: I ask the Premier to reconsider that. I have listened to the Premier's

argument and I understand her position, but I honestly believe that it is not necessary to have a strict time constraint in respect of this matter. In practical terms, what will happen is that the commission will undertake its work, and it will have regard for the provisions of the Electoral Distribution Act, and if it is unable to meet the deadline for the next redistribution, it will obviously recommend to the Parliament that the Act be amended to provide for a redistribution before the next election. The Government and the Premier are being just a bit too pedantic about this matter. It would be better left for the Commission on Government, and for it, if it thinks fit, to complete that part of its work dealing with electoral reform prior to the commencement of the process laid down under the Electoral Distribution Act for a redistribution. I am confident that if the commission had not finished its work by then, even though a process might have been started for the redistribution, it would recommend to the Parliament or to the committee that is to oversee the work of the commission, and ultimately from that committee to the Parliament, that the legislation be amended to make way for a redistribution of electoral boundaries. That would ensure that the election due four years after the 1993 election was conducted on the boundaries that arise out of the work of the Commission on Government.

Mr DONOVAN: I have said a number of times that in this series of amendments, there are amendments which, in my view, genuinely and constructively contribute to a better Bill. We have just had three of those in respect of clause 5, and I am happy to support them. There is another category of amendments which are designed to advantage the Opposition, which hopes to be in Government after February next year. This amendment is an example; it is tied to the Opposition's proposition of wanting to delay the appointment of the Commission on Government until after the election. I cannot put it better than did the Leader of the Opposition when he said in effect that for the Opposition, the review of the two electoral systems, for the Legislative Council and Legislative Assembly, is of no more importance than the other items in the table and that it should be left to the commission to decide whether there is a problem in respect of the next redistribution. Of course that makes sense if the Opposition is hoping to appoint the chairman of the commission, because if it is able to appoint someone who shares that view, it will not encounter a difficulty by such an appointment -

Mr Lewis: Are you saying the Government will do that?

Mr DONOVAN: From the outset I have said the opposite.

Mr Lewis: Are you saying the Government will do that?

Mr DONOVAN: I am saying that what the Government will seek to do is -

Mr Lewis: Put its people in place.

Mr DONOVAN: The Government is seeking to appoint the commissioner before the election.

Mr Lewis: It has a political bias. That is what you just accused the Opposition of.

Mr DONOVAN: I have not said that. The Government will, because it suits its purpose, hopefully appoint someone who suits its purpose. The member is right.

Mr Lewis: I am glad you conceded that.

Mr DONOVAN: But - and it is a big but - in the pursuit of its purpose it can reasonably be expected that the Government will appoint a commissioner who has an understanding of and a commitment to electoral reform, which is seen even by the Royal Commissioners as the basis of this matter. The Opposition does not have that commitment. It does not share that view and it never has. The Opposition has been very public this week in saying the opposite. That is the point. Therefore, of course it makes sense to the Opposition not to have a nine month reporting requirement on these issues because the Opposition wants them to be the same as the other issues in the table.

Mr Lewis: They are the same.

Mr DONOVAN: They are not.

Mr Lewis: In your estimation they are not.

Mr DONOVAN: I am no fan of the commissioners, but let me tell the member what the Royal Commissioners said. They said that, "This electoral review is central and of vital

importance to the recommendations of the commission." They said about the parliamentary agencies, and they put it in italics to make their point, that, "Their capacity to serve that role will depend substantially on a Parliament so structured and motivated as to be able to share their objectives and fully support them in their respective tasks."

I started off in life as an apprentice carpenter and joiner, and one of the first things that I had to get under my skin and into my head was that we had to start from first base. We had to get the footings in first before the brickies, the framers or anyone else would come near us. If we did not have the footings down, we had nothing. The electoral reform of these two Chambers is the footings for this process. That is the point. The Premier said - and it is not out of her head; we all know - that there must be a redistribution in 1994. In order for that to happen, we must have a report and a decision made about how and on what basis that redistribution will occur. Of course, the Opposition wants to delay that. It wants that to have the same status as the other functional areas of this commission. However, it does not. It is the footings or foundation, and it must be reported upon as a matter of priority, regardless of who is in Government after the election.

This amendment falls not into the category of a constructive improvement to the Bill, but into the category of an advantage to the Opposition, which hopes to be in Government after February. Therefore, it will not receive my support.

Mr LEWIS: The member for Morley assumes that the Commission on Government will agree with what was said by the authors of part II of the Royal Commission report.

Mr Donovan: No, it doesn't. It assumes that if you win Government you will seek to appoint a commission which will suit your purposes.

Mr LEWIS: It assumes that the commissioners will believe that some so-called electoral reform is necessary. It may very well be that the Commission on Government will believe that the system operates satisfactorily and that no judgments are required regarding electoral boundaries. That is notwithstanding that a redistribution of boundaries must take place within 12 months, or as soon as is practicable after the 1993 general election. However, the Premier erroneously stated that if this review is not conducted within nine months, time will pass and it will be 2001 before the so-called "electoral reforms" can be implemented. I remind the Premier that we now have four-year Parliaments. This legislation has been introduced and is expected to be passed within three or four days. However, the Premier argues that in four, or even two, years' time the Commission on Government will cease due to a sunset clause; therefore, insufficient time will be available to put in place boundary redistribution and so-called electoral reform. That is an absolutely false argument. The Government is hoping - as it probably suspects it will lose office - that the Commission on Government will find that some electoral reform or adjustment to the system is necessary; the Government wants to be in a position to politically embarrass the Opposition.

I take the view of the member for Darling Range and the Leader of the Opposition; namely, that the import given to these two matters, ahead of all others in the schedule, holds no water. The Premier's argument is false: She sent her Whip to the Independent members to ask for their position. That shows how false the Premier's position is. If the Independents sided with the member for Darling Range, she would have changed her tune and accepted the amendment. That is how important this matter is to her. She is interested in saving face and not being defeated on the floor of the Parliament. If the members for Perth and Morley had sided with the member for Darling Range, the Premier would have agreed to the Leader of the Opposition's amendment. The Premier's argument is fallacious and has no substance. The amendment should be carried.

Division

Amendment put and a division taken with the following result -

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Ayes (22)

Mr Ainsworth	Mr Court	Mr Minson	Mr Trenorden
Mr C.J. Barnett	Mr Cowan	Mr Nicholls	Dr Turnbull
Mr Blaikie	Mrs Edwardes	Mr Omodei	Mr Wiese
Mr Bloffwitch	Mr Grayden	Mr Shave	Mr Bradshaw *(Teller)*
Mr Clarko	Mr Lewis	Mr Strickland	
Dr Constable	Mr McNee	Mr Thompson	

Noes (26)

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

Pairs

Mr Fred Tubby	Mr Ripper
Mr MacKinnon	Mrs Henderson
Mr Kierath	Mr Grill
Mr House	Mr Read

Amendment thus negatived.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9: Appointment and qualifications -

Mr COURT: This clause indicates that the chairperson and other commissioners are to be appointed by the Governor on the recommendation of the Minister. Also, the Minister may not recommend an appointment unless he has consulted the Leader of the Opposition on the proposed appointment. The clause later indicates that these provisions do not apply to an appointment following a vacancy under clause 11. The Opposition's main concern with this provision is that Parliament should have a role in determining appointments. Later, the legislation deals with establishing a parliamentary committee, and it would be advantageous for Parliament to be involved in appointments.

In various sections of their recommendations the Royal Commissioners refer to how the Parliament itself should be involved in the appointment of the members of the Commission on Government. The Opposition has considered a number of different ways the Parliament could be involved as indicated in the amendment I will move; that is, that the appointment shall receive the approval of the proposed parliamentary committee. The Opposition also considered the concept of both Chambers as a whole being involved in the appointment. However, the approval of the proposed parliamentary committee is sufficient involvement by the Parliament. It must be remembered that in both cases we are talking about Parliament, Government, and the operations of the electoral system. The Opposition believes that at the end of the day the Parliament should play a role in how the members of the Commission on Government are appointed. I will be interested in the Government's reaction to the amendment. I move -

Page 8, after line 22 - To insert the following -

(b) has received the approval of the Parliamentary Committee on the proposed appointment;

Mrs EDWARDES: I support the amendment. The legislation proposes a Commission on Government which will report on changes to not only Government operations but also the Executive and the parliamentary system etc. The Bill provides that a parliamentary committee of both Houses of Parliament be established, the functions of which are outlined in clause 22 which requires that it should monitor and review the performance by the commission of its functions. It is therefore appropriate that both Houses of Parliament, through that parliamentary committee, approve the appointment of the members of the commission. In part II of the Royal Commission's report, under the detailed recommendations within the section dealing with the commission, it is recommended that the members of the commission should be appointed by the Governor in Council on the recommendation of the Premier following consultation with the Leader of the Opposition in the Legislative Assembly. Those are the requirements contained in the Bill.

The commissioners also recommend that any changes to the membership of the commission should be made after consultation with the joint parliamentary committee and with the chief person on the commission. Page 5 - 11 of the report contains recommendations of the

commission concerning what it believes should be independent parliamentary agencies such as the Auditor General, the Ombudsman, the Electoral Commissioner, the proposed Commissioner for Public Standards and the Commissioner for the Investigation of Corrupt and Improper Conduct. At paragraph 5.5.6 the report points out that the processes should be put in place for the participation of Parliament. The participation of Parliament means the nomination of the person for appointment of each of these offices by Parliament itself. If those agencies are to be independent parliamentary agencies, the persons should be appointed to them by Parliament. That should apply equally to the Commission on Government.

The two recommendations do not sit easily together. I do not know why the Royal Commissioners, when they made their recommendations concerning how the Commission on Government should be established, did not deem it appropriate that the proposed parliamentary committee, other than by consultation, which we know is a nonsense, should appoint the Commission on Government. Given that the parliamentary committee will be a joint House committee it will be a very important committee. The nominations will not necessarily go to the Legislative Assembly and/or the Legislative Council and allow them to have an open debate. It will mean that, after making the nomination and consulting the Leader of the Opposition the Government will refer the appointment to the parliamentary committee for approval. A committee of both Houses of Parliament is a true reflection of the Houses. It is therefore appropriate that independent bodies - I believe the Commission on Government should be seen to be an independent body, free from undue Government influence - and the appointments should receive approval of the proposed parliamentary committee.

Mr DONOVAN: Before I finally decide what to do, could the member for Kingsley let me know when she would foresee the joint House committee being established before this Parliament rises.

Mrs Edwardes: It could be moved as soon as the Bill passed or at any time the Government wanted to recall Parliament. It could be done after the election or whenever the Government wanted. The parliamentary committee must be established in any event. The functions of the parliamentary committee are important to monitor the commission and must be established at some point.

Mr DONOVAN: It does not have to be established before the Parliament rises.

Mr Lewis: After 1 February.

Mr DONOVAN: I am sure all members will be dead keen to come back to appoint a Standing Committee! One does not have to be too clever to work out that that is not likely to happen. The point of this amendment is, in practical terms, to make it impossible for the Government to achieve what it has achieved so far by rolling the previous amendments.

Mrs Edwardes: The amendment has very important weight if the involvement of Parliament is really desirable in those appointments. If the member for Morley does not believe that Parliament should be involved in those appointments, he will obviously oppose the amendment. The Opposition believes they should apply, especially to people such as the Information Commissioner, etc.

Mr DONOVAN: I will oppose the amendment because it falls into one of the two categories I mentioned at the outset of this debate: Not that which contributes in a constructive way to the improvement of the Bill, of which we have had some examples which I have been happy to support, but in that category designed to give the Opposition an advantage because it hopes to be in Parliament after February.

Mr THOMPSON: I will not support the amendment. I remind members of the speech I made earlier today about what I saw as the Opposition's aim concerning this legislation. It is not the intention of the Opposition that this Bill should pass through the Parliament prior to the election. It is the Opposition's intention to leave it until the election is over. It expects to win and therefore be provided with the opportunity of appointing this commission. It is incumbent upon all members of this Chamber to proceed with as much despatch as possible to establish this Commission on Government. There is provision for consultation concerning the appointment of members of the Commission. I know that the Opposition is not happy with that.

Mr Clarko: It is impractical. You will not achieve anything if someone is not consulted.

Mr THOMPSON: We have had experience of officers being appointed pursuant to the provisions for consultation. One of them was the Electoral Commissioner. People now say that the form of consultation regarding that appointment was insufficient. Is anyone prepared to say that Les Smith should not have been appointed to the position?

Mrs Edwardes: That is not the point.

Mr Cowan: Perhaps his deputy should not have been.

Mr THOMPSON: His appointment was subject to that provision. Was there any public enunciation of dissatisfaction with that appointment at the time? I do not think so.

Mr Cowan: Yes, there was; not the commissioner, but the deputy. The Leader of the Opposition objected to the deputy commissioner's appointment and at the time Brian Burke said, "Sorry it is too late; I have made the appointment." There were two opportunities for consultation.

Mr THOMPSON: The Opposition had the opportunity to express its dissatisfaction with the appointment. If any members think appropriate appointments of people to serve as commissioners on the Commission on Government will be made by sending the matter to a committee for a decision, they have rocks in their heads. The appointment will become a political play thing. There must be some commonsense in the appointments and I believe the provision in this Bill will achieve that. I would be very surprised if, when in Government, the conservative parties adopt the sorts of things covered by this proposal. They will, as they should, accept the responsibility that is thrust on Government to select the people who will do these jobs. John McKechnie was appointed Director of Public Prosecutions. The Government had to make that selection. There is always speculation about what a Government might do concerning these appointments. The Government had to accept responsibility for the appointment of the Royal Commissioners. It made a very wise choice in the case of McKechnie and the commissioners. It is the Government's prerogative and responsibility to make the appointment. The Opposition has to express its dissatisfaction about whether the appointment meets its requirements and members of the public will make their judgement. If the appointments become the responsibility of a parliamentary committee, we will get less than an appropriate quality of individual on the commission.

Mr Clarko: This is a commission into Government and it will inquire into the Parliament.

Mr THOMPSON: We had a Royal Commission that was about Government. The Government had the responsibility on that occasion to make the appointments. I will defend the right of any Government, regardless of its political colour, to make appointments such as the Commissioner of Police, the Electoral Commissioner and a whole range of people in sensitive areas. Ultimately the people of the State will determine whether the Government has acted correctly in making the appointments. Oppositions have the opportunity within this Parliament, and outside it, to express their dissatisfaction with appointments if they feel them to be inappropriate. If we set up a committee and give it the responsibility for these appointments, a farcical situation will develop. Let us look at the composition of the committee, which I suggest will be dominated by the conservative forces.

Mr Clarko: How can it be?

Mr THOMPSON: The upper House will not accept anything other than conservative forces having the majority say on a committee.

Mr Clarko: If they have the numbers.

Mr THOMPSON: The conservative forces have the numbers.

Mr Clarko: That is not true.

Mr THOMPSON: The conservative forces do have the numbers. The upper House happens to be divided into three groups at the moment: the Liberal Party, the National Party and the Independent who happens to be conservative, as I am a conservative. The conservative forces have the numbers in the upper House and they will make certain that they have the numbers on that committee. We will end up with a political play thing. We will not get an acceptable selection of personnel to comprise the Commission. I believe it is better for the Government to make its selection and for it to consult the Leader of the Opposition on the

appointment. If, after that process, the Opposition is not satisfied with the appointment, it has an opportunity to disagree with the appointment and the Government will then have to defend its position.

In my view Governments of all political persuasions have acted properly with the appointment of people to sensitive positions. I do not think we should depart from past practice.

Mr COWAN: The member for Darling Range has made it very clear that in his view Governments should be expected to make appointments of this nature. Being the objective person he is, the member for Darling Range would also acknowledge that it is most unusual for Governments in their dying throes, irrespective of whether they are likely to be re-elected, to make appointments of this nature. Even the member for Darling Range, although he built a case opposing this point, would have to concede that it is the convention, although there is no written law, that no Government as it moves towards the end of its term seeks to make appointments of this nature.

Mr Thompson: The circumstances are different here.

Mr COWAN: One can always find different circumstances if one wants to justify one's position. In this case I acknowledge that were I in Government, I would also reach the conclusion that the Government has a responsibility to make appointments of a certain nature. The member for Darling Range outlined some of those appointments, and I have no difficulty with that. However, just as the member for Darling Range can justify a certain situation to suit his needs, I can do the same. My view is that the commissioners have recommended a Commission on Government. That recommendation is based on the improper conduct and the impropriety of this Government, its members and members of the previous Government. It begs the question of on what authority or moral grounds can the Government which has been the cause of the Royal Commission inquiry appoint the Commissioner of the Commission on Government. It may have some authority if the Parliament gives it legislative authority to do so.

Dr Alexander: If you follow the logic of your argument you are saying that all the appointments made by this Government are somewhat clouded. That is absurd.

Mr COWAN: I cannot see any logic in what the member for Perth said. He must understand that it comes down to a matter of trust. In this case I have made it very clear that I do not trust this Government to make this appointment. Frankly, the amendment before the Chamber is something I regard as going only half way. I strongly believe it is the Parliament which should give the final stamp of approval on any recommendation for appointment made by the Government because there is a lack of trust in the capacity of the Government to appoint a suitable person to a particular position. I do not say that lightly. I am aware, as are the members for Perth and Darling Range, that appointments are made by the Government on a monthly basis and in most instances the integrity of the person appointed is not questioned. Both members who have spoken in this debate must acknowledge the sensitivity of this issue; it is something which leads to a degree of mistrust. I will not lend my support to something which, as I outlined earlier, allows the Government which was responsible for the dealings with business which brought about the Royal Commission inquiry, to appoint the Commissioner of the Commission on Government. I am sure there is some logic in that.

Dr Alexander: I disagree with you.

Mr Thompson: You accepted this Government's appointment of the three Royal Commissioners.

Mr COWAN: Yes, I did.

Mr Thompson: Why can't the Government be trusted to make the same sort of wise choice in the case of the Commissioner on the Commission on Government.

Mr COWAN: In this case it would be obvious to everyone that the Commission on Government is seen by this Government as a vehicle through which it can excuse the misdemeanours and impropriety of many of its colleagues and members by shifting the emphasis from the activities of individuals within Government or the Public Service and directly onto the system. I am not alone in making that comment. I am sure people have read the contributions made by some academics. In fact, one academic was a consultant to

the Royal Commissioners in framing their second report. It is appropriate that it not be the sole responsibility of Government to make this appointment. The amendment moved does not go as far as I would like it to. It is my view that the Parliament should make this determination. All the Government should do is make a recommendation that a certain person be appointed as Commissioner of the Commission on Government. The public does not have sufficient trust in the Government for it to make an appointment other than one which is motivated for political purposes.

The Premier has very clearly signalled to the electorate at large that it was not the individual persons involved in WA Inc who were the problem; it was the system under which we operate. Reference has even been made to the system by which members of Parliament are elected. Undue emphasis has been put on that as the reason we had WA Inc and why the Government lost so much money. That is nonsensical, but nevertheless that is what adults who play this game of politics have been prepared to say. I will not give my support to a legislative mechanism which allows this Government to make this appointment without interference from anybody.

It is not adequate for the member for Darling Range to say there are consultative provisions in the legislation. We know very well how they work - they are not worth the paper they are written on. We can always look at this the other way: If the Government makes a decision about whom it will appoint and if it appoints a dud, at least the Parliament would not have had any involvement in it other than supporting this legislation. We can very easily reject any recommendation the Commission on Government may make because we have not had any part in the appointment of the commissioner.

Dr ALEXANDER: I have supported some of the amendments moved by the Opposition, but I will not support this one for a couple of reasons. What the Opposition is talking about is opening up an entirely new process; that is, major appointments to commissions, statutory authorities or whatever - I have heard the arguments run in this place several times in the past few months - should be made by the Parliament instead of the Executive. Normally members would expect me to support this notion because I often speak about the rights of Parliament rather than the Executive. We are embarking on a new way of making senior appointments in Government or semi-Government bodies.

Mr Cowan: It is recommended that we do that with the Auditor General. Is there anything substantially different between the position of the Auditor General and the proposed position of the Commissioner of the Commission on Government?

Dr ALEXANDER: Yes, I think there is. We are talking about a system which is closer to the American system where people submit their names to the Congress and it or its committees debate the appointment. It will not be long before that eventuates here. By and large, appointments are not made that way now and there are many reasons for doing that and some reasons for moving to a new system. In this case it is important that the commission be established quickly and effectively and that it not be seen to be interfered with by party politics. In contrast to what the Leader of the National Party and the Leader of the Liberal Party said, I think we can trust the Government. The Government is not silly enough to make an appointment which is seen to be partisan. For example, if an appointee has a long record of supporting electoral reform it will be only a short time before the appointment is discredited in the public arena. The appointment would not last long if the Press discovered, as it certainly will, that the appointment had any suggestion of partiality. It is self-evident in a situation where the Government appoints someone to review not only the Labor Government, but Government as a whole.

The Opposition has its agenda which seeks to home in on all the sins of the past 10 years, and in many ways I agree with it. However, when it comes to appointing a commission to review the process, a committee of this Parliament, appointed on a political basis, would not help us get a better appointment. I do not see that. I think in the end that as soon as a person is appointed that person will be in the public arena and the focus of a great deal of Press and public attention. If he is seen to have any partiality he will not survive and the commission he heads will have no credibility. The commissioner would be forced to resign within 48 hours of appointment if he could be accused of holding biased opinions on issues referred to the commission, particularly those related to electoral reform. I do not believe the objections raised stand up in this case. If we are to move to a system where the Parliament rather than

the Executive is to make these appointments we need to ensure we have a proper process in place which does not allow the appointments to become in any sense a political football. I do not believe that will happen under the existing proposal.

Mr CLARKO: We all agree that the Commission on Government is probably the most important commission to be set up in the history of this State. Clearly the role of its chairman and other commissioners will be of grave consequence. We cannot afford this job to be done in an inappropriate way. It should not be left to the "guilty party" to choose these five people. This Government's record is disgraceful in this area. Members would remember how it appointed Len Brush to run the Superannuation Board - a broken down, incompetent accountant who cost the State many hundreds of millions of dollars at least. We also saw incompetents like Lloyd and Edwards appointed. The only thing they ever did well was sell copies of some tipster's magazine outside the gates of Gloucester Park. The record of the Burke Government and its successors is of one of the most inappropriate persons being put in positions of power.

Under clause 9 the Premier, who is described in the clause as the "Minister", will be given the power to recommend the appointment of the commissioner. The whole of the second report of the Royal Commission spoke of how the Parliament had lost its power and been taken over by the Executive, yet this Bill will give power to the Minister to recommend this appointment. The minuscule restraint imposed on the Minister is that she will have to consult with the Leader of the Opposition on that appointment. It has been mentioned today several times how abrasive Premier Dowding went about appointing the Electoral Commissioner. He went to the former Leader of the Opposition, Barry MacKinnon, and said that he intended to appoint Les Smith to that position and that was his consultation. It was an absolute farce! I do not believe a credible Chamber would agree to something of that nature.

The amendment before the Committee seeks to add that the person has received the approval of the parliamentary committee. Some remarks are included related to qualifications into which I will not enter. Why should the Government draw back from having a parliamentary committee make this appointment? Does the Government not trust parliamentary committees or think that they are not competent? In an hour or two we will be dealing with clauses 21 and 22 of this Bill which talk about setting up a joint committee. Under those clauses are listed the functions of the commission. I need to refer to some elements of those clauses to give weight to why I think the Opposition had to move this amendment.

Under this legislation the parliamentary committee will be given power to monitor and review the performance of the commission on its functions. What greater power could one give to do with this most powerful committee ever created? It will also be required under clause 22 to report to the Houses of Parliament with such comments as it thinks fit on any matter pertaining to the commission or the performance of its functions to which the committee thinks the attention of Parliament should be directed. Later the committee is given the power to examine the reports of the commission furnished under section 7 and report to Parliament and at the earliest opportunity to both Houses of Parliament on any matter related to its functions that is referred to it by the Houses of Parliament.

If we are prepared to give all those responsibilities and controls to that committee which appear on page 15 of the Commission on Government Bill, why should we baulk at doing that at page 8 of the same Bill? The whole of the second report of the Royal Commission is about giving power to this Parliament. It says that that is what has been wrong with the system over the past decade; that is, that the Executive has had too much power. If we follow the wishes of the Government's legislation before us we will give the Minister the power to select almost any person for this position, subject to a few restraints related to the person's qualifications, and then say to the Leader of the Opposition that she has chosen Joe Bloggs who has the required qualification of constitutional lawyer and that is it, and that she is appointing four other people as well. That is what this Government has done since 1983. It is a farce to call that sort of action any form of restraint in light of the considered work by the Royal Commission which says that power should be restored to this Parliament. Despite that, at the Government's behest, we are about to give inordinate powers to the joint committee mentioned at clauses 21 and 22 of the legislation, yet the Government baulks at doing that at clause 9.

The Government loves this system of appointing its fellows. All the deals that have gone on

in the past 10 years have involved the Government putting its cronies in power by appointment. The Premier commented earlier today about parliamentary reform and all that sort of thing and elections moving to a fairer system, yet the Government's favoured method is scurrilously appointing totally incompetent people. Its record of appointments in this State has cost the State - and this is now acknowledged - $1.5 billion in the past decade. I wonder what that figure will finally grow to. This Government of incompetents picked out people like Len Brush to handle its affairs, and incompetents like Edwards and Lloyd to do all sorts of magical deals. I am sure that you wondered, Mr Deputy Chairman, when you looked at the SGIO and Bond Group getting 19.9 per cent of the shares in a particular deal, what that meant because the 20 per cent rule applied. The Government said that was a sheer coincidence and that nothing untoward went on. It was not a coincidence. As Mrs Malaprop would say, "an amazing coincidence". It was crooked right from the start. Everybody now knows it was and we have evidence to prove it. I return to the point that having the Premier appoint this person is totally inappropriate. To have the farcical subclause about consulting the Leader of the Opposition is also farcical as abrasive Dowding showed.

The Opposition has put forward a sensible amendment which talks of using a parliamentary committee to appoint this person, a matter which is referred to later in the Bill in clauses 21 and 22 under which inordinate powers are given to the joint parliamentary committee. That is why this amendment should prevail.

Mr WIESE: My comments relate to the slurs that have been cast related to whether an appointment made in this matter would be a political one. At present the appointment is to be made by the Minister, in fact by the Premier representing the Government. We are being asked to accept that it is not to be a political appointment, but that is absolute nonsense. We have said that there is no accountability or genuineness in the process of consultation set up in the legislation. As to consultation, the Government has accepted the need for the Opposition to play a role in the appointment of this person. The Opposition should be consulted, but in the past such consultation has been a farce. The Government's consultation amounts to walking across the Chamber and saying, "We must consult about an appointment. This is who will be appointed; we have now consulted." That has occurred in the past. Does anyone believe it will be different? I do not!

The amendment provides for consultation with a parliamentary committee; not that it will make the final decision. If the parliamentary committee does not agree with the recommendation of the Government then the matter will go back to the Premier for a rethink of the appointment. That is perfectly acceptable.

Mr Donovan: What practical difference will that make?

Mr WIESE: In this case, the practical difference will relate to the appointment of a person who will have enormous influence on the development of the system of government in Western Australia in future. We are talking about the recommendations of a Commission on Government which will have an enormous influence on the direction of Government. The difference is that if consultation occurs with a joint committee we will have some sort of meaningful consultation with Parliament. It is a very important difference.

I refer now to the comments made by the member for Darling Range regarding the appointment of a joint House committee. The member said straight out that that would be a political committee because members in the other place would ensure that that would be the case. I remind members of the existence of the Joint Standing Committee on Delegated Legislation. We should consider the constitution of that committee to see whether it is a political committee. Every member of that committee will vouch that it is not a political committee either in the way it was appointed or in its operations. Our reports show that some of the matters dealt with most stridently have been Government decisions and the work of some Ministers. That is a worry too because as a result of our reports we have achieved only a 50 per cent success rate. Some Ministers have reacted and have dealt with the matters raised by the Joint Standing Committee on Delegated Legislation; however, 50 per cent of Ministers have totally ignored our recommendations. That is a condemnation because if committees are to be effective surely it should be a requirement that the matters reported upon be acted upon. That Joint House Committee is not political. It comprises two members from the Labor Party and two from the conservative parties in the Assembly; two members of the Labor Party and previously two members of the conservative parties in the Legislative

Council. I say "previously" because halfway through the last appointed term, Hon Reg Davies removed himself from the Liberal Party, although he remains on the committee as an Independent. There was nothing political about the appointment of that committee and there is nothing political about the way it works. Therefore, it is nonsense to say that a joint parliamentary committee will be political if a matter is referred to it; that has been proven in the past.

The Government should accept the amendment which is aimed at achieving an appointment that represents both Houses of Parliament - after all we are told time and time again by part II of the Royal Commission report that Parliament must be representative of the people of Western Australia. The amendment will achieve the aims of the people of Western Australia; that is, it will put an end to political appointments. We will appoint people who reflect both the Parliament and the people of Western Australia.

Dr LAWRENCE: The mechanism described in the Bill for the appointment of a Commission on Government, including the chairman, is precisely that recommended by the Royal Commissioners. One could speculate about the reasons but I am confident that they did not do it light-heartedly given the other committees and commissions they referred to in a different way. One reason may well have been, and I endorse it, that in order to enable the establishment of a commission in a timely way - which is what they recommend - the sort of cumbersome procedures involving parliamentary committees' reporting back, and approving, whatever the mechanism, is unlikely to enable this to proceed as a matter of priority. Secondly, this is not a body that the Parliament is required to heed in the same way as it is, for example, to heed the Auditor General or the Ombudsman. It is an advisory body which the Parliament can choose to agree with or not.

Several members interjected.

Dr LAWRENCE: This is not a matter for shouting; it is a matter for cool analysis. This is a matter that the Royal Commission clearly believed was best done in this way. On a daily basis, the Government makes appointments of great sensitivity and sense. In my time as Premier we have appointed numerous judges, for example, the Director of Public Prosecutions, three Royal Commissioners, the Ombudsman, and the Auditor General. In the case of the last two, although it is not required by Statute, I did both members sitting opposite the courtesy of providing a short list of the people recommended after proper Public Service examination. I asked whether they had any objection to any of those persons being considered for the position. As I recall, no such objection came forward, and those who won the positions on merit were both duly appointed.

As far as my record is concerned, there is no doubt that this matter will be dealt with with great care by the Government and by me as Minister, not least because, as was pointed out by the member for Perth, the Government in a lead up to an election would not seek a partisan appointment in making appointments of this sensitivity. The Government would be at pains to ensure that the person appointed was acceptable not just to members of the other political parties, but also to the wider community, particularly to the interested community, those who followed the Royal Commission and those who have had a point of view about the matters referred to in the second report of the commission. I do not propose to accept the amendments for those three reasons: Firstly, this must be set up in a timely way. Secondly, the commission has recommended this mechanism and for good reasons in my view; it is not to be a creature of Parliament, the parliamentary committee will oversee it and Parliament will decide whether it accepts its recommendations. Thirdly, the Government has assented quite properly to various involvement by the Opposition in relation to the Auditor General and the Ombudsman, and I hope that will be enshrined in legislation. In any case the Government has made a series of appointments which have required very great care and this appointment is no different, as much because we are in a climate where an election is likely to be held. It will not be in the next couple of weeks, if that is what the Leader of the Opposition or his deputy is saying, but any time up to May 1993. To suggest that the Government stops making appointments six months out from an election is clearly to misunderstand even the convention the member has described in his speech. We propose to go ahead with the appointment of the chairman of the commission.

Mr Court: What is the convention on a caretaker Government?

Dr LAWRENCE: We are not a caretaker Government until the writs are issued. The

chairman and other members will be appropriately qualified and carefully chosen. I will be seeking the views of members opposite before any decision is made about a short list to make sure we have canvassed the full range of competent people in Western Australia, and we will seek the guidance of the legislation in terms of the qualifications. An amendment is likely to be moved by a member opposite that would seek to expand those qualifications and I have no objection to that. I can give the Chamber an assurance, even if members do not believe my good faith in this, that the community at large will judge the appointment of the commissioner very carefully and I will be no less careful in my selection of such a person. However the selection must be done in a way that enables the commission to begin its operations by the date we have set for proclamation in February.

Mr Cowan: Does this apply to part time commissioners as well?

Dr LAWRENCE: Yes, we should draw up a list of competent people who are representative. Members of the Opposition have spoken only of the chairman, but the other commissioners will be just as important in my view because they will shape the thinking, and presumably the recommendations, of the commission. I did not seek to exclude them from any discussion with the Opposition.

Mr COURT: The recommendations of the Royal Commission talk about the role of Parliament.

Dr Lawrence: They explicitly exclude it from this.

Mr COURT: Recommendation 31 talks about the Auditor General, the Ombudsman, the Electoral Commissioner, the proposed Commissioner for Public Sector Standards and the Commissioner for the Investigation of Corruption and Improper Conduct being designated independent parliamentary agencies in the legislation establishing their respective offices. The report says that the appropriate legislative arrangements should be made for the participation of the Parliament ordinarily through its committee system in the process leading to the nomination of a person for appointment to each of these offices. The Premier mentioned that she did not want this commission to be a creature of the Parliament. At the end of the day, the Parliament is ultimately responsible for what is taking place. I do not think it should be treated in those terms. The Opposition believes that this amendment is in line with the general thrust of the Royal Commission's report, which calls for a greater involvement of the Parliament.

Division

Amendment put and a division taken with the following result -

		Ayes (21)	
Mr Ainsworth	Mr Court	Mr Minson	Mr Watt
Mr C.J. Barnett	Mr Cowan	Mr Nicholls	Mr Wiese
Mr Blaikie	Mrs Edwardes	Mr Omodei	Mr Bradshaw *(Teller)*
Mr Bloffwitch	Mr Grayden	Mr Shave	
Mr Clarko	Mr Lewis	Mr Strickland	
Dr Constable	Mr McNee	Dr Turnbull	
		Noes (25)	
Mr Michael Barnett	Dr Gallop	Mr McGinty	Mr Thompson
Mrs Beggs	Mr Graham	Mr Pearce	Mr Troy
Mr Bridge	Mr Gordon Hill	Mr Riebeling	Dr Watson
Mr Catania	Mr Kobelke	Mr D.L. Smith	Mrs Watkins *(Teller)*
Mr Cunningham	Dr Lawrence	Mr P.J. Smith	
Mr Donovan	Mr Leahy	Mr Taylor	
Dr Edwards	Mr Marlborough	Mr Thomas	

Pairs	
Mr Fred Tubby	Mr Ripper
Mr MacKinnon	Mrs Henderson
Mr Kierath	Mr Grill
Mr House	Mr Read
Mr Trenorden	Mr Wilson

Amendment thus negatived.

Mr COURT: I move -

Page 9, lines 3 and 4 - To delete the lines.

It seems rather strange that we are debating at some length how the appointments will come into effect yet we are told that if a vacancy occurs even the system that the Government has outlined will not apply. Why does that subclause not apply to the appointment for a vacancy?

Dr LAWRENCE: This underlines the point that I made earlier, that the Royal Commission and Government anticipated that initial appointments would be made most likely when the Parliament was not sitting and the consultation there, is with the committee which is then subsequently established. It would be most unlikely that, the appointments having been made to the commission, they would be of such brief duration that it was not possible to make that subsequent reference to a sitting committee - not as the amendment suggested by the Opposition required for approval, but rather further consultation; that being a possible vehicle.

Mr Court: What was the last comment you made in relation to the vacancy?

Dr LAWRENCE: The commission will be established when the committee is not established; so the Act then establishes the committee which, if there were to be a vacancy subsequently on the commission, could be the body to which the Government or the Minister referred for advice on the appropriateness of the replacement.

Mr Court: You said it "could" go back to the committee.

Dr LAWRENCE: Subclause (3) says that the Minister is not to recommend an appointment to a vacancy or office unless he or she has consulted the chairperson and the parliamentary committee on the proposed appointment.

Mr COURT: It is the same deal. It says that he or she must consult the chairperson and the parliamentary committee on the proposed appointment. The Government does not have to do anything more than consult.

Dr Lawrence: I have not said it will have to do any more.

Mr COURT: I do not want to run through all the same arguments again, but the process still goes straight back to the Minister's making the appointment and there is no involvement of the Parliament. The Premier has outlined a process where she will consult with the parliamentary committee, and that does not achieve anything either. I ask the Chamber to support this amendment.

Amendment put and negatived.

Mr COURT: I move -

Page 9, line 8 - To insert after "in" the word "ethics".

I do not know how one obtains a qualification in ethics, but the Opposition thought it was part of the overall thrust of the report of the Royal Commission and one of the concerns about the running of Government over the last decade.

Mr Donovan: It is ironic that the University of Notre Dame runs specialist courses on ethics.

Mr COURT: Members opposite think that ethics is a county in England. In fact, the main point the Opposition wants to make is that throughout the decade of Labor in Government a lack of ethics is evident. It is interesting that in not only Government but also business, the 1980s is seen very much as a decade of greed and debt. In many professions, whether it be accounting, the legal profession or whatever, people have suddenly started talking about the whole question of ethics. There never used to be a need to talk about it. As the member opposite said, a number of universities conduct courses on ethics. A strong need exists to bring back more decency to not only politics but also professions in general. The United States probably went through a similar era after the Nixon years where there was a need to rebuild, for example, the esteem of the position of the President of the United States after it had been demeaned by certain occurrences. It was left for Gerald Ford and others to bring back some decency to that position.

After what occurred throughout the 1980s in both the political arena and the business world in general, people have seen a need for standards to be lifted. Certainly, that era of greed has

left a sad legacy. Parts I and II of the Royal Commission's report provide the basis for a novel, the plot of which one would not have even dreamed of 10 or 20 years ago. However, it has all occurred. Sadly, we are seeing it also being played out in court cases where we are getting an inside look at what took place during that decade. No doubt we will see more of that in years to come as more cases are brought before the courts. I thank the Premier for her support for this amendment. It is a difficult amendment to define because it is mainly an attitude that the Opposition wants to incorporate in the legislation to help with the thrust to lift the standards.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Terms of appointment -

Mrs EDWARDES: This clause deals with the terms of appointment and, in particular, the remuneration and allowances to be paid to the commission. The commission will comprise a chairperson and four other commissioners. The clause provides for the Governor to determine the remuneration and allowances to be paid upon the recommendation of the Government. The Opposition believes that it can be determined by the Governor but upon the recommendation of the Salaries and Allowances Tribunal. The reason for that stance is that it provides for consistency when referring to the separation of powers, independent agencies, and people who are in charge of independent agencies. It was not accepted by the nominations and appointments by the approval of Parliament of those bodies. However, when ensuring that those bodies are independent it is extremely important that the Executive and Government be removed from any relationship which might affect the appointments of and the allowances and remunerations paid to members of those bodies. Therefore, no control applies.

That is particularly important when dealing with agencies which are dealing with the public interest, as this agency is. This agency and the matters with which it will be dealing are of critical importance because it is examining matters that have been highlighted by parts I and II of the Royal Commission's report. This matter is of major public interest. As such, the Opposition believes that for consistency the remuneration and allowances should be determined by the Salaries and Allowances Tribunal. An amendment to be moved by the Opposition will seek to remove the officers of both Houses of Parliament from the Bill and insert their remuneration and allowances under the auspices of the tribunal for the same reason of independence, integrity in dealings with those bodies and those individuals and/or agencies. If we want to ensure that the commissioners maintain their independence, integrity and separateness not only from Government but also from partisan politics, an independent body such as the Salaries and Allowances Tribunal should make recommendations relating to their remuneration and allowances and that can be determined by the Governor.

Dr LAWRENCE: I am not attempting to be difficult because I can see the intention of the member. However, clause 10(2) to which the amendment would apply relates to the terms and conditions as well as the remuneration and allowances. The Salaries and Allowances Tribunal does not set terms and conditions; it sets only remuneration and allowances. The amendment would therefore have the tribunal setting terms and conditions.

The second part of the problem is that, given the uniqueness of this position, it is likely that the Governor, in other words the Minister, will have to be in a position to negotiate with whomever is requested to take on this position. Relocation costs might be anticipated for somebody we bring from another State or from overseas. If we ask a person to give up a position to take on this position for two years we might want to enter into special arrangements.

Mr Court: Are you asking Lange to come here?

Dr LAWRENCE: That is very unlikely. However, we have to anticipate a need for some flexibility in negotiating terms and conditions and remuneration and allowances for whoever is appointed. It would be extremely difficult for us to have to go back to the Salaries and Allowances Tribunal each time. Frankly, it is not usually the case that the Salaries and Allowances Tribunal becomes involved in a position that is not permanent. Certainly it is proper in the cases of the Ombudsman, the Auditor General or judges. However, we are talking about a unique individual whose terms and conditions of employment will have to be negotiated quite separately from the general conditions that might apply.

Mr COURT: I move -

Page 9, line 18 - To insert after "Governor", the following -

, upon the recommendation of the Salaries and Allowances Tribunal

At what level will the Government set the remuneration and allowances for the Commissioner on Government?

Dr Lawrence: Frankly, I have not given it careful assessment, but I think at the judicial level of salaries and conditions. I am happy to discuss that with members opposite when we make that determination.

Mr COURT: The Premier is confirming the problem that someone has to do it and she is saying it is being left to the Government.

Dr Lawrence: We will seek advice from people who normally get involved in these things, including the advice of the Salaries and Allowances Tribunal, which I do seek from time to time.

Mr COURT: However, it means that the Government could - I am not suggesting it will - if it wants to attract someone from the east or overseas, offer a package which is over the top. I want to know what level of accountability there will be in this matter. We do not mind changing the amendment but we want to put in place a guideline as to what the package will be.

Amendment put and negatived.

Clause put and passed.

Clause 11: Resignation and removal -

Mr COURT: The Minister should consult the chairperson and the parliamentary committee on the proposed appointment. "Consult" as we have learnt from experience means nothing. The earlier amendment moved for Parliament's involvement is the sort of amendment that we believe is appropriate in this case. However, we lost that and will allow the clause to proceed.

Clause put and passed.

Clause 12: Acting chairperson -

Mr COURT: Again I ask for the parliamentary committee to approve the proposed appointment. The same arguments apply in relation to this clause.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Use of government staff etc. -

Mr COURT: The Opposition opposes this clause which will allow the commission to draw on the services of staff employed in the Public Service or "in a State agency or instrumentality or otherwise in the service of the Crown" and to draw on the "facilities of a department of the public service or of a State agency or instrumentality." It seems rather strange that on the one hand the Government argues that it wants to set up a Commission on Government which will be an independent body but then allows it to draw upon all of the resources of different Government operations, including, I presume, the Crown Law Department. A commission of this kind should be given its own resources to carry out its operations; it should not be a part of the Public Service. Instead of having access to all of the Government's staff and facilities, it should be independent, have a separate budget, and not use the very people that the commission will be investigating, remembering that one of the terms of reference relates to the operations of the public sector.

Mrs EDWARDES: I also oppose this clause. Recommendation 16 in part II of the Royal Commission's report states -

(b) A public servant should not be appointed to the board of a statutory authority or State-owned company while retaining a position in the Public Service in a department within any portfolio of the minister responsible for that body.

It made that recommendation because of the potential for conflict of interest with regard to

the responsibilities of the public servant and the person to whom that public servant will be answerable. The same applies with the Commission on Government. It is an independent agency which should be seen as such, and it should not be able to utilise public servants under the control of a Minister, particularly when one of the functions of the commission is to review the Public Service. Under clause 13 of the Bill the commission has the opportunity to engage persons under contract for support services and the like and, therefore, it will not be without support staff. The commission should not be able to utilise either full time or part time the services of staff employed in the Public Service or in a State agency or instrumentality or otherwise in the service of the Crown, as it so wishes. It may very well be that staff will be needed for only a short period or in connection with a particular project or issue. If the Government is dinkum about keeping this body independent and ensuring its integrity is intact, it will observe the Royal Commissioners' previous comments about conflict of interest. In this situation who would be the master - the Minister or the Commission on Government - if the commission were using any one or other of those public servants from time to time?

Mr THOMPSON: I understand the argument advanced by the Opposition but I wonder about the practicalities of the situation. The commission will be running for two years. From where will it draw the staff to undertake a two year contract if they do not come from the Public Service? If this amendment were supported the commission would have great difficulty getting the sort of people it needs to do its work. I have not heard one criticism about the public servants who were part of the Royal Commission. The substantive position of Gordon Pearce is Director of the Ministry of the Premier and Cabinet, and he was the Chief Administrative Officer with the Royal Commission. No-one criticised that appointment. He has done a wonderful job, and other public servants were also seconded to the Royal Commission for the two years it was running. In a puritanical sense it would be better if the staff of a Commission on Government were not drawn from the Public Service.

Mr Court: We are not saying they cannot be drawn but that the commission cannot have free access to them. I understand that Gordon Pearce left one position and went into a full time position with the Royal Commission.

Mr THOMPSON: He was seconded.

Mr Court: Yes, but he was not carrying out other work.

Mr THOMPSON: I see absolutely no difference between the Gordon Pearce situation and the staffing of the Royal Commission. Perhaps the Leader of the Opposition will tell me how the commission will recruit staff to service this commission if not from the Public Service.

Mr COURT: The New South Wales Government established a commission of audit to determine the financial state of the coffers in that State and to get an independent assessment of the different Government operations, such as superannuation, railway, water authority and so on. In that operation 99 per cent of the staff were from outside the Public Service, and were completely independent people. One Treasury official was employed.

Mr Thompson: For how long did it run?

Mr COURT: For three months, at a cost of $1 million. It provided a very interesting report after it made a genuinely independent assessment of the situation. In Western Australia the Royal Commission has recommended that -

> The Commission on Government review the standards of conduct expected of all public officials for the purposes of (a) their formulation in codes of conduct and (b) determining what associated measures should be taken to facilitate adherence to those standards.

The commission has carried out its inquiry and made the recommendation that a review be made of the functions and the operations of the Public Service. For that reason it would make sense if the commission were predominantly staffed by people outside the Public Service so that it could take an independent and fresh look at what was happening. In New South Wales three people were appointed as members of the commission of audit and they wanted to change the terms of reference. The Treasury officer told them they could not do so because the Premier had set those terms of reference. They eventually discovered that, in fact, the Treasury officer had written the terms of reference and that is an indication of the

things that occur inside the system. It makes sense for an inquiry of this nature to be conducted by a genuinely independent outside body. That is why the Opposition opposes this clause. Many competent people are available to carry out the work required to ensure it is a truly independent examination.

Dr LAWRENCE: This is obviously a "may by arrangement" provision; it is not compulsory. There may be times when the expertise of a person with a detailed knowledge that is not available outside Government will be needed. It would be prohibitive if the commission were told that it may not for the duration second a public servant. I understand it is common practice in the Parliament for some of the people assisting committees to be seconded from various departments and agencies, and the key task they undertake is to answer to the committee, undertake the research as required by the committee and do what the members request them to do. The same would apply with the Commission on Government, were it to be established. To deny the commission access to staff, both senior and junior, who might be able to assist it would be somewhat perverse, particularly as this is a short term commission. As the member for Darling Range said, the commission might have difficulty getting people to agree to serve on it if they knew their careers would be cut short and that, if they wanted to accept a request from the commission to render their services, it would be necessary for them to resign from the Public Service to do so. It seems to me that would be an unlooked for intrusion into the judgment which the commission might make about the appropriate qualifications and expertise it required. I have no doubt that most of the work will be done by people whom the commission will choose to consult on each of the 15 matters referred to it, rather than generally, but I remind members also that the Royal Commission had working for it quite a large number of public servants, members of the Police Force, and others, who were required for the work of the commission. It is not an uncommon arrangement, and is one that we should at least allow the commission to entertain, even if it does not take advantage of this clause of the Bill.

Mr DONOVAN: I am happy to accept that this is certainly one of those amendments which belongs in the category of an intent to constructively improve the Bill rather than to advantage the Opposition, which hopes to be in Government next year. However, I do not believe that it achieves that purpose, for the reasons that have been outlined. I understand the purpose which the Opposition is trying to achieve with this amendment, but I, further to the Premier and the member for Darling Range, point out that the commission will have a difficult enough job as it is without its having any inside resources, knowledge, experience and expertise. The commission will need available to it precisely that expertise and knowledge which resides within the Public Service. In fact, were this not in the Bill, the commission would be dependent entirely upon its own resources all of the time, to be recruited outside the Public Service. I suspect that we would find - not that we or anyone in this place would intend it - that that sort of institutional resistance to the performance of the commissioner's functions would occur in respect of the Public Service.

We have seen that happen in the past, where different departments or agencies have undergone functional reviews, for example, by people appointed for that purpose who have not necessarily, in the view of the agency being reviewed, taken on board the idiosyncrasies of that agency and its particular role and functions. Those functional reviews have often met that kind of resistance. We would not want this commission to run into that problem in addition to the problems which it will already have. In any event, I would have thought that the Opposition would want as a preference to ensure that the commission was resourced as it should be, including the availability of the resources of the Public Service, through the capacity to second staff on either a full time or part time basis, as provided by the clause.

Clause put and passed.

Clause 15: Commission to consult and act openly -

Mr COURT: I move -

Page 11, after line 26 - To insert the following -

(c) shall co-operate with the Parliamentary Committee and provide such information to the Committee as it requests.

Dr LAWRENCE: I am happy to accept the amendment because it incorporates the first function that we have given to the parliamentary committee, and in order for the commission to monitor, review, etc, it will need that cooperation.

Mr COURT: It is important that the Parliament be informed about what is taking place. We appreciate the Government's support for this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 to 21 put and passed.

Clause 22: Functions of committee -

Mrs EDWARDES: I move -

Page 15, after line 26 - To insert the following -

(e) to advise each House of Parliament of the consideration and general nature of all contracts entered into by the Commission under section 13(4).

This amendment will require the joint parliamentary committee to advise the Parliament of the general nature of all contracts entered into by the commission under proposed section 13(4), which provides that the commission may engage persons under contracts for services to provide such professional, technical or other assistance as the commissioner considers necessary to carry out this Bill. It will obviously be appropriate for the commission to engage persons to provide such professional and technical knowledge. However, it is important that the terms of those persons' contracts be brought before the Parliament by the joint parliamentary committee which is to be established under this Bill. We recently had a debate about the legal fees paid to counsel representing people who appeared before the Royal Commission. It never ceases to amaze me that apart from the requirement to provide legal representation to people who fell within the guidelines for legal representation on the basis of their ministerial or other roles, no limit was set on the amount of money which could be expended on those legal fees by any one of those persons. We even saw a situation where a witness was represented by three counsel. That is outrageous and is not an acceptable use of taxpayers' funds. It is in excess of the natural justice which should have been required. In this case also, we are talking about the use of taxpayers' funds. If the Commission on Government engages persons under contracts to provide professional or technical advice, or for whatever reason, then it is appropriate that information about those contracts be brought before both Houses of the Parliament.

Mr DONOVAN: Is it the Opposition's view that this would not act as an impediment to the commission's proceeding with such an appointment as it might want to make under clause 13(4)? Is the Opposition looking here to a situation where the committee might consider a contract and then report back to the Parliament?

Mrs Edwardes: Yes; it is just advice.

Dr LAWRENCE: The Government has no objection to this amendment. However, it must be exercised carefully because otherwise the commission may find it has difficulty attracting staff because they feel that their contracts may be subject not to accountability arrangements but to a scrutiny which they do not think is commensurate with the task which they have been asked to undertake. I am happy to accept that this is consistent with the commission's role.

Mrs EDWARDES: I thank the Government for accepting this amendment. We are talking about accountability, and if people are concerned about the amount of money which they will earn and about their contracts, then perhaps those people should not be appointed. We should put in place a system whereby information about people who deal with the Government, whether on an employment basis or through contract, is public information.

We have just considered the freedom of information legislation, and information should not be unavailable on the basis that somebody does not want his or her information made public. This is not acceptable with the Simcoa smelter and University of Notre Dame Australia deals, in which a box was ticked by which it was determined that the details of the deals would not be made public. Individual contracts with the Government should be available to the public.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 23 put and passed.

Clause 24: Duration of Act -

Mr COURT: The amendment I shall move is different from the one of which I gave notice. We have received advice that we cannot use the term "Clerk of the Parliament". Our amendment relates to clause 2(b) regarding all records and data of the commission being passed to the Minister. We believe all such information should be passed to the Parliament. Therefore, I move -

Page 16, line 13 - To delete "Minister" and substitute -

Clerk of the Legislative Assembly and shall be available for inspection by any person as if they were a tabled paper in the Legislative Assembly.

Instead of referring to the "Clerk of the Parliament" we must name one of the Clerks. We have named the Clerk of the Legislative Assembly, but it could have been the Legislative Council Clerk. However, the amendment provides that information will be available for inspection by any person as though the documents were tabled papers in the Legislative Assembly.

Dr LAWRENCE: This amendment may be incorporated in the upper House, but the Government needs more time for its consideration. As the amendment refers to a tabled paper, it may make it difficult for the commission to receive a submission from a person regarding a term of reference - off the top of my head - regarding whistleblowers legislation. Someone may have discussions with the commission about the material being returned to him or her or being protected. If this document were tabled in the Legislative Assembly, it would be a public document. I am not saying no to the amendment, but I wish to seek advice on it. If acceptable, it can be incorporated in another place. I saw the earlier form of the Leader of the Opposition's amendment and not the one moved.

Mrs EDWARDES: I thank the Premier for her comments as this amendment will make the documents available to the Clerk of the Legislative Assembly so that every member of Parliament and members of the public will have access to them. If some confidential documents are passed to the commission, perhaps the Premier could consider an amendment whereby the documents would be identified and some form of privilege could be attached to them. The documents could be identified so that everyone is aware that they exist, but it would be unnecessary to name the bodies or persons involved.

Mr COURT: I accept the Premier's comments. Between now and when the Bill is considered in the Legislative Council we could consider expanding this amendment. We have just had an extensive debate on the custody of the records of the Royal Commission. It could well be that the Commission on Government will have access to much confidential information which will not be provided if the commission cannot give a commitment that such submissions will be kept confidential. This would apply particularly to certain operations with the Public Service. I do not believe this matter is covered elsewhere in the legislation.

Dr Lawrence: Not really, no.

Mr COURT: We may find that this amendment is light on. We simply have not had time to draft better amendments to this legislation. The intent of the amendment was for the information to be provided to the Parliament, but it could well be that it is necessary to tighten up this provision to enable people to provide confidential information knowing that it will be kept that way. Such information must be provided if it will assist the inquiry.

Mr DONOVAN: I am not aware of the Premier's final attitude to this amendment, and I am sympathetic to what the Opposition is attempting to achieve. However, I worry about the confidentiality issue associated with this amendment. It is ironic that it brings us to the question of what the Opposition will do with the freedom of information legislation in another place. If that Bill is passed, the problems we have with this amendment could easily be solved by making it subject to the provisions of the FOI legislation.

Mr Court: That could well be a solution.

Mr DONOVAN: I think it is the solution. I am not unhappy either way, but given the

situation with the lack of resolution with the FOI Bill, it would be better to leave the clause as it is and deal with it when the other place has made up its mind about the FOI Bill.

Dr Lawrence: That is what we have recommended.

Mr DONOVAN: That is fine.

Mr COURT: The Opposition accepts the commitment given by the Premier; namely, that between here and the other House work will be carried out on whether this amendment is acceptable. It could well be that it requires expansion in relation to confidentiality, and could well include the member for Morley's proposal.

Amendment, by leave, withdrawn.

Clause put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

DR LAWRENCE (Glendalough - Premier) [11.40 pm]: I move -

That the Bill be now read a third time.

MR COURT (Nedlands - Leader of the Opposition) [11.41 pm]: During Committee the Opposition tried to improve the legislation. We appreciate the Government's supporting some of our amendments. With the limited time available we have not been able to do as thorough a job as we would like concerning the operations of the Bill. Very limited time is available between now and when the Bill will be debated in the other House for further work to be done, as members are busy on other Bills that the Government is trying to get through. It concerns the Opposition that, after a decade of government on which a Royal Commission has given a thorough report, it should not be this Government which appoints the members of the Commission on Government. The Opposition believes that the electors should be able to decide - that will not be too far into the future - who will be their elected representatives for the next term of government and that the procedure for forming the Commission on Government should begin then. At the same time the Opposition does not want to delay the operations of the Commission on Government. The Opposition believes that the few months prior to the next election is neither here nor there considering the importance of some of the work to be carried out.

The major thrust of our amendments is the Parliament's involvement in the appointment of the members of the commission. The Opposition believes that was the general thrust of the Royal Commissioners' recommendations, particularly recommendation 31 in which they outlined that they believed those independent appointments should be carried through.

DR LAWRENCE (Glendalough - Premier) [11.43 pm]: Part II of the Royal Commission's report quite clearly was meant to deal with a range of matters, some of which are included in this Bill. The Government by no means regards this Bill as the last word on the Royal Commission's recommendations. I draw members' attention to the report tabled by the Government on the balance of the recommendations. However, matters were left unconcluded by the commission which required further investigation. This Bill will provide that in a timely way, while taking note of the Commissioners' views that this should be done as a matter of priority and without delay. It will enable the appointment of the Commissioner on Government to be made with great sensitivity in the political climate. It will also enable the Commission on Government to get under way. The Bill gives priority, as does the Royal Commission, to the resolution of the electoral reform, but in no way diminishes the other matters to be investigated.

Simultaneously, the Government is taking action on other fronts; for example, freedom of information legislation, disclosure of political donations and the financial interests of members of Parliament, to name a few. The Government intends to continue with that reform program. This is one of the vehicles recommended by the Royal Commission - a sensible one - which has distance from the Executive and the Parliament. It is required to recommend to the Executive and to Parliament which will then decide which of its

recommendations are acceptable. The Bill is not only reflective of the Royal Commission's view, but also a sensible way of proceeding in a timely way to address those issues which can no longer be ducked.

Question put and passed.

Bill read a third time and transmitted to the Council.

EQUAL OPPORTUNITY AMENDMENT BILL

Receipt and First Reading

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

Second Reading

MR D.L. SMITH (Mitchell - Minister for Lands) [11.48 pm]: I move -

That the Bill be now read a second time.

In November 1991 the Government introduced a Bill the principal purpose of which was to make discrimination on the ground of age unlawful. Subsequently, a further Bill dealing with sexual harassment was introduced. The Premier then announced the Government's intention to include family responsibility or status in the Equal Opportunity Act. As a result, the two Bills already before Parliament were withdrawn and consolidated into one Bill along with the family responsibility amendments.

The principal purpose of this Bill, then, is to amend the Equal Opportunity Act to include further grounds of discrimination. A secondary purpose of the Bill is to include general amendments which will greatly increase the efficiency of the principal Act. These consist of -

the inclusion of racial harassment in the areas of employment, education and accommodation;

the expansion of race and sex discrimination to incorporate disposal of land in order to maintain consistency with Commonwealth legislation in this arena;

the expansion, in line with the Commonwealth Racial Discrimination Act, of the definition of discrimination to include "relative" and "associate" for the grounds of race, impairment and parts of age;

the expansion of the definition of impairment to include an impairment which is imputed to the person;

the expansion of the provisions dealing with sexual harassment in the area of employment.

I shall detail the general amendments which seek to improve the efficiency of the Act before proceeding to draw the attention of the House to the scope of the amendments dealing with age and family responsibilities.

Briefly, division 3A of the Bill proposes that the principal Act be amended to include discrimination involving racial harassment in the areas of employment, education and accommodation. The provisions of this clause meet a perceived need to clarify unlawful racial discrimination and to provide that it is unlawful to insult, taunt or abuse a person by reference to that person's race or the race of a relative or associate of that person. The amendment relating to "relative" and "associate" mirror a provision in the Commonwealth Racial Discrimination Act and makes the State Act consistent with the Commonwealth Act.

A significant amendment is that in clause 9 of the Bill which amends section 24 of the principal Act to expand the provisions dealing with sexual harassment in employment. Sexual harassment remains one of the most insidious forms of discrimination and I welcome these amendments to the Equal Opportunity Act 1984 to extend the protection offered by the provisions relating to sexual harassment in the workplace.

The primary objective of this amendment is to ensure that, where persons are sexually harassed in the course of their employment or in relation to proposed employment, by a person who is in a position to influence and disadvantage them in their employment, then

such persons will be protected by the Act. Within the context of the principal Act, sexual harassment is any unwelcome and unsolicited conduct of a sexual nature. It is uninvited and it is imposed. The Act provides that sexual harassment is unlawful when it disadvantages the person in the course or pursuit of employment.

At present, section 24(1) of the principal Act provides only that it is unlawful for a person who is either the employer or potential employer or is a fellow employee or a potential employee to sexually harass another person in relation to employment. This requirement restricts the effective operation of the Equal Opportunity Act, as it does not offer protection to persons who work together, but who do not share a common employer. This is a relatively common situation in the public sector. For example, teachers are employed by the Minister for Education under the Education Act, whereas non-teaching staff are deemed to be employed by the Chief Executive Officer of the Ministry of Education. At present these employees may not be covered by the Equal Opportunity Act in relation to sexual harassment. It is therefore proposed to amend section 24(1) of the principal Act to enable persons who are sexually harassed to make a complaint to the Commissioner for Equal Opportunity, even though the alleged harasser is neither the employer nor a fellow employee. The proposed amendments make unnecessary the requirement of a common employer or indeed an employer.

It is not proposed to amend the definition of sexual harassment in section 24(3) of the principal Act. Hence, persons making a complaint to the Commissioner for Equal Opportunity alleging sexual harassment will continue to have to demonstrate that rejection of sexual conduct or objection to sexual conduct may or has resulted in their being disadvantaged in connection with employment.

Lastly, in view of the community's concern about allegations of sexual harassment in Parliament House, which may not be currently covered by the Equal Opportunity Act, it is proposed that the amendments to section 24(1) should operate retrospectively to the commencement of the principal Act in relation to complaints of sexual harassment against members of Parliament. This means that persons who claim to have been the subject of sexual harassment by a member of Parliament three years ago or five years ago will be able to make a complaint to the Commissioner for Equal Opportunity.

The provisions outlined so far are designed to improve the efficiency of the principal Act. I now draw attention to the amendments relating to discrimination on the ground of age. This Bill makes the arbitrary use of age as a criterion to assess ability and capacity unlawful. Such discrimination occurs when assumptions about productivity, maturity and health are interwoven with age. Some examples of people discrimination on the basis of age are -

(i) a man in his twenties refused a job driving a petrochemical truck on the basis that he was too young;

(ii) landlords who do not rent to a young person or group of young persons because they believe the stereotype which portrays all young people as irresponsible with a tendency to throw wild and noisy parties;

(iii) a woman in her forties refused a managerial position;

(iv) a man of fifty considered to be too old to learn.

Such discrimination is based on stereotype images of people at either end of the spectrum - too young to be responsible and too old to be productive and capable. The use of stereotypes when dealing with groups of people denies them the opportunity to participate as they choose in society. However, when such presumptions are appraised on an individual basis, restrictions and discrimination on the ground of age appear somewhat capricious. It attests to the pervasiveness of stereotype images, which underscore discriminatory behaviour. Accordingly, legislation in making unlawful discrimination on the ground of age can serve to alter or modify the perceptions held of the young and the old.

There is no doubt that there is increasing support within the community for legislation to make unlawful discrimination on the ground of age. Certainly there are precedents in Australia. In January 1990 the Human Rights and Equal Opportunity Commission was empowered to investigate complaints of age discrimination in employment.

In 1990 the South Australian Equal Opportunity Act was amended to include age as a ground

of discrimination. In January 1991 mandatory retirement became unlawful in the public sector in New South Wales and unlawful in local government in 1992. Those provisions will extend to the private sector in 1993, and I am informed that the Fahey Government is considering expanding age discrimination to cover other areas. The Queensland Government has enacted the Anti Discrimination Act 1992 which includes age as a ground of discrimination. Finally, I understand the Australian Capital Territory is considering amending its Discrimination Act 1992 to include age as a ground of discrimination.

In Western Australia, the Commissioner for Equal Opportunity was asked to prepare a discussion paper on how the Equal Opportunity Act 1984 could be amended to include the ground of age. Subsequently, in July 1989 the commissioner released and distributed for public comment a paper on age discrimination outlining proposals for such amendments. Public response to the discussion paper was favourable. A total of 71 submissions was received and a broad range of interests was represented, including those of Government departments and agencies, the private sector, unions, community groups and individuals. Most of the submissions endorsed the principle of prohibiting age discrimination. Of all submissions received, 66 per cent specifically endorsed the majority of the discussion paper's recommendations. Only six per cent of the submissions specifically opposed any amendment to the Act. In view of the submissions received, some of the recommendations were modified, and I shall detail these changes shortly.

Before proceeding to an explanation of the Bill, I draw attention to the statistical information that is available on age discrimination. In Western Australia, during the financial period 1991-92, the Equal Opportunity Commission received a total of 341 inquiries on the ground of age. During the same reporting period, the Anti-Discrimination Board in New South Wales received 630 inquiries and 24 complaints. The figures for South Australia are similarly high. During 1991-92, the commission received 2 735 inquiries relating to age discrimination. This constitutes 22 per cent of all inquiries received by the commission. During the same period the commission received 104 written complaints. These statistics indicate that discrimination on the ground of age is a matter of concern to the wider community. The proposed amendments seek to redress such inequities.

This Bill proposes to make age discrimination, both direct and indirect, unlawful in the same areas of public life as for other grounds of discrimination under the Act. The areas covered by the Act are employment, education, accommodation, goods, services and facilities, access to places and vehicles, membership of clubs and incorporated associations, sport, advertising, provision of insurance and superannuation, and application forms. The Bill reflects the provisions governing other grounds of discrimination covered by the principal Act.

Consultations in Western Australia and the experience of the other States with similar legislation have shown that a major issue of concern with regard to age discrimination relates to employment, and I now refer to these provisions of the Bill. In relation to employment, the Bill does not include an exception which relates to the ability of the person to carry out work required to be performed in the course of the employment. Although such an exception was originally proposed in the discussion paper, it was deleted when submissions received cogently argued that the recommendations reinforced perceptions about the physical capacity of the ageing and the aged. The alternative exception provided in the Bill enables conditions to be imposed which comply with reasonable health and safety requirements. These amendments to the Act are predicated on the principle of "ability to do the job".

Section 66ZQ provides an exception where age is considered to be a genuine occupational qualification. This section provides that work involving dramatic performance, artists or photographic models where a person of a particular age is required for the purpose of authenticity, and where a person of a particular age most effectively provides a service to persons of a particular age, is exempt.

The Bill contains a specific provision which deals with compulsory retirement. However, section 66ZN(b) provides for an exemption period for this of two years. The decision to exempt compulsory retirement for a period of two years was based on the substantial amount of concern expressed, from both Government agencies and the private sector, as to the difficulties in relation to such matters as workers' compensation, superannuation and personnel planning, should compulsory retirement be abolished immediately. Concerns that have been raised by peak employer bodies on the issue of compulsory retirement are

appreciated. However, the Government does not accept the argument that, without compulsory retirement, companies would be forced to retain employees whose performance is inadequate. Prohibiting mandatory retirement will inevitably lead to changes in human resource practices. In time, such modifications will result in better management of human resources, and employees who do not serve time while awaiting retirement age.

Section 66ZL deals with superannuation schemes and provident funds. The exemptions were extended in order to meet the concerns of The Association of Superannuation Funds of Australia Limited. A restricted exemption allows discrimination which is based on actuarial or statistical data, or any other reasonable ground.

Further, section 66ZN proposes that a permanent exemption cover the appointment and retirement of judges, magistrates and justices of the peace. The exemption ensures that the absolute independence of the judiciary is guaranteed.

Proposed section 66ZS proposes to exempt Acts which are done in compliance with industrial agreements which relate to provisions in awards and industrial agreements relating to the payment of youth wages, maintenance of ratios of junior employees and adult employees. This proposed section proposes that the Commissioner for Equal Opportunity review all written laws and regulations which contain age related provisions.

The commissioner will examine the need for amendments to remove inappropriate references to age and will determine the development of consistency in areas where age remains a ground for legislative action. The commissioner will furnish a report of the findings to the Minister within two years of the enactment of the amendments. The Commissioner for Equal Opportunity has recommended that a detailed examination of these complex issues be undertaken by a tripartite working party subsequent to the passage of the Bill through the Parliament. In this context, I emphasise that the Government accepts that in some areas age limits will be required. Limits will be required, for example, to protect minors. Such legislation reflects societal expectations for the protection of persons of certain age groups. For example, it is not intended that the tripartite working party consider removing age provisions that presently make it unlawful for minors to purchase liquor.

The Bill outlines a number of exceptions. Although this may make the operation of the legislation somewhat unwieldy, it nevertheless mitigates against absurdities that may otherwise arise. Specific exceptions are proposed where the continuation of age discrimination is both practical and reasonable. The provision of bona fide benefits, including concessions to a person on the ground of age, is not unlawful in areas such as accommodation, and access to places and vehicles. In relation to discrimination on the ground of age in respect of membership of clubs, an exception has been made for junior and senior membership categories. Proposed section 66ZI(3) reflects the concerns expressed in submissions that clubs and incorporated associations continue to provide activities on the basis of age which benefit persons of particular ages. Similarly, clubs of which the principal object is the provision of benefits for persons of a particular age are exempt.

Although discrimination in the area of sport is unlawful, a specific exception is provided for competitive sport in proposed section 77ZJ(3), which is limited to competitive sport between persons of a particular age. Proposed section 66ZG(3) delineates the scope of the exception as it relates to accommodation, whereby discrimination on the basis of age is not unlawful in private households, when accommodation is provided by a religious body, or when accommodation is provided by a charitable or voluntary body solely for persons of a particular age.

The Bill outlines one additional area. Discrimination on the ground of age in the area of "disposal of land" will be unlawful. At present, this area is not covered by any other ground of discrimination, although it is proposed that the grounds of sex and race be extended to include this additional area. An exception relating to the disposal of land is provided in proposed section 66ZH(2) which allows the disposal of an estate or interest in land which is part or intended to be for the purpose of "retirement villages".

To a large degree, the exceptions outlined in the Bill are informed by commonsense. It is not the intent of this Bill to disadvantage persons of a particular age by making unlawful the provision of services which specifically benefit such a group. These exceptions reflect societal norms and expectations and have, I believe, the support of the general community.

Similarly, the amendments dealing with discrimination on the basis of family responsibilities or status reflect community views. Changing work and family structures mean that increasingly more people have to balance the dual responsibilities of home and work. Of parents in the work force, 17 per cent of men and 13 per cent of women have children under four. Overall, 59 per cent of employed married women have dependant children and 62 per cent of employed men have dependant children. Forty six per cent of mothers in single parent families are employed and 122 000 persons in the labour force are the main carers for a severely handicapped person in their own home.

Another significant demographic trend in Western Australia is the ageing of the population. In 1983, 8.7 per cent of the Western Australian population was aged 65 years or older. By 1991, the proportion reached approximately 9.8 per cent, and is expected to rise from 10.5 per cent in 2001 to 14.6 per cent in 2021. A growing trend against institutionalisation coupled with a rapidly growing population of aged persons has placed and will continue to place increased reliance on support services and community based services to the home. In the absence of adequate community services, the burden to provide care tends to fall upon family members such as a child or younger relative. Studies of the dependant and frail show that 80-90 per cent of their care is provided by family members. Thus, social and demographic trends indicate that the family responsibilities of workers are increasing. The impact of family responsibilities on work performance has been the subject of various studies in Australia and overseas. These show that, although work pressures may seriously damage family functioning, family concerns and responsibilities can seriously damage job morale, productivity and profits. Studies have shown a correlation between productivity, absenteeism, job morale and family responsibilities such as care for young children and elderly parents. It is not surprising, therefore, that a number of organisations have begun to implement "family friendly" initiatives. These companies include the Shell Company of Australia Ltd, ICI Australia Operations Pty Ltd and Sigma Pharmaceuticals Pty Ltd in Western Australia.

In the light of these circumstances, the Commissioner for Equal Opportunity was requested to prepare a discussion paper which made recommendations regarding workers with family responsibilities and on the Equal Opportunity Act 1984. In this context, I also draw the attention of members to Australia's ratification of International Labour Organisation Convention 156 - concerning equal opportunity and equal treatment for men and women workers: Workers with family responsibilities. Ratification creates a binding obligation under international law to develop and implement measures that meet the needs of workers with family responsibilities. Australia ratified ILO Convention 156 in March 1990. Western Australia was the first State to support the ratification by the Commonwealth and is now the first to consider embodying in legislation the principles that the convention espouses. Similar amendments to the Commonwealth Sex Discrimination Act were announced by the Prime Minister in September 1992.

In relation to the proposed inclusion of this ground, market research undertaken by the Equal Opportunity Commission showed that 33 per cent of people in the community believed that family responsibility was already covered by equal opportunity laws. A further 73 per cent thought family responsibility should be covered by these laws. Similar research was conducted to ascertain the attitudes of employers in November 1990. This survey indicated that 53 per cent of employers believed that family responsibility was already included in equal opportunity law covering employment, and 62 per cent of employers thought it should be included. During the past two years the commissioner has received an increasing number of inquiries relating to workers with family responsibilities. During the past two financial years the commission has handled 214 inquiries relating to family responsibilities or status.

The discussion paper was launched in March 1991, and a total of 48 submissions were received in response to it. A broad range of interests was represented including those of Government departments and agencies, the private sector, unions, community groups and individuals. Analysis of submissions received shows an overwhelming approval rate of 81.25 per cent for the majority of the paper's recommendations. Before outlining these provisions, I emphasise that in large measure these amendments reflect community expectations and concerns. It is proposed that discrimination on the basis of family responsibilities or status be unlawful only in the areas of employment and education. Again, general exceptions are proposed in order to ensure that individuals are not disadvantaged by the proposed amendments.

Clause 6 provides a definition of family responsibility or status. A broad definition of what constitutes family responsibilities or status was deliberately chosen to ensure that the definition encompassed the various family formations typical of a culturally diverse society. The proposed definition is not limited to having responsibility for only dependent children and covers having care and responsibility for an ageing relative who is not financially dependent. The provisions covering direct and indirect discrimination are consistent with the principal Act, and are provided in division 1 of part IIA of the Bill.

Division 2 makes it unlawful to discriminate on the basis of family responsibilities or status. The employment provisions of division 2 are consistent with the employment provisions of the other grounds of the Act. In order to ensure that persons in receipt of particular rights, benefits or privileges as a result of a specific family responsibility are not disadvantaged, proposed section 35B(4) provides an exception. This exception is intended to preserve benefits, rights or privileges which presently exist and are provided to employees with particular family responsibilities so that employers are not discouraged from providing such benefits by the possibility of other employees with different family responsibilities making a complaint under this section.

Division 3 sets out discrimination on the ground of family responsibilities or status in other areas. Again, proposed section 35I(3) provides an exception where a person is given bona fide benefits by reason of his or her family responsibility. Division 4 provides for general exceptions to unlawful discrimination on the ground of family responsibilities or status. These exceptions are similar to those provided in relation to discrimination on the basis of age in that they are governed by commonsense. Therefore, proposed section 35K provides that it is not unlawful to discriminate in relation to measures intended to meet the special needs of persons with a particular family responsibility.

Proposed section 35L provides that it is not unlawful for an employer who provides accommodation to employees to provide different standards of accommodation to different employees. This allows employers to use criteria such as the number of persons in the household of the employee to determine the standard of accommodation. The proposed exception acknowledges that the provision of accommodation of the same standard to all employees may place an undue burden upon employers.

With regard to the employment of a relative of an employee, proposed section 35M provides that it is not unlawful for an employer to discriminate against a person where the person is either a relative of an existing employee or the relative of an employee of another employer, where the employer can demonstrate that there is a likelihood of collusion between a person and that person's relative which would result in damage to the employer's business. Again, the Bill provides an exception for acts done pursuant to the written laws of the State. Proposed section 35N(2) provides that the exception will cease after a period of two years, while proposed subsection (3) provides that regulations may be made to except both general and specified written laws.

It is not the intent of these amendments to stipulate how employers should meet the family responsibilities of workers. Rather, the approach being adopted is one of shared responsibility between the Government, employers, employees and unions to provide support measures to enable workers to carry out their dual responsibilities more effectively and productively. It has become increasingly difficult to sustain the nostalgic myth of the separate worlds of work and family life where the responsibilities and activities of one are assumed not to interfere with the responsibilities of the other. Certainly there is a growing expectation that the dual responsibilities of workers will be recognised. The proposed amendments to the Equal Opportunity Act reflect community standards and expectations.

In conclusion, difficulties exist in ascertaining what the law should and should not permit, and in designing laws to put this into effect. Nonetheless, legislatures in societies that are similar to ours have been able to deal with issues of discrimination successfully. Discrimination means denying people the right to equal opportunity. It includes limiting their ability to contribute to and participate in the wider community. Certainly there are complex economic, social and legal issues in drawing up laws to deal with discrimination on the grounds of age and family responsibilities or status. The Government believes also that the debate about human rights has grown more complex, as we weigh the rights of one group with the rights of another group. Notwithstanding this, as community expectations alter and

include a growing recognition of human rights, it is appropriate that the Equal Opportunity Act be amended to include new grounds of discrimination.

I commend the Bill to the House.

Debate adjourned, on motion Mr Bradshaw.

CRIMINAL LAW AMENDMENT BILL (No 2)

Second Reading

Debate resumed from 21 October.

MRS EDWARDES (Kingsley) [12.15 am]: In rising to support the Bill I point out that it has three major aims. First, a review of the outmoded provision for punishment related to whipping and hard labour. It is interesting that I recently received a questionnaire from students at one of the primary schools in my electorate asking whether I supported a return to whipping as a punishment. They were obviously unaware that that punishment still appears in some of our Acts. I responded that I did not agree with whipping as an appropriate form of punishment nowadays.

The other aims are the removal of bankruptcy related amendments, which are now covered by Commonwealth legislation, and the modernisation of offences by including provisions against deliberate attempts to transmit AIDS and other diseases. I will deal with those amendments in detail later. An amendment for which I have waited for some time has not appeared in a form in which I would have liked it to appear and deals with custodial sentences of six months or less and, in particular, with fine defaulters.

Returning to the transmission of diseases likely to cause or endanger life, concern has been raised in the community that this amendment goes too far and that the common flu could actually be covered by it. This clause relates to the transmission of serious diseases such as AIDS being a form of applying grievous bodily harm and its being treated as such as it is likely to cause death or serious harm to the health of the person involved especially if it has reached the HIV infection stage. This raises possible difficulties with the law. Concern has been expressed in the community that this clause could cover a variety of diseases because the definition refers to a disease which interferes with health or comfort, which is dealt with in clause 3(4)(a). People are concerned that the common flu could be included under this clause. That fear may appear to be rather far fetched and it would be ridiculous if people who coughed or sneezed on others could be prosecuted because they knew they went to work with an annual virus that we all get from time to time.

Members opposite have been highly critical of the Legislation Committee which was constituted in the other place. This Bill was referred to that committee by the other House thus saving the time of the House. Rather than our proceeding ad nauseam with member after member arguing whether this clause would include the case of the common flu if people went to work with it and sneezed on somebody, the Legislation Committee considered that point and reported to the other House that the transmission of a disease which interfered with the health and comfort of another person would only be unlawful if the means by which the disease was transmitted was unlawful. Going to work with the flu would not be caught by this clause because that is not unlawful. I suppose a different interpretation of what could be regarded as unlawful could be arrived at. Even the narrow interpretation of going to work with the flu would not be regarded as being unlawful. Therefore these amendments do not extend the relevant offence beyond that considered by the draftsperson in the first instance.

I turn to sentences of six months or less and in particular to the recommendation of the parole committee in its report and its reason for recommendations. I will deal with them in light of the Bill before the House. Recommendation 22 provided for head sentences of three months or less, with the exception of offences of violence against a person, to be abolished or repealed. It was felt that the short, sharp shock theory lost ground in favour of the belief that there is potential for greater harm with exposure to a prison system; prison should be used as a punishment of last resort. All around the world serious doubts have been expressed about the effectiveness of short term imprisonment except perhaps in cases of serious offences or where violent sexual assaults were involved. When the Attorney General, with several other officers, visited Europe a similar recommendation was made in the report of that visit.

The Bill before us requires a magistrate to give reasons; it does not abolish the terms. It asks the magistrate to give reasons why imprisonment is an appropriate sentence. I am not sure whether the intention is more than the present provision in section 150A of the Justices Act which provides that justices or judicial officers are to give reasons for any sentence they impose for an internment.

Another factor I raise in relation to this matter is the case of Spreitzer and the Crown. It is an unreported case of 10 September 1991. In that case the court stated -

> . . . that the court shall cause its reasons to be entered in the records of the court are fulfilled by the transcribing of Judge's sentencing remarks, or by the delivery of written reasons or the transcription of oral reasons for decision by an appellate court.

The amendment may not achieve the intended result. The intention is for a reduction of prisoners - the daily average muster - in that the short, sharp shock treatment is no longer regarded as something of positive value. There could be a negative value, but more than that a large proportion of people in prison for six months or less are there for fine default. People who decide as a matter of principle to opt for prison rather than paying fines are abusing the system; certainly they are wasting taxpayers' funds. According to the 1990 annual report of the Department of Corrective Services it costs in excess of $1 000 a week to house a prisoner. The percentage of prisoners serving sentences of less than six months to 30 June 1991 was 74 per cent of sentenced prisoners, and to 30 June 1992 it was 63 per cent; so there has been a reduction in the number of persons serving less than six months. Prisoners sentenced for fine default and serving six months or less, to 30 June 1991 were 72 per cent; to 30 June 1992, 71 per cent. While there has been a reduction in prisoners serving less than six months, during the same period there has been an increase in prisoners serving less than six months for fine default. We need to home in on that area, and to make sure that measures are put in place to ensure people meet their obligations to pay fines, and that in those instances when people are not in a position to pay, alternatives are put in place so that a default of a payment of a fine does not automatically mean people are sent to prison, as currently is the case. Such measures as being able to confiscate property, where the bailiff can collect a television set, a video, a lounge suite or something else - if property is available - will ensure people do not opt for going to prison instead of paying a fine. It will result in a huge saving for the Department of Corrective Services and for the State if we can achieve a reduction in the number of prisoners serving time in prison for six months or less, or more importantly in the number of fine defaulters.

I remember a case where I appeared before a judge on behalf of a client on a plea in mitigation. I said to the judge that if he felt that imprisonment was not an appropriate sentence for my client, and that was the way he wanted to proceed he should not opt for a fine because my client had no capacity to pay. Therefore the judge would merely be sentencing my client to a term of imprisonment, so he may as well sentence my client immediately or provide an alternative. The judge levied a $10 000 fine, which my client was not in a position to pay. The amendment contained in the legislation reflects a need for an awareness by magistrates of the requirements, and of the reasons that Parliament is approving this legislation; that is, we want to achieve a reduction in the number of people spending six months or less in prison. We do not want fine defaulters spending time in prison.

We are concerned also about the number of Aborigines in custody, and many of them are serving sentences of three months or less. Therefore the acceptance of the amendment to the Criminal Law Act will achieve a considerable reduction of Aboriginal people in custody as well. We all want to work towards that end. I am not sure that we can achieve that without introducing some comprehensive awareness program for the magistrates or judicial officers. It is likely that the legislation will not provide anything more than is presently provided under the Justices Act and under precedent by way of Spreitzer and the Crown. If we are committed to ensuring a reduction of prisoners, people serving sentences of six months or less, and a reduction in the number of Aborigines in custody, we must undertake an awareness campaign for judicial officers regarding the intention of the amendment.

Other aspects of the Bill deal with bankruptcies, removing the whip and so on. I do not wish to go through those provisions in detail. The Bill has been before the Legislative Council and has been dealt with in detail. I wanted to make those points about the six months or less

sentences. I hope that a review is carried out, together with monitoring of the amendment so that if the intention of the amendment is not being achieved, other measures can be put in place; we could then take the hard line and abolish sentences of six months or less. It was put to me that one reason for the provision of that sentence was to allow judges flexibility in concurrent sentencing. One argument is that if judges are imposing concurrent sentences they can add six month sentences to six month sentences, but if we abolish sentences of six months or less we would lose the flexibility of the judges in sentencing. If one looks at the percentage of prisoners in gaol, more sentences are for three months or less, not six months; that is particularly so with fine defaulters, where the percentage is even greater. Therefore, the result of extending the three month penalty to six months would not be so great in terms of present numbers. If a review of that legislation in the future reveals that it is not achieving the results that it was intended to achieve, maybe the hard decision to abolish sentences of three months or less should be made.

MR WIESE (Wagin) [12.33 am]: The National Party supports the Bill. It has been dealt with by the Legislation Committee of the upper House, which has reported to the upper House. This legislation has gone through the Legislative Council prior to coming to this place. I support the concepts envisaged in this legislation of dealing with those offences of deliberately attempting to transmit the AIDS virus and other diseases. It has worried me, as I am sure it has worried many other people in the community, that an offence or assault on a person by another person using syringes contaminated with blood or some other type of method of transmitting the AIDS virus amounts to grievous bodily harm as defined in legal terms. In my view that amounts to cold blooded murder, to put it in a layman's term. The reality is that although it may take some time, if the attack has been successful in transmitting the virus, the victim has a very good chance of dying as a result of the assault. It is a most serious offence and it should be punished accordingly.

I take on board the comments of the member for Kingsley about the six month penalty. I have listened to the wisdom being imparted by the so-called experts around the world who say that imprisonment is not beneficial, that it does not serve any purpose, and that a gaol sentence may be detrimental; but I have grave reservations about going down that course. I accept that the courts have an ability to pass sentences of that nature, but we must remember two things about the sentencing process: Firstly, the concept involved is punishment of the person who is being sentenced. It may be that a six month sentence does not fully serve that purpose of punishment. Secondly, a great deal of alarm has been expressed time and again in the world outside of this Parliament and the courts that we are not dealing adequately with these offenders, that even by putting these persons in gaol we are not rehabilitating them. However, at least we are acknowledging that we are taking them out of circulation for a period so that the community is protected from their carryings on. I subscribe to that point of view because the community needs protection from those people who consistently and persistently carry on offending against other people in the community. They are hauled into court and then walk out of the court untouched by the legal system. I do not believe that engenders in those offenders any respect for the law. Basically these are young juvenile offenders. That does not provide any protection to the community from their continued activities. For that reason, although I acknowledge what has been said by both the member for Kingsley and the Minister about what is proposed in this legislation, the community has the right to expect some sort of protection from those people.

Another aspect which needs consideration and which is rarely if ever acknowledged is the effect upon police morale. The police are given the job of apprehending these offenders. Our police - and I am sure that this is happening in the community at present - go to a great deal of trouble to apprehend these offenders; they do all the bookwork to get them to court only to see the court system allow those people to walk out of the court untouched. The effect on police morale is devastating because after they have done this two or three times with the same repeat offenders, they start to wonder what is the use of their going out and doing all the work when the person walks out of court thumbing his nose at them. Our Police Force is seeing a lot of that at present. The police are losing heart because of what they see happening in the court system. We need to take more account of that when we deal with legislation of this nature.

I acknowledge that this legislation seeks to remove the punishment of whipping and hard labour. The view I express is very much a personal one; I can say with great certainty it is a

view that is not appreciated in my own party room. I believe we should be looking seriously at introducing whipping, or birching, which is a term I would prefer to use, for some of these young offenders. That might produce the desired results where everything else has failed. We must acknowledge that with a lot of these young offenders, everything else that our system has tried to do has failed. We have bent over backwards trying to address their problems. We have geared the legal system, rehabilitation programs, social services and other services provided by the Department for Community Development, and all those aspects of our system towards dealing with young offenders. In many cases they are getting no results. I wonder whether we should not be seriously thinking about reverting to the birch, which I freely acknowledge is a crude and perhaps to some degree cruel punishment for those juvenile offenders.

If after the application of that punishment we do manage to pull some of the young offenders into line and save them from going on to a life of continued crime or a life in and out of gaol, we have done them a great kindness and changed their whole life for the better. It surprises me that we have done so much in our system to try to address the problems of young offenders, but have not contemplated going back to the application of that punishment. Members must acknowledge, as I freely do, that on many occasions in our schooling years physical punishment was invoked for wrongdoing. I do not think it did us any harm. It certainly did not lessen our respect for those who administered that punishment against us. I do not think any of those people took any joy in doing it; however, ultimately it served the purpose of maintaining discipline and respect for authority. We should all accept that as an important part of the juveniles' upbringing. I accept that the point of view I am expressing may not be generally accepted within the community, but it must be stated because it must be considered in view of our lack of success with many of the other forms of punishment within our legal system and which we currently utilise to try to address the problems of juveniles within the community. I reiterate the National Party's support for the legislation.

MR D.L. SMITH (Mitchell - Minister for Lands) [12.42 am]: I thank members opposite for their support of the Bill. In relation to the concerns expressed about the effectiveness of the provisions for sentences of six months or less, we must monitor the impact of the legislation over a period. In answer to the member for Wagin's suggestions of whipping and birching, I can say only that am not willing to sail on his ship. That sort of punishment has no part in legislation in this era, and certainly not in a country which pays heed to international charters dealing with prisoners. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr D.L. Smith (Minister for Lands), and passed.

SGIO PRIVATISATION BILL

Returned

Bill returned from the Council without amendment.

ACTS AMENDMENT (JURISDICTION AND CRIMINAL PROCEDURE) BILL

Second Reading

Debate resumed from 25 November.

MRS EDWARDES (Kingsley) [12.46 am]: I support the Bill. It is extremely important and one which has been long awaited by the legal profession, particularly by those whose clients are experiencing some delay with matters. A range of other matters are covered under this legislation. It seeks to change procedures, particularly relating to the committal proceedings. It will require the videorecording of interviews and admissions will be inadmissible, particularly in indictable offences. That is the area in which I will be seeking to move one amendment. I made the point in debate on the previous Bill that where fines are imposed, work and development orders should be provided as conversion for fines and

penalties, and that wherever possible warrants of execution are issued to enable the bailiff to pick up goods, if available, in place of imprisonment for fine default. Imprisonment for fine defaulters should be abolished totally. However, if members monitor the last Bill, and the amendments in the current Bill, they will see whether the amendment dealing with sentences of six months or less will achieve the intended result.

This Bill will also increase the time limit for making a complaint from six months to 12 months. That is a very important amendment for rewriting and updating the forms. Those forms are not available but will be implemented by way of regulations. I look forward with interest to the drafting of those forms. The other important aspect is the extension of the District Court of Western Australia jurisdiction to $250 000, the Local Court to $25 000 and concurrent jurisdiction for sexual offences. When the Criminal Code was previously amended it provided for all sexual offences to be heard by only the Supreme Court. However, that overloaded the Supreme Court with minor offences such as indecent dealing. It was unnecessary to have such minor offences heard in the Supreme Court with all the attendant costs of not only the State but also the individuals concerned. It is important that concurrent jurisdiction be given so that minor sexual offences can be heard in the District Court and, where appropriate, more serious cases in the Supreme Court.

The other amendment for the increase in the District Court jurisdiction deals with personal injuries where a third party indemnity exists. That relates to cases where there is a relationship with a personal injury case and the insurance company takes over the role of the defendant. That case is then required to be held in the Supreme Court. Changes to this Bill will enable such cases to be heard in the District Court where obvious advantages exist such as pre-trial conferences and the availability of people who are used to dealing with personal injury cases. A good process of dealing with personal injuries in the District Court has been developed over a period. It is obviously more appropriate, particularly given the cost factor, and will be quite successful in ensuring that people get their cases to trial. I am aware of several cases which are awaiting this amendment to pass before they proceed. Some of those people have a life threatening illness or disease caused through some form of claim which they will be able to make on a common law basis. Once this amendment is proclaimed those cases will be able to be dealt with cases through the District Court, whereas they may not have proceeded through the Supreme Court because the costs in that court are prohibitive. It is a very important amendment as far as that matter is concerned.

I propose to move an amendment relating to the videorecording of interviews. The videorecording of interviews was an important step taken by this Government and the Bill was amended in the upper House to ensure that all juveniles under the age of 18 involved in an indictable offence had their interview recorded. However, I believe that when juveniles are involved in any offence, the interview should be taped. Therefore, any juvenile who is taken to a police station to be interviewed should have his or her interview recorded. We are all aware of the Dethridge case. Aspects of that case may never have been made public without the presence of a camera in the police station. It has been argued in the other House by the Attorney General that the cost would be prohibitive and that the amendment is not such a good one at all. However, it puts in place provisions to ensure that arrest is used as a last resort. The police do a tremendous job, but they use their powers of arrest too often. We read in this morning's newspaper about a gentleman who defaced a $2 note. The story asked why he was arrested and the Prime Minister was not. However, the point I got from that story was that that person was dealt with unnecessarily by the police using arrest procedures and taking him to the East Perth lockup and fingerprinting him instead of dealing with it by way of summons. I think that principle is supported by everybody everywhere. The police should use their powers of arrest only as a last resort and wherever possible they should proceed by way of summons. That matter was dealt with in the recommendations of the Royal Commission into Aboriginal Deaths in Custody and has been raised from time to time when we talk about juveniles.

A point that can be raised in opposition to it is how to deal with the problem in remote and outback regions. Equipment should be made available in regional centres for serious offences and the person who has committed the serious offence should be transported to the regional centre. If the offence is not serious, the matter could still be dealt with by way of summons. This is a major step in dealing with juveniles and in putting barriers in the way of police to encourage them to use their powers of arrest as a last resort rather than its being used in inappropriate cases where the offence could be dealt with by way of summons.

The other aspect of the Bill with which I would like to deal is the changes in the jurisdictions of the Supreme Court, the District Court and the Magistrates' Court. I asked the Minister questions in the Estimates Committee about the sudden increases in cases that will occur in the District Court and Magistrates' Court by changes in jurisdiction. He was unable to answer the question except to say that two new judges would be appointed. However, there has been an increase in judges and judicial officers in the Supreme Court, but no increase in that personnel in the District Court from 30 June 1991 to 30 June 1992. The Magistrates' Court also has had no increases. However, there will be an increase because of the change of jurisdiction of the Magistrates' Court to $25 000. That will mean that a huge number of matters will be dealt with automatically by that court which would have gone to the District Court.

Mr D.L. Smith: How many would you describe as "huge"?

Mrs EDWARDES: The Minister must have some idea of the numbers.

Mr D.L. Smith: You have made the allegation of there being a "huge" increase.

Mrs EDWARDES: The increase will be quite considerable when the jurisdiction is changed to $25 000. I would be surprised if the Minister does not have those numbers and information on the charges causing delays in Magistrates' Court and District Court hearing dates. The Supreme Court will actually benefit from the changes in jurisdiction. However, the Crown Law Department annual report for the year ended 30 June 1992 states -

> The delay for civil matters (backlog of 150 cases requiring 563 hearing days) between the time of listing and trial date has grown in the last year from 9 months to 16 months. The delay in obtaining a hearing for civil Full Court appeals (backlog of 57 appeals) is now five months.
>
> The backlog of criminal matters has remained constant in the past 12 months. There are currently 40 cases awaiting trial. This represents a delay of 4 months to obtain a trial date.

Mr D.L. Smith: That is in the Supreme Court.

Mrs EDWARDES: It is the Supreme Court that I am talking about. It is the one that will -

Mr D.L. Smith: Lose a lot of its jurisdiction.

Mrs EDWARDES: Yes, it will benefit from the changes in the jurisdiction. On the District Court, the report states -

> The number of criminal trials held in the District Court increased from 295 in 1990/91 to 425 in 1991/92. However, the backlog of criminal cases awaiting trial continues to increase. At June 1992 there were 557 cases awaiting trial, a 24% increase or 109 more cases than at June 1991.
>
> The number of civil trials held decreased from 381 in 1990/91 to 339 in 1991/92. This was due in part to the allocation of an additional Judge to the criminal jurisdiction in an attempt to reduce the backlog of criminal trials.
>
> The number of civil actions commenced in the District Court decreased by 8% to 8,699 and the number of pre-trial conferences increased by 593 to 3,226 in 1991/92. However, the delay for a civil trial date continues to increase. At June 1992 a delay of approximately 16 months between entry for trial and trial existed. To reduce the delay in civil trials the appointment of an additional Judge is to occur in 1992/93.

Therefore, an additional judge has been appointed to deal not only with those delays but also with the increased jurisdiction. In relation to Magistrates' Courts, and, in particular, the Local Court, the report states -

> The number of plaints lodged in the Local Court jurisdiction increased marginally in 1991/92. Residential tenancy applications lodged during 1991/92 have increased by 123% from 3,399 in 1990/91 to 7,610 in 1991/92.
>
> Pre-trial Conferences held in the Local Court jurisdiction increased 11% in 1991/92.

It does not give detail of the extent of any delays.

I hope the Minister will address the way in which the Government proposes dealing with

those increases in case load because of alterations to the jurisdiction and refers in particular to the District and Local Courts. He should inform the House what are the prospective numbers and the extent of delays in trial. Some of the matters which will be transferred to the District Court under changes in jurisdiction will want to take advantage of the very effective pre-trial conferences operating in that court for personal injury cases. All in all we support the Bill and I will move that amendment to clause 5 during Committee.

MR WIESE (Wagin) [1.00 am]: The National Party supports the Bill. As usual, the member for Kingsley has dealt with the legislation in great detail and there is not much more I can add to her comments. The introduction of video recordings of police interviews for indictable offences is noted and approved. It is not for me as a mere layman to wonder how people know at the beginning of the questioning process that they will be dealing with an indictable offence, but I am sure that will be sorted out in the system. I acknowledge that this equipment will be installed, I presume, in all major regional police stations throughout Western Australia and I am sure the Minister will indicate the steps being taken to ensure the equipment is in place and when this will occur.

I comment on one aspect of this legislation which to some extent may be in opposition to the views of the previous speaker. I refer to the paying of fines and the ability for the courts to place orders on property in order to recover the fine that the person refuses to pay, should it be deemed that the person has the capacity to pay the fine. I accept the reason that it is being put in place. However, my concern about this measure is that at times persons may be absolutely and totally convinced that the fines imposed upon them are unjust and, in those circumstances, they may refuse to pay their fines to make some statement about the justice system. If the police were to go ahead and send in the bailiffs to remove property, I suspect the persons most likely to suffer would be the families of those persons. I want to place on the record my view that the most effective way of cutting out the fines in the case of persons who refuse to pay fines is by community work orders. That would allow a person to live up to his beliefs but, rather than go to goal for not paying the fine he would be able to cut out the fine by community work orders. I would hate to see property taken by the bailiffs to the detriment of the family and I would much rather see the fine cut out in that way. I hope that property will be not be removed in too many of these cases of non-payment of fines if the family will be severely affected. I accept and strongly support the concept of keeping a great number of these people out of gaols simply because they cannot pay their fines. It is a most inappropriate situation. I am sure we all accept that a wide range of activities could be carried out in our communities by persons in that category and it would be to the benefit of the whole community. It is totally useless to lock people in prisons and it should be thoroughly discouraged for these types of offences. The legislation deals with many matters other than those I have touched upon, and the National Party supports those measures with very few reservations.

MR D.L. SMITH (Mitchell - Minister for Lands) [1.06 am]: I thank members opposite for their support for the Bill. In relation to the member for Kingsley's concern about how the District Court and Magistrates Courts will handle the change in jurisdiction, as she indicated with reference to the delay in the Supreme Court, the situation will be improved by the amendments to the jurisdiction of the District Court and the Magistrates' Courts made in this legislation. It is also improved by the additional judge appointed to the Supreme Court. As indicated in the annual report of the Crown Law Department, it is intended that an additional District Court judge will be appointed this year. A number of other amendments will be made dealing with videos and a range of other matters relating to the procedures of the court, which will improve the situation in the District Court. There has also been a levelling off in the rate of increase in criminal activity and we hope that trend will continue. As a State, we are conscious of our proud record in comparison with other jurisdictions in terms of the limited delay in both civil and criminal trials. We will continue to appoint additional judges and magistrates as required so that the delays that began to occur in the past 12 months are again reduced to where they were before the additional delays occurred.

With regard to the member for Wagin's concerns about community service orders and work orders, I assure him that I will communicate his views on these matters to the Attorney General. Videotaping is a vexed issue. Two types of video records are made in police stations. One is that installed in the reception area which is a set piece video that simply monitors what goes on in that part of the station. The other is video equipment used to

record interviews and that equipment is now available in most metropolitan and regional stations. The extent to which either the video of what goes on in the police stations or the interviews can be done at all small country police stations is a question of time and expense. Sometimes there are only two officers at the station, and often only one at any one time, and that must be borne in mind with regard to the ability to operate some of the equipment effectively. The general intention is to move to a situation in which all interviews in which confessions are made are videotaped. That was originally opposed by the police, but they now see it as a major advantage in a variety of ways, and I anticipate that it will continue. I will have more to say in relation to this issue when the member for Kingsley moves her proposed amendment at the Committee stage. I thank members for their support and commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

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

Clauses 1 to 4 put and passed.

Clause 5: Chapter LXA inserted -

Mrs EDWARDES: I move -

Page 7, line 19 - To delete the word "indictable".

In this clause, a serious offence is defined as an indictable offence of such a nature that, if a person over the age of 18 years is charged with it, it cannot be dealt with summarily. On the trial of a person charged with an indictable offence, evidence of an admission which is made by any person under the age of 18 shall not be admissible unless the evidence is a videotape on which is a recording of the admission. I was interested to read the debates which occurred in the other place in respect of this clause and some of the arguments put by the Attorney General. At page 6 419 of *Hansard* on Tuesday, 10 November, the Attorney General stated that -

> We have a clear distinction between a theoretical view which may well have something to commend it versus the very practical considerations which could go very far to fouling up the law enforcement effort, particularly in the juvenile area. I can only repeat my strong view to the Committee that we should not go along this route. We would be making a great mistake for no good reason.

This amendment provides that if an admission of a juvenile is to be used in a court, then that admission should be videotaped in the case of every offence and not just for indictable offences. As the Attorney General stated, we should not get carried away with the theoretical view that the videotaping of admissions should apply only to admissions in respect of indictable offences. This should be the case particularly if we are serious about implementing the recommendations of the Royal Commission into Aboriginal Deaths in Custody. The Attorney General stated also that it would involve tremendous and unjustified expense for the system to be extended so far, not only for the required new equipment, but also for the additional manpower. The Attorney General argued for the need for a proper and sensible balance. If we are to videotape the admissions in respect of indictable offences for adults and for persons under the age of 18, then the equipment would have to be there in any event; therefore, it would not involve any additional equipment to videotape admissions in respect of all offences.

If it were not a serious offence, in all probability the charge would proceed by way of summons and not by way of arrest, which happens far too frequently in the case of juveniles, particularly Aboriginal juveniles, and that is a matter which we need to address head on. I commend the Government for moving for the first time to the recording of interviews. The Minister pointed out in his second reading speech that that was not previously accepted by the police but was encouraged by the legal profession. It is now supported by the police, and some criminal lawyers are not too sure about how this will happen, so the positions have been reversed. There is some concern that it will take up a considerable amount of time to prove the admissibility of the admission taken. However, that matter can be addressed when

that starts to occur. I urge the Chamber to support the amendment so that any admission from any juvenile under the age of 18 that is to be used in a court is videotaped so that that evidence can be proved in a court of law. If it were not such a serious offence that the police believed it warranted going through that extreme procedure, it might pay the police to utilise the system of summons rather than arrest.

Mr D.L. Smith: It will be the opposite situation. Take the example of a police officer who stops a 17 year old who is on "P" plates and is driving at more than 80 kilometres per hour. If he asks that driver to acknowledge that he is driving at more than 80 kilometres per hour, and the driver says yes, that policeman would not be able to use that admission later on unless he actually took that driver to the police station and videotaped his admission.

Mrs EDWARDES: Would the Minister encourage the policeman's taking that young lad to the police station in that instance?

Mr D.L. Smith: He could use an infringement notice. He would say that he committed the offence and it would not be necessary to go back to the police station. He should be able to use that as evidence. Using your interpretation, he would be unable to do so.

Mrs EDWARDES: He would proceed by way of infringement notice and that instance would go no further. That is the type of thing we are talking about. The overuse of the provisions of arrest must be discouraged. Maybe we need to deal with the matter head on. This amendment represents a start in relation to juveniles.

The Dethridge case highlighted this issue in many people's minds. As legal practitioners we hear about the abuse of juveniles in police stations, and to an extent one becomes desensitised. In some instances the claims are true, but not necessarily in the majority of instances. One says, "Yes, we have heard all those stories before." However, the Dethridge video brought the issue home. These things do happen and it is not acceptable. We should use the option of arrest as a last resort. A good start would be requiring the admission of evidence on video for all juveniles if that admission is to be used in a court.

Mr D.L. SMITH: The amendment is opposed. I emphasise that this is important legislation. The sooner it is implemented, the better. This aspect was discussed in another place and the amendment proposed by the member for Kingsley was moved and not passed - and for very good reason. If we pass this amendment tonight, we will cause delay in the implementation of this legislation. The Bill would have to be sent back to the upper House, which will no doubt maintain its position and create an impasse. With the time remaining in the session we would run the risk of the legislation being lost. This legislation is important to overcome delays, especially those within the Supreme Court. This amendment would make the legislation quite silly because serious offences in relation to juveniles would mean any offence. The clause will subsequently read -

On the trial of an accused person -

That relates to any offence with juveniles -

- evidence of any admission by the accused person shall not be admissible unless -

(a) the evidence is a videotape on which is a recording of the admission; or

(b) the prosecution proves, on the balance of probabilities, that there is a reasonable excuse for there not being a recording on videotape of the admission; or

(c) the court is satisfied that there are exceptional circumstances which, in the interests of justice, justify the admission of the evidence.

An example is a lad aged 14 years who goes down town and throws a rock through a shop window. The police are called and an officer turns up to find a juvenile and a broken window. No evidence is available for the police officer. He asks the juvenile whether he threw the rock and broke the window. The juvenile answers yes and the policeman notes that comment. He takes the name and address of the juvenile and issues him a summons.

Mrs Edwardes: I bet he takes him to the local police station. That is what happens at the moment.

Mr D.L. SMITH: In many places that does not happen. Surely the member does not want that to happen? The example to which I refer involves a relatively minor offence.

Mr Wiese: The shopkeeper may disagree with you.

Mr D.L. SMITH: I will provide other examples following which the member may not feel the same way. If the officer in question had been required to produce a videotape recording of the lad's admission, he would have done so. He would want the respect of his senior officers when putting up a brief. If he knew that an oral admission cannot be used in court until section 570D(2) was satisfied, he would have carted the lad to station and videotaped the questions and answers for the admission.

Another example is with graffiti. The officer turns up and asks the juvenile whether he sprayed the graffiti. If the officer receives the right answer, he will send a summons for wilful damage to the juvenile. This situation could apply to a range of offences, not just those within the Criminal Code and the Police Act. In fact, it could relate to all constituted under legislation so long as the person involved is a juvenile. This outcome is contrary to the member for Kingsley's primary aim. In the vast majority of cases the police should not arrest the juvenile, and a caution should be provided. If the police believe that a caution would not be welcomed by the shopkeeper or the building owner, he or she would proceed by way of summons. Either way, the juvenile would not be carted to the police station.

The Government has already announced that the committee on juvenile justice, established by this Government, has produced a report on the interviews and treatment of juveniles. The important part of that report is that in due course it will propose specific amendments to the child welfare legislation which will deal with the procedure for the questioning of juveniles. That legislation is more appropriate to deal with this type of amendment rather than including it with a provision which is designed for more serious offences.

Courts in the past have always been willing to accept oral admissions, provided they were corroborated and supported by other evidence. In this legislation we are dealing with a particular type of indictable offences with adults; namely, those which cannot be dealt with summarily. In the case of juveniles, it relates to all indictable offences. Admissions in those cases cannot be used in evidence unless they are on videotape. To that extent this legislation will go some way towards the achievement of the member for Kingsley's aims. If we want to broaden this provisions beyond indictable offences, it should be done by way of different amendment. Perhaps the best way to do that would be by way of new provision relating to interviewing of juveniles rather than including it within this clause.

It is not a simple matter of moving from indictable to all offences. The use of videotaped admissions for some offences might be preferable for not only the juvenile, but also the prosecution. However, we should not consider this matter on the third last sitting day of this Parliament, as we run the risk of sending the legislation to the other place and the whole Bill being lost. I oppose the amendment.

Mrs EDWARDES: The Minister has convinced me. I wish I could convince him to accept our amendments as often as I would like. Perhaps for a range of reasons the Child Welfare Act is more appropriate legislation in which to deal with this matter. I look forward to provision for juveniles who are taken to the police station to have with them their next best friend, parent or guardian. It is not appropriate for a juvenile to be interviewed by police without the presence of an adult.

Mr D.L. Smith interjected.

Mrs EDWARDES: It must be an adult of some description, even if it is an independent third person. In one instance a client of mine was picked up from his home where his father was doing the gardening. The police said that they wanted to take the man's son to show them where some boys committed an offence. When the father asked whether they wanted him to come, a policeman said that they did not and they would be only a short time. Four and a half hours later the lad had not returned. He had been taken to a police station where he was charged. That behaviour was totally inappropriate. Somewhere along the line we must change that sort of attitude and practice. More particularly, we must be positive about our commitment that arrest should be used as a last resort. I look forward to seeing some amendments to the appropriate legislation.

Amendment by leave, withdrawn.

Dr TURNBULL: What is the object of videotaping? Is it to record the admission of the offence, or is it to record the interviewing that goes with the admission? In most country

areas videotaping cannot take place. A young person was interviewed in Collie by detectives for about four hours at the end of which the detectives said they would take the juvenile to Bunbury to videotape the interview. That seems quite farcical. In light of what the Minister said a few minutes ago about Brunswick, there must be a protocol whereby if detectives are to interview someone, that interview should take place at the station where the video exists.

Mr D.L. SMITH: Practices will vary. I do not want to get into detail about practices of the police; nor do I want to presume that current practices were the same when I was in practice. Generally speaking, in the old days police did not start to record the interview until after they had what they thought was the appropriate admission through general questioning. They would then formally warn the person. It is from that formal warning onwards that recording takes place. From the videos I have seen that seems to be the current practice. It is commenced by giving the warning, followed by questions through to the answer and winding up. I have no doubt that in most cases, fairly extensive questioning by the police has taken place before that formal warning. Certainly, in some country stations which has no video equipment there may be a need to move them to a regional station in order to do that. Generally speaking, that would not be done until the police officer concerned felt he had enough evidence to warrant taking a formal statement which will contain the admission; if not the admission, at least what he considers to be reasonably good evidence that the accused was probably guilty of the charge, or sufficient to charge him or her.

Dr TURNBULL: In that case, the reason for the videotaping is merely to confirm the admission rather than provide support or evidence to juveniles in particular who might be taken to the station where pressure is on the person to produce an admission or, in the case of Fremantle, where physical violence was applied. The videotaping to which I referred earlier is merely a formality to corroborate the statement.

Mr D.L. SMITH: In fairness to the police, it also ensures that there is evidence that their questions are asked in a certain manner and that the accused gives the particular answer with a particular demeanour. That can be an advantage to the accused. However, as the member for Kingsley and I have summarised, much to their surprise, the police have found that giving video evidence is extremely useful because it portrays the accused giving his or her own statement. That is quite often much more convincing to a jury than a policeman reading out what he took down of the conversation. For that reason, the police generally feel that videotaping of evidence is as much an advantage to them. What is being covered by this provision is solely material used in evidence. All it does is prevent police from using new admissions if they are not included in the video. It does not ensure that the arrest or passage from the arrest to the station or all of what went on at the station or otherwise is videotaped. In saying that, I do not believe we should in any way take the Dethridge case as an example of what usually or even rarely goes on at stations. It stands out on its own. I do not think anyone should jump to the conclusion that police conduct generally is other than what we would expect from the force in this State.

Mr Wiese interjected.

Mr D.L. SMITH: My understanding was that a fixed video was ready to ensure a record was taken of events in the general reception area for offenders who were brought into that station, rather than an interview area.

Dr TURNBULL: I accept the Minister's description. It certainly does not display the type of questioning that could have taken place some time beforehand.

Clause put and passed.

Clauses 6 to 41 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr D.L. Smith (Minister for Lands), and passed.

LEGAL AID COMMISSION AMENDMENT BILL

Second Reading

Debate resumed from 5 November.

MRS EDWARDES (Kingsley) [1.41 am]: I support this Bill except for the provisions contained in clause 7 for a new section 34A. The extension of legal aid provided by this amendment covers such things as contingency fees. That will allow legal aid to be granted to those people who would not necessarily receive aid because of restrictions imposed by section 14 of the Legal Aid Commission Act. The Director of the Legal Aid Commission raised a matter with me last week concerning a national law firm which telephoned him asking whether the amendment Bill had been passed as it wished to take up some form of class action. I understand that this firm would have reached an agreement with the Legal Aid Commission for the commission to fund disbursements, and the firm would put in the time and other resources and if successful would recover the costs and pay disbursements. Contingency fees are not accepted by the profession at large. A vote in the profession last year narrowly defeated the introduction of contingency fees. The application of contingency fees, as they operate in other parts of the world, raises some real concerns. However, in this respect the clients are receiving the supervision of the Legal Aid Commission. Under proposed new section 50B, which contains reporting provisions by private practitioners to the commission and requirements about assistance that practitioners need to provide to legal aid funded clients, clients are fairly well protected from some of the excesses which occur in other parts of the world. It provides in those circumstances to give greater access to legal aid. One of the complaints that we regularly receive is that clients do not receive the legal aid for which they apply. In some instances it is because of the lack of funds, even though they have a case worthy of support. In some instances the complaint is in an area which is not a major priority for the provision of legal aid, but in other instances it is because section 14 of the Legal Aid Commission Act is not necessarily able to provide aid because of some restriction. For instance, there was a particular instance where a legal aid funded client won Lotto, which caused a particular problem in that the Act prohibits the private practitioner from billing the client direct. The practitioner needed to get around that.

Proposed new section 34A provides for paralegals to provide services to legal aid funded clients. Whereas the restrictions in the amendment indicate there will be ongoing training and that paralegals are limited to proceedings they can perform, it does provide for them to do pleas in mitigation on serious offences in the Supreme or District Courts. Therefore, it is not just a matter of minor courts and provisions; it can extend to pleas in mitigation. I am sympathetic to the view that the Legal Aid Commission has put forward that paralegals are needed in the remote areas of the State for the delivery of services, but when a paralegal is representing an accused person before a justice of the peace who is also not legally trained, we have seen in those remote areas a high proportion of people, principally Aboriginals, going to prison. We have seen problems with the training provided by the Aboriginal Legal Service and although they do not have the same level of training as is being considered by the Legal Aid Commission, we need to address that in a different way. A large number of law graduates who do not have a position with a legal firm will be coming on stream next year, so there would be a ready source of paralegals able to provide those services. It is very important for law graduates to gain experience in those matters. There is nothing like standing up in court and obtaining experience about a matter of theory one has learnt in the past.

This proposed section is far too wide because it does not limit the definition of a remote area to a particular district or region. We need guidance on that. It provides that the Minister should give approval in writing for the performance of such services, but it could be argued that the service could be provided in other than remote areas where the Legal Aid Commission is seeking to have those services delivered. This amendment is not properly worded, and if the Government believes there is a great need, even after the graduates come on stream next year, there must be a better way of providing that service. I oppose paralegals representing clients before justices of the peace who are probably experienced in sitting on the bench making judicial decisions, but are not legally trained. I am concerned that could contribute even more to the incarcerations which we are all committed to reducing, particularly in those remote regions and in relation to the Aboriginal race. Other than the matters I have raised, I support the Bill.

MR WIESE (Wagin) [1.50 am]: The Legal Aid Commission Amendment Bill is before the Parliament only because a greater number of people in Western Australia - I would go so far as to say the majority of people in Western Australia - cannot afford legal representation to defend themselves in the courts and obtain justice. Doubts arise about whether this legislation is the right way to address that problem. We need to accept that that is the reason we have this legislation before us. It is time that the Parliament, the legal profession and the court system addressed the problems associated with people obtaining justice in our legal system. The member for Kingsley referred to contingency fees. To a degree we have moved partially towards contingency fees in this legislation. The member for Kingsley said, as has often been said before, that the Law Society and the legal profession are totally opposed to contingency fees. I am a lot more opposed to them than is the legal profession or the Law Society. However, I believe we broke down the first barrier against contingency fees 12 or 18 months ago when we passed legislation relating to the Law Society providence fund or something of that nature. Under that legislation, a percentage of money is paid into a fund administered by the Law Society which it is able to utilise to defend an individual in the courts on the basis that if that lawyer wins, a percentage of the successful damages is paid back to the fund. I said at the time and I still believe that that was the first step towards the introduction of contingency fees in Western Australia which I absolutely abhor.

I feel the same way about what we are doing with contingency fees in this legislation. I do not believe this is the direction in which we should be going in Western Australia. Our system and the Parliament should be addressing the problem with a great deal of urgency because if we continue to whittle away at it bit by bit, in five or 10 years' time contingency fees will operate in Western Australia and we will have to face all of the bad things that come with that system. I support the legal profession in its opposition to contingency fees.

I will deal with the provisions relating to paralegals during Committee. However, I am concerned about clause 12 of the Bill and the registration of charges to secure the costs of legal aid. I guess a great number of people have some sort of property; it might be a house or a business. That does not mean that people have cash available or are able to borrow to take a case to court in an attempt to obtain justice. Many of those sorts of people come into my parliamentary office as I am sure they go to other members' offices, seeking legal aid. I and other members, I am sure, spend a great deal of time helping people fill out applications for legal aid. In some cases we are successful and in others we are not. However, questions asked during committee hearings last year revealed that people in country areas are a lot less successful in obtaining legal aid than are people in the city, for whatever reason. Statistics relating to the year before last and those figures were presented to the committee hearings in about October 1991. I do not believe the situation has changed. I think country people are still at a disadvantage in obtaining legal aid, which is what we are talking about in this legislation. Therefore, I have concerns about these clauses which provide a mechanism for the Legal Aid Commission to agree to take on cases only if they take a lien or have some form of charge registered over the property of the person seeking the legal aid. In the majority of cases, that will be a house, a business or land on which they generate an income to support themselves and their families. The result of this measure will be to ensure that people applying for legal aid who are told that they will get it only if they are able to register a charge over their houses or their businesses will not persist with their application. Often they do not have the money to go to court to defend themselves and seek justice from the courts. However, they are also unwilling to have a charge registered over their properties to secure legal aid from the Legal Aid Commission. This measure will ensure that a great many more people will not be willing to obtain legal aid and thus will not achieve justice in our courts. I hope I am wrong, but in my mind I am sure that will be the end result of this legislation.

In view of the late hour, I do not intend to refer to other aspects of the legislation. We will deal in the Committee stage with the amendment relating to paralegals which the member for Kingsley has on the Notice Paper.

MR D.L. SMITH (Mitchell - Minister for Justice) [1.59 am]: I thank members opposite for their support. I endorse the remarks made by the member for Wagin in relation to legal costs. It is a matter that is of significant concern to me and also of chagrin as I no longer practise. This Bill is trying to overcome some of the problems that the level of legal costs is creating by spreading the availability of legal aid wider and enabling it to be done in a

variety of different ways which previously was not the case. While it does not mean the need for extra money will go away - it certainly needs a lot more money than it receives - it means that more people will be serviced with the resources available. The other issues raised would be better left to the Committee stage.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mr D.L. Smith (Minister for Justice) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 34A inserted -

Mrs EDWARDES: I oppose this clause, which seeks to insert a proposed new section 34A which refers to the provision of services by persons other than legal practitioners. It seeks to do that where the services of practitioners are not readily available. The Minister may, by notice in writing, authorise a member of the staff of the commission or any other person to perform services of the kinds performed by practitioners. It is proposed that the authorisation be limited to the matters in respect of which services may be performed, the proceedings in respect of which services may be performed or the courts in which services may be performed. Therefore, the Minister must determine what that person can do.

Proposed section 34A(3) states that the authorisation does not enable the person to address the court or the jury or examine or cross examine witnesses in any trial or appeal before the District Court, the Supreme Court or the Court of Criminal Appeal. I indicated previously that it does not indicate that the notice of authorisation will prohibit a person from dealing with a plea of mitigation in the District Court or the Supreme Court. A plea of mitigation in either of these courts would be on a serious offence and it should be dealt with by a person who is well versed in the law if we believe the person concerned should be properly represented. This proposed section is about the level of representation people in remote areas should receive. Why is it that people in remote areas should receive a lesser service than that provided to people in similar circumstances in the metropolitan area? This applies to a range of services from education to health and it should not be extended to include legal representation. People in remote areas have a right to receive the best legal representation possible.

The notes to the Bill indicate that the commission has investigated joint venture arrangements with mining companies and Government agencies. Therefore, it is proposed that staff members in Government departments or mining companies are people who should be entitled to authorisation if they reside in an area where the service delivery is not satisfactory in the Legal Aid Commission's view. The Legal Aid Commission indicates in its notes that these people will be fully and properly trained to assist these people with the preliminary information being provided to them about legal aid. However, that is not outlined in the proposed section. It states only that the Minister can authorise a person to provide similar services, which are not specified in the Bill, to legal practitioners. While it is intended to use this in remote areas it can be used in a wide range of other districts and areas of the State. It will be determined only by the Minister of the day.

While the Minister for Justice, the Attorney General and members on this side of the Chamber might be trusted to exercise the flexibility required the clause is too wide in the terms that services of practitioners are readily available. Drafting changes to limit and restrict the clause were not successful. People in remote areas are entitled to the best representation they can receive and that will not be the case if staff from mining companies and Government agencies are used in this way. For example, a staff member of a mining company may be a justice of the peace and another employee may be representing another employee of the same mining company. It is creating a situation which is not in the best interests of the person charged who, under the golden rule of law, is innocent until proved guilty. Therefore, he needs the best representation available.

I refer also to law graduates of which there are 30 yet to be placed. A total of 150 graduates are expected from the University of Western Australia this year and in 1993 there will be

more from Murdoch University. A large number of law graduates cannot be admitted as practitioners in the Supreme Court unless they have the opportunity to do their articles. The majority of them will not be in a position to receive their articles because of the downturn in the economy. Even the legal profession has been hit by the recession. The graduates could assist in providing services to people living in remote regions. They are the people who are more likely to go into remote areas, given that at the end of the day they will be able to practise in their chosen profession if they are able to do their articles. The Legal Aid Commission is an approved body to take on articled clerks. It is a very good organisation and it provides a level of professionalism and the services required.

This proposed section is inappropriate and there are other ways of providing services to people in remote areas. This clause will not ensure the best legal representation for people in remote regions.

Mr D.L. SMITH: The deletion of this clause is opposed for a great number of reasons. I emphasise that this type of clause is not entirely novel. It has been operating in the Aboriginal legal aid provisions for some time without serious problems, although a suggestion has been made that it should be limited in those cases to the Magistrates Courts only.

Mrs Edwardes: It depends what you call a serious problem.

Mr D.L. SMITH: Without any problems at all.

Mrs Edwardes: Was there a case in Carnarvon or Geraldton that created a serious problem?

Mr D.L. SMITH: None at all. It should be recognised that throughout Western Australia legal services are not available on an equal basis. The money allocated to the Legal Aid Commission is limited. For example, if it wants to send a legal practitioner to Fitzroy Crossing, the air fares and the travelling time can prove to be very expensive. That simply means in many remote areas that it is not possible for the Legal Aid Commission to arrange appointments or provide assignments for people in matters in which they might normally qualify if they lived in a larger town or in the metropolitan area. It is not a situation we can allow to continue. The member for Kingsley argues that a great number of new law graduates are coming on and at some stage in the future we shall have a surplus of lawyers, and perhaps we can encourage them to go to country areas. I have practised in country areas and, unfortunately, even in places such as Bunbury and Busselton it is extremely difficult to get practitioners to move out of the city into the country. It is much more difficult to get them to go to some of the Pilbara and Kimberley areas and certainly the eastern goldfields, except to the larger regional towns.

I also emphasise that there are four major protections for the legal profession in these provisions. Firstly, the legislation can be used only in those parts of the State in which the services of practitioners are not readily available. Obviously, we shall have 1 000 lawyers in Western Australia supervising the conduct of the Minister under these provisions, and some of the practitioners in the larger regional towns will supervise the conduct of the Minister and the Legal Aid Commission. If there is any breach of that definition - that is, that it is used only in those parts of the State where legal practitioners are not readily available - we can expect the Law Society or other practitioners to take action.

The second protection is that it does not just depend upon the Legal Aid Commission to make a decision on that matter. It must be a decision by the Minister, so the Legal Aid Commission must seek the authorisation of the Minister. Of course, if the Minister is doing his job properly he may on some occasions consult with the Law Society for its views as to whether practitioner services are readily available in that part of the State. The other protection provided by the fact that it must go to the Minister is that the person authorised to do the work must be approved by the Minister and, to that extent, the Minister will ensure the para-legal has the training or some qualifications which make that person able to do the work adequately in the absence of a practitioner. The member for Kingsley referred to graduates who are not yet admitted or articled clerks. In some cases the Minister may authorise graduates who are not articled clerks or graduates who are articled but not yet admitted to perform some duties under these provisions. They would be given some valuable training and be introduced to country practice and areas, which might encourage some of them in due course to go back to those areas. Where that is not possible, the Minister at least can ensure

that the person nominated is a person of integrity who has some capacity to understand what is happening, explain that to the accused person, and make the appropriate representations on their behalf. In many cases we are talking about only a remand. A practitioner in Broome might be engaged to represent someone in Fitzroy Crossing, but a remand may be required and the legal practitioner may not be able to go out to arrange that remand. He may agree to send someone from his office and seek approval for that to occur. That is the sort of thing the Minister could approve under this provision.

The third protection is that this provision cannot apply in an address to the court or the jury, or an examination or cross-examination of witnesses at any trial or appeal before the District Court, the Supreme Court or the Court of Criminal Appeal.

Mrs Edwardes: It does not stop a plea of mitigation.

Mr D.L. SMITH: No, it does not stop a plea in mitigation, but it stops the defending of any person. In any event pleas of mitigation before the District Court and the Supreme Court have the added protection that the courts are supervised by a judge of one of those courts and he is not likely to go astray. The final protection is that the person who can be given these duties cannot charge a fee for the work done. Therefore, the number of persons seeking to do this work will not be large and they must be persons that the Legal Aid Commission will seek out, especially in some of the more remote communities, and try to encourage to take on these duties. I recognise that the member for Kingsley has some commitment to the Law Society and feels some obligation to protect the parameters of its work, but one of the unfortunate natural corollaries of the concern of the member for Wagin about the cost of legal services is that the more legal practitioners charge for their services the greater the tendency there will be for the community and the Legislature to look at means of enabling people other than practitioners to provide some services which practitioners have traditionally provided. To that extent, the Law Society and the legal profession need to address - in the way they have begun to - the general cost of legal services. They must recognise the need to reduce the cost of legal services and find alternative means of providing some legal services as this clause seeks to do in a very limited way.

Division

Clause put and a division taken with the following result -

Ayes (22)			
Mr Michael Barnett	Dr Gallop	Mr McGinty	Mr Troy
Mrs Beggs	Mr Graham	Mr Pearce	Dr Watson
Mr Bridge	Mr Gordon Hill	Mr Riebeling	Mr Wilson
Mr Cunningham	Mr Kobelke	Mr D.L. Smith	Mrs Watkins *(Teller)*
Mr Donovan	Mr Leahy	Mr P.J. Smith	
Dr Edwards	Mr Marlborough	Mr Taylor	

Noes (19)			
Mr Ainsworth	Mr Court	Mr Minson	Dr Turnbull
Mr Blaikie	Mrs Edwardes	Mr Nicholls	Mr Watt
Mr Bloffwitch	Mr Grayden	Mr Omodei	Mr Wiese
Mr Clarko	Mr Lewis	Mr Shave	Mr Bradshaw *(Teller)*
Dr Constable	Mr McNee	Mr Strickland	

Pairs	
Mr Ripper	Mr Fred Tubby
Mrs Henderson	Mr MacKinnon
Dr Lawrence	Mr Kierath
Mr Read	Mr C.J. Barnett
Mr Thomas	Mr Trenorden

Clause thus passed.

Clauses 8 to 11 put and passed.

Clause 12: Section 44A inserted -

Mr WIESE: Will the Minister clarify how this clause will operate? Will it operate as I suggested in the second reading debate? Can he give the Committee an assurance we will

not see a situation where people are required to place a charge over their house, if that is their only asset, in order to get some form of legal aid from the Legal Aid Commission? That does not apply at the moment. I fear this clause will cause such a situation to occur and that as a result people will not seek legal aid.

Mr D.L. SMITH: Even without this provisions people are already required to register mortgages against their property to secure the cost of assistance given by the Legal Aid Commission. The Commonwealth, when granting support for legal aid in Western Australia, does so under a provision which requires the assets of a person to be assessed and if they exceed a certain sum the commissioner is required to seek a contribution from the person.

Mr Wiese: What is the asset level required?

Mr D.L. SMITH: From memory, it is $10 000 or $20 000 equity in a home or the like. If the money cannot be paid in cash in such circumstances the Commonwealth requires that a mortgage be entered into.

Mr Wiese: That does not happen at present.

Mr D.L. SMITH: It does. Many of my constituents come to me complaining that the Legal Aid Commission requires this of them. Clause 12 enables those mortgages to be replaced with a charge so that a person is not confronted with the same costs and stamp duty as with the normal registration of a mortgage. It can be done by way of charge which is a cheaper way. Quite often, although people agree to enter into a mortgage, after the aid is granted and they are asked to sign the mortgage they refuse. This clause will enable charges to be registered even though people have not signed such mortgages or charges at that stage; it will be done by memorial.

Mr Wiese: At what stage are people currently required to sign a mortgage, at the time of application or granting of aid?

Mr D.L. SMITH: In the main at present the mortgage is not asked for until the assignment is completed and the amount of the bill is known so that it can be inserted into the mortgage and it is only stamped to a certain sum. The work is not crystalised until that is done. The solicitor then says to the person that they owe, say, $8 000 and are therefore required to sign the mortgage. In many cases people then start to complain about the amount of the bill or the fact that they have to sign the mortgage at all.

This legislation will enable the commission to register a memorial in those cases where assets are involved. In many cases that will work to the benefit of the person involved who may otherwise be left in the position of receiving a bill for $8 000 followed by a summons for $8 000. In those cases where the commission feels the bill is secured it will leave the charge registered against the land indefinitely. A divorced woman may have received a property settlement of a house. In that circumstance she would not lose that house because she had to reimburse the commission that $8 000. The commission would register the charge and leave it until such time the woman sold or dealt the property or died. At that time the money goes back to the commission. In the past that has been on an interest free basis. As a result of some of the amendments in this Bill a provision for charging interest will now apply in most circumstances.

Mr WIESE: Of the many dozens of legal aid cases and applications that have passed through my office, many of which have been successful, I am not aware - although I am not saying this has not happened - of a single case where the Legal Aid Commission sought a mortgage over the house of a person involved, despite the fact that the only asset of many of the people I know sought legal aid was the house in which they lived. I accept what the Minister is saying. I am fearful of what is being introduced in this legislation and do not believe this has happened in many cases previously.

Clause put and passed.

Clauses 13 to 18 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr D.L. Smith (Minister for Justice), and transmitted to the Council.

MOTION - FRANCOIS PERON NATIONAL PARK, CREATION SUPPORT

Debate resumed from 26 November.

MR BLAIKIE (Vasse) [2.30 am]: The Opposition supports the creation of the Francois Peron National Park on the Peron Peninsula in Shark Bay. This area is some 53 000 ha in size, and the Government proposes that it be named after Francois Peron, who was a naturalist with the *Geographe* expedition. While that area is known as the Peron Peninsula, and while the Government has acknowledged the importance of the *Geographe* expedition, some lasting recognition should be given to Nicolas Baudin, who led the expedition which circumnavigated Australia, yet South Australia is the only part of Australia where the name of Nicolas Baudin has been given perpetuity. I question, first, why Peron should claim pride of place and why Baudin has not been acknowledged.

I place on record also that it is always very easy for the Government, in the dying stages of a Parliament, to propose that a national park be created, yet the Parliament has not been given any information about what will be the management proposals for this national park, what works programs are proposed, and what resources will be provided. This is yet another one of those exercises which is rushed in at the eleventh hour. Any resources for this proposed national park will need to come out of the Department of Conservation and Land Management's budget, for which the Government has made no provision whatsoever. I raised during the debate on the Reserves Bill the fact that where large tracts of land are placed into a national park there will be a responsibility for future Government to indicate how they will fund the management proposals rather than simply extend CALM resources.

With those abbreviated comments, we support the proposed creation of the Francois Peron National Park and look forward to the Government's explaining to the House how it will resource and manage this national park within its budgetary framework.

MR McGINTY (Fremantle - Minister for the Environment) [2.32 am]: I wish first to move a small amendment to the motion before the House. The motion refers to "the creation of the Francois Peron National Park on the boundaries defined in the plan tabled in the House today." I have been advised by the Clerk that as the plan was not tabled in the House on 2 December, that we should move an amendment to this resolution to delete the word "today" and substitute the words "on 26 November 1992". Nothing turns on that amendment, and it is just a matter of getting the motion in order.

Amendment to Motion

Mr McGINTY: I move -

To delete the word "today" and substitute the words "on 26 November 1992".

The member for Vasse suggested that more recognition should be granted to Nicolas Baudin, the leader of the *Geographe* expedition. It is important to note that Francois Peron was the naturalist on that expedition, and it is appropriate that this national park be named after him. However, the recognition of the leader of the expedition is certainly a point of view which we can take into account in future.

In respect of the appropriate resourcing of this proposed national park, members would be aware that it is part of the World Heritage nominated area and, as such, will be covered by the Commonwealth-State agreement. That will be the source of funding for this national park and will be the basis upon which it can be resourced into the future and, accordingly, presents no problems. I therefore commend the motion to the House in its amended form.

Amendment put and passed.

Motion, as Amended

Motion, as amended, put and passed.

On motion by Mr McGinty (Minister for the Environment), resolved -

That the resolution be transmitted to the Council and its concurrence desired therein.

RESERVES BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the amendments made by the Assembly.

ROYAL COMMISSION (CUSTODY OF RECORDS) AMENDMENT BILL

Receipt and First Reading

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

House adjourned at 2.36 am (Wednesday)

QUESTIONS ON NOTICE

WASTE DISPOSAL - DRINK CANS AND BOTTLES
Roadside and Public Areas Collection Costs - Refundable Deposit Feasibility

1085. Mr COWAN to the Minister for the Environment:

(1) What is the estimated number of drink cans and bottles that are not currently recycled or disposed of through the normal waste disposal systems?

(2) What is the estimated cost to State and local governments of collecting drink cans and bottles from roadsides and other public places?

(3) Has the Government investigated the feasibility of imposing a refundable deposit on drink cans and bottles?

(4) If so, what is the size of the refundable deposit considered necessary to provide an adequate incentive for consumers to recycle these cans and bottles?

Mr McGINTY replied:

(1) A count of the total number of drink cans and bottles that are not recycled or disposed of through normal waste systems has never been made. The Keep Australia Beautiful Council in its litter surveys has accurately determined the percentages these items hold in Western Australia's litter stream. Aluminium cans represent 4.5 per cent and glass 4.1 per cent. The dominant component of litter is paper - 59 per cent - especially cigarette packets, followed by plastic - 19.8 per cent. Removing all the drink cans and bottles from the litter stream would therefore reduce the quantity of litter by less than 10 per cent.

(2) The State Government does not pay for the cost of litter collection. The cost is met by local government. Figures are not available on the cost of collecting drink cans and bottles from roadsides and other places in Western Australia. However, it has been estimated by the Industry Commission that were CDL introduced around Australia that savings of $16 million would be made in the cost of litter collection. On a pro rata basis this translates to approximately $1.6 million in savings for Western Australia. The Industry Commission found that the savings in litter control would be overwhelmed by increased costs to beverage producers and consumers amounting to between $355 million and $571 million, of which Western Australia's share would be $36 million to $57 million. Taking into account the savings in litter control, the net cost of CDL to Western Australia would be between $34 million and $55 million.

Western Australia, in common with all other States excluding South Australia, has found that the best way to reduce litter is through public education. Since the KABC first began its litter surveys in 1975-76, there has been an 85 per cent reduction in the quantity of litter generated in Western Australia. Littering has simply become socially unacceptable.

(3) The recycling industries unit at the Department of State Development completed a study of the feasibility of imposing container deposit legislation on beverage containers in January 1991. The report concluded that CDL should not be introduced because of its high cost in comparison to benefit and recommended other strategies including kerbside collection of all recyclable materials from households and greater penalties for littering. The findings of this report were reinforced by the subsequent inquiry into recycling by the Industry Commission - February 1991 - and Western Australia's draft State recycling blueprint - June 1992. The State recycling blueprint, in particular, found against CDL because it would tend to remove bottles and cans, which are of relatively high value, from the recyclables placed at kerbside, thereby making recycling collection services less financially viable. In this way CDL would prejudice the recycling of steel cans, newspaper, cardboard, plastics and milk and fruit juice cartons by Western Australian households. In this

respect it is significant that South Australia, which has CDL, has not yet developed comprehensive kerbside recycling.

(4) Not applicable.

DWELLINGUP CARAVAN PARK - CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF
Signing of Contract

1359. Mr KIERATH to the Minister for the Environment:

(1) With respect to the Dwellingup Caravan Park site -

(a) when will Department of Conservation and Land Management sign a contract with the developer;

(b) what will be its terms;

(c) when will this land be excised from State forest;

(d) what is its planned future legal status?

(2) Is the proponent Paul Ogilvie being offered a 21 year lease of this 20 ha site, with the option of a further 21 year extension?

(3) Will the Minister table a copy of the full report on the chemical analyses of soil and water samples from a drilling site adjacent to the proposed park area?

(4) As the Minister has previously stated that this report is now available, will the Minister make copies available to the public?

(5) Will the Minister also table a detailed scale diagram of the drilling plan, and a map of the proposed lease area both clearly superimposed to scale on the same copy of an official survey map?

(6) If no to (5), why not?

(7) What is the total area of the test site already drilled?

(8) (a) Is the Minister satisfied that this is a fully representative teat area;

(b) if so, please give reasons for this decision?

(9) In view of the Minister's previous statement to Parliament that early records about chemical dumping in this location have been mislaid, how was the test site selected?

(10) (a) Have these records now been located;

(b) if so, will the Minister table them forthwith?

(11) (a) When was this project first advertised in *The West Australian*;

(b) will the Minister table a copy of the advertisement?

Mr McGINTY replied:

(1) (a) When a lease is negotiated.

(b) This will be determined through negotiations.

(c) The lease is being negotiated on the basis that the area is State forest.

(d) If the area remains State forest it will be a forest lease.

(2) No. The maximum period of a forest lease is 20 years.

(3) A copy has been forwarded to the member.

(4) Copies are available from the Department of Conservation and Land Management.

(5)-(6)

A diagram of the plan is available in the report and a plan of the lease is available. Those plans superimposed on the official survey map are not available nor necessary.

(7) Approximately $900m^2$.

(8) (a)-(b)

The test drilling was carried out on the basis of the best available information as to the location of chemical containers thought to be buried at the site. In addition, a water sample from below the site was also analysed for chemical contamination. No chemicals were detected in any samples. Given the likelihood that the containers thought to have been disposed of at the site contained no chemicals, the extent of the testing program is reasonable.

(9) Based on knowledge of CALM officers involved in the disposal of used chemical containers at the time.

(10) (a) No.

(b) Not applicable.

(11) (a) Advertised on 17 and 21 August 1991.

(b) The member can obtain a copy of the advertisement from the newspaper's offices or the State Reference Library if he wishes.

TRAFFIC ACCIDENTS - INJURIES, COUNTRY ROADS

1463. Mr HOUSE to the Minister representing the Minister for Police:

Further to question 2197 of 1991-92 where the Minister indicated that the information requested would not be available until June 1992, can the Minister provide the following information -

(a) how many injuries occurred on country roads in 1991;

(b) how many of the above injuries can be accounted to -

(i) alcohol and drugs;

(ii) speeding;

(iii) road conditions;

(iv) weather conditions;

(v) combinations of the above;

(c) of the above injuries how many occurred on roads that were -

(i) sealed;

(ii) gravel?

Mr GORDON HILL replied:

(a) 2 926.

(b) Not available.

(c) (i) 2 342
(ii) 568
and 16 unknown cases - information not stated by reporting driver.

TRAFFIC ACCIDENTS - INJURIES, COUNTRY ROADS

1464. Mr HOUSE to the Minister representing the Minister for Police:

(1) How many injuries have occurred on country roads since 1 January 1992?

(2) How many of the above injuries can be accounted to -

(a) alcohol and drugs;

(b) speeding;

(c) road conditions;

(d) weather conditions;

(e) combinations of the above?

(3) Of the above injuries how many occurred on roads that were -

(a) sealed;

(b) gravel?

Mr GORDON HILL replied:

For the period 1 January to 30 September 1992 -

(1) 1 655.

(2) Not available.

(3) (a) 1 405
(b) 247
and three unknown cases - information not stated by reporting driver.

TRAFFIC ACCIDENTS - FATALITIES, COUNTRY ROADS
Sealed and Gravel Roads Statistics

1465. Mr HOUSE to the Minister representing the Minister for Police:

Further to question 2197 of 1991-92, can the Minister provide the following information -

(a) of the 124 fatalities that occurred in 1991 on country roads how many happened on roads that were -

(i) sealed;

(ii) gravel?

Mr GORDON HILL replied:

(a) (i) 113
(ii) 11.

TRAFFIC ACCIDENTS - FATALITIES, COUNTRY ROADS

1466. Mr HOUSE to the Minister representing the Minister for Police:

(1) How many fatalities have occurred on country roads since 1 January 1992?

(2) How many of the above fatalities can be accounted to -

(a) alcohol and drugs;

(b) speeding;

(c) road conditions;

(d) weather conditions;

(e) combinations of the above?

(3) Of the above fatalities how many occurred on roads that were -

(a) sealed;

(b) gravel?

Mr GORDON HILL replied:

For the period 1 January to 29 October 1992 -

(1) 100.

(2) The following indicate a contributing factor -
(a) 36
(b) 18
(c) 4
(d) 4
(e) Not applicable.

(3) (a) 87
(b) 13.

TRAFFIC ACCIDENTS - FATALITIES, COUNTRY ROADS

1467. Mr HOUSE to the Minister representing the Minister for Police:

(1) How many fatalities have occurred on roads in the following shires since 1 January 1992 -

(a) Cranbrook;

(b) Tambellup;

(c) Plantagenet;

(d) Denmark;

(e) Albany;

(f) Albany Town?

(2) How many of the above fatalities can be accounted to -

(a) alcohol and drugs;

(b) speeding;

(c) road conditions;

(d) weather conditions;

(e) combinations of the above?

(3) Of the above fatalities how many occurred on roads that were -

(a) sealed;

(b) gravel?

Mr GORDON HILL replied:

For the period 1 January and 29 October 1992 -

(1) (a)-(b) Nil
(c) 5
(d) 1
(e) Nil
(f) 4

(2) The following indicate a contributing factor -
(a) 9
(b) 1
(c)-(d) Nil
(e) Not applicable.

(3) (a) 10
(b) Nil.

TRAFFIC ACCIDENTS - INJURIES, COUNTRY ROADS

1468. Mr HOUSE to the Minister representing the Minister for Police:

(1) How many injuries have occurred on roads in the following shires since 1 January 1992 -

(a) Cranbrook;

(b) Tambellup;

(c) Plantagenet;

(d) Denmark;

(e) Albany;

(f) Albany Town?

(2) How many of the above injuries can be accounted to -

(a) alcohol and drugs;

(b) speeding;

(c) road conditions;

(d) weather conditions;

(e) combinations of the above?

(3) Of the above injuries how many occurred on roads that were -

(a) sealed;

(b) gravel?

Mr GORDON HILL replied:

For the period 1 January to 30 September 1992 -

(1) (a) 3
(b) Nil
(c) 17
(d) 18
(e) 22
(f) 68.

(2) Not available.

(3) (a) 111
(b) 17.

TRAFFIC ACCIDENTS - DRIVER PROFILE DETAILS

1500. Mr TRENORDEN to the Minister representing the Minister for Police:

(1) Does the Minister have any details of the profile of vehicle accidents, by -

(a) age;

(b) experience;

(c) private against commercial drivers;

(d) those who drive low, medium or long distances per annum;

(e) those who hold multiple endorsements, eg ABC, etc;

(f) any other similar details?

(2) If so, can the Minister supply the details?

Mr GORDON HILL replied:

(1) (a),(e)

Yes. The statistics taken from road crashes data as at 30 June 1991 are tabled. [See paper No 609.]

(b)-(d)

No. Not available.

(f) No.

(2) Details of the available information are attached. All research indicates that the highest risk group for traffic crashes are young drivers, especially for males aged 15 to 24 years. Traffic crashes are the largest single cause of death in this age range, both in Australia and overseas and the overall involvement of young drivers in road crashes is about four times the average of other drivers.

TRAFFIC ACCIDENTS - PROFESSIONAL DRIVERS AND PRIVATE LICENCE HOLDERS

Better or Worse Accident Record

1501. Mr TRENORDEN to the Minister representing the Minister for Police:

Does the Minister have any evidence that professional drivers (and others who drive high number of kilometres per annum) have a better or worse accident record than those private licence holders who drive low kilometres per annum?

Mr GORDON HILL replied:

The information requested is not available.

ENVIRONMENTAL PROTECTION AUTHORITY - WANDALUP FARMS PIGGERY, EFFLUENT CONCERNS

1521. Mr NICHOLLS to the Minister for the Environment:

(1) (a) Has the Environmental Protection Authority raised concerns about the effluent from Wandalup Farms Piggery in recent years;

(b) if so, on what date(s);

(c) for what reason?

(2) (a) Is the effluent discharged from the piggery tested for nutrient content;

(b) if so -

(i) how often;

(ii) who actually collects the sample;

(iii) who carries out the tests?

(3) What are the recorded nutrient levels within the Serpentine River below the farm and at a sample point above the farm, for each quarter of the previous year?

(4) Has the Peel Inlet Management Authority raised any concerns in respect to the nutrient input from the farm, as it would affect the Peel Harvey estuary?

(5) (a) Has the Government entered into any agreement with the operators or owners of the piggery in relation to acceptable effluent discharge;

(b) if so -

(i) what is the substance of the agreement;

(ii) when was it agreed to?

Mr McGINTY replied:

(1) (a)-(b)

In addition to those listed, the Environmental Protection Authority has raised concerns regarding Wandalup Farms on numerous occasions in letters and discussions with the company.
June 1992
July 1992.

(c) There was and still is concern with respect to the impact of the discharge and the amount of nutrients being released.

(2) (a) Yes.

(b) (i) The company is required to monitor once per month at four sites on the premises. Government agencies randomly conduct monitoring audits.

(ii) Company samples are collected either by a person in their employ or by their consultant. Sampling by Government agencies is undertaken by inspectors/authorised officers.

(iii) Testing is required to be performed by a laboratory registered by the National Association of Testing Authorities to conduct the appropriate analysis.

(3) Recorded nutrient levels within the Serpentine River below the farm, and at sample points above and below the farm, are not available for each quarter of the previous year. Spot samples have been taken in the past by the Peel Inlet Management Authority and they indicate that the annual load of phosphorus in the Serpentine River above the Gull Road drain is about 35 tonnes and that the load below the drain is about 45 tonnes. This is consistent with the

company's own figures that about 15.5 tonnes of phosphorus per annum is discharged from the property in surface and groundwater flows.

(4) Yes.

(5) (a) No. There is however an agreement between the West Australian Pig Producers Association, the EPA and the Western Australian Department of Agriculture signed in 1989 providing for a 50 per cent reduction in phosphorus discharges from piggeries in the Peel-Harvey catchment.

(5) (b) Not applicable.

ALARMS, PERSONAL - STATEWIDE PERSONAL ALARM SYSTEM

1549. Mr NICHOLLS to the Minister for Seniors:

(1) In respect to the Statewide Personal Alarm system, how many alarms have been issued to date?

(2) How many have been issued in the metropolitan area?

(3) What is the criteria of selection for identifying people who need the alarm?

(4) Who installs the units?

(5) What checks are carried out to ensure the alarm is functioning correctly -

(a) on installation;

(b) ongoing?

(6) What is the cost of each individual alarm?

(7) What is the monitoring cost per unit?

(8) Does the recipient contribute anything towards the capital cost or monitoring cost?

(9) What is the contracted period of service which has been entered into with the Silver Chain Association?

(10) (a) Has the Government entered into contract with any other person or company in respect of performance or supply of alarms;

(b) if so -

(i) who and for what reason;

(ii) at what cost?

Dr WATSON replied:

(1) 762 alarms have been issued up to 25 November 1992.

(2) 554 alarms have been issued in the metropolitan area.

(3) Guidelines are issued to home and community care programs coordinators to assist in assessing client suitability. In general clients should be aged 70 years and over, live alone or spend long periods alone, and be at serious risk of a fall or other medical emergency. In general clients should be eligible for HACC services.

(4) The 'contact person' nominated by the client to come to their assistance in the event of an emergency. Advice is available by phone from the monitoring station or from Silver Chain.

(5) (a) Written instructions on installation are provided. At the end of the procedure the person installing the phone rings the monitoring station, which confirms the unit is functioning.

(b) The machine will report a fault to the monitoring station at any time it occurs. As well an automatic test call is done once a week.

(6) $309.

(7) $2.20 per week flat rate regardless of number of units being monitored at any one time.

(8) No, but the recipient is responsible for the cost of any modifications to their existing phone system or to install a power point if this is necessary.

(9) Silver Chain has been appointed the coordinating agency for three years, but does not supply the alarm or the monitoring service.

(10) (a) Yes. The sole contract for monitoring and supply of equipment was awarded through standard State tender processes.

(b) (i) Wormald Security for supply of equipment and monitoring costs.

(ii) $2.20 per unit per week for monitoring for as many units as are in use at one time up to a maximum of 2 000 units, and $309 per unit for as many units up to 2 000 as are in use at any one time.

SCHOOLS - WATHEROO PRIMARY
New Toilets, 1992-93 Budget

1555. Mr McNEE to the Minister representing the Minister for Education:

(1) Will the provision of new toilets for the Watheroo Primary School be included in the 1992-93 education budget?

(2) If not, when is it envisaged they will be provided?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) No.

(2) The replacement of the toilet facilities at Watheroo Primary School has been listed for consideration in the 1993-94 capital works program.

WOOL BROKERS - SECURITY OF WOOLGROWERS' FUNDS

1574. Mr HOUSE to the Minister for Agriculture:

(1) Further to questions on notice 591, 647 and 1296 of 1992, has the Minister received the information he requested from the wool brokers as to how they are meeting their obligations under the Auction Sales Act 1973?

(2) If yes, what was their advice to the Minister?

(3) If no, what steps has the Minister taken to get the information from the brokers?

(4) Has the Minister received a copy of the Australian Wool Corporation's report to the Commonwealth Primary Industries and Energy Minister on the security of wool growers' funds?

(5) If yes, what are the recommendations of the report?

(6) Will the Minister table the report?

(7) If the Minister is not in receipt of the report, when does the Minister expect to be provided with a copy?

Mr BRIDGE replied:

(1)-(3)

The information to which the member refers was requested by the Premier. I am advised that the Premier has recently again requested that this information be provided by the brokers.

(4) No.

(5)-(6)

Not applicable.

(7) The Department of Primary Industries and Energy has advised that a report is expected to be considered at the meeting of the Agricultural Council of Australia and New Zealand in February 1993.

FISHING - AIR SERVICES, MAINLAND-ABROLHOS ISLANDS
Monopoly Fixed Wing Air Service Review

1585. Mr MINSON to the Minister for Fisheries:

(1) Has the Minister given any further consideration to the undertaking he gave to the Irwin Shire that he would review the monopoly fixed wing air service that now operates between the mainland and the Abrolhos Islands with a view to licensing an operator to fly from Dongara to service the fishing industry?

(2) If so, what action does the Minister propose to take?

(3) If no action is to be taken, why not?

Mr GORDON HILL replied:

(1)-(3)

The review was contingent upon a public submission process undertaken by the Abrolhos Islands Consultative Council and a trial assessment of a fly/boat tourism concept with a company called Force 5 Charters. The Chairman of the Abrolhos Islands Consultative Council will be forwarding an assessment of maintaining existing air servicing arrangements with the Geraldton Fishermen's Cooperative as against other alternatives following the trial and completion of analysis of submissions. When that is received, final decisions will be taken.

WOMEN'S INTERESTS, OFFICE OF - ESTABLISHMENT PURPOSE

1589. Mrs EDWARDES to the Minister for Women's Interests:

(1) What was the purpose for establishing the Office of Women's Interest in May 1990?

(2) In establishing the office of Women's Interests, what was its relationship to the Minister for Women's Interest; the Premier; the Women's Advisory Council and the Women's Information and Referral Exchange?

Dr WATSON replied:

(1) To provide Government with a central agency for policy development, the delivery of information services and to support the Women's Advisory Council.

(2) (i) The director of the office was accountable to the Premier through the Minister assisting the Minister for Women's Interests.

(ii) The director was an ex officio member of the Women's Advisory Council and the office provides administrative and project support to the council.

(iii) The Women's Information and Referral Exchange was a component of the Office of Women's Interests program structure administered by a manager accountable to the director of the office.

GREENBURG, ROBIN - DISMISSAL FROM WOMEN'S INVESTMENT NETWORK
Investigation by Women's Information and Referral Exchange or Department Responsible for Women's Interests

1590. Mrs EDWARDES to the Minister for Women's Interests:

Did anyone from Women's Information and Referral Exchange or the department responsible for women's interests investigate the circumstances surrounding the dismissal of Robin Greenburg from Women's Investment Network in early 1986?

Dr WATSON replied:

There is no record of any such investigation.

WOMEN - GOVERNMENT APPOINTMENTS

1591. Mrs EDWARDES to the Minister for Women's Interests:

(1) How many women were appointed and represented on Government and agencies boards and committees as at 30 June 1991?

(2) How many further women have been appointed since that date?

Dr WATSON replied:

(1) This figure is not available, owing to records being cumulative and continuously updated.

(2) It is the Government's policy to achieve 40 per cent representation by women on all Government boards and committees by the end of 1995. To this end, approximately 160 women have been appointed to these boards since 30 June 1991 and women's representation has increased from 16 per cent to 24 per cent in the same period.

WOMEN - "INCREASING WOMEN'S PARTICIPATION IN DECISION MAKING AT COMMUNITY LEVELS," MONEY ALLOCATION
Step by Step Project

1593. Mrs EDWARDES to the Minister for Women's Interests:

(1) Referring to question on notice 1678 of 1991 has the planning for the step by step project been completed?

(2) How much money is expected to be allocated to the step by step project?

(3) How much money has been allocated to the project called Increasing women's participation in decision making at community levels?

(4) How and who are going to carry out these two programs?

(5) What is the expected outcome?

(6) What is the package of training and support mechanisms likely to consist of?

(7) Whereabouts in the northern suburbs will these two projects be targeting?

Dr WATSON replied:

(1) Yes. The Women's Advisory Council has taken on this project as a pilot renamed "Know yourself and take your place" seminar series.

(2) $2 760.

(3)-(4) See (1) and (2).

(5) The broad aim of this seminar series is to empower women to participate in decision making forums.

(6) The package of training was developed by the Community Skills Training Centre and includes questions and discussion regarding the importance of women's participation; identifying blocks and barriers to participation; identifying strategies for becoming involved in community organisations; handling anxiety; recognition of prior learning and gaining new knowledge and skills. The program was supported by guest speakers, mentors - prominent local women - and an information pack, compiled by the Women's Information Service.

(7) The pilot program has been held in Kingsley and Beldon during October/November. The final two programs are planned for Mirrabooka and Yanchep in February. There will also be a one day seminar in Bunbury in February as part of the pilot program.

WOMEN'S PLAN - GOVERNMENT AGENCIES

1594. Mrs EDWARDES to the Minister for Women's Interests:

(1) Which Government agencies have developed a women's plan?

(2) Which Government agencies have not yet developed a women's plan?

Dr WATSON replied:

(1) Eleven Government agencies/departments were required to develop women's plans in the 1991-92 financial year. These were -

Department of Employment, Vocational Education and Training
Ministry of Education
Department of Occupational Health, Safety and Welfare
Health Department
Aboriginal Affairs Planning Authority
Homeswest
Department for Community Services
Ministry of Sport and Recreation
Department of State Development
Department of Planning and Urban Development
Transperth

Twelve Government agencies are required currently to develop women's plans in 1992-93. These are -

Department of Productivity and Labour Relations
Department of Corrective Services
Police Department
Ministry of Consumer Affairs
Westrail
Department of Agriculture
Environmental Protection Authority
Department of Local Government
Department for the Arts
Small Business Development Authority
Department of Transport
Tourism Commission

(2) No other Government agencies have developed women's plans.

"WOMEN'S INVESTMENT HANDBOOK" - REPRINTING AUTHORISATION

1609. Mrs EDWARDES to the Minister for Women's Interests:

(1) Referring to the Women's Advisory Council Annual Report of 1989, where it is noted that the "Women's Investment Handbook" was reprinted during 1989 with financial support from the private sector, could the Minister advise who authorised the reprinting of the "Women's Investment Handbook"?

(2) (a) What was the cost of the reprint;

(b) how many copies were reprinted?

(3) What contribution from the private sector -

(a) was made;

(b) from whom?

(4) (a) To whom were reprinted copies distributed;

(b) from which departments and agencies?

(5) (a) Were any copies distributed to the Western Women group of companies;

(b) if so, how many?

Dr WATSON replied:

(1) The Women's Advisory Council.

(2) (a) $2 717.
(b) 4 000.

(3) A commitment to contribute to the cost was made by the Western Women group. However, that commitment was subsequently not met.

(4) (a) The document was available to anyone who wanted it.

(b) WIRE and distribution to Government agencies on request.

(5) 3 000 copies of the reprint were provided to the Western Women group for distribution to any member of the public who wanted a copy.

OFFICE OF WOMEN'S INTERESTS - NUMBER OF FTES

1616. Mrs EDWARDES to the Minister for Women's Interests:

(1) Can the Minister advise in respect to the Office of Women's Interests -

(a) the number of FTEs;

(b) the number of positions;

(c) the classification of each position?

(2) Would the Minister provide a copy to Parliament of the organisational chart?

Dr WATSON replied:

(1) (a) 21.

(b) 21. As positions in new structure are filled, temporary positions will be abolished to 21 positions.

(c) Level 8 X 1
Level 6 X 2
Level 5 X 1
Level 2/4 X 1
Level 4 X 4
Level 3 X 8
Level 2 X 1
Level 1 X 3

(2) Yes. [See paper No 610.]

TAFE - PRE-APPRENTICESHIP COURSES IN AUTOMOTIVE STUDIES

1617. Mrs EDWARDES to the Minister representing the Minister for Education:

(1) How many pre-apprenticeship courses in automotive studies will be available in 1993?

(2) From which technical and further education campuses will these courses operate from?

(3) If a campus in the northern suburbs is not one of these campuses could the Minister explain why?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) The State Employment and Skills Development Authority has approved seven pre-apprenticeship courses in automotive studies to be conducted in 1993. The courses represent places for 90 students.

(2) Carlisle campus of the South Metropolitan College of TAFE
Great Southern Regional College
Fremantle campus of the South Metropolitan College of TAFE
Geraldton Regional College
Esperance TAFE centre
Kalgoorlie College

(3) The only northern suburbs site with appropriate facilities is the Carine TAFE campus which is operating at peak capacity.

WOMEN - PERCENTAGE REPRESENTED ON GOVERNMENT BOARDS AND COMMITTEES

1633. Mrs EDWARDES to the Minister for Women's Interests:

What percentage of women were represented on State Government boards and committees as at -

(a) 30 June 1991;

(b) 30 June 1992?

Dr WATSON replied:

(a) 16 per cent.

(b) Approximately 20 per cent; currently 24 per cent.

TAFE - WEMBLEY CAMPUS
Women Only Course in Electronic Engineering

1635. Mrs EDWARDES to the Minister representing the Minister for Education:

(1) (a) Did the Wembley Campus of Technical and Further Education offer a women only course in electronic engineering in 1992;

(b) if so, how many places were offered?

(2) (a) Will it be offered in 1993;

(b) if so, how many places will be available?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) (a) No; however, Women into Technology, a science-access bridging program, was delivered at the campus.

(b) Not applicable.

(2) Not applicable.

WATER AUTHORITY OF WESTERN AUSTRALIA - WASTE WATER TREATMENT PLANT SLUDGE, SALE BY TENDER

1638. Mr LEWIS to the Minister for Water Resources:

(1) Does the Western Australian Water Authority tender for the sale of waste water treatment plant (WWTP) sludge?

(2) How many metric tonnes of WWTP sludge is being produced in the aggregate and specifically by each of the principal treatment plants in the Perth metropolitan area?

(3) How many metric tonnes of WWTP is disposed of by sale by tender?

(4) If more sludge is available than what can be sold -

(a) how is the material removed;

(b) how is it disposed of?

(5) If in answer to (4) the sludge is removed by contractor -

(a) how many contractors are involved;

(b) what quantities have been removed by contractors in the fiscal years -

(i) 1990-91;

(ii) 1991-92?

(6) If the sludge is sold or removed by contractors and used for soil blending are there any environmental or health restrictions associated with the use of the material in this way?

Mr BRIDGE replied:

(1) Yes.

(2) Approximate amount of sludge produced for disposal by the three principal Perth metropolitan treatment plants is 50 000 tonnes per year -

Subiaco	20 000 tonnes per year
Beenyup	17 800 tonnes per year
Woodman Point	12 200 tonnes per year

(3) Generally all of the above, except for small quantities used on-site and quantities produced between contracts, is offered for sale by tender. However, where the successful tenderer does not take all the amounts it is necessary to take other measures.

(4) (a) By a cartage contractor.

(b) By storage and/or blending by the contractor at his site and then sale to wholesalers and/or public.

(5) (a) Two.

(b)

1990-91	1 400 tonnes
1991-92	15 300 tonnes

(6) Transport, storage and use of sludge is controlled by the Environmental Protection Authority and the Health Department of Western Australia. This covers selection and management of sludge storage and blending sites. While there are currently no restrictions on the use of sludge blended soils there are restrictions on the use of machine dewatered sludge, unless it has been stored for an appropriate time.

WESTERN AUSTRALIAN MEAT COMMISSION - AUDITOR GENERAL'S SECOND GENERAL REPORT

Fixed Assets and Stocktakes of Public Property Problems Rectification

1645. Mr HOUSE to the Minister for Agriculture:

In relation to the findings of the Auditor General's Second General Report on Department and Statutory Authorities for 1992, what steps have been taken to ensure that The Western Australian Meat Commission rectifies the problems identified by the Auditor General in the following areas -

(a) fixed assets;

(b) stocktakes of public property?

Mr BRIDGE replied:

(a) Adjustments to the commission's asset register will be carried out when the loss assessment/insurance reinstatement of the damaged beef floor facility is determined.

(b) A working group has been established at Robb Jetty to undertake an ongoing stocktake on a departmental basis of all public property in the control of the commission.

HONEY POOL - AUDITOR GENERAL'S SECOND GENERAL REPORT

Auditing Problem Rectification

1646. Mr HOUSE to the Minister for Agriculture:

In relation to the findings of the Auditor General's Second General Report on Departments and Statutory Authorities for 1992, what steps have been taken to ensure that the Honey Pool rectify the auditing problem identified by the Auditor General?

Mr BRIDGE replied:

The Honey Pool ceased to exist as from 1 April 1992 when the Honey Pool Act was repealed. The Honey Pool was privatised and trades as Wescobee Limited. I am examining matters identified by the Auditor General for the period 1 July 1991 to 31 March 1992 that may still be relevant.

DRIED FRUITS BOARD - AUDITOR GENERAL'S SECOND GENERAL REPORT
Overdrawing the Operating Bank Account Problem Rectification

1647. Mr HOUSE to the Minister for Agriculture:

In relation to the findings of the Auditor General's Second General Report on Departments and Statutory Authorities for 1992, what steps have been taken to ensure that the Dried Fruits Board rectifies the problem identified by the Auditor General with regards to the failure to gain the Treasurer's approval for overdrawing the operating bank account?

Mr BRIDGE replied:

I have written to the Dried Fruit Board on reporting requirements. I am examining the specific matter identified by the Auditor General and will request a response on it from the board.

EDITH COWAN UNIVERSITY - BACHELOR OF APPLIED SCIENCE (ENVIRONMENTAL HEALTH)

1650. Mr TRENORDEN to the Minister representing the Minister for Education:

(1) As the Minister in a previous reply to a question on the proposed duplication of the existing Curtin University environmental health course by Edith Cowan University stated that Edith Cowan had been advised it is doubtful that two courses for environmental health could be sustained in a State the size of Western Australia, could the Minister advise which individual or committee holds responsibility for the decision to duplicate the existing environmental health course?

(2) What factors were considered in making the decision to allow for duplication of the program?

(3) What importance was placed on the fact that the professional body (Australian Institute of Environmental Health); the Commissioner of Health; and Health Department of Western Australia together with the expert academic consultant engaged by Edith Cowan University (Mr Bruce Fleming, Queensland University of Technology) have all indicated that there was no justification for a second environmental health course in Western Australia?

(4) What steps will be taken to ensure the students who nominate their preferences for the Edith Cowan University through Tertiary Institutions Service Centre will not be disadvantaged in the event the course is not approved by the Health Department of Western Australia?

(5) Could the Minister explain whether the major objectives of the course is to prepare graduates for statutory appointment as environmental health officers within Western Australia or is the objective of the course to prepare graduates for other professional areas for which there may be a perceived shortage of graduates?

(6) If so -

(a) could the Minister provide details including the other professional areas which the course may be targeted;

(b) whether discussions were held with the professional bodies responsible for those areas?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) The Vice-Chancellor and the Council of Edith Cowan University ultimately hold responsibility for the decision to offer courses.

(2) Factors considered included the marginal additional cost over and above a number of other related courses; indications of need and demand; and the university's perceived role in providing a choice to people living in the northern suburbs.

(3) The relevant professional association, the Australian Institute of Environmental Health, was approached for assistance and advice but the advice, in Edith Cowan University's opinion, reflected its strong links to Curtin University of Technology. The consultant did not report on the need or demand for the course. The Health Department has only recently advised that its preference would be to expand the Curtin resources.

(4) The university is waiting on the Health Department's comments on the nature and content of the course. It will then review the situation.

(5) The general purpose is to provide environmental health officers; however, graduates will, as in the case in most areas of university education, be able to obtain positions in a wide variety of areas.

(6) Not applicable.

TAFE - GERALDTON, INDEPENDENT COLLEGE PLANS

1657. Mr BLOFFWITCH to the Minister representing the Minister for Education:

(1) Are there any plans to make the Geraldton Technical and Further Education an independent college similar to Karratha TAFE?

(2) If so, what is the time frame?

Dr GALLOP replied:

The Minister for Education has provided the following reply -

(1) No.

(2) Not applicable.

ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT AND OTHER MATTERS - KIRKWOOD, BRUCE; WESTERN COLLIERIES SALE
Advice from Attorney General or His Office

1680. Mr COURT to the Minister for Fuel and Energy:

(1) Did the Minister receive any advice from the Attorney General or his office in regard to a communication from the Royal Commission into Commercial Activities of Government and Other Matters on or about 21 September 1992 concerning -

(a) the affairs of Bruce Kirkwood;

(b) circumstances applicable to the sale of Western Collieries in 1989?

(2) If no, will the Minister explain what information caused the sudden change in the attitude of the Premier towards the Collie power station proposal as was noted and reported by *The West Australian* newspaper on 6 October 1992?

Dr GALLOP replied:

(1) (a) Yes.

(b) No. The Royal Commission raised questions about the circumstances applicable to the 1989 sale of Western Collieries in its first report.

(2) Not applicable. There had been no change in the Government's position on this matter.

QUESTIONS WITHOUT NOTICE

STRIKE - CARR, BOB, NOT APPROPRIATE COMMENTS
Cost of Lost Production

501. Mr COURT to the Premier:

(1) Does the Premier agree with comments made by the Leader of the Opposition in New South Wales, Mr Carr, that yesterday's day of action organised by the

Australian Council of Trade Unions was not appropriate and not persuasive when 11 per cent of the work force is unemployed?

(2) Has the Government estimated the cost of lost production in Western Australia as a result of this stoppage?

Dr LAWRENCE replied:

(1) No, I do not agree with Bob Carr on that question. Obviously it is an extremely difficult time for people to take industrial action; but I am very conscious that the union movement in this State and around Australia has, over the last decade under Labor Governments, moved cooperatively to reduce the amount of industrial disputation in this country to record low levels, particularly in Western Australia. Unions have undertaken reforms of their own activities and work practices to improve productivity. They have worked cooperatively with employers to break down demarcations between unions, to reduce the number of unions covering workplaces and to engage in genuine enterprise bargaining - that is what I call progress in industrial relations. If when threatened with a draconian set of proposals by the Opposition they rise up as one and protest loudly, I for one will not condemn them. I would prefer that they had not lost any production time in the process, but it is their right to withdraw labour. That is a right that would be annihilated if the Opposition got in, as is being done in Victoria. One of the consequences of the legislation -

Dr Turnbull: That is not true.

Dr LAWRENCE: The member for Collie should look at what is happening in Victoria. The Victorian legislation effectively prevents workers from exercising their right to withdraw labour. That provision of the Victorian legislation is endorsed by the coalition spokesman at a Federal level, and is one I would dare to say is also supported by members opposite, because I have heard them speak and I know their attitudes to the union movement.

(2) No, I do not have an estimate of what was lost in production yesterday and, as I said, I would have preferred that none was lost. However, workers rightly protesting against the possibility that a Court Government some time in the future will introduce similar draconian legislation is something I support. The loss of time yesterday and the loss of production would be a drop in the ocean in comparison with what might occur under the conservatives. The sort of confrontation that is anticipated, and is already happening in Victoria, would lead to a far worse outcome - that is, confrontation, conflict - such as the Robe River confrontation, which is something I do not endorse. I stand by the right of workers to protest against its possible introduction, whether it is at a national or a State level. I for one will not be silent on that question.

ENERGY - OPPOSITION'S POLICY

502. Mr P.J. SMITH to the Premier:

In light of Cabinet's decision on the Collie power station, can she give us an update on the Opposition's energy policy for the State?

Mr C.J. Barnett: Why don't you ask the Opposition, and get it first hand?

Dr LAWRENCE replied:

It is a long and winding road, because as I know the Minister for Fuel and Energy has said on a number of occasions, it depends on the day of the week and the promontory of the State one is standing on as to what one hears from members opposite about their energy policy. In the past few years we have had proposals for wind farms, co-generation, gas stations, coal fired power stations, and nuclear fired power stations up and down the coast. One of the most recent examples, and the one that I thought was the most entertaining, and that deserves to be highlighted to show the level of inconsistency in policy making in the Opposition, is the promise of a gas fired power station for the Pilbara either at Port Hedland or Karratha.

Mr C.J. Barnett: It is a good idea.

Dr LAWRENCE: The power station was described as the centrepiece of the Liberal Party's Pilbara policy, which I found, interestingly - although from the Opposition's point of view, naturally - was released in Broome. I found Broome to be a curious place to launch a Pilbara energy policy. The Opposition spokesman for the north west was interviewed about this promise on ABC radio on 24 November. I understand that Hon Norman Moore advises the Leader of the Opposition on strategy and policy, so he cannot be far from the centre of action. The interview got off to a pretty bad start when the interviewer pointed out to Mr Moore that the company-owned power stations supplying the Pilbara were gas fired. This appeared to have escaped Mr Moore's attention. After being lost for words Mr Moore said, "I'm sorry, I don't understand what you mean by that." That is a bit of a worry - Mr Moore does not know what is meant by a gas fired power station! The interviewer repeated the news and asked why the Opposition wanted to double up on gas fired power stations. Mr Moore persisted and said, "No, as I understand it they operate on diesel." Even when Mr Moore was corrected by a listener, he persisted with the view that somehow, something was to be said for another gas fired power station. He overlooked the fact that Broken Hill Proprietary Co Ltd is about to do the same thing. If members opposite are going to talk about energy policy, for goodness' sake, get it right!

SIMCOA SILICON SMELTER - GOVERNMENT FINANCIAL ASSISTANCE
Next Quarterly Payment and Purpose

503. Mr COWAN to the Minister for State Development:

(1) Can the Minister advise the House when the next quarterly payment to Simcoa Operations Pty Ltd is due, and for what purpose the company intends to utilise the funds?

(2) If he is not aware of the purpose for which the funds are to be used, will he give an undertaking to publish that as soon as he becomes aware of it?

Mr TAYLOR replied:

(1)-(2)

As I have stated publicly, the first quarterly payment was made at the end of September, and the next will be due at the end of December this year. The funds will be utilised for the continuing operations of the Kemerton Simcoa smelter. I am sure it will be as successful in that object as the previous quarterly payment.

Mr Cowan: Would you like to give us some detail? You should read the Royal Commission's report as well, especially the part about not wasting time and making question time worthwhile.

Mr TAYLOR: The deputy leader of the coalition asked the question. If the member does not want to hear the answer, he should not ask the question. If the member wants an arrangement where I give him the answer he wants, he should write the question and the answer. He can be assured that more than likely I would not agree with his answer.

Mr Cowan: You have not given me one answer. At least if I wrote the answer I would get an answer.

Mr TAYLOR: I have given the member three answers so far. In relation to where the funds will be spent, I am more than happy to make that public.

INDUSTRIAL RELATIONS - FIGHTBACK INDUSTRIAL RELATIONS POLICIES, OPPOSITION NOT TO FOLLOW KENNETT'S POLICIES

504. Mr READ to the Premier:

Is the Premier aware of claims by the Opposition that it will not follow the Victorian Government in implementing Fightback's industrial relations policies?

Mr C.J. Barnett: What a farce!

Dr LAWRENCE replied:

The Deputy Leader of the Opposition may wish to suggest that to discuss this issue in Parliament is a farce; it is not. It is a critical issue for the future of Western Australia, not just for the people who protested yesterday but for a great many others as well. The whole Fightback approach has become an albatross around the Opposition's neck. It does not like some of the key elements, particularly as it can see the public attitude towards the Opposition sliding down into disapproval. From being the bright new jewel, the plaything of the Opposition, it has become something of a liability. I can understand why that is, but we did tell the Opposition a long time ago that it was not a policy - particularly the GST and industrial relations component of it - that would be tolerated by the people of Australia. Desperate efforts have been made, particularly by the Opposition spokesperson on industrial relations, to distance the Opposition from Kennett's policies in Victoria. Let us have a look at that. The Leader of the Opposition - who from time to time disappears mysteriously from this place - is on the record as saying that he is 110 per cent behind Fightback.

Aside from his mathematics being a bit of a problem he is 110 per cent behind Fightback. How can Opposition members say that they are going to have bits and pieces of that policy? They either like it or they do not. To me, 110 per cent means a total commitment by the Opposition to the Fightback program. The Leader of the Opposition has also said on several occasions - he may wish to forget them now - that the coalition would introduce employment contracts. That is quite clearly its proposal and the centrepiece of the Fightback industrial relations policy. If the Opposition supports Fightback and employment contracts it should go out and tell the people of Western Australia that that is what it is doing. It should not kid the people and duck and weave, or pretend that it is not going to do the things which Kennett is doing. That is what he said too. One of the problems with Kennett is that he said people would all be better off, no-one would lose his or her conditions, wages would be unchanged, penalty rates would be untouched and that everyone would be okay. The people of Victoria now know that that sort of reassuring noise is likely to have the same truth in it as Mr Kennett's reassuring noise. What will result is individual employment contracts, people being refused jobs because they will not sign those contracts, and people being kicked out of their jobs because they will not accept lower rates of pay. The position in Western Australia would be very similar to that which Kennett would introduce.

I am pleased that now that people understand the view of the Opposition members on this question - their 100 per cent support for Fightback and their support for employment contracts - they will not vote for them in a fit. Thinking people in Australia do not want that kind of industrial relations climate. Working people should not be made to suffer because of the ideological narrow-sightedness of the Opposition.

Several members interjected.

The SPEAKER: Order!

Dr LAWRENCE: Members opposite cannot see that that is not a recipe for progress; it is going backwards.

COLLIE COAL FIRED POWER STATION PROPOSAL - STATE ENERGY COMMISSION OF WESTERN AUSTRALIA

Electricity Costs Above or Below Existing Cost of Power Generation

505. Mr C.J. BARNETT to the Minister for Fuel and Energy:

I have a real question for the Minister for Fuel and Energy.

Mr Taylor: A real question?

Mr C.J. BARNETT: Yes; a real question. Will the cost of electricity for the State Energy Commission of Western Australia resulting from the proposed Collie power station in the initial years be above or below SECWA's existing average cost of producing electricity?

Dr GALLOP replied:

In the initial stages of the operation of the proposed Collie power station the price paid for the power will be below SECWA's current average cost of power generation.

INDUSTRIAL RELATIONS - VICTORIAN EMPLOYMENT CONTRACTS

506. Mr RIEBELING to the Minister for Productivity and Labour Relations:

(1) Is the Minister aware that Victorian employers are already issuing individual employment contracts to workers previously covered by awards?

Several members interjected.

The SPEAKER: Order!

(2) Is that the likely outcome for workers in Western Australia under Opposition industrial relations policies?

Mrs HENDERSON replied:

(1)-(2)

When the Victorian industrial relations policy -

Several members interjected.

The SPEAKER: Order! She watched his lips.

Mrs HENDERSON: Indeed I did, Mr Speaker. When the Victorian industrial relations policy was introduced, people expressed concerns about the kinds of individual contracts that would emerge. I bring to members' attention the first of such contracts which have come to my attention. It is a contract compiled by Sunset Mobile Homes to its employees. It reads in part -

> Hours of work are 8 am until 6 pm - Monday to Saturday.

That is a 60 hour week. It includes -

> If work is unavailable on certain days, when asked, the employee must take that time off without pay.
>
> Rates of pay are on a piece work basis only.
>
> Rate of pay is calculated at $1000 per square built and divided by amount of hours taken to build by number of employees per unit.
>
> "Loading" holiday pay and penalty rates are not included in this employment contract.
>
> Employees are employed on a "Handyman Basis" - Trades or higher qualifications are of no significance under this employment contract.
>
> This company is union free.

Kennett industrial relations policies are all about a 60 hour week, no pay for skill, no incentive for people to gain trade certificates or skill, and a piece rate of pay. That is, as people complete units of housing they get paid; if there is no work, people go home and receive no pay. Ordinary family people with commitments such as mortgages could never sign a contract such as that and could never work in a system where they might get paid on some days and not on others and must go home with no pay when no work is available. They could not exist on this kind of contract. Ordinary family people with dependants would be replaced by single people because they are the only people who could be employed under this sort of contract and who could accept a 60 hour week with no holiday leave loading, no penalty rates and piece work paid when available.

Members should note that this contract has as one of its components the statement that "This company is union free". In other words, it will ensure that individuals are on their own with no opportunity for support in establishing their rights. This sort of contract stands condemned. It did not emerge under the kinds of industrial relations policies which the Government introduced -

Several members interjected.

The SPEAKER: Order!

Mrs HENDERSON: - but is the sort of contract which will lead to a low skilled, low paid community. That is what Mr Kennett is all about. It contains no increments for skill, no extra pay for people who are tradesmen and no opportunity for people to gain apprenticeships. Why would people want to undertake an apprenticeship and learn a skill when they receive no additional pay for that? The notion of payment on a piece rate goes back to the days of the industrial revolution.

The SPEAKER: Order! I take this opportunity to point out to every member in the Chamber that the only three people in the Chamber who would get the call right now would be those members on their feet. There is a very good reason for that. If members want to think about that over the next three questions, which will go to those three people, and indicate to me that they want to ask a question, we will continue. If not, we will cease questions at the conclusion of these three.

Point of Order

Mr WATT: Could the Minister table the paper from which she was quoting?

The SPEAKER: I instruct that the paper be tabled.

[See paper No 613.]

Questions without Notice Resumed

COMPACT STEEL - BUNBURY PORT SITE

507. Mr BRADSHAW to the Deputy Premier:

(1) Does the Deputy Premier support the Minister for Planning in opposing the Bunbury port site for the Compact Steel mill?

(2) Does he support the member for Bunbury, who is quoted in today's *South Western Times* as saying that Bunbury may have been "conned" into believing that the inner harbour was ever a serious option for the Compact Steel mill?

(3) When does he expect Compact Steel to announce which site will be investigated?

Mr TAYLOR replied:

(1)-(3)

Both the member for Bunbury and the member for Mitchell have played quite outstanding roles in this matter.

Several members interjected.

Mr TAYLOR: The member for Mitchell has received many accolades from people in Bunbury for his unwavering position on the Bunbury port site, unlike members of the Opposition in that area who, before they put their heads above the trenches, want to know from which direction the bullets are coming. The member for Bunbury has also played an outstanding role in recognising the importance of these sorts of developments for Western Australia and the jobs resulting from them. I understand that Compact Steel is looking at the port site in Bunbury and the site in East Rockingham in which you, Mr Speaker, may be interested. That decision will be made by Compact Steel. It will be announcing that decision at a time which it considers appropriate.

CHANNAR FUND - RESEARCH PROJECTS FUNDING

508. Mr GRAHAM to the Deputy Premier:

What research projects will be funded this year through the Channar fund?

Mr TAYLOR replied:

This year we have already approved a record number of projects for funding under the Channar or WA-China economic and technical research fund, which is a fund set up by the Chinese proponents of the Channar project and the Government of Western Australia. More than $500 000 has been allocated to six major research projects. The decision by the fund's joint board, which is chaired by Professor Ross Garnaut and comprises high ranking officials from the Chinese Government and steel industry and Western Australian representatives, is a reflection of the buoyant nature of the Chinese economy and their eagerness to do business with this State. Projects designated for funding include stages 3, 4 and 5 of the slope stability study, which is looking at the problems related to the entire open pit mining industry; the direct reduction iron plant feasibility study, which is of great interest to the member for Pilbara; a language training program for Chinese Ministry of Metallurgical Industry personnel; a research project on the effects on Western Australia and China of the Channar joint venture; the exchange of mining equipment/service investigating groups; and a training program for MMI senior marketing executives.

Mr Cowan: Is it being spent here or in China?

Mr TAYLOR: Most of it is being spent in Western Australia. The Chinese and Channar are benefiting from the impact of this because it is a 50-50 joint venture. Therefore we have to make certain that everyone sees the benefits of these projects.

Three projects have already been completed as a result of the fund, which was set up through royalty collections on the first year of operation of the Channar mine in Western Australia. These are the extraction of gold from copper-gold ore/bacterial oxidisation of arseno-pyrite ores, the Pilbara iron ore processing cost comparison study and an analysis of training needs for the Chinese. Without going into more detail, the fund is proving to be very successful and the projects that the Chinese have agreed to undertake are of benefit not only to them, but also to Western Australia.

KAMBALDA NICKEL MINE - CONTINUOUS ROSTERING REFUSAL EXPLANATION

509. Dr CONSTABLE to the Deputy Premier:

Will the Deputy Premier explain why he continues to oppose the introduction of continuous rostering at the Western Mining Corporation's Kambalda nickel operations, given the current high level of unemployment, the fact that the price of nickel is at its lowest level for many years and the fact that the Commissioner for Health, Safety and Welfare has recommended that hours of work restrictions in the Mines Regulation Act be removed?

Mr Trenorden: A good question.

Mr TAYLOR replied:

It is a good question. Perhaps the member for Floreat was not here a couple of weeks ago when I gave the Leader of the Liberal Party my view on that issue. It has been taken one step further. On Saturday, my friend and colleague, the member for Eyre, and Hon Mark Nevill convened a meeting in Kalgoorlie with senior AWU representatives and senior representatives of the Western Mining Corporation to find a satisfactory resolution to this matter. A number of scenarios were put forward about how the matter might be resolved.

Mr Court: Your 10 years is nearly up.

Mr TAYLOR: The Leader of the Opposition should listen carefully because it follows on from what the Minister responsible for industrial relations said earlier today. The AWU representatives said to representatives of the Western Mining Corporation, "We understand that you want open slather for hours of work; that is, the abolition of sections 5 and 6 of the Mines Regulation Act means open slather." The AWU said, "If we offered to work 13 days straight with 12 hour shifts, given that the 12 hour shifts would require a break after 7.5 hours, and the Parliament was prepared to agree to that, how would you respond?" Members should remember that these people work underground and, more often than not, work hand held machines. It is a very difficult and dangerous occupation. They offered to work for 13 days straight with 12 hour shifts. Western Mining said, "No, we require open slather. We want to set the rules."

Mr Cowan: What happens in other mines that have an exemption?

Mr TAYLOR: At the most, they will work 13 days straight with 12 hour shifts. I gave the example in the Parliament a few weeks ago of workers in one mining operation who were working 35 days straight. That is outrageous. When Western Mining raised this issue a year or more ago, it wanted to work a seven day week. At the moment at Kambalda, underground mine workers work a five day week, on Saturdays the machinery is maintained and work is cleared up and Sunday is a day off. Those miners have agreed to what was asked of them and that is to work a seven day week. However, apparently that is not good enough. It is good enough for me and it is good enough for this Government and I challenge the Leader of the Opposition who, I understand, will be in Kalgoorlie on Friday, to come to Kambalda with me and the member for Eyre and have a chat with the people about what they think of his view on this issue.

Mr Court: They support our position.

Mr TAYLOR: Come out with us then.

HOUSING INDUSTRY - CURRENT STATUS

510. Mr MARLBOROUGH to the Minister for Housing:

What is the current status of Western Australia's housing industry?

Mr McGINTY replied:

The question is an extremely timely one given that the Australian Bureau of Statistics today released its building approvals figures for October. These figures indicate once again the great strength of the Western Australian economy and also the dramatically increasing confidence which the people of Western Australia have in that economy and a preparedness to demonstrate that by investing in housing. The figures show that the number of residential building approvals in Western Australia increased by 20.1 per cent in October, the biggest increase of any State of Australia and certainly well and truly above the national average of a 5.5 per cent increase in building approvals for October. During the month there were 2 135 approvals in Western Australia. That is the highest number of approvals since April of 1989, which was the time members might recall that the housing industry in this State was undergoing a considerable boom.

Mr Shave: Where does the money come from?

Mr McGINTY: I will come to that. Without any doubt, the situation in the housing industry in this State is considerably buoyant. The telling figure really is that, compared with 12 months ago, there has been a massive 50.9 per cent increase in residential approvals in Western Australia. That is the largest of any State in the Commonwealth. There is no doubt that the housing industry is well and truly beyond the recovery stage and into a stage of sustained buoyancy. Members opposite know that and they do not like it at all because one of the great contributors to the current state of economic activity in the

housing industry has been the Budget of this State, which has injected a record amount of money into public housing. That is having an enormous spin off effect on the whole industry. That stands in stark contrast to the Opposition, which will take money out of the construction industry in great proportions and divert it elsewhere under the Fightback program.