

# Legislative Council

Thursday, 24 March 1994

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

## MOTION - STANDING ORDERS SUSPENSION

### *Blackout, Causes and Cost Inquiry*

**HON JOHN HALDEN** (South Metropolitan - Leader of the Opposition) [2.33 pm]: I move, without notice -

That standing orders be suspended so far as will enable me to move the following motion without notice -

That this House requests the Government to determine from the State Energy Commission of Western Australia the causes of today's widespread blackout, particularly whether the blackout was a direct result of inadequate or shoddy maintenance, and the steps that SECWA might have taken to avoid this situation and what plans SECWA will now develop to avoid a recurrence, and asks the Government to inform this House what the cost of the blackout is likely to be because of the loss of production.

I understand that my action today is covered by Standing Order No 461. Mr President, I have advised you of my intention to move this way. I understand the constraints that this standing order places on me with regard to entering into debatable matter. Therefore, I will endeavour not to do that but put the case for the House to suspend standing orders to debate this issue.

The blackout that occurred this morning affected everyone in the southwest corner of the State including every business, every hospital, and every public institution. It is appropriate that this matter be debated by the House today because it happened today. The House will rise this evening and we need to have a constructive approach to this matter at least by one House of this Parliament. It is important that this matter not be left over until next Tuesday but that we show the community that when these things occur we can respond in a bipartisan and constructive way.

The blackout this morning has had enormous ramifications for the State. Before coming into this House this afternoon, I rang the Chamber of Commerce and Industry to find out how much today's blackout had cost the State in lost production. Obviously, the chamber could not be specific but I was told that there was no doubt - it was a very qualified answer to be fair to the Chamber of Commerce and Industry - that it cost the State tens of millions of dollars. That cost needs to be weighed up against information that the Opposition received today which, if it is allowed the opportunity to debate it, will show clearly that it is the Government's responsibility to maintain adequate safety and maintenance procedures to ensure that these events do not occur. The situation that occurred today has occurred in the past; there are climatic reasons for it. However, the blackouts that have occurred in the past have tended to be far more isolated than was the case today.

Although the information that we have may not be totally factual, nevertheless it needs to be tested and tested by the authority which has responsibility for the provision of power in this State. The provision of power is a key factor. We spent a considerable portion of yesterday's sitting discussing that very necessary component of this State's economy into the future and we talked about brownouts and blackouts. Ironically, we have had a blackout only one day later.

**Hon E.J. Charlton:** I suppose you are wondering whether you should have built that power station three or four years ago.

**Hon JOHN HALDEN:** That is the difficulty, Mr President. When I consider it is

important for the House to respond to a matter in a sensible and reasonable way, unfortunately I have to deal with the Minister for Transport. Unfortunately, that always tends to downgrade the level of debate.

Hon P.R. Lightfoot: One of the best Ministers we have ever had in this House.

The PRESIDENT: Order! While we have a lull in the debate and I am calling for order, I advise the member that I do not want today's motion seeking approval to suspend standing orders to get off the rails, as did the one the other day. We are interested only in arguments that will justify the suspension of standing orders so that the House can be informed of the concerns Hon John Halden or anybody else has. I am not stopping the member, but setting out the situation.

Hon JOHN HALDEN: In my defence, Mr President, I was not involved in the banter. I was endeavouring to restrain myself from becoming involved because of the importance of the issue.

The PRESIDENT: I did not say you were; I knew you were an innocent bystander.

Hon JOHN HALDEN: Perhaps never innocent! This is an important matter and, without responding to that interjection, it is appropriate for this House to make a clear statement to the Government which is ultimately responsible, and to the authority whose responsibility it is to deliver power on a daily basis, that we need to know how it happened and how it can be avoided in future, and to have a clearer understanding of the cost of the blackout. In the debate the Opposition also would like to discuss the regime of cost cutting at SECWA, and it wants to investigate whether that is appropriate in view of what has happened today. I will not go into that but it is important to realise that it must be investigated as well. If that is part of the problem it must be addressed. Likewise, we understand that SECWA at the moment is flush with capital, and able to pay 70 per cent of the \$570m cost for construction of the power station. It is suggested that maintenance is being cut back at the SEC. We must consider in today's debate whether the SEC is being penny-wise and pound-foolish. If that is the case, in the interests of not only SECWA but also this State, we must debate this motion and have some integrity when doing so.

Should the Government refuse leave to debate this matter, it will be a tragedy. This can be debated either on a constructive basis or, as the debate develops from moment to moment, some members may take the opportunity to make cheap political points. That is up to individual members, but the central issue should not be lost. Today's occurrence has cost the State many millions of dollars and we must have information at our disposal, as representatives of the people of this State, about the very central role of agencies in this State. If agencies believe it is appropriate to contract their budgets to such a degree, and such action may have contributed to today's problems which have foisted on the State enormous cost expenditure, we have a responsibility to look at the role and responsibilities of agencies and how budgets are prepared in this State. At a time of great demand for developing rational policies in the functioning of Government, it is important to remember the Government has a community service obligation. That obligation must be adhered to and honoured with integrity, and must not be overruled by strict financial considerations. To highlight the point today - I do not want to be political - the SEC was not able to provide power to hospitals, which is part of its community service obligation. It may be in the State's best interests to pay an extra \$1m or \$2m for maintenance so that the community service obligation can be honoured at all times with some certainty.

The difficulty is that we have all known this situation could occur; it has happened before but in isolated circumstances, and I understand the SEC is well versed in controlling this problem and isolating it. If, because of the budgetary theory of the day, the SEC's policies are overruled, we should give some consideration to that. It is a particularly responsible action for this House to consider the motion today - I hope in a responsible way - and also give a clear message to the community that when these things happen we can deal with them with some immediacy. If we took the cheap political road, we would discredit ourselves, this House and this Parliament. We would do ourselves no service whatsoever. No doubt some members will feel the need to attack the Government, and

the Government will defend its reputation. That will be a healthy feature of the debate, but central to the issue is the cost and, without exaggerating, the suffering and inconvenience in the community today. It should not be overlooked and overruled by budgetary considerations.

The Opposition has an urgency motion on the cards, but is happy to debate the power failure today rather than the urgency motion. If the Government wants to finish the debate on motions at the standard time of 3.30 pm, we are happy to do that. However, it would be to the detriment of this House should the Government not allow members to respond to this matter, I hope in a positive way. I trust the House will support my request for leave. To not do so would be to bring shame on this House, and would further exemplify to the people the question already on their minds about the relevance of this House to the day to day existence of people in this State. We have a golden opportunity and we should take up the cudgels in a positive and reasonable way.

**HON MARK NEVILL** (Mining and Pastoral) [2.50 pm]: It is important that the House suspend standing orders today to allow this issue to be addressed. The blackout this morning is the worst blackout I can remember in my time in Western Australia. It occurred during a period of peak load, not during the middle of the night. The blackout was entirely predictable. We are all aware of the bushfires in Esperance recently where dozens of poles caught fire as a result of ash and dust on the insulators. Many bushfires have occurred in that area, and enormous sections of the power supply have gone down at Esperance. Both SECWA and the Government are very aware that we have experienced a very dry summer. They would be aware of the dust on insulators, and that the first time moisture falls on the insulators, whether through drizzle, dew or high humidity, we will have massive problems. We all know that SECWA is aware of the problem.

**Hon Derrick Tomlinson:** They predicted it five years ago. What did your Government do about it?

Several members interjected.

**Hon MARK NEVILL:** It is an ongoing problem. That rather rude interjection needs to be disposed of. Our Government had numerous maintenance crews washing the lines. At least five crews have been retired. For instance, many productivity figures tabled in Parliament by Government agencies have told us what a wonderful job they are doing. It all looked very good, but some time down the track - whether in three months or six months - corners were cut. When the present Government came to office we experienced severe cutbacks in the number of maintenance crews.

At least 12 months ago helicopters were trialled to wash the power transmission lines and insulators. The 1992-93 annual report of SECWA reads -

Techniques for washing insulators and inspecting transmission lines by helicopter were evaluated. The advantages and savings in time and money are considerable. The work takes only a few days with helicopter compared with the weeks needed when live line crews have to climb each tower or utilise elevated platform vehicles.

The last sentence is very interesting. The work takes only a few days. SECWA and the Government both realise the problems. They have witnessed problems in country areas when insulators are covered with ash from fires, and affected by moisture and humidity. They have done nothing to address the problem.

What is the cost today to industry and Government services following this blackout? This morning I decided to mow the lawn. I went to the garage to get some fuel but the bowsers were not operating -

**Hon George Cash:** I suppose you'll blame the Government for not having someone mow your lawn.

**Hon MARK NEVILL:** It is the Government's job to ensure power supplies are available for the mining industry. The industry should not have to spend millions of dollars on backup plant.

Hon George Cash: If you weren't smiling so widely, I would believe what you were saying.

Hon MARK NEVILL: The interjection by the Leader of the House is frivolous and amusing.

Several members interjected.

The PRESIDENT: Order! The interjections are out of order, as are the audible conversations. The member is trying to put forward his point of view. Every member is entitled to be heard in this place. That will be achieved if everyone else keeps quiet.

Hon MARK NEVILL: Today we are paying the price for reduced staff and the inadequate maintenance of the powerlines. We are paying the price for overtime bans on the maintenance work. In recent weeks there has been a lot of dew, and that is a predictable problem. SECWA and the Government should have ensured that the lines were washed. The annual report of SECWA states that it takes only three days to wash the lines when helicopters are used. The cost to industry in Western Australia following this blackout will be horrendous. It is essential that a full report on the blackout and the cost of it is presented to Parliament forthwith. It is important that standing orders be suspended so that we can ensure that the matter is debated, and that its full ramifications are brought home to the Government.

HON GEORGE CASH (North Metropolitan - Leader of the House) [2.57 pm]: I recognise that the Leader of the Opposition has used Standing Order No 461 to move the motion to suspend standing orders with a view to moving a subsequent motion. One of the first steps we will be able to take this afternoon in disposing of this motion is to recognise that the points the Leader of the Opposition raises in his motion are already being addressed as a result of action already taken by the Minister for Resources Development, who also has responsibility for SECWA as Minister for Energy. The Government has not been sitting on its hands this morning while the blackout occurred across the south west of Western Australia.

Hon Mark Nevill: We want you to get your hands out of your pockets.

Hon GEORGE CASH: We have already initiated in general the five points raised in the proposed motion. The first point is to determine from SECWA the causes of today's widespread blackout. That is not unreasonable. We are addressing that point. The second question is whether the blackout was a direct result of inadequate or shoddy maintenance. Again, that question will need to be addressed. We have no problems with that. The third point refers to the steps that SECWA might have taken to avoid this situation. That is not an unreasonable question; it deserves a response. The fourth point refers to what plans SECWA will now develop to avoid a recurrence of the incident. Again, one expects answers about contingencies; that is not unreasonable. Finally, the Leader of the Opposition will ask the Government to inform this House what the cost of the blackout is likely to be because of the loss of production. That question deserves to be answered.

I see no need to suspend standing orders in order to move a motion because, as I have said already, the various elements of the motion have been put into effect by the Minister for Energy. The Government recognises that the blackout across the south west of the State this morning caused significant inconvenience, both socially and economically, to those people who have been affected - and that would be most of the population. We have heard speculation by both the Leader of the Opposition and Hon Mark Nevill.

Hon John Halden: If the Minister intends to take action, why not table the information in the House?

Hon GEORGE CASH: We will provide the answers as soon as we get them. I cannot provide the answers now because I do not have them. I assure the Opposition that the Government has nothing to hide in that regard. It is important to ask these questions. If the Leader of the Opposition had telephoned me this morning at my office and raised these questions, I would have confirmed to him -

Hon John Halden: Were you working in the dark?

Hon GEORGE CASH: No. My office has a large window. I continued to work and hold meetings. If the Leader of the Opposition had telephoned me I would have advised him that the Minister for Energy, whose office is a few floors above mine, had already confirmed that he had taken action to address these various questions, and had sought advice on these matters. This afternoon both the Leader of the Opposition in this place and Hon Mark Nevill have speculated about the reasons for the blackout. They may be correct, as I have already suggested, that there was a build up of dust or salt on the insulators.

Hon John Halden: It could have been both.

Hon GEORGE CASH: The high humidity yesterday, coupled with fog that came in this morning, caused disruption at the international airport and, no doubt, Jandakot airport. That act of God may have been the reason for the failure of the transmission. Rather than speculate on the matter, it seems that as it is a technical breakdown it deserves a technical response. That is something that we are prepared to arrange.

Hon John Halden: I think you are running for cover. What happened to open, accountable Government?

Hon GEORGE CASH: I cannot be any more accountable than to say that there is no need to suspend standing orders to run through an argument about which we all agree and to consider questions we all believe deserve to be answered.

Hon John Halden: Table the report in the House.

Hon GEORGE CASH: The questions deserve to be answered and they will be. The Government has already acted. The Minister for Energy has already sought answers along the lines of the questions in the motion. Not only was the Minister for Energy working on this matter this morning, but the Premier was also concerned -

Hon John Halden: I bet he was.

Hon GEORGE CASH: - that the blackout had occurred and he sought reasons why that happened.

Hon John Halden: That is very nice for them but now let us have the Parliament advised as well.

Hon GEORGE CASH: The Parliament will be advised as soon as the answers are available.

Hon John Halden: We want a guarantee.

Hon GEORGE CASH: The member will get a guarantee. There is no need to move the motion and to waste the time of the House. The Government agrees that the questions within the motion should be answered. I have already said that advice is now being sought from the State Energy Commission of Western Australia to ensure that we have answers. As soon as we get the answers we will be able to inform the House. If Hon John Halden wants to sit here until midnight tonight, some of the answers may come through. If he gives me his telephone extension in Parliament House, I will ring the answers through. It is unlikely that I will be here after 6 o'clock as I have to attend another function. However, if Hon John Halden is happy to sit around, I will telephone him with the answers.

Standing Order No 461 enables matters of urgency to be raised and by suspending standing orders enables motions to be put to the House. In many cases the Government agrees to the suspension of standing orders if it believes it will serve some useful purpose; however, no useful purpose will be served by our arguing for the next one, two or three hours on something that both sides of the House already agree on. There are five elements that make up the motion. The Minister for Energy has already put in train a request for advice on the questions that have been raised. As soon as that advice is available to me I will see that it is transmitted to the House. There is no need to suspend standing orders. Accordingly the Government rejects the motion.

**HON TOM STEPHENS** (Mining and Pastoral) [3.03 pm]: The speech by the Leader of the Government in this House has very ably demonstrated the reasons that the motion moved by the Leader of the Opposition should be urgently and reasonably carried as it will enable the debate on the motion that has been circulated and is before the House on this question.

Hon George Cash: We agree with you. Why do you want to argue?

Hon TOM STEPHENS: Does the member agree that standing orders should be suspended?

Hon George Cash: I agree that we should seek answers to the questions contained in the motion. You should not waste any more time.

Hon TOM STEPHENS: The mistake of Hon George Cash is to fail to recognise the correct place of the Government in this Parliament; that is, a Government that should willingly subject itself to scrutiny and allow scrutiny of the answers to questions that can, and should rightly, be put to SECWA. This motion to suspend standing orders should be carried. It would provide the opportunity for members on both sides of the House to look at the motion of which the Leader of the Opposition has given some notice, and to encourage the Government to ask some questions.

Hon P.R. Lightfoot: No notice was given. I received this 10 minutes ago.

Hon John Halden: How can I fax you, you great dope?

Hon P.R. Lightfoot: Don't mislead the House by saying that notice was given.

The PRESIDENT: Order!

Hon TOM STEPHENS: No notice was given to industry that there would be a blackout either. Industry was not to know that the Government had started to ignore the maintenance requirements of SECWA and had accepted the submission from SECWA that led to a reduction of the maintenance for the power lines and transmission facilities which would create the situation faced by industry and the community today. While we were in Government, we were approached by SECWA to reduce programs for line maintenance.

Hon P.R. Lightfoot: You were never concerned with industry.

Hon TOM STEPHENS: Time and time again the Labor Government of the day declined SECWA permission to proceed down the path now being taken by the Government; that is, to allow a cut in the budget for maintenance programs for power lines and the transmitters. I am not satisfied -

Hon George Cash: You are never satisfied.

Hon TOM STEPHENS: - with all of the terms of the motion that we will deal with if standing orders are suspended. I would like the opportunity for standing orders to be suspended and for the debate to continue on the motion for which the Leader of the Opposition has given notice. It deals with the essential issues. The Leader of the Opposition rightly mentioned an additional matter to be considered after he had moved the motion; that is, that this House should scrutinise this Government while it is in office on questions like this. That is why it is not good enough for the Government and for this Leader of the Government -

Hon George Cash: We are doing a bit of scrutinising of you at the moment.

Hon W.N. Stretch: I think you are over exposed.

Hon TOM STEPHENS: - merely to say that questions have been asked.

Hon Sam Piantadosi: He doesn't want to answer questions.

Hon TOM STEPHENS: After the questions have been asked and answers provided we need to have an independent assessment of the relationship of this Government and the Minister for Energy with SECWA over this maintenance problem.

Hon Sam Piantadosi: You have them worried.

Hon TOM STEPHENS: What has this Minister been agreeing to that has led to the situation that occurred today? It will not be good enough for the Government to ask questions of SECWA and to get answers. An independent investigation needs to be undertaken, preferably by this House and not dominated by the Government, about what has gone on in the past 12 months between the Minister for Energy and SECWA with the maintenance programs being undertaken by SECWA. As the Minister for Mines well knows, when we get problems with independent agencies - like SECWA or the Water Authority of Western Australia or people who build dams or hydroelectric schemes - the buck stops with the Government.

Hon George Cash: Not unless you grabbed it first.

Hon TOM STEPHENS: It seems that the Government is endeavouring to grab the cash from SECWA to undertake 70 per cent of the -

Hon P.R. Lightfoot: There was no cash left in SECWA after you blokes left.

Several members interjected.

The PRESIDENT: Order! The honourable member is now debating something entirely different from what is in the motion. I would not even mind his wandering off if at the same time he did not generate hostility from everyone else in the Chamber. If he concentrated his efforts on giving reasons that it is essential that standing orders be suspended, he would have a better chance of achieving that. If the honourable member starts to talk about other things and forgets to mention what is in the motion, there is not a lot of hope for success.

Hon TOM STEPHENS: The essential reason to suspend standing orders to enable the House to debate the motion of which the Leader of the Opposition has given notice is that the Government needs to ask questions of SECWA about what caused the blackout. Most importantly, the House needs the opportunity to consider the motion to ascertain whether it needs to be amended to require the Government to table all the information, not just the information that Hon George Cash might like to dribble out to the House in his version of accountability of the Government to the people and the Parliament of Western Australia. All the information should be available to the House and the people of Western Australia as to the role of the Minister for Energy and the Government in regard to maintenance programs.

Approximately 70 per cent of the capital cost of the proposed power station is to come from SECWA reserves which are being built up at the expense of maintenance programs on the power lines and transmitters; this led to today's blackout. This House should place the Government under the scrutiny that it deserves. I know why Hon George Cash will not allow standing orders to be suspended. He will attempt to hide behind SECWA as though it was not the responsibility of the Government. He is in Government and has obligations to the community.

Hon George Cash: Dead right, and you are still upset about it.

Hon TOM STEPHENS: After this morning, the people of Western Australia will realise the consequences of the Minister's actions in allowing penny pinching to occur and reserves to be built up so that he could proceed with his programs rather than undertake the program which was outlined to the people of Collie by us when we were in Government, with his party in Opposition agreeing to that program. Instead of laughing at the misfortunes of the Western Australian community, he should hang his head in shame. Members on the front benches are laughing like hyenas.

Hon George Cash: If people are laughing, they are laughing at you continuing to be an idiot.

Hon TOM STEPHENS: The Minister is laughing with the arrogance that he has displayed since he has been in Government. If it were not a Government of such arrogance, it would allow Hon John Halden's motion to be agreed to so that the matter could be debated.

The PRESIDENT: This question requires the concurrence of an absolute majority.

*Division*

Question put and a division taken with the following result -

---

Ayes (12)		
Hon Kim Chance	Hon John Halden	Hon Tom Stephens
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Bob Thomas
Hon Cheryl Davenport	Hon Mark Nevill	Hon Doug Wenn
Hon N.D. Griffiths	Hon Sam Piantadosi	Hon Tom Helm ( <i>Teller</i> )
Noes (16)		
Hon George Cash	Hon P.R. Lightfoot	Hon B.M. Scott
Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch
Hon M.J. Criddle	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon N.F. Moore	Hon Muriel Patterson ( <i>Teller</i> )
Hon Peter Foss	Hon M.D. Nixon	
Hon Barry House	Hon R.G. Pike	

---

Question thus negatived.

**MOTION - URGENCY**

*Sunset Hospital, Sale; Mt Henry Hospital, Privatisation*

**THE PRESIDENT** (Hon Clive Griffiths): I have received the following handwritten letter today -

Dear Mr President,

I give notice that I will move today, in accordance with Standing Order No 72;

That the House at its rising, adjourn until 9.00 am on January 1st 1995, in order to consider the Government's proposal to close and sell the property occupied by Sunset Hospital, and to privatise the Mount Henry Hospital.

Yours sincerely

Kim Chance

In order for the content of this motion to be discussed, it is necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

**HON KIM CHANCE** (Agricultural) [3.19 pm]: I move -

That the House at its rising adjourn until 9.00 am on 1 January 1995.

It was suggested to me that, because I have limited time to speak to this motion, I should start with the conclusions first. I regret the circumstances which led to this debate being curtailed because it is an urgent and extremely serious matter and one to which we were looking forward to receiving a response from the Minister. That will be impossible today unless time is extended.

Hon E.J. Charlton: If the member sits down he will tell you why.

Hon KIM CHANCE: The background to this matter in terms of my research begins in August 1993 when the McCarrey report, the agenda for reform, made a number of comments and recommendations about Sunset and Mt Henry nursing homes. The Minister is quite correct in saying that the history of the matter is much longer than that. It was from that point that I began my research. It is a relevant point from which to start. The McCarrey report, the agenda for reform, made a number of recommendations. To condense the recommendations, it stated that we should effect the transfer of residents of those two hospitals to the private sector, and that the issue of the existing Commonwealth-State duplication of nursing homes in Western Australia needed to be resolved urgently. The report continued that the saving to the State Government from those initiatives would be approximately \$20m a year. There was a bracket which



extended that saving to a limit of a maximum of \$30m a year. I do not question Mr McCarrey and his associates on that matter.

The high standard of accommodation required by the Commonwealth in respect of nursing home care is no longer met by Sunset and possibly not by Mt Henry either. I make that clear at the outset so that we are not debating matters which are not relevant. To be clear about McCarrey's views, I want to go to part of that report. I quote from volume 2 of the agenda for reform excerpts from pages 214 to 216 inclusive under the subtitle "Nursing Homes". Mr McCarrey and his associates said -

A Health Department study of Sunset nursing homes has identified serious inefficiencies and substandard facilities. The results of the study are expected to be mirrored by a current study of Mt Henry Hospital. Separate submissions to the commission have confirmed that both Mt Henry and Sunset are not only inefficient but also substandard. The full report of the committee reviewing the Health Department indicates that, based on total bed numbers in 1991-92, Sunset Nursing Home was operating at a cost of \$155.92 per occupied bed day.

The report indicated -

Sunset currently has 76 nursing home residents and 76 hostel residents if the Commonwealth Government's classification criteria were applied.

The commissioners, having noted the distinction between nursing home residents and hostel residents, stated the cost of caring for those two different subgroups. At the bottom of page 214 it is stated -

Professional advice to the Commission suggests that as the cost of nursing staff and medication are principally related to nursing home patients, the probable cost of beds in the nursing home category would be in excess of \$250 per bed day. Costs of this magnitude would enable each nursing bed resident to be accommodated in first class hotel accommodation with full nursing service.

I do not intend to question Mr McCarrey and his associates as financial consultants. They know nothing about hospital administration, and while it may well be possible to accommodate people in a first class hotel for \$250 a day, I imagine the Minister wishes that full nursing service could be performed at that price.

Hon Peter Foss: What kind of nurses - registered or enrolled?

Hon KIM CHANCE: It depends what kind of nurse we are talking about, registered or enrolled. The Minister has put his finger on an important component, and that fact is recognised by a large number of people currently resident at Sunset and Mt Henry who require quite intensive nursing, and that is the group which the private sector is unable to cater for.

Hon Peter Foss: We are only talking about the nursing home part, not the specialist care part.

Hon KIM CHANCE: We will get to that. It is important that it be acknowledged that there is a significant group of people for whom the private sector cannot cater. Our concern is that the State has not sufficiently spelt out its program for catering for that group of people. The McCarrey report indicated that problem. On page 216, paragraph 2, the report states -

Consultants have advised that there are over 200 people who could be considered to have special needs and do not fit the mainstream categorisation of residents for Commonwealth funding. We are advised that Homes of Peace can accommodate these people as part of their plans to reduce their nursing home beds.

I am pleased that point has been noted, but my concern is that the Homes of Peace has been identified as a possible area in which these people could be accommodated. Homes of Peace has no hope of accommodating even an additional 10 persons, let alone 200.

Hon Peter Foss: Depending on the closure of the State Government nursing home beds - that is your chicken and egg situation.

Hon KIM CHANCE: It needs to be made clear that Homes of Peace is a private nursing home. For this type of patient, that is the 200 identified by McCarrey - and I will use that figure - persons are included who are not only elderly but also sick. The distinction between the State's role and the Commonwealth's role in this matter is that the Commonwealth has responsibility for nursing home type patients and does not cater for sick people within its guidelines. It caters for aged people.

Hon Peter Foss: Are you saying that private or non-government organisations cannot look after these people?

Hon KIM CHANCE: In response to that, there is no evidence of any current availability of privately provided services which can take care of those people.

Hon Peter Foss: That is the chicken and egg situation. You have to announce the closure of beds for more Homes of Peace to be opened. That is the problem. Until you close our beds they cannot take them and open them.

Hon KIM CHANCE: We will have a debate about the manner in which you did that.

Hon Peter Foss: We haven't done that.

Hon KIM CHANCE: I am afraid the Minister has, and has attempted to save the situation by later comments. The damage was done by his department. I will go to that press reference. In *The West Australian* on 16 March -

Hon Peter Foss: Is that Sunset you're talking about?

Hon KIM CHANCE: In respect of Sunset.

Hon Peter Foss: I must confess I am not very happy about that.

Hon KIM CHANCE: The article reads -

Sunset Hospital in Dalkeith will close in June this year, the WA Health Department said today.

The Minister on 17 March in *The West Australian* said -

The WA Health Department jumped the gun by saying Dalkeith Sunset Hospital would close in June next year.

He went on to say the State Government planned to close the hospital but a date had not been set for the closure. That is an argument concerning the manner by which the issue was approached. My concern goes deeper than that.

[Debate adjourned, pursuant to Standing Order No 195.]

## MINISTERIAL STATEMENT - MINISTER FOR HEALTH

### *Anthrax Outbreak, Risk to Human Health*

HON PETER FOSS (East Metropolitan - Minister for Health) [3.31 pm] - by leave: On 23 March 1994 the Department of Agriculture advised that anthrax had been confirmed as the cause of sudden death in a dairy cow near Walpole and was the presumptive cause of death of some 20 cattle on two properties over recent weeks. This is the first case of anthrax in Western Australia, although it is found in New South Wales, Victoria and Queensland.

I take this opportunity to inform Parliament of the level of risk posed by this outbreak to human health. Human infection from anthrax is rare, even where the disease is endemic in areas of the United Kingdom and eastern Australia. It appears in two principal forms - a cutaneous form caused by direct injection of bacterial spores into the skin; and a pneumonic form caused by inhalation of spores. Anthrax of the intestine and oropharynx may occur from ingestion of contaminated meat but this is an extremely rare occurrence. Drinking milk from infected animals has never been demonstrated to transmit anthrax. Human to human spread does not occur and those at risk of the infection are essentially occupational groups who handle infected animals or the products of infected animals.

Accordingly, the Health Department response has been directed to this group and comprises the following initiatives -

briefing of local general practitioners about the manifestations of the disease so as to ensure prompt diagnosis and treatment;

advice to abattoirs in the south west regarding surveillance for diseased stock;

information and advice to the community of workers engaged on the affected farms; and

securing of vaccine supply should events mandate vaccination.

Health Department officers have consulted with interstate and overseas experts on the appropriate response to this outbreak; in particular, the policy which should apply to use of vaccine. They advise that the risks to human health from such an outbreak are extremely remote and that vaccination should be reserved only for people known or anticipated to have intensive exposure as, for instance, might be expected in soldiers exposed to germ warfare. The principal protective measure is not vaccination but appropriate management of infected animals, carcasses and animal products to minimise dissemination of spores and protection of workers involved with these animals. The most important preventive measure for humans is to ensure gloves are used when carrying out examination of dead animals. These measures are being implemented. However, a small number of people who have been working on the farm to date and who will continue to do so will be offered vaccination. Further spread of the disease in Western Australia is controlled by quarantine procedures administered by the Department of Agriculture. The Health Department will continue to work in close cooperation with the Department of Agriculture to protect the public health.

**HON KIM CHANCE** (Agricultural) [3.34 pm] - by leave: The Minister's statement did not indicate whether the Health Department has any indication of the source of the infection. This is a matter which concerns the Opposition. If there is an indication of the source, the relevant authorities would be able to determine whether this State is likely to have, or already has, an outbreak of disease that we do not know about.

**HON PETER FOSS** (East Metropolitan - Minister for Health) [3.35 pm]: It might have been deduced from my statement that it was only yesterday that confirmation was received that it was anthrax. The major conduct of the matter is with the Department of Agriculture. My only reason for making the statement today is to reassure people in Western Australia that there is very little risk to health. It is something of which people of this State have had no experience and they may remember what they read about anthrax when they were at school and regard it as dangerous. The purpose of my statement is to alert people before uninformed rumour takes over from the facts. It is medical advice I received, but the main control measures are being handled by the Department of Agriculture and I imagine that will include determining how the outbreak occurred.

**The PRESIDENT:** Order! I advise members so that we do not set a precedent that, even after being given leave, asking questions of Ministers who make ministerial statements which then lead to long discussions is not in order. Because I am in a very lenient mood today I let that occur. I do not want members to think that every time there is a ministerial statement it automatically means someone else has to say something. Members can seek leave to make a statement, but to ask questions is not part of the normal deal.

## **REPRINTS AMENDMENT BILL**

### *Second Reading*

Debate resumed from 14 December 1993.

**HON N.D. GRIFFITHS** (East Metropolitan) [3.36 pm]: It is appropriate that after almost 10 years in operation the Reprints Act 1984 be reviewed. The Bill before the House contains a number of measures which are not of the kind that would ordinarily generate a certain level of political heat and I do not think that will be the case during the

consideration of it. The Opposition, in keeping with its normal constructive role in this Chamber, has carefully reviewed the Bill and Hon Alannah MacTiernan has raised a number of concerns with me and the Leader of the Opposition. I understand those concerns were raised, albeit informally, with the Leader of the House yesterday. Hon Alannah MacTiernan will elaborate on these matters in detail shortly. It may assist members if I briefly mention the concerns. Firstly, there is a need for transparency in respect of the proposed amendment to section 7 of the principal Act. The relevant section of the Act may need to be further amended over and above what is contained in this Bill.

Hon Peter Foss: What is it about transparency?

Hon N.D. GRIFFITHS: When the event occurs people need to be able to find out with relevant ease. Hon Alannah MacTiernan will deal with this in greater detail and I will not steal her thunder now. She has given this issue considerable consideration and I am just giving notice of it.

Secondly, there is some doubt whether proposed new section 7(5)(a) is necessary. Thirdly, the Opposition has some doubt about the practices set out in proposed new section 7(5)(b) and (c), which deal with the question of amendments.

Hon Peter Foss: Whether it is necessary?

Hon N.D. GRIFFITHS: That applies to proposed new section 7(5)(a). With respect to proposed section 7(5)(b) and (c) is the proposed set of practices desirable given the nature of how the Constitution works? The Minister stated in his second reading speech that he believes it is important that the State's Statute law be kept readily available in an up-to-date form. The Australian Labor Party agrees wholeheartedly with that statement.

HON A.J.G. MacTIERNAN (East Metropolitan) [3.40 pm]: We have some concerns about this Bill. The principle of having accurate and timely reprints is one that Hon Nick Griffiths and I, as former legal practitioners, endorse wholeheartedly. I remember the horror of trying to deal with the Stamp Act, particularly those provisions dealing with mortgages, where it was like doing the dance of Salome and the seven veils to get an overview of what the legislation was at any particular time, so extensive and overlaid were the amendments. Therefore, we are eager to have useful legislation in this regard.

Our first concern relates to section 7 of the principal Act, and it is appropriate for us here to raise concerns that apply equally to the principal Act and this Bill. Section 7 permits Parliamentary Counsel, or a delegated officer within the Parliamentary Counsel's Office, to make certain alterations and amendments to legislation which is being compiled for reprinting. The range of editorial alterations that is permitted is spelt out specifically in the principal Act and is extended to some extent in this Bill. We have no difficulty in principle with the proposed extensions. However, the fact that the range of alterations has been extended makes this a problem of greater concern. The problem is that the power to make alterations can, quite properly, be exercised only where the alteration will not alter or otherwise affect the substance or operation of any written law. Therefore, some functionary within the Parliamentary Counsel's Office will have the power to determine whether any changes - and there are now myriad possible changes - can be made to that legislation. If an alteration was made improperly and was subsequently challenged, it would be found by the court to be ultra vires, and would be corrected. However, we are concerned that these alterations could be masked. It is not likely that even a modestly diligent solicitor or barrister dealing with a case involving Statutes that have been reprinted would have the time or resources to go right through the history of each piece of legislation to determine whether any supposedly administrative amendments had been made by the Parliamentary Counsel's Office. This could be corrected quite simply, although we are not requesting any particular solution.

*Sitting suspended from 3.45 to 4.00 pm*

[Questions without notice taken.]

Hon A.J.G. MacTIERNAN: Clause 6, which amends section 7 of the principal Act, provides power for the Parliamentary Counsel to alter Statutes at the time those Statutes

are being compiled in order for reprints to be effected. The classifications of amendment are set out in great detail in the principal Act and they are extended considerably and quite properly by this Bill. Our concern centres around the fact that this power is to be exercised only where it will not in any way alter the substance of the Statute. It is not a straightforward matter to determine, in many instances, certainly not without controversy, whether an amendment even to something as simple as punctuation or grammar will affect the substance of the legislation. Indeed, we point to figures produced by Pearce in his definitive text on statutory interpretation in Australia which says that 50 per cent of reported cases within Australia have issues of statutory interpretation within them. Therefore, clearly, statutory interpretation is not a simple or straightforward matter.

It is not our intention to oppose this authority being given to the Parliamentary Counsel. What we seek to do is to unmask that process and make it more transparent so that it can be drawn to the attention of practitioners and others dealing in this area and, if it is felt there has been an error, the matter can be challenged appropriately in the courts as being beyond power. That can be achieved quite simply when the Act is being compiled for reprint by noting any amendments to sections or subsections that are affected by the Parliamentary Counsel on the back as an addendum and included in the reprinted Statute. That will not add to cost or time of any real significance at all. As I said, it will ensure that there is a greater measure of protection against error on the part of the Parliamentary Counsel. That is more important because the range of amendments that can be effected now by the Parliamentary Counsel has been increased by this legislation.

[Quorum formed.]

Hon A.J.G. MacTIERNAN: Our second principal concern arises out of a new provision altogether being introduced into the Reprints Act, which appears in clause 6(4) of the Bill before us and is cited as being new section 7(5b) and (5c). This provision is not related to reprints at all and, in fact, it is a surprise that it appears in this Bill. As far as we can see, it has a far more general application than an editorial function that takes place on the compilation of Statutes for reprint. It seems to apply at any particular time to enable the Clerk, with effectively the support of the Attorney General, to effect the change to legislation, even where that change might alter the meaning of the legislation. The caveat put on that is where such amendment is necessary in order to give effect to the intention of the Parliament.

Again, I draw members' attention to the difficulty in this area in that determining the intention of the Parliament is not a straightforward matter at all. The second reading speech might give one some idea of the intention of the Executive but, that is not necessarily synonymous with the intention of the Parliament. Certainly within a single party or within Government one can find a situation where legislation is seen as essentially two quite different things to different people, and perhaps has garnered support on that basis. A classic case is cited which occurred during debate on the Statute of Westminster 1932, when Winston Churchill and the Solicitor General agreed there was no obscurity whatsoever in the provisions of the Statute as they related to the Irish Free State. However, they took diametrically opposed views as to the effects of those provisions. They all agreed it was clear but it clearly said very different things to different people. Determining the intention of the Parliament is not easy to make.

Certainly the courts are often called upon to make a decision on the intention of legislation, which is perhaps arguably somewhat different from the intention of the Parliament. This is required under section 18 of the Interpretation Act, and to some extent by the common law rules of the interpretation of Statutes. Even so, when that is done in a court situation the judge has the benefit of counsel's leading argument on the matter and it is not simply a decision made away from the scrutiny of the public or the Parliament. Again, we believe this particular provision is of considerable concern and, without wanting to gild the lily, we believe it is to some extent at least undermining the sovereignty of Parliament. If legislation has been so inadequate that it does not say what the Attorney General and the Clerk believe that Parliament intended, it should either be returned to the Parliament for an adjustment or altered at the very least by a bipartisan

agreement about the Parliament's intention. I am addressing the debate to the Minister representing the Attorney General but he has been called away on parliamentary business, which makes a farce of this whole process. We have gone to considerable trouble to review legislation in a non-contentious fashion only to find the Government is not interested enough to listen to our arguments on this matter.

The Opposition will either oppose this or consider some amendment which introduces a technique by which a larger group than the Clerk of the Parliament and the Attorney General can determine the Parliament's intention. That is far more grave than our concern in the other area, as it is not so amenable to correction. If such a correction were made by the Clerk, it would amount to an exercise of parliamentary power. If the Clerk and the Attorney General had made a mistake about the Parliament's intention, the legislation would not be challengeable in the same way as is a mistake made by Parliamentary Counsel in relation to editorial changes. It is beyond challenge because the Clerk has effectively been given the power of this Parliament. It is probably the case that in the vast majority of instances these issues would be noncontroversial, but we must ensure we have a system that is not capable of being abused or the subject of a mistake. We note that when a party is in Government it is always much more keen on the enhancement of the power of the Executive, and a party in Opposition is always much more keen on the enhancement of the power of Parliament. We have had many years of learned speeches from the Minister for Health, Hon Peter Foss, on the need for Parliament to be sovereign. Accordingly, we hope, notwithstanding the perceived interests of the Executive in this case, he will support us in either deleting this reference or introducing an amendment that will improve its operation to ensure it could not usurp parliamentary processes.

The Opposition has a third more minor concern and perhaps Hon Peter Foss will be able to clarify it. We note in clause 6(4) of the amending Bill a provision which will appear as section 7(5a) in the principal Act -

For the purposes of subsection (5) an authorized officer may make any amendment not affecting the meaning of the written law.

We cannot see what this is designed to do. It seems to be effectively redundant by virtue of section 7(2) of the Act which states -

The exercise of a power conferred by this section shall not have effect to alter or otherwise affect the substance or operation of any written law.

We are puzzled about what is intended by the insertion. It appears that all the provisions, including those that have been added, excluding those relating to the clerk's amendment - that is, all additions relating to the editorial power of compilation - are already covered by the proviso that they may be exercised only where they do not operate to alter the meaning of the law. Perhaps the Minister can enlighten us as to what the job is intended to do. If there is no work, it would be better to delete it.

We support the idea of improving the speed and accuracy of our reprinting process. We understand the need for both the legal practitioners and this House to have access to properly compiled reprints. We approve the new technology introduced to Parliament to enable us to have access to reprints even before they are officially reprinted, by virtue of the software system acquired by the Parliamentary Library. I ask the Minister for Health to respond to the points and perhaps consider whether this matter should be deferred so that some solutions can be worked out rather than progressing from this stage today.

**HON PETER FOSS** (East Metropolitan - Minister for Health) [4.52 pm]: First, I should explain why I left the House. I was pressed to do so by the Leader of the Opposition in the other place and by the shadow Minister for Health. I was reluctant to leave, for obvious reasons, but they persisted with their request; therefore, I accommodated their request. It was not through any disrespect for the argument being put by Hon Alannah MacTiernan, but through a greater respect for her leader. I apologise for having to make the choice in favour of her leader rather than in favour of her argument.

I address, firstly, the need for notation. I agree with the need but it is one that has already been dealt with. For instance, I refer to page 343 of the Criminal Code, 1991 reprint. On that page, note 4 reads -

Formerly referred to the *Traffic Act* 1919-1931. Reference substituted under section 7(3)(g) of the *Reprints Act* 1984.

Similarly, note 2 reads -

Short Title (as changed by section 18 of the *Community Corrections Legislation Amendment Act* 1990) substituted under section 7(3)(h) of the *Reprints Act* 1984.

Hon A.J.G. MacTiernan: I agree this may occur from time to time in certain Statutes.

Hon PETER FOSS: It occurs when it occurs. That is the point. I understand it is already the practice of the printer that when a reprint takes place and some change is made, that change is noted in the reprints so people are aware. I agree with the member but I believe it is currently the practice.

Hon A.J.G. MacTiernan: Don't you think this should be part of the legislation?

Hon PETER FOSS: No, because it is appropriate that some matters be a matter of practice and others be matters of prescription. It is not appropriate that we detail every single part of the process.

To deal with the Clerk's amendment, the member misunderstands the ambit. We already have the concept of Clerk's amendment. Standing Order No 247 reads -

- (a) The Clerk shall endorse Bills originating in and passed by the House to that effect and arrange for their transmission by Message to the Assembly . . .
- (c) Amendments of a formal nature and typographical or clerical errors in a Bill may be made by the Clerk.

Hon A.J.G. MacTiernan: There is a big difference. This is a Bill, not an Act.

Hon PETER FOSS: We already have the concept of what it is. The Clerk has no right to just interpret the law or the intent or make up his own mind what it is all about. He must fix up the Bill. For instance, if we strike out clause 24, we do not move an amendment to renumber the rest of the Bill. It is done automatically by the Clerk. Similarly, all cross-references are done automatically by the Clerk. They are called "Clerk's amendments" but the problem we have is that once the Clerk has sent the Bill to the Governor for signature he loses the power to make those clerical amendments. One might say, why should it stop at that stage? It is because he is *functus officio*. He has ceased to function in that office. In New Zealand, the jurisdiction has been extended. He is allowed to do exactly the same thing after the Bill has been to the Governor, as he did before. What he is doing is no different; it is just the timing.

An example where this might be important can be found in the Nurses Act passed the year before last by this Parliament. Section 6 reads -

- (1) The Board shall consist of 12 members appointed by the Minister, of whom 11 shall be nominated as follows -

We actually put in an extra member during the course of debate, and an extra subclause went in describing that person. Duly, everything was nicely tidied up. Subsection 2 reads -

Each member of the Board -

- (a) shall be a natural person; and
- (b) other than the member referred to in subsection (1)(h), shall be a nurse of 3 years' standing and practice in the State.

Hon A.J.G. MacTiernan: I am aware of the facts.

Hon PETER FOSS: That means everybody other than the person nominated by the

council of the Edith Cowan University referred to in the Edith Cowan University Act 1984 - is to be a nurse of no less than three years' standing. That includes the member appointed in subparagraph (i) -

one shall be nominated by the Minister to whom the administration of the *Consumer Affairs Act 1971* is for the time being committed, and shall be a person who has knowledge of and experience in representing the interests of consumers.

So, when appointing members to the nurses board the consumer must be a nurse of three years' standing but the teacher of nursing does not have to be. Quite plainly there was an error. When the new paragraph was put in, the renumbering did not take place in subclause (2).

Hon A.J.G. MacTiernan: I know there are instances which will be quite benign and innocuous, but we are creating a rule for general circumstances.

Hon PETER FOSS: The Clerk already has the power. He is only allowed to make benign and innocuous amendments. He is not allowed to go happy Larry throughout the Bill. He can only do the things he should have done when the Bill was put through the House. I do not know that in this Bill we need to define something which has been part of the history of the House of Commons and British forms of legislature throughout the world for I do not know how many hundreds of years.

Hon N.D. Griffiths: Only after Royal assent.

Hon PETER FOSS: We are not trying to redefine it. The point being made by Hon Alannah MacTiernan is that we should define it. We are far better off not defining it. While we do not define it, at least we state, in accordance with the law as understood in the Westminster system, that the Clerk can only make innocuous changes. Once we start to define it, we would lose that whole body of law and practice which currently governs the behaviour of the Clerk. We are quite happy to have it work in the House on that basis. The question is: When do we stop the Clerk doing it? The person with whom we are dealing is not some anonymous official; he is the Clerk of this House.

Hon A.J.G. MacTiernan: He is the Clerk of the Parliament.

Hon N.D. Griffiths: Who happens to be the Clerk of this House.

Hon PETER FOSS: Yes; he is under joint standing rules.

Hon N.D. Griffiths: The honourable members' comments are in no way meant to reflect on the office or the holder of that office.

Hon PETER FOSS: That is right. We trust the Clerk to do these things prior to the Governor signing the assent. Suddenly, under this, the Opposition has lost faith in the Clerk.

Hon N.D. Griffiths: That is wrong.

Hon PETER FOSS: If the Clerk made the correction on the day before the Governor signed the assent, the Opposition would be quite happy. If the Clerk comes back the day after and says, "I missed one yesterday and I want to make that change now", the Opposition believes he is an anonymous official who has to interpret the will of Parliament. He is the same person doing the same job. The question is whether he is doing that job before or after the Governor has signed the official copy. That is the only difference. The New Zealand Parliament does not have a problem with this.

Hon N.D. Griffiths: It does not have an upper House either.

Hon PETER FOSS: That is very true and all the more reason this should not be seen to be threatening. If there is only one House, I suspect there would be no check whatsoever. However, in this case we have a further check because we have an upper House. It seems to me that the Opposition's concerns are somewhat academic. The Opposition has used quite extravagant terms about how the Clerk can interpret what the House meant. The proposed amendments to section 7 include two qualifications. The one that the Opposition has dwelled on and has allowed its imagination to fly -



Hon N.D. Griffiths: That is unkind and unfair.

Hon PETER FOSS: Members of the Opposition started to dwell on how broadly the Clerk would go in interpreting these words -

- (b) is necessary in order to enable an Act to have the operation and meaning that Parliament intended it to have.

The Opposition said it allowed the Clerk to go on a broad excursion in interpreting the intent of Parliament but it did not deal with the first part, which states -

... "clerks amendment" means an amendment of a reference in a provision of an Act to another provision of the Act, being an amendment ...

That is pretty limiting. It is not as though the Clerk will be making a huge change. He can only make a change in cross-referencing.

Hon A.J.G. MacTiernan: It may be a huge change that will affect the substance of the legislation.

Hon PETER FOSS: I understand that point, but let us not go too far. The amendment can only be in a cross-reference. It has to be one that should have been made as a clerical amendment before an Act received Royal assent. The Clerk is not given a wide opportunity to run off just to think the intent of Parliament is not represented. It has to be an occasion where he missed a cross-reference that should have been fixed. That is what the words say. This says that where a cross-reference has been made and the Clerk should have fixed it before assent was given, it can be fixed after the assent was made. It adds an extra requirement. It says that a certificate must be issued by the Clerk to the Attorney General.

Prior to the Bill going to the Governor now, the Clerk just makes the amendment. Nobody would know what the amendments are. We do not have a notation saying that the Clerk has changed the cross-references and everybody should note that he has done that. All of those things are done automatically. Most of us do not even bother to look at the Bill when it comes back. We assume that the Clerk has carried out his duty in his usual, diligent fashion. We assume that, no matter how complicated, all of the cross-references have been picked up. However, in this instance we have said that that is a reasonable thing; all he can do is exactly what he has been doing. The amendment has to be in a cross-reference and has to be something that should have been done beforehand or a mistake.

Subclause (b) is a further tying down. The word "and" appears between the end of subclause (a) and the beginning of subclause (b). It is not enough merely that there is a mistake, or that the Clerk should have done something beforehand, or that he has given a certificate so that everybody knows it is probably recorded; it also must be necessary. The Clerk cannot just do it because he wants to tidy up a Bill. It has the further qualification of having to be necessary. If it is not necessary, the Clerk still cannot do it. Rather than just broadening his capacity to make a change, rather than allowing him an excursion into examining the meaning intended by Parliament, it is a narrowing of his capacity to act. It is quite proper to give that role to the Clerk. We are only placing a further restriction on the Clerk as to how he goes through the Bill. He must issue a certificate which sets out these two things. We are putting an obligation on him as the Clerk of the Parliament to certify that he, or whoever is the Clerk, should have made the amendment before Royal assent went through and in his opinion is necessary.

Hon A.J.G. MacTiernan: Given that is an Act of the Parliament and not just of the Executive and you think it is important that it should go to the Attorney General, we are suggesting that there should be something to ensure that there is a measure of bipartisanship.

Hon PETER FOSS: We do not have bipartisanship when the Clerk acts before the Royal assent. We do not know that amendments are made. Nobody checks.

Hon Mark Nevill: Some of us may advise the Clerk of those situations.

Hon PETER FOSS: Yes.

Hon Mark Nevill: I did last night.

Hon PETER FOSS: Members do that.

Hon Mark Nevill: There was an error in the Pilbara Energy Project Agreement Bill, where the word "out" was written as "our".

Hon PETER FOSS: It is not an unusual occurrence. It is a purely clerical matter. The idea of the Clerk making his amendments is longstanding. This simply allows the Clerk to do it after assent. We might ask what is so special about the Governor assenting to a particular piece of legislation. The Parliament is the body that really matters. The Clerk has the ability, after the Bill has been through the House, to change those references. The Clerk, through his records, must be able to show where that cross-referencing occurred. It must be a reference in a provision to another provision in the Act. It is very limited. The Opposition argued extravagantly on that matter.

I will take further advice on the query about section 7(5)(a). I regard that as the major matter raised by the member. Prior to dealing with it at the Committee stage, I will obtain a better idea of what it is intended to achieve.

This is a sensible Bill which makes it easier to get reprints before the public, which is important. I have encountered a similar experience to that of the member. It is terrible to have to put up with piles of unincluded amendments. If people do not have up-to-date reprints, it increases the cost of legal work and the possibility of error. Over the years, Western Australia has had a good record - far better than that of the Commonwealth - relating to reprints. Although our record is not ideal, it is better than that of the Commonwealth.

The further extension, to allow us to avoid having to bring amendments before the House to change something which was an error in the first place, is a good measure. If people wish to purchase the Nurses Act, for example, they will have to buy not only the Nurses Act but also the Nurses Amendment Act and look for amendments that had been made. Until the Act is reprinted, people have to read the two Acts to work it all out. It would be ludicrous to spend the time of the two Houses, the Clerk, the Governor, and the Government Printer to correct something which quite plainly is a benign clerical error.

Hon A.J.G. MacTiernan: We agree that there may be other ways. All we want to ensure is that it is not a check simply for the Executive but for the Opposition also.

Hon PETER FOSS: The Clerk is a servant of the House. If the member wants us to take out the reference to the Attorney General, perhaps that could be done and we could leave it entirely in the hands of the Clerk. We added that as a further method to ensure that there was a statement on the record. Perhaps the member would prefer it to be certified by the President of the Council or the Speaker of the Assembly.

Hon A.J.G. MacTiernan interjected.

Hon PETER FOSS: I would have thought so.

Hon George Cash: The Clerk is a very responsible officer.

Hon PETER FOSS: Parliaments around the world have trusted their Clerks to do this up to the moment that the Governor assents to the Bill. Why is it suddenly different? Why does the Clerk become an object of suspicion as soon as the Governor has signed it? Does he undergo a character change when that happens?

Hon A.J.G. MacTiernan: You have recognised in the legislation the need to put in an extra tier of protection.

Hon PETER FOSS: We put that in to make Opposition members feel better. After it has been printed once, there probably needs to be an official document whereby there is a trace. If we get the Bill before it goes to the Governor, there is no need for someone to try to work out how it happened, because it happens without any trace. People will not

say, "Hang on, how did that happen?" All they see when they receive it before assent is the final document. They see the minutes of this House and a document that has that word in it. If he signed it, put it out in the public and then changed it, someone would say, "Hang on, there has been a change. How did that happen?" Because there has already been an official issue, something needs to be put on the record.

The official notation on the record is the certificate by the Clerk. To whom will he hand the certificate? The obvious person is the person who must sign the document which allows the reprint to take place - the Attorney General.

Hon Mark Nevill: When you are the Attorney General, we will have more confidence in the provision.

Hon PETER FOSS: How else is the Attorney General to know that she can permit the reprint if she does not have the appropriate officer of the Parliament telling her so that she can authorise it? That seems to be necessary, otherwise the Attorney would have to do it on a telephone call from the Clerk. The Attorney may be reluctant to allow that to occur.

The Clerk always gave a certificate which used to go to the Attorney General before it was in order for the Governor to sign it. The standing orders provide that the Clerk signs a certificate. So there has to be a certificate for somebody to act upon. In this case the certificate would come to the Clerk to act upon, it would go to the Attorney General to get her certificate to allow the reprint and that would go to the Government Printer, who would have the certificate of the Attorney and be able to do the reprint. It is merely a matter of passing on the authority. There is always a certificate from the Clerk authorising the printing of the Act. This is no different from that.

Hon A.J.G. MacTiernan: It is not as you have suggested. You have changed your story. Is it not an added layer of protection?

Hon PETER FOSS: It is the same layer of protection as there always was; that is, a certificate from the Clerk. It is an added layer to the extent that the certificate is needed afterwards, because he would always have a certificate on the Bill that he sends in. If he makes it afterwards and just changes it, it would be different. The certificate that is stamped on the Bill states -

I certify that I have examined this fair print and find that it corresponds in all respects with the Bill as passed by the Legislative Council and Legislative Assembly.

It is then signed by the Clerk of the Parliament and goes to the Attorney General.

Hon A.J.G. MacTiernan: That is not a certificate that will go.

Hon PETER FOSS: No. That is the one that currently goes. I believe that it then goes to the Attorney General, who signs the certificate advising the Governor that it is in order for the Governor to assent to it - in other words, it does not break the law. It is not a matter of advice in terms of Executive Council because the Governor in assenting to Bills takes the advice of the two Houses. There never has been advice tendered by Executive Council to the Governor to assent to Bills. He has always acted by and with the consent of the Legislative Council and the Legislative Assembly as we used to say in our Acts. We now just say "the Parliament enacts". The Governor acts on the advice and with the consent of the two Houses. He then has the Bill certified by the Clerk of the Parliament and the certificate of the Attorney General telling him that there is no legal impediment to his signing it, he assents and it becomes law.

What is suggested here is that, because there is no alternative document, he certifies in this case that the next person must sign something, which is the Attorney. The Attorney has to authorise the reprint.

Hon A.J.G. MacTiernan: This doesn't just relate to reprints.

Hon PETER FOSS: It does. That is the whole point. If he just sends the certificate along and it is not reprinted, it will not make much difference. He will still get it without

the reprint. He will send a certificate to the Attorney General, who issues her certificate to the Government Printer, and the Government Printer will print it with the amendments. If it is not reprinted, nobody will ever know about it.

Hon A.J.G. MacTiernan: At what point is the present legislation printed?

Hon PETER FOSS: It is printed when it goes to the Governor. It would have to be a reprint at that stage. The Government Printer prints the Act and makes special copies for the Governor to sign. When the Governor signs it, that then is the Act. All they put on is the notation of the date that the Governor signed it.

Hon A.J.G. MacTiernan: You are saying this won't appear until there is a reprint because he actually prints the whole legislation?

Hon PETER FOSS: The Bill which the Governor assents to is printed; that is the first print of the Act. As soon as he signs that Bill, it is the Act. All the others are copies of the Act. The Act is the document signed by the Governor. There may be several prints of the same Act, but they are impressions, not editions. However, a reprint is a new edition. If the change takes place after the assent, it must be a new edition; that is, a reprint. That is my definition.

Hon A.J.G. MacTiernan: It is not the definition necessarily. It depends on how many copies of the legislation have been printed.

Hon PETER FOSS: I think it is three.

Hon A.J.G. MacTiernan: If, for example, as this seems to indicate, an error was detected -

Hon PETER FOSS: There would be no capacity to change it. Once the Bill has been assented to, the printer cannot change it except in accordance with the Reprints Act.

The DEPUTY PRESIDENT (Hon Barry House): Order! This is beginning to sound much more like a Committee debate. We are in the second reading stage of this Bill.

Hon PETER FOSS: With that change this Bill will provide an alternative flow into a reprint where the origin is from the Parliament through the Clerk discovering a cross-reference which was wrong but was not picked up prior to the Bill being assented to by the Governor. The alternative would be that a Bill would have to be passed through both Houses of Parliament and then reprinted again; or in the meantime, without it being reprinted people would have to be issued with both copies and would then have to go through and check them. The other point is that for ever and a day it would appear in the index as an amendment. That would mean that the person may still feel obliged to go back to the original Act in case there was some significance in that change. It would be in the interests of all people if it were done under the Reprints Act with a certificate issued by the Clerk in the same way as he would change it and then issue his certificate in accordance with what I read out. That would then permit the Attorney General to allow the reprint. From then on people would not have to worry about that error. A classic example of that was the Nurses Act, as I mentioned before. I will look up section 7(5)(a) for Hon Alannah MacTiernan. When we move to the Committee stage I will try to have a better explanation of its intent.

Question put and passed.

Bill read a second time.

## **JURISDICTION OF COURTS (CROSS-VESTING) AMENDMENT BILL**

### *Second Reading*

Debate resumed from 14 December 1993.

HON N.D. GRIFFITHS (East Metropolitan) [5.23 pm]: This Bill proposes to amend the Jurisdiction of Courts (Cross-vesting) Act 1987. That Act was passed with a view -

- (a) to establish a system of cross-vesting of jurisdiction between those courts . . .

- (b) to structure the system in such a way as to ensure as far as practicable that proceedings concerning matters which, apart from this Act and any law of the Commonwealth or another State relating to cross-vesting of jurisdiction, would be entirely or substantially within the jurisdiction (other than any accrued jurisdiction) of the Federal Court or the Family Court or the jurisdiction of a Supreme Court of a State or Territory are instituted and determined in that court, whilst providing for the determination by one court of federal and State matters in appropriate cases; and
- (c) if a proceeding is instituted in a court that is not the appropriate court, to provide a system under which the proceeding will be transferred to the appropriate court:

It is part of a national scheme; it is part of making Australia work better; and it is part of Australia working smoothly as one country. It is certainly contrary to the secessionist views that some people hold.

Hon T.G. Butler: Those on the other side wouldn't like it.

Hon N.D. GRIFFITHS: Hon Tom Butler interjects with great wisdom.

The DEPUTY PRESIDENT (Hon Barry House): Order! He should not interject at all from where he is sitting.

Hon N.D. GRIFFITHS: I am considering, however, on behalf of the Australian Labor Party joining with the Government to improve the law in this State, and in Australia as a whole. The Minister in his second reading speech accurately outlined a problem about which he, and no doubt others, had concerns. The speech states in part -

... the present provisions have not worked satisfactorily in a small number of cases where State or Territory judges have ordered that matters not be transferred. In the absence of dissenting parties, courts have tended to make orders that matters not be transferred, without regard to the strong policy considerations that proceedings should be transferred to the Federal Court where special Federal matters arise for determination. This Bill will rectify that situation. It also avoids the present unsatisfactory situation whereby State or Territory judges' orders are, in effect, subject to the discretion of the Commonwealth Attorney General.

The Bill has the wholehearted support of the Australian Labor Party and we wish it a speedy passage.

Question put and passed.

Bill read a second time.

#### *Committee and Report*

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

#### *Third Reading*

Bill read a third time, on motion by Hon Peter Foss (Minister for Health), and passed.

### **MINISTERIAL STATEMENT - MINISTER FOR PLANNING**

#### *Metropolitan Region Scheme Major Amendment, Canning Vale and Southern River Land*

HON PETER FOSS (East Metropolitan - Minister representing the Minister for Planning) [5.30 pm] - by leave: I inform members that the State Government has agreed to make a number of changes to plans to urbanise land in Canning Vale and Southern River. These changes are part of a major amendment to the metropolitan region scheme in the south east corridor, which was tabled on Tuesday for members' consideration. The amendment is part of a Government plan to ensure enough land for housing into the next century. The changes - which I will outline shortly - were made after thorough consultation by the State Planning Commission. The commission received more than

300 written submissions and held 68 hearings to gauge public opinion on the proposed amendment. Changes to the original plan have seen a reduction in the amount of urban land from 1 980 to 1 243 hectares - resulting in a fall in the number of estimated housing lots from 17 800 to 11 187.

Principal among the changes is the withdrawal of proposals to urbanise a former liquid disposal site at Southern River. The waste disposal site - on the corner of Southern River Road and Furley Street - will not be rezoned for housing until appropriate contamination studies are completed and remedial plans are in place.

A \$200 000 study has been commissioned by the City of Gosnells to determine the nature and extent of the contamination and will be completed by the end of 1994. The amendment has been further modified to reflect the conservation value of three wetland areas, highlighted by the public submissions. The wetland areas - generally bounded by Balfour, Passmore and Phoebe Roads - will be deleted from the urban zones to allow the further investigation of their conservation values.

Objections to the urban deferred zoning in the north east portion of Canning Vale was also upheld with the majority of landowners wanting to retain their present rural lifestyles. Additional modifications to the amendment include -

- replacing the urban deferred zone with the urban zone in the Canning Vale areas, which was requested by many landowners;

- minor boundary adjustments to the parks and recreation reserve along the Southern River to minimise the impact on private properties and lifestyles;

- replacing the urban zone for the Gosnells golf course and the Canine Association with a private recreation zone to better reflect present uses.

Finally, it is the Government's view that the modified amendment more closely reflects community expectations for the areas. It is also another example of the effectiveness of proper public involvement in the planning process, which, unlike previous Governments, the Court Government has been diligent in promoting.

## SPECIAL INVESTIGATION (COAL CONTRACT) BILL

### *Second Reading*

Debate resumed from 23 March.

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [5.32 pm]: I make it clear that I am not the Minister handling this Bill, nor was I expecting to have to speak now. Yesterday I listened to Hon Alannah MacTiernan and others speak on this matter. I suggested to Hon Nick Griffiths that those comments would be relayed to the Minister for Health, who is handling this Bill. Firstly, that has been done. Secondly, I advised the House in respect to the question of the matter being referred to the -

Hon Mark Nevill: Are you talking about the same Bill?

Hon GEORGE CASH: I will start again. Regarding this Bill which Hon Mark Nevill was handling yesterday I advise that those comments were relayed to Hon Peter Foss this morning. There was general agreement that the Government would not oppose the referral of the matter to the Legislation Committee. Further comments will be made by Hon Peter Foss regarding that later on. The matters raised by Hon Mark Nevill have been taken into account and the Minister will respond in due course. Hon Ross Lightfoot wants to speak on this Bill, and I now hand the matter over to him.

**HON P.R. LIGHTFOOT** (North Metropolitan) [5.34 pm]: It is important for this House to know that this Bill had its roots in the WA Inc affair of the 1980s, which is probably the most sordid period in Western Australian political history and one of the most awful periods that any State Government in Australia has had to endure. The Royal Commission into Commercial Activities of Government and Other Matters was quite correct in all of its recommendations for this aspect of WA Inc to be referred to Parliament. I recall when I served in the other House, as did the Leader of the House

during that period, that the coal contract relating to the abortive rescue of Rothwells cost Western Australia dearly. Along with myriad other things, it cost the Premier of the day, Mr Dowding, his job.

*Point of Order*

Hon MARK NEVILL: The member is getting confused. These coal purchases occurred a year before the coal purchase he is referring to. The member is getting two different matters confused. The matter the member is referring to is not relevant to this Bill.

The DEPUTY PRESIDENT (Hon Barry House): The member is about to expand his argument and we will all listen very carefully to see where the relevance comes in.

*Debate Resumed*

Hon P.R. LIGHTFOOT: I was leading up to it and wanted to give some preamble to the reason for this. The preamble is relevant to the coal contracts, and I want to give a broad outline of why this Bill is necessary. As the Leader of the House said, the deal was to enhance the value of Western Collieries. I have myriad notes here but I thought this matter was coming on next week, and that will test me, as well as members on the other side. I must say that members who served here in the 1980s would have much more reason to remember the sordid period in the history of Western Australia than I do. I played a part in trying to expose the corruption and the cover-up at the time and the extraordinary degree the Government of the day -

Hon Mark Nevill: What about your dealings over the last 20 years? They were pretty sordid.

Hon P.R. LIGHTFOOT: I take exception to that and I ask Hon Mark Nevill to give an indication of something.

Hon Mark Nevill: Would the member like me to table a few affidavits?

Hon P.R. LIGHTFOOT: Interjections of that kind are a double edged sword. While I want to confine the argument to the Bill before the Chair, I am not averse to coming back and firing a few shots at anyone on that side who wants to raise red herrings to divert what I have to say about this time in history of the Government of Western Australia. The Bill had its genesis in the 1980s. It seemed to me, serving in that other place, that the coal contracts entered into by the Government - and no doubt Hon Mark Nevill played a part; I am not sure what part he played, but he certainly played a part -

Hon Mark Nevill: I did not play a part.

Hon P.R. LIGHTFOOT: He played a part in the caucus.

*Point of Order*

Hon MARK NEVILL: That is a pretty grubby accusation. I was not involved in those coal contracts any more than any other backbencher is involved in what the Executive does.

The PRESIDENT: It is not a point of order. The question raised earlier about relevance is one more to the point. I would rather hear the member's views on what is in this Bill than the member to be reacting to interjections from Hon Mark Nevill, or Hon Mark Nevill reacting to some counter accusations made by the member. This is a very interesting Bill and I have been dying to hear members' views on it. The sooner Hon Ross Lightfoot tells me about it, the better.

*Debate Resumed*

Hon P.R. LIGHTFOOT: Thank you, Mr President, I will proceed to do just that.

The Bill is necessary as part of the recommendation of the royal commission into WA Inc. This relates to a relatively small facet of it which involved approximately \$15m of advanced purchase of coal from Western Collieries Ltd to enhance the value of Western Collieries. Members will recall that, at the time, Western Collieries was owned by the Rothwells finance house, often referred to as "Rothwells bank". It was not a bank. Members will recall that it was a menswear store in Brisbane which had some

consecutive years of trading which allowed it to enjoy the privileges under the then company laws.

Hon Mark Nevill: That is not related to the \$15m purchase of coal from Western Collieries.

Hon P.R. LIGHTFOOT: I believe it is and so do the other members in this House. Why Hon Mark Nevill wants to cover it up -

The PRESIDENT: Order! I am not interested in who wants to cover it up. Hon Mark Nevill should stop interjecting and the member on his feet should ignore him and direct his remarks to me. I will not interject; I am listening with great expectation.

Hon P.R. LIGHTFOOT: As I recall, in generic terms Mr Julian Grill, a member of the other place, played a significant role in the advance purchase of coal by the Government of the day. If my memory serves me right I think he was Acting Deputy Premier.

*Point of Order*

Hon MARK NEVILL: Hon Julian Grill was not involved in these particular coal purchases. That was a year later. The member is absolutely confused.

The PRESIDENT: Order! If I had to disallow everything that is said in this place that is not factual there would not be an awful lot said.

*Debate Resumed*

Hon P.R. LIGHTFOOT: It is difficult, but it is not impossible -

The PRESIDENT: Order! Normally I do not agree with members referring to people in another place in any way that suggests there may be something untoward in what they were doing. I am not saying that Hon Ross Lightfoot was suggesting that. The point is that while I am in the Chair in this House of Parliament members will abide by the conventions and rules of our system. To refer to an individual in another place in some way that suggests he may have been acting dishonourably is unacceptable. The only way in which a member can do that is to move a substantive motion to deal with that allegation. I am not suggesting the member was doing that but he was getting awfully close to it. When a member does that some of his colleagues on the other side of the House react and we finish up with a rumpus and at 5.45 on a Thursday afternoon I do not want a rumpus.

Hon Sam Piantadosi: Get your facts right.

The PRESIDENT: Order! If anyone interjects he will have an advantage over other members in this House because he will go home early.

Hon P.R. LIGHTFOOT: There is no question that the content of this Bill is very touchy and it strikes a lot of nerves on the other side. It is an issue which will not be buried for a long time. I am not opposed to having the parameters of the Bill referred to the Legislation Committee, on which I serve.

I come back to the crux of what I was about to put to the House: This purchase of coal by the member for Eyre in another place -

Hon Mark Nevill: You are confusing two events which were a year apart.

Hon P.R. LIGHTFOOT: I would appreciate it if I were allowed to get on with the argument.

Hon Tom Helm: Never mind the facts!

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: I remind Hon Tom Helm that last night he spoke for sometime in the adjournment debate on an issue which was misleading to the House. He should not interject, particularly when he does not have any knowledge of the subject I am talking about.

Hon Tom Helm: I am not accusing you of misleading the House.



The PRESIDENT: Order! No, he is not. Whether he is or not does not matter. I want the member to get on with his remarks because he is causing a lot of delay in the progress of the passage of the Bill.

Hon P.R. LIGHTFOOT: The purchase of the coal by the Dowding Government while Mr Grill was Acting Deputy Premier was very significant. While the gentlemen in the other place was Acting Deputy Premier he was able to give the concurrence for the purchase of the coal while the Deputy Premier was overseas. That aspect of it is very significant.

Hon Mark Nevill: You have that wrong even though it is an unrelated event.

Hon P.R. LIGHTFOOT: Not at all. What I am saying is precisely right. Members opposite will do anything to prevent me saying what I want to, but I will keep on if it takes me until next week to say it.

The purchase of the coal was a corrupt move because at that time Rothwells had failed, was insolvent and should have been declared insolvent. The purchase of the coal from its wholly owned subsidiary Western Collieries -

*Point of Order*

Hon MARK NEVILL: Standing Order No 100 refers to repetition and irrelevancy. This matter is not related to coal purchases and I ask you, Mr President, to pull the member into line.

The PRESIDENT: Order! I will pull Hon Mark Nevill into line because he keeps raising repetitious points of order. I have taken the time to refresh my memory of the content of the Minister's speech when he introduced the Bill. The substance of what the member is speaking about is referred to in that speech. I repeat what I said to the honourable member: When he starts referring to individuals who are not mentioned in this Bill or in any of the debates I have seen he must be very careful.

*Debate Resumed*

Hon P.R. LIGHTFOOT: I mentioned the member in the other place because this matter forms a crucial part of the argument as to whether it was a corrupt move and whether the Bill should be referred to the Legislation Committee to try to establish parameters that would be sufficiently wide enough to give this House, and ultimately the Western Australia people, a comprehensive understanding about why this aspect of the WA Inc period was referred to this place in the form of this Bill. It is crucial to understand that a Minister who was the Acting Deputy Premier of the day was able to sign these things legally. He would not have been able to do that if he had not been the Acting Deputy Premier. That is the reason I mentioned his name. It was necessary.

Hon Mark Nevill: He was Acting Minister for Minerals and Energy.

Hon P.R. LIGHTFOOT: Hon Mark Nevill worries me at times.

Hon Mark Nevill: I am sure I do.

Hon P.R. LIGHTFOOT: It is sufficient for the member to protest once so that he can show his friend in the other place that he stuck up for him.

The PRESIDENT: Order! The member should speak to the Bill and ignore the member opposite him.

Hon P.R. LIGHTFOOT: I will try to do that.

The purchase of the coal was purely designed, not as an economic move to lower the cost of electricity and not as a measure, as the Deputy Premier of the day said, to move the coal that was breaking up on the surface - the high ash coal - to India, but as a measure to rescue Rothwells through its wholly owned subsidiary of Western Collieries.

I understand that Wesfarmers offered in the vicinity of \$90m for the purchase of Western Collieries. That figure was inflated as a result of the contractual or actual advance purchase of that sub-bituminous coal from the Collie area. The effect of the purchase by Wesfarmers of the Western Collieries wholly owned company Rothwells was to give it a

higher price than it was worth. Therefore, there were two costs - for the purchase price, which was over inflated, and for the coal, which was not used as it should have been. The coal deteriorated. It was highly friable - that is, it broke up very easily when it was brought to the surface - and it was high ash coal. It was never good quality coal when compared with the east coast bituminous or anthracitic coal.

Therefore, it is likely that the Government of the day knew, and I am sure Hon Mark Nevill would have known too, because of his close liaison with the Minister for Minerals and Energy at the time, that it was not good quality coal and that when it was stored on the surface it would break down; and that is what it did. I have no doubt that the Government of the day, on which some members here served in the Caucus, well knew that it was a subterfuge when the then Deputy Premier said that he had held advance discussions with industry in India and was confident of selling that coal. I could go so far as to say that it was those sorts of lies that gave rise, because of their perceived authenticity at the time, to an inflated price for the company that mined the coal, based on the proposition that there were contracts for India to purchase that coal.

The purchase price offered by Wesfarmers was around \$90m. As a result of the forward purchase by the Government of coal for what was then the SEC and is now SECWA, the Government came back with a \$145m counter, and Wesfarmers ultimately purchased Western Collieries for about \$125m, which was probably far in excess of what it was worth. Coal is a topical subject at this time because of the certainty of the 300 MW power station at Collie, and it might be that the Legislation Committee would look at something that slightly superimposed or was contiguous to the purchase price of coal today. There may be some common ground there. I am not saying there is, and I cannot pre-empt the Legislation Committee, but there may be, and this is an opportune time to look at this Bill.

It is not without some trepidation that I speak about this matter. It was not a nice period for Western Australia, and it was not a nice period to be in Opposition. All sorts of action and metaphoric muscle was used, particularly when the Government of the day got deeper and deeper into this black Rothwells abyss and kept pouring hundreds of millions of dollars of Western Australian taxpayers' money into this abortive rescue - a rescue that the Opposition said at the time would not work, was imbued and seethed with corruption, and would cost the Government its head. It cost the Premier of the day his head, and it is not over for him yet, nor is it over for the Minister of the day and for those members here who served in that Government. It will come back time and time again to bite those people who so assiduously -

Hon Kim Chance: We noticed how effective it was in Fremantle and Glendalough! When will you give up? The public are not listening any more.

Hon N.F. Moore: You have gone through the history of by-elections.

Hon Sam Piantadosi: You have a history too, Mr Lightfoot.

Hon P.R. LIGHTFOOT: Yes, I have. I have a very proud history, and certainly not one of using union thugs to bring people into line to make sure they pay their union dues.

#### *Point of Order*

Hon SAM PIANTADOSI: I ask the member to either provide proof or withdraw that remark.

The PRESIDENT: Order! The member did not refer to anyone. There is no point of order.

Hon Sam Piantadosi interjected.

The PRESIDENT: Will the member come to order, because Hon Ross Lightfoot did not refer to him.

Hon Sam Piantadosi: *Hansard* will tell the tale, Mr President. He can give that proof later.

The PRESIDENT: Order! *Hansard* will not contradict the ruling that I have just given.

Hon Sam Piantadosi: Fleet of foot Lightfoot! He will be running scared.

The PRESIDENT: Order! If the member wants to pursue a confrontation with me -

Hon Sam Piantadosi: Not with you, Mr President; with the member.

The PRESIDENT: Order! You are defying me, and that will have some horrendous ramifications, I can assure you, even though we have less than five minutes left.

*Debate Resumed*

Hon P.R. LIGHTFOOT: I will read into *Hansard* tonight from a speech that I made on 8 November 1988, when I said: The Premier said early today inter alia that world markets collapsed and that caused the demise and the trouble Rothwells found itself in. The Premier said not that Rothwells was corrupt and not that Rothwells was the most maladministered financial institution, apart from the Bank of South Australia - in fact, in terms of dollars invested for dollars lost, I think Rothwells was well ahead of that - but that the collapse of world markets caused the demise of Rothwells.

Hon Mark Nevill: The Bank of South Australia lost \$3b, you clown!

Hon P.R. LIGHTFOOT: This will come back to bite the Opposition. This will rebut and refute whatever was said tonight to try to stop me from speaking.

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

**ADJOURNMENT OF THE HOUSE - ORDINARY**

HON GEORGE CASH (North Metropolitan - Leader of the House) [6.00 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Power Blackout*

HON R.G. PIKE (North Metropolitan - Parliamentary Secretary) [6.00 pm]: I want to make a few comments about the State Energy Commission debate earlier today. In the absence of the Leader of the Opposition, I ask the Labor members present collectively whether any of them rang the SEC to find out the reasons for the blackout. Having determined that to the best of their knowledge the Labor members' answer is no, I inform the House that I did.

Several members interjected.

The PRESIDENT: Order!

Hon R.G. PIKE: I thank you, Mr President, for giving me the call. I inform Labor members that it is not my intention to give a loud address. If people such as Hon Alannah Turner and others want to interject - and it is the usual pattern of two or three at once - I will call on your protection, Mr President.

Several members interjected.

Hon R.G. PIKE: "Turner" is the correct reference if one thinks about it. I am sorry that I mispronounced the member's name.

Several members interjected.

Hon R.G. PIKE: I will either continue with a louder voice or ask for your protection, Mr President. I spoke to Mr Peter Winner, a senior officer of the State Energy Commission. I asked him what was the cause of today's blackout. I thought it totally proper to do that instead of going on with the guff we heard from the Labor Party today. It was an attack on labourers, workers and staff members of SECWA.

Several members interjected.

Hon R.G. PIKE: I have read the speeches.

Hon A.J.G. MacTiernan interjected.

Several members interjected.

Hon R.G. PIKE: I am not about to quote from those speeches, but I have them here. Members opposite should not deny they were attacking the workers and staff members -

Mr President, would you like to recall Hon Sam Piantadosi who made a slurring and unfortunate comment, as he manipulated himself through the door. He has now gone. On second thoughts, I do not ask for a retraction because since he said it, it is not worth it; it is of no account. I will continue my speech.

Several members interjected.

Hon R.G. PIKE: That is the truth!

The PRESIDENT: Order! I want no more interjections.

Hon R.G. PIKE: Hon Sam Piantadosi is perhaps with his adviser, the Independent candidate in the Glendalough election who gave his preferences to Labor. He has probably gone out to advise him - one Eric Brown. We know his style. It is a pity he is not here. The Labor Party would know all about it.

Several members interjected.

Hon R.G. PIKE: Perhaps I can return to the subject. Mr Peter Winner, a senior officer of the State Energy Commission, advised me that the reason for the blackout is problems with the insulators on the 330 kV transmission systems. That is, they are the big steel towers with the lines coming through to the city and elsewhere.

Hon E.J. Charlton: I think you will have to draw a picture.

Hon R.G. PIKE: For Hon Tom Helm yes, but the others may be okay. Mr Winner said that the insulators are washed regularly. There was a high humidity yesterday of 96 per cent. He said that the level of maintenance had been increased in the past two years. There was no fall-off. He said also that the climatic conditions were unique and what happened had happened only once previously in the history of the Commonwealth of Australia. So this is the second time it has happened.

Hon Tom Helm interjected.

Hon R.G. PIKE: The member should talk Australian if he wants to talk, then I will have a chance of hearing him. Mr Winner said that the climatic conditions on this occasion were unique. Each time the member interjects he will hear the same story until he is sick of it. I repeat, the conditions were unique in the history of the Commonwealth of Australia. They were 96 per cent humidity; the bushfires had deposited large amounts of carbon on the insulators; the carbon deposits were very heavy, and combined with the dust, salt and grime and the heavy moisture content, we had the blackout. So, it was nothing to do with the small lines but with the main feeder lines.

Hon E.J. Charlton: It was also to do with the rubbish floating around with the two by-elections.

Hon R.G. PIKE: From one side anyway.

Hon T.G. Butler: Let us not forget, your side lost both by-elections with a swing to us on both occasions.

Hon A.J.G. MacTiernan interjected.

Hon R.G. PIKE: I am happy to accommodate Hon Alannah MacTiernan, but not on this occasion. I want to make the point that the officer said that a labour shortage was not the cause of the blackout. It is not proper to quote from speeches made today on this subject by members opposite, but I am totally aware of what all Labor members said in their speeches. We heard from the yahoos opposite, the yes men who do as they are told when they are told by their party, or they are threatened - as was Campbell, the Federal Labor member for Kalgoorlie - with expulsion from the party.

Several members interjected.

Hon R.G. PIKE: The Labor members sits there and sometimes invite us across the floor to their side. They sit there like bloody tin soldiers - left right, left right - doing what they are told.

Several members interjected.

Hon R.G. PIKE: When I was young and inexperienced! The officer said that a labour shortage was not the cause of the blackout. We need to analyse what happened today. SECWA - the workers, staff and members - do a good and responsible job. In the absence of repudiation to the contrary, it is clear that Labor members opposite did not contact SECWA itself, which, in the great Labor tradition, some or all of them should have done. They should have asked what happened. Members opposite were so preoccupied with scoring blatantly political points that they came into this place screaming to high heaven, in the words of their leader, "We want to be bipartisan, fair and reasonable." In his usual style, he delivered an absolute tirade; a torrid, vindictive and vituperative attack on everyone else including the workers and staff of SECWA, some of whom probably vote Labor. They may not in the future. Members opposite should think about it. That is what they did. They could not contain their enthusiasm.

Hon A.J.G. MacTiernan: We had SEC workers ringing us -

Hon R.G. PIKE: The member will have her say in a moment, if she wants to. She can be the guest of the Parliament. Members opposite attacked the very kernel of the tradition that they hold and support. It was a tirade and a fierce attack on the staff and workers -

Several members interjected.

Hon R.G. PIKE: Mr President, can I have some protection from the interjections? My voice is failing.

The PRESIDENT: Order!

Hon R.G. PIKE: I dare say that Hon John Halden likewise did not contact the senior staff of SECWA itself. I did, as an ordinary citizen, to ask about the cause of the blackout. Instead, we heard all this garbage, malarky and excitement because members opposite thought they could capitalise on a manifest disadvantage for the people of this State, on an absolutely partisan, political basis. Members opposite were not concerned about the staff or the workers whom they claim to be their constituents. They disregarded those people for this purpose. Hon John Halden was one of the worst because he always starts his speeches being very reasonable and fair. He talks about bipartisanship at the beginning of every speech. He does it quite well. He is quite a good actor. After that, he makes an immediate detour into vituperative attacks on personalities -

Several members interjected.

Hon R.G. PIKE: Members should read *Hansard*. Does he not indulge in personal attacks? Come on! We all know that members opposite are talking unadulterated Bovril. When the Leader of the Opposition hears the words integrity or fairness he reaches for the dictionary. That is his problem. He has a Jekyll and Hyde personality and presentation.

[The member's time expired.]

#### *Adjournment Debate - Operation Sweep, Fremantle Meeting*

HON J.A. SCOTT (South Metropolitan) [6.10 pm]: I report to the House the happenings of a meeting at Fremantle I attended last night to consider what is known as Operation Sweep being conducted by the Police Force. This involves police officers collecting young people from the streets of Fremantle and taking them back to the police station. The idea is that the police collected children whom they considered to be in some sort of moral danger, and once at the police station, called the parents of the children and told them to pick them up.

Hon N.D. Griffiths: Is that legal?

Hon J.A. SCOTT: According to the Child Welfare Act it is not legal. Section 138B reads -

- (1) Where any police officer, or any officer of the Department authorized by the Minister, finds a child -

- (a) which has reason to believe is away from the usual place of residence of that child and is not under the immediate supervision of a parent or responsible person; and
- (b) which is in his opinion in physical or moral danger, misbehaving, or truanting from school,

he may apprehend the child without warrant and forthwith take the child to its usual place of residence or school.

That does not say that the child may be taken to a police station. I suspect such action is illegal.

The meeting was called by the community justice group in Fremantle and was organised by the Fremantle City Council. The meeting was packed. A great deal of feeling was evident about this issue. The major point arising from the meeting was that Operation Sweep was an abuse of the rights of innocent, non-offending young people. The police apprehended 127 young people, but only eight charges were laid. These charges were for things such as giving an incorrect name or resisting arrest. That is probably quite understandable when one considers that at least one of these children had a parent working at Timezone at Fremantle and the officer dragged the child from Timezone to the police station.

Hon N.D. Griffiths: How old were the children? What does the Act say about that?

Hon J.A. SCOTT: The Act refers to children under 18 years of age.

Hon N.D. Griffiths: So on the day before a person's eighteenth birthday, he or she can be picked up and taken to the police station under Operation Sweep?

Hon J.A. SCOTT: I do not want to be bogged down with the legalese; I want to refer to the human rights aspects. These 120-odd young people were doing nothing wrong, yet they were taken to the police station.

Hon Derrick Tomlinson: Over what period of time?

Hon J.A. SCOTT: The operation began at 8.00 pm.

Hon Derrick Tomlinson: In one evening?

Hon J.A. SCOTT: It involved three separate evenings.

The meeting was designed to resolve the issue for the community. People are concerned about the human rights aspect of this operation. Fremantle is a town to which families go for work and recreation. Many people live in Fremantle - I do. I have children in that age group and I allow them to go to the movies in Fremantle. The theatres are only a couple of blocks away from where I live. It is perfectly safe and reasonable to attend the 6.45 pm session and to be home after 8.00 pm, especially for my eldest, who is a few days under 13 years of age.

The assumption is that these children are in some kind of moral or physical danger or are causing problems. In fact, very few of those children apprehended fitted either category. The meeting held last night moved a number of motions because it was felt that the operation was a very poor approach to deal with what some regard as a problem. A view at the meeting which was strongly supported was that Operation Sweep was not to protect children, but to take children away from the retail stores; it was believed to be retailer driven. It was thought that the children should not be sitting at tables and buying nothing.

Hon John Halden: That is a good way to treat our children.

Hon J.A. SCOTT: A criterion for taking the children to the police station was what they have in their pockets. They are asked to turn out their pockets; if they have no money they are taken in and if they have money they are allowed to go. It is an outrageous situation. If 120 adults, who committed no crime, were taken into a police station for no reason, there would be uproar.

Hon John Halden: Hang them! Kierath is ready.

Hon J.A. SCOTT: A number of resolutions came from the meeting. The list compiled by the council officer who chaired the meeting does not have the resolutions listed in the order in which they were made. The resolutions people insisted on making first were -

6. Operation Sweep be discontinued in Fremantle until it is supported by the majority vote of a public meeting.
7. The Fremantle City Council send a clear message that policing operations such as Operation Sweep which attempt to address a welfare issue do not fit within WA society whatsoever.

The other points raised in the resolutions were as follows -

1. Fremantle City Council be acknowledged for providing the opportunity to hold a forum for community input into the issues arising from Operation Sweep.
2. Fremantle City Council provide the Minister for Police with a briefing paper on youth needs and activities which are integral to living in our Community.
3. Fremantle City Council acknowledge the priority to meet the needs of our young in the provision of appropriate amenities and resources, and addressing youth needs in the consideration of planning and development applications.
4. Fremantle City Council establish a liaison group to work with the Fremantle police to produce strategies to improve Police relations with the community including youth and to use this partnership to address social, economic, cultural and planning issues impacting on youth in this city.
5. Fremantle City Council ensure that at all times the Fremantle Police are informed and consulted, when producing policies to promote a non-threatening environment in which the community can live, work and visit.

Some very important points were raised at that meeting. People in Fremantle are very aware that few amenities are available for young people in that city. A call was made for a drop-in centre for young people, which was regarded as a better use of resources than the boot camp methodology used by the present Government. Also, it was recommended that a 24-hour safe house be established for young people with problems at home. No such facility is available in Fremantle.

I support many of the resolutions from the meeting. Activities like Operation Sweep only cause young people to feel alienation from society and anger with authority. Unless the Government can direct the Police Force to work in a better way, we will continue to have problems in the future.

**HON JOHN HALDEN** (South Metropolitan - Leader of the Opposition) [6.19 pm]: A while ago I had the displeasure of hearing Hon Bob Pike somehow or other misconstrue an argument by the Opposition, using any tactic that his befuddled mind could to attack us. I will not go into the gratuitous advice that he gave the Opposition or the comments that he made about us. Perhaps whenever Hon Bob Pike makes a speech in this House the truth and fact should not be so distant, particularly on this occasion. In my comments this afternoon about the State Energy Commission of Western Australia I referred to weather conditions, dust, etc. SECWA advised me on these matters. Does Hon Bob Pike think that I just plucked this out of the air, that I had not spoken to the appropriate authorities? I do not operate in the same way as he does - having a good idea in the back of his head at one moment and then distorting it and bringing it into the Chamber to use it against someone in a derogatory way.

Hon R.G. Pike: You always do that. That is how you operate.

Hon N.F. Moore: You make up a story and you trot it out all over the place.

The PRESIDENT: Order!

Hon JOHN HALDEN: We will see. I bet Hon Bob Pike did not do the things that I did. I rang the electrical trades union, the principal union involve in this area of work. It advised me about the weather conditions and their impact; about the cut in the maintenance budget; and about the cut in overtime. At approximately 11.00 am today I had a meeting with two members of the metal workers union - Neil Byrne and Simon McGurk, one an organiser and the other an education worker with the union - where I was advised about the issues relating to SECWA.

If the member continues to launch little assaults - to be honest they do not bother me - I think the truth should prevail to some minor degree. Having made those contacts with those people - far more contacts than Hon Bob Pike would have made - at no time did I ever suggest that the power failure was the result of the negligence of workers, and neither did anyone on this side of the House. In the wildest fantasy of Hon Bob Pike -

Hon Kim Chance: Is that what it is?

Hon JOHN HALDEN: It would have to be. For me to comment on what it might be, I am sure would be unparliamentary.

Hon Peter Foss: Do you suggest that it was due to a reduction in maintenance?

Hon JOHN HALDEN: Yes. I was advised of that fact.

Hon Derrick Tomlinson: By whom?

Hon N.F. Moore: By his lefty mates.

Hon R.G. Pike: You are wrong. Maintenance has been increased.

Hon E.J. Charlton: An unreliable source.

Hon JOHN HALDEN: I was very careful in the wording I used when I moved for the suspension of standing orders. I said things like, "These things are said to have led up to what happened today." I did not assert that that was true.

Hon Peter Foss: Hon Tom Stephens did that.

Hon JOHN HALDEN: I called upon this House and the Government to have an inquiry into this matter and to bring back a report to this House. It would be a gross mischief to interpret what I said as being an attack on the workers.

Hon Peter Foss: You had better advise Hon Tom Stephens not to do that.

Hon JOHN HALDEN: Hon Bob Pike seems to enjoy coming into the Chamber and peddling this mischief. Hon Bob Pike would like to peddle yet another rumour so I will advise the House that there was no attack on workers by me or, to the best of my recollection, by anyone else on this side of the House.

Hon Tom Stephens: You recollect correctly.

Hon Peter Foss: Hon Tom Stephens did.

Hon Tom Stephens: I did not attack the workers.

Hon JOHN HALDEN: To suggest that the power failure occurred because of the likelihood of maintenance cutbacks or because there was no washing of the lines in the appropriate way to minimise the problem, could never be construed by any fair-minded person as an attack upon the workers. My remarks did not even suggest an attack upon SECWA. Members may recall that I said things like, "There was an environmental budget in which SECWA had to perform; there needed to be a review of community service obligations by SECWA to ensure that the budgets were structured to reflect those concerns." I did not ask for an act; I asked the House to report. To have that misconstrued and reported as Hon Bob Pike has done in the adjournment debate today is an outrage. He does not bother me and what he says does not bother me. The great difficulty is that if this matter were not responded to, he would then purport that what he said was fact and that we were so scared of it that we would not challenge it.

I do not mind having a go at the beliefs or policies or whatever that people have. I do not necessarily agree with a lot of people in this place in those sorts of matters. However, it



is appropriate that we have some reasonableness in how we interpret what other people have said. We may genuinely get it wrong from time to time but tonight's little exercise was childish, over the top behaviour typical of this member. I suggest that he return to thinking about how he can manipulate the electoral boundaries and realistically stay out of the affairs of this House if he continues to behave in the way that he has. It has been a rare occasion since he has been in Government - it may be nil; I think the only occasion was on the Mabo legislation - that he has made a solid contribution in this House. It is perfectly legitimate to criticise members on the facts, but to try to construe what I and other members of the Opposition said in such a malicious and contemptuous way is outrageous. The remarks of Hon Bob Pike about me and the Opposition tonight are complete and utter Bovril.

Question put and passed.

*House adjourned at 6.27 pm*

---

**QUESTIONS WITHOUT NOTICE**

**MAIN ROADS DEPARTMENT - WORK FORCE REVIEW**

1068. Hon KIM CHANCE to the Minister for Transport:

With reference to a question from Hon John Halden yesterday regarding the planned redundancies in the work force of the Main Roads Department -

- (1) Can the Minister indicate whether a review has been conducted on the work force of the Main Roads Department?
- (2) Has this review included recommendations calling for a reduction in the work force?
- (3) If so, has the Minister agreed with the recommendations, and what is the time scale for its introduction?

Hon E.J. CHARLTON replied:

(1)-(3)

Yes, a review of the Main Roads Department work force and its operation has been conducted due to changes in the whole structure of the Main Roads Department over recent times. For example, a large increase has occurred in contracting out various construction and maintenance projects. Therefore, changes must be made within the structure to accommodate that type of thing. That is one example, but a similar situation is happening throughout the department. I have endorsed the review.

Hon John Halden: You were vociferous in answer to my answer yesterday. You denied it emphatically!

Hon E.J. CHARLTON: The member should have a look at the question he asked. The member is without credibility in the way he asks questions. I am answering a question from Hon Kim Chance which has been asked in a proper manner. If the Leader of the Opposition learns something for the future, he might get somewhere instead of playing his games.

Hon John Halden: You're an idiot!

*Withdrawal of Remark*

The PRESIDENT: Order! The member cannot say that. He must withdraw.

Hon JOHN HALDEN: I withdraw.

The PRESIDENT: If members are going to muck around, I will put a stop to questions without notice.

*Questions without Notice Resumed*

Hon E.J. CHARLTON: I have supported the recommendations of the review. Currently, those recommendations are being processed through the system, but no redundancy packages have been put forward or offered to the work force at the Main Roads Department at this stage.

**EDUCATION DEPARTMENT - FIRST STEPS PROGRAM, SALE**

1069. Hon JOHN HALDEN to the Minister for Education:

- (1) Has the Education Department sold the primary school First Steps program?
- (2) If so -
  - (a) Why was it sold?
  - (b) To whom was it sold?
  - (c) How much was paid by the purchaser?

- (d) What is the cost to the schools which now wish to purchase the program?

Hon N.F. MOORE replied:

(1)-(2)

In view of the detail required, I ask the member to put the question on notice.

#### SCHOOLS - EAST MARANGAROO, CONSTRUCTION

1070. Hon JOHN HALDEN to the Minister for Education:

The Minister's response to the East Marangaroo school action group, which is fighting for a school for the 400 children in the area was -

It would be unfair to perpetuate community expectations by allocating a time frame for the construction of an East Marangaroo school. Unless the current situation were to change dramatically, it is not a question of when, but rather if the school will be built.

Therefore, is the Minister's intention to achieve school rationalisation by pitting communities wishing to obtain new schools against communities fighting to retain schools against the Minister's wishes?

Hon N.F. MOORE replied:

The situation in the East Marangaroo area is that children attend schools in the vicinity. I understand that the Marangaroo Primary School is one such school; however, this is full and is situated to the west of East Marangaroo. Five primary schools are located south of that subdivision; namely, Blackmore, Hainsworth and Girrawheen Primary Schools, and two others. The children from the East Marangaroo area go to those five schools, which collectively have space for 1 000 additional students at the moment.

When it is asked of me whether I will build another school, and when neighbouring schools have space for an additional 1 000 students, I must look at the matter closely. We have suggested that this matter must be examined in the context of rationalisation to find a better way of dealing with the situation. It may be better to build a new school at East Marangaroo and close a neighbouring significantly underutilised school. That will be considered as part of the rationalisation scheme, and will be subject to the wishes of the parents. I am aware, as I am sure is Hon John Halden, that in some parts of the metropolitan area a significant number of student places are available within a reasonable distance of certain communities. However, a new school may still be demanded. It is a matter of balancing these factors, and that is what rationalisation is all about; I suspect that that is what the school renewal program was about also.

#### HOMESWEST - EMERGENCY HOUSING

1071. Hon A.J.G. MacTIERNAN to the Leader of the House representing the Minister for Housing:

- (1) What is the total stock of Homeswest emergency housing -
  - (a) In the Perth metropolitan area?
  - (b) And outside Perth?
- (2) In respect of Homeswest emergency housing in the Perth metropolitan region, has allocation of such accommodation been decentralised in the last 18 months?
- (3) If so, can the Minister explain the reason for such decentralisation?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Minister for Housing has provided the following reply -

- (1) (a) 28
- (b) Nil
- (2) Yes
- (3) The move provides applicants for emergency housing with easier access to the service as well as offering a wider range of resources not available at the Homeswest centre.

**RETAIL TRADING HOURS ACT - PHARMACY GUILD OF AUSTRALIA'S  
SUBMISSION; EXEMPTIONS UNDER SECTION 5**

1072. Hon N.D. GRIFFITHS to the Minister for Fair Trading:

- (1) Has the Minister read the Pharmacy Guild of Australia's State branch submission on the review of the Retail Trading Hours Act?
- (2) Will the Minister assure the House that pending the tabling of the report of the review into trading hours no further exemptions under section 5 of the Retail Trading Hours Act will be granted?

Hon PETER FOSS replied:

(1)-(2)

I have met with the Pharmacy Guild of Australia and discussed its views; I cannot recall now whether I had read the submission at that time. However, some 2 000 submissions have been received by the department regarding retail trading hours, and all these submissions will be assessed in due course and reported to me. I cannot say that I will read each of the 2 000 submissions in detail. I am sure the department will ensure that the pertinent detail and thrust of the submissions will be brought to my attention.

I have discussed the views with the guild regarding the exemptions under section 5 of the Act. The Government gave an election promise that it would allow any rural or non-metropolitan local government to make its own decision regarding trading hours. I have been carrying out that election commitment. Also from time to time there arises the need for small adjustments to be made, for either a fair or a weekend function; for instance, something like Easter requires changes to be made.

I have said that within the metropolitan region where the election commitment does not apply, I am not moving in any way to rationalise inconsistencies that are apparent or change the retail trading hours policy. To that extent, within that frame, I will not be making any changes, but obviously if people raise a particular point about something that needs to happen on a certain day and it is currently not allowed to happen I would have to deal with it. For example, trading hours on Good Friday would not be much use to people when those trading hours could be more conveniently transferred to Maundy Thursday.

**LAND (TITLES AND TRADITIONAL USAGE) ACT - RESPONSIBLE  
MINISTER; ADMINISTRATOR**

1073. Hon JOHN HALDEN to the Leader of the House representing the Premier:

- (1) Has any Minister been formally designated as the responsible Minister for Land (Titles and Traditional Usage) Act 1993?
- (2) If yes, who is the responsible Minister and what additional resources are being provided to ensure the proper functioning of the Act?

Hon GEORGE CASH replied:

I thank the Leader of the Opposition for some notice of the question. The Premier has provided the following reply -

- (1) The same question was asked by Hon John Halden on 16 December 1993. The answer is yes.
- (2) The Minister for Aboriginal Affairs. The Office of Traditional Land Use has been established to administer the Act. It has a budget of \$970 000 for 1993-94.

**EDUCATION DEPARTMENT - SOCIAL JUSTICE PROGRAM**

*Release Date*

1074. Hon JOHN HALDEN to the Minister for Education:

When will the Minister release the Education Department's social justice program?

Hon N.F. MOORE replied: I am not sure.

**MAIN ROADS DEPARTMENT - REDUNDANCIES**

1075. Hon KIM CHANCE to the Minister for Transport:

In respect of the review of Main Roads Department work force confirmed today by the Minister, what is the total of the redundancies recommended, which depots are affected, and have the redundancies been negotiated with the appropriate union?

Hon E.J. CHARLTON replied:

I cannot give the final numbers that have been identified. I have spoken with the commissioner and other representatives of the union work force within the Main Roads Department who support the recommendation and the review. The commissioner is communicating to depots a general review of the provision of services to the regions in a more efficient manner; that is, the coordination of resources and plants which make up the operations of main roads operation. In the same way, local government authorities are looking to sharing resources to try to deliver a service to their respective shires in a more cost efficient manner.

**MAIN ROADS DEPARTMENT - WORK FORCE REVIEW, TABLING**

1076. Hon KIM CHANCE to the Minister for Transport:

Is the Minister prepared to table the review document?

Hon E.J. CHARLTON replied:

No. That document is part of the Main Roads Department review and has not been finalised to a point where it has been accepted by the Government in any form.

**EDUCATION - SPECIAL SCHOOLS FOR INTELLECTUALLY HANDICAPPED**

1077. Hon KIM CHANCE to the Minister for Education:

Does the Minister intend to make a statement defining Government policy on the continuation of special schools for the intellectually handicapped and, if so, when will he make such a statement?

Hon N.F. MOORE replied:

I do not know that I need to make a statement in any formal sense on that matter. I have said in this House on the odd occasion in the past that the Government's policy is to provide opportunities for parents based on what they believe is appropriate for their child. Many parents believe that special schools are the appropriate locations for their children and other parents believe that mainstreaming is the only way to go. It is an issue

that is argued freely and often in the public, but my own view is that we should seek to provide what as many parents as possible want. I again make the point that as far as I am concerned we will continue to provide special schools where parents want them, and continue to provide mainstreaming where parents want that.

#### MABO - INFORMATION KITS

1078. Hon TOM HELM to the Leader of the House representing the Premier:

- (1) To which groups were the Mabo information kits sent?
- (2) What is the actual cost to date and the estimated total cost of distributing the kit?
- (3) Has the kit been sent to lay members of the Liberal Party?
- (4) If so, at whose expense, and what was the cost?

Hon GEORGE CASH replied:

I thank the honourable member for some notice of the question. The Premier has provided the follow reply -

- (1) The same question was asked by Dr C.M. Lawrence on 10 November 1993. The answer is: Leading law firms in New South Wales, Victoria, Queensland, the Northern Territory, Tasmania and South Australia; all Western Australian law firms; farming and mining groups; leading Australian companies; Aboriginal groups; major media outlets; all Australian members of Parliament, Federal and State; church groups; mining associations; local government groups; and persons who have previously expressed an interest in the Mabo issue through contact whether by telephone or letter with the Ministry of Premier and Cabinet.
- (2) \$21 742 plus some minor recent postage to cover public requests.
- (3) No, unless they were on a list of leading Australian companies or had previously inquired on the Mabo issue through the Ministry of Premier and Cabinet.
- (4) Not applicable.

#### WA SECESSION 2001 ASSOCIATION - COMPETITION FOR YEAR 12 STUDENTS

1079. Hon TOM HELM to the Minister for Education:

I refer to question 1061 in which I asked the Minister for Education yesterday about a competition for year 12 students. The first part of the question was ruled out of order. I will repeat that question and ask whether the Minister is now in a position to provide an answer.

- (1) Does the Minister agree that the recent competition promoted by the WA Secession 2001 Association for year 12 students is a blatant use of Government resources for party political purposes?
- (2) If not, does the Minister agree that this organisation is not following the line promoted by Premier Court during the recent by-election that he will endeavour to advise organisations with an opposing view that they may sponsor a similar competition?
- (3) How and why did this policy shift come about and why was it not advertised? The answer yesterday was that the Minister was not aware of the so-called competition and he would advise me of the details. Is the Minister able to advise the House now? If not, when will he be able to advise the house?

Hon N.F. MOORE replied:

I regret that I do not have the information at the present time. I will get it for the member as soon as I can.

Hon Tom Helm: Am I to understand that question is on notice?

The PRESIDENT: No. You can ask a supplementary question.

Hon TOM HELM: Will the Minister accept the question on notice?

The PRESIDENT: Order! The Minister does not make the rules about whether questions will go on notice. When a member asks a question and a Minister asks for it to be put on notice, that is done as a result of the procedures of this House. When a Minister answers a question in the way in which the Minister answered your question - that is, that he does not know the answer, but he will let the member know - if the member does not get a response in what he thinks is a reasonable time, the only recourse the member has is to ask the Minister again whether he has the answer. I understand the quandary in which Hon Tom Helm now finds himself. Yesterday I ruled the first part of his question out of order. I notice that today he altered the first word so that I would not rule it out of order. Notwithstanding that, the Minister has indicated he will answer it in due course. The question has been answered, albeit that the Minister could not answer it. It provides a vehicle for the member to periodically ask in question time whether the answer has been provided.

#### EDUCATION DEPARTMENT - CONTACT WITH MEMBERS OF PARLIAMENT, MINISTER'S INSTRUCTION

1080. Hon JOHN HALDEN to the Minister for Education:

Has the Minister instructed the Education Department to cease contact with any of the following: All members of Parliament or Labor members of Parliament, including those who make approaches through district offices?

Hon N.F. MOORE replied:

No.

#### OIL - DISCHARGED INTO HARBOURS, TRANSPORT DEPARTMENT PERMISSION

1081. Hon KIM CHANCE to the Minister for Transport:

(1) Does the Department of Transport permit oil to be discharged into a harbour?

(2) Does the department allow structures to be erected in such a manner as to deliberately result in the discharge of oil into a harbour?

Hon E.J. CHARLTON replied:

(1)-(2) The member must have some background information leading to this question. The department would not want that to happen; quite the contrary. It is the organisation charged to ensure things are done in a proper manner, as I indicated to members yesterday regarding the tug boat in the north, or any other harbour around the State. If the member wants specific information he should put a question on notice.

#### CAPITAL PUNISHMENT - MINISTER FOR LABOUR RELATIONS' STATEMENT

1082. Hon T.G. BUTLER to the Minister for Health:

(1) Will the Minister tell the House whether he agrees or disagrees with the statement of his ministerial colleague, the Minister for Labour Relations, as reported in *The West Australian* of 4 March 1994 -

It is worth executing murderers even at the risk of sending an innocent person to the gallows because the trauma of wrongful imprisonment meant they were better off dead.

- (2) As with the Minister for Labour Relations would he be prepared to pull the lever on a convicted murderer?

Hon PETER FOSS replied:

(1)-(2)

This matter is not within my portfolio, and my views are already publicly known.

Hon Kim Chance: That is definitely a health matter.

The PRESIDENT: Order!

#### COUNTRY HIGH SCHOOL HOSTELS AUTHORITY - IMPACT OF COLLOCATION

1083. Hon JOHN HALDEN to the Minister for Education:

Has the collocation of the Country High School Hostels Authority, the Secondary Education Authority and the Western Australian Office of Non-Government Schools had any impact on the autonomy, integrity or propriety of the CHSHA operations and the authority's capacity to fulfil its responsibilities?

Hon N.F. MOORE replied:

Absolutely not. It is to save some administrative costs in the running of those three agencies. However, the CHSHA will operate autonomously.

#### BANDY CREEK BOAT HARBOUR, ESPERANCE - OIL DISCHARGE

1084. Hon KIM CHANCE to the Minister for Transport:

- (1) Is the Minister aware that the sump oil disposal receptacle at the Bandy Creek boat harbour at Esperance has a bund which, when overflowing, is designed to spill oil back into the harbour?
- (2) If he is aware of that, has the Department of Transport made any provision to ensure that oil does not discharge as a result of that design?
- (3) Is the overfilling of the sump oil receptacle as a direct result of the location of the Marine and Harbours officer away from Esperance to Albany?

Hon E.J. CHARLTON replied:

(1)-(3)

I am not aware of the situation at Bandy Creek, but I will investigate the matter with the department. It would have absolutely nothing to do with the fact that a representative of Marine and Harbours is located in that area. I am sure he did not do it.

#### SCHOOLS - SENIOR HIGH, NORTH OF BELRIDGE AND OCEAN REEF, CONSTRUCTION TIMETABLE

1085. Hon JOHN HALDEN to the Minister for Education:

Can the Minister provide me with a tentative timetable for the construction of a new senior high school north of Belridge and Ocean Reef?

Hon N.F. MOORE replied:

Not at the moment. However, the next high school will be built at Ballajura and will open next year. I understand there are competing demands for the next high school - one south of Rockingham and the other in the northern suburbs. The decision to be made for 1996 will depend on



the ability of surrounding schools to take quotas, the amount of money available for building and population trends. As Hon John Halden will appreciate senior high schools are not cheap; they cost about \$20m.

#### RETAIL TRADING HOURS - MANDURAH, RE-REGULATION

1086. Hon J.A. COWDELL to the Minister for Health:

Why has the Minister delayed re-regulating trading hours within the City of Mandurah, at the expense of many local traders?

Hon PETER FOSS replied:

I am not aware that I have delayed the re-regulation. I have fixed a date which will allow compliance with the requirement for notification on rosters when people's employment hours are changed. If, for instance, Friday night shopping were changed to Thursday night, three weeks notice must be given to employees because it becomes compulsory for the person to fit in with that change. When deregulation occurs it is optional whether people avail themselves of those hours and they therefore have the capacity to provide that three weeks' notice within their own arrangement. I think the time we gave was slightly under the three weeks. However, as it was public knowledge prior to the change I considered that adequate time was allowed.

#### SCHOOLS - ALBANY PRIMARY

##### *Valuation*

1087. Hon BOB THOMAS to the Minister for Education:

Yesterday I asked the Minister whether a valuation had been conducted at the Albany Primary School. He said it had not, but agreed to consult with his partners to verify whether that was correct. Has the Minister consulted with his staff and has a valuation taken place?

Hon N.F. MOORE replied:

I have yet to consult with the department on that matter and will advise the member as soon as I have.

#### EDUCATION DEPARTMENT - CONTACT WITH MEMBERS OF PARLIAMENT, MINISTER'S INSTRUCTION

##### *Denmark District High School, Class Numbers Inquiry*

1088. Hon BOB THOMAS to the Minister for Education:

On Thursday, 10 March, I wrote to the Minister expressing my disquiet about his administrative instruction to Education Department staff that they are not to take inquiries from members of Parliament, but are to direct all of them to the Minister's office. I asked the Minister to undertake an investigation of classroom numbers at the Denmark District High School. Has the Minister asked the relevant officer, Mr Mal Parr, to reply to that question? If not, when will the Minister make that information available to me?

Hon N.F. MOORE replied:

That is a rather confusing question. I think part of it is the same as the question asked by Hon John Halden earlier. I have given no direction to anybody about who may or may not talk to officers. However, I understand that a number of members of Parliament deem it appropriate to approach officers of the department and ask them questions about anything they want. I understand also that protocol over the years has been that if a member of Parliament seeks advice from a department, he or she goes through the Minister's office. Maybe the department has suggested that is what should happen in future and I hope that is the way it operates from now on.

I do not know whether I can answer the member's question in relation to Denmark school. I do not recall having seen the letter, but the member will receive an answer as soon as it is available. Any member who writes to me in my capacity as Minister for Education invariably receives a good answer to the question he or she asks.

**EDUCATION DEPARTMENT - CONTACT WITH MEMBERS OF  
PARLIAMENT, MINISTER'S INSTRUCTION**

1089. Hon JOHN HALDEN to the Minister for Education:

The question may be a little convoluted but I want the matter clarified. The issue of the department instructing its staff not to deal directly with members of Parliament can be a difficult one if the issues are of a personal nature or are complicated as was my case recently where I dealt directly with the district superintendent. If an instruction was issued to the effect that I had to deal with the Minister's office, the matter would have taken much longer to resolve. There was a need for the matter to be resolved immediately. It was not a political matter. If an instruction has been issued, the Minister should review it, or if staff members of the department are advising members of Parliament to that effect, there should be clearer guidelines. Will the Minister investigate the matter?

Hon N.F. MOORE replied:

I am happy to investigate the matter. I said in answer to the previous two questions that to my knowledge no instruction has been issued. The Director General of Education may have reminded his officers that they should accept requests for information from members of Parliament through the Minister's office. However, I acknowledge that there are occasions when it makes a lot of sense for members of Parliament to talk to officers directly. I am not seeking to prevent that happening; in fact, I encourage it. However, it might be a matter of courtesy to ring the director general so that he knows what is going on in his organisation. Some issues are highly political and it is not appropriate that officers speak to members of Parliament about those issues. However, what is and is not political is often in the eye of the beholder. As a matter of protocol, all letters that are sent to the department for information should go through the Minister's office or the member should discuss them with the director general. That is a simple process and it would expedite the process.

---