



WESTERN AUSTRALIA

# **Parliamentary Debates**

**(HANSARD)**

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE COUNCIL

Tuesday, 27 May 1997

## Legislative Council

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The Legislative Council met at 11.30 am.

### MEMBER OF PARLIAMENT

#### *Swearing-in*

Hon Barry House (South West) took and subscribed the Oath of Allegiance required by law, and signed the Roll.

The Clerk tabled the return of the writs for the general election for members of the Legislative Council held on Saturday, 14 December 1996.

[See paper No 472.]

### PRESIDENT - ELECTION

The CLERK (Mr L.B. Marquet): The office of President is vacant by reason of the expiration of the former President's term by effluxion of time; and I acknowledge the presence of the former President, Hon Clive Griffiths, on the floor of the House this morning. I now call for nominations for that vacancy.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [11.33 am]: I move -

That Hon George Cash do take the Chair in the Council as President.

Hon George Cash was elected to the Legislative Assembly in 1984 and was a member of that Chamber for a number of years before his seat was abolished at the 1988 redistribution. He became a member of the Legislative Council in 1989. Since Hon George Cash has been a member of this Chamber, he has held a number of very senior positions. He was Leader of the Opposition in this Chamber from the time of his election to this Chamber until the election of the Court Government in 1993. He was then appointed a Minister of the Crown in the Court Government, as well as Leader of the Government in the Legislative Council, and he carried out his ministerial and leadership roles in the Council in an exemplary fashion.

As we all know, last year George stood down from his ministerial position and from the position of Leader of the Government in the Legislative Council due to ill health and has remained outside the Ministry since that time. He was appointed Parliamentary Secretary to the Cabinet after the last election and has carried out that role in a very efficient way. George has enormous capacity and ability, and I suspect that he is one of the few members of this Chamber who could adequately fill the shoes being vacated by the former President, Hon Clive Griffiths. In my view, George Cash can carry out the very important role that the Legislative Council presidency entails, particularly as we go into the next four years, when circumstances will be slightly different from what they were in the last 103 years, as I have been told by many people in recent times.

I am extremely disappointed at some of the media comments that have been made about the former President. I refer particularly to some of the comments of the Editor of *The West Australian*, and also to those of other people. The important thing from the former President's point of view and my point of view is that the view of the Editor is not shared by members who have been in this Chamber for the past 20 years of the former President's presidency, or the last 30-odd years of his time as a member of this Chamber. I know very well how highly regarded the former President is by members of both sides of the House, and he can go to London knowing that he had the respect and support of his colleagues and former colleagues when he was President of this Chamber.

I have enormous pleasure in nominating Hon George Cash for the position of President. I have no doubt that he will make a very capable President and will maintain the high standards that have been set in this Chamber of chairmanship and presidency.

**HON MURIEL PATTERSON** (South West) [11.34 am]: I second the motion.

**HON GEORGE CASH** (North Metropolitan - Parliamentary Secretary to the Cabinet) [11.34 am]: I submit myself to the will of the House.

The CLERK: There being no further nominations, I declare Hon George Cash elected as President of the Legislative Council.

**THE PRESIDENT** (Hon George Cash): Members of the Legislative Council, I am both honoured and humbled at the confidence that you have expressed in me in electing me to the office of President of the Legislative Council. As the Leader of the Government has said, I have had the opportunity of holding the position of Leader of the Opposition in this House for more than four years and also that of Leader of the Government for more than three years, and I truly understand the responsibilities and duties that befall the President of this House.

In that regard, I want all members to know that I will exercise the authority of the President without fear or favour, but, more than that, I will be seeking your support to ensure that we do maintain the dignity, traditions and general procedures of this House in its important role in considering legislation for the State of Western Australia.

I take this opportunity to congratulate the recently elected new members of Parliament who were sworn in yesterday and welcome them to this House. I also congratulate re-elected members. I trust that all members will enjoy their period of office in the Legislative Council.

Today we are joined on the floor of the House by the former President of the Legislative Council, Hon Clive Griffiths. Mr Griffiths, we are honoured by your presence here today. Members will be aware that Hon Clive Griffiths was President of this Chamber for 20 years, that being the longest time that a Presiding Officer has served within a Westminster system in the world. In that regard, we in this House are eternally indebted to you for the manner in which you have conducted the proceedings of this House over the past 20 years, and I am sure we will all attempt to carry on the traditions you have established. Hon Clive Griffiths and Mrs Griffiths, on behalf of all members, I wish you well in your time in London and, Hon Mr Griffiths, in your position as Agent General for the United Kingdom and Europe. We also wish you godspeed.

Honourable members of the Legislative Council, again I thank you for the high honour you have placed upon me. I will now take the Chair as President.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [11.42 am]: Mr President, I rise on behalf of the Opposition, in particular, the members of the state Parliamentary Labor Party, to congratulate you on your election to the office of Presiding Officer of the Legislative Council. You will have noticed, as I hope did other members, that I took the opportunity of going to your seat immediately upon your selection by this House as the only nominee for the position of Presiding Officer to accompany you to the Chair of this place. I did that because we on this side of the House know that we have particular obligations to you as you take on this role. We know that the balance of power has effectively been changed in this place by two processes: An electoral process and the decision of the non-government parties not to put forward a candidate for this high office. In those circumstances, we recognise that the orderly processing of the business of this House can be done only by those on this side of the House cooperating with the Presiding Officer.

The state Parliamentary Labor Party has the highest regard for your capacity. We know you have the capacity to rise above the political partisanship that has delivered you to this position. We also know that the high office with which you have now been charged is just like any other office that we have in this Chamber from time to time - it has the effect of making us behave differently in accordance with the different positions we occupy. We reinforce your commitment to perform that role without fear or favour in championing the rights of all members. We know that we face challenging times ahead and we look forward to participating in this process with all members of the House under your guidance.

Mr President, I endorse your comments and those of the Leader of the Government in paying tribute to the former President, Hon Clive Griffiths. We all know, as he knows, that the relationship he has had with many members in this place has had a variety of shapes and shades. I am one of those who has experienced the full range of that relationship, from the warmest to the most tense, which has seen me escorted from the Chamber - I believe I was the first member so ejected. The Presiding Officer knows why those things happen, as do I. It is not a reflection on the former occupant of that Chair that those things happen in the processes of parliamentary expression of a variety of viewpoints that sees this House as the clearing house for conflict in Western Australia.

Mr President, you have a very large task in front of you. You have been elected to a position that has been occupied by the former Presiding Officer for 20 years - he was elected on 24 May 1977 in the presence of only one member currently in this place, the Leader of the Government. In those 20 years he has developed a unique and exceptional style for this place, and we pay tribute to that significant contribution. This place is not perfect, but we have the task of building on the processes that have been established and working towards ensuring that this House fulfills its role and meets its destiny as a functioning House of Review. We will build on the great traditions that have been established, but now we have the task of getting on with the job in this place under your guidance.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [11.46 am]: Mr President, I also congratulate you on your election. I very much support the words of Hon Tom Stephens in respect of your capacity to manage this

Chamber. As I said earlier, I have no doubt that you will perform the role in a very proper and efficient way and that you will carry on the great traditions that were established by the former President.

His Excellency, the Governor, will receive the President at Government House at 12.30 pm.

**THE PRESIDENT:** I appreciate the comments made by Hon Norman Moore, Leader of the Government, and Hon Tom Stephens, Leader of the Opposition. I reaffirm that clearly the job of the President is to ensure that the procedures of the House are carried out. However, in that regard, the President relies on the support of all members and, in particular, the senior office bearers - the Leader of the Government and the Leader of the Opposition.

Ladies and gentlemen, if there is no other business to be transacted, I will leave the Chair until the ringing of the bells at 3.30 pm.

*Sitting suspended from 11.48 am to 3.30 pm*

#### **PRESENTATION OF PRESIDENT**

**THE PRESIDENT** (Hon George Cash): I advise the House that I have presented myself to His Excellency the Governor, and His Excellency has been pleased to express satisfaction with the choice of the Council in the following terms -

Mr President,

It is with much pleasure that I learn you have been elected by the Members of the Legislative Council to the high and honourable office of President of the House.

I congratulate you upon your election; and I recognise and I shall respect your undoubted rights and privileges and I have every confidence you will fill the office in a worthy and dignified manner.

Michael Jeffery  
Governor

#### **PRESIDENT'S COMMISSION**

**THE PRESIDENT** (Hon George Cash): The Governor has also presented me with a commission authorising me, while President, to administer the oath or affirmation of allegiance to members of the Legislative Council. I ask the Clerk to read the commission.

[The commission was read.]

#### **LABOUR RELATIONS LEGISLATION AMENDMENT BILL**

*Assent*

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

#### **STATEMENT - BY THE PRESIDENT**

*Election of Hon P.R. Lightfoot to fill Senate Vacancy*

**THE PRESIDENT** (Hon George Cash): I have to report to the House that at a joint sitting of the Legislative Council and the Legislative Assembly, Philip Ross Lightfoot was duly elected to fill the vacancy as a Senator of the Federal Parliament in place of Senator John Horace Panizza, deceased.

#### **ABORIGINES - FAMILY SEPARATION**

*Motion of Respect*

On motion without notice by Hon N.F. Moore (Leader of the House) and seconded by Hon Tom Stephens (Leader of the Opposition), resolved -

That this House observe one minute's silence to show respect for Aboriginal families who have been forcibly separated as a consequence of government policy in the past.

[Members stood for one minute's silence.]

#### **CHAIRMAN OF COMMITTEES - ELECTION**

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.36 pm]: It is not every day that we elect a new Presiding Officer, so things are a bit topsy turvy. Mr President, I draw your attention to the fact that there

is a vacancy for the position of Chairman of Committees and in those circumstances could I ask you in response to standing orders to see if there is a nomination for that vacant position.

**THE PRESIDENT** (Hon George Cash): As a point of clarification for those who were somewhat concerned, prayers and other procedural matters were not taken as a first item of business this afternoon because of the one hour rule under Standing Order 190. Clearly one hour of the House has expired and those matters which we normally deal with at the beginning of a day's Parliament need not be dealt with today.

In regard to the matter that the Leader of the Opposition has raised, Standing Order 30 is the authority which deals with the vacancy of a Chairman of Committees and that, read in conjunction with Standing Order No 190, requires that such a vacancy be filled. Accordingly, there being a vacancy for the position of Chairman of Committees in this Legislative Council, I call for nominations.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.37 pm]: I nominate for the position of Chairman of Committees, Hon John Cowdell. In accordance with form there is much to commend Hon John Cowdell for this position. His candidacy, however, speaks for itself.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [3.38 pm]: With great pleasure I nominate Hon Derrick Tomlinson. I have great pleasure in nominating him because of his undoubted ability to be a superb Chairman of Committees. I have no pleasure in having to nominate him on this day, because as the House will know there is a vacancy in the Legislative Council and it cannot be filled because of the nature of our Electoral Act and the person taking that position will not be here for some days and will not be able to participate in this ballot.

Hon Bob Thomas: You've had 115 days.

Hon N.F. MOORE: It would have made no difference had Hon Ross Lightfoot been replaced earlier. If Hon Bob Thomas read the Electoral Act he would know that position could not have been filled until after 22 May anyway.

I have no pleasure in having this ballot today. I have listened to the Labor Party tell me from the very high moral ground it has adopted in recent times that their colleagues in the Senate were prepared to allow for a pair for the former senator, the late Senator John Panizza, until such time as the vacancy was filled.

Hon N.D. Griffiths: And they did.

Hon N.F. MOORE: We now have a vacancy in this House that cannot be filled because of the nature of the Electoral Act -

Hon Tom Helm: You exploited that.

Hon N.F. MOORE: - and the Labor Party is taking advantage of this occasion to hold a ballot for a senior position in this House knowing full well -

Hon Kim Chance: Standing orders require it.

#### *Point of Order*

Hon TOM STEPHENS: In reference to the nomination of a candidate for the position of Chairman of Committees, I presume some latitude exists for the standing order to allow for the virtues and strengths of the candidate to be identified by the person making the nomination. However, there is no scope for the speech that is being entered into by the Leader of the House which is to introduce debatable material that will then call upon members of the Opposition to respond to the points raised by the Leader of the House. I ask that the nomination be dealt with in the formal manner that the standing orders dictate.

The PRESIDENT: The Leader of the Opposition does have a valid point of order. Debatable material is not meant to be introduced into the nomination of candidates for this position. I ask the Leader of the House firstly, not to introduce debatable material and, secondly, to draw his comments to a close so we can get a seconder to the motion.

#### *Debate Resumed*

Hon N.F. MOORE: As I said, I have a great deal of pleasure in nominating Hon Derrick Tomlinson. It is a shame that a Liberal member, who is entitled to be a member of this House in one week's time, is not here today.

[Hon J.A. Cowdell and Hon Derrick Tomlinson having accepted nomination, a ballot was taken with Hon Muriel Patterson acting as scrutineer. Hon J.A. Cowdell received a majority of votes.]

The PRESIDENT: I declare Hon John Cowdell to be elected as Chairman of Committees.

[Applause.]

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.49 pm]: Hon John Cowdell, by way of pained expression on his face, urged me not to say anything in his favour in case I jeopardised his prospects. Now that he has been elected I congratulate him on behalf of the Opposition. We are confident that he will do a splendid job in this role.

Hon Barry House served as Chairman of Committees with distinction. However, there's the breaks. Nonetheless, we appreciate his efforts. We understand the process to which we are all subject in this place. Nonetheless, we pay tribute to the period in which he served the House as Chairman of Committees, as we do to unsuccessful candidate Hon Derrick Tomlinson. He also would have served the House with distinction, but that opportunity will not be his on this occasion.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [3.50 pm]: I also seek the indulgence of the House to say a few words on the appointment of Hon John Cowdell as Chairman of Committees. I hold him in the highest regard and have done so for a number of years from the time he was working in the Labor Party. He was very helpful to my parents-in-law on a particular occasion and I am very grateful for the support he gave them. I have come to know since then that he is a person of great integrity and I have no doubt he will carry out the duties of Chairman of Committees in a commendable way. I congratulate him on his election.

I commiserate with Hon Derrick Tomlinson, who has been a fine member of this Chamber and would have made an excellent Chairman of Committees. I also thank Hon Barry House, who has been the Chairman of Committees for the past four years. As Hon Tom Stephens said, these things happen in politics and it is regrettable. On behalf of the Government I thank Hon Barry House most sincerely for a job very well done.

**HON DERRICK TOMLINSON** (East Metropolitan) [3.51 pm]: In case the comments by the Leader of the House are taken too literally when he referred to me as somebody who has been very effective in this House, I assure members that the past tense is not operative.

I congratulate Hon John Cowdell on being elected Chairman of Committees. I have served with Hon John Cowdell for at least three of the four years of the last Government on the Standing Committee on Legislation. In that time I grew to respect his integrity, intellect and determination always to follow the correct path. I am sure he will continue to follow those principles as Chairman of Committees. I commend his election.

**HON J.A. COWDELL** (South West) [3.52 pm]: I thank members for their support, whether expressed in the ballot box or otherwise. I also pay tribute to my immediate predecessor, Hon Barry House. Members have appreciated the diligence with which he has discharged his duties, his sense of humour and long forbearance in dealing with Committee and other stages in this House. I record my appreciation of his efforts. I hope I can discharge my functions in the same way as my predecessors on this side of the House did in their roles as Chairmen of Committees - I refer to Hon Garry Kelly and Hon Jim Brown. They discharged that role with due care and diligence.

I commiserate with Hon Derrick Tomlinson, on this occasion. He has a range of qualities that I am sure the House will not neglect on other occasions. Those qualities have certainly been apparent in his service as a senior committee chairman over the past few years.

#### **LABOUR RELATIONS LEGISLATION AMENDMENT REPEAL BILL**

*Leave to Introduce Denied*

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [3.54 pm] - without notice: In view of the fact the Opposition has missed a few opportunities to give notice of motions because of the formalities of the House, I move -

That leave be given to introduce a Bill for an Act to repeal the Labour Relations Legislation Amendment Act 1997.

I wonder whether the Leader of the House will give me permission to move this motion to do what needs to be done in double quick time.

Question put and negatived.

Leave denied.

#### **MOTION - PINK SNAPPER BAN**

*Disallowance of Order No 1 of 1997*

Pursuant to Standing Order No 152(b), the following motion was moved pro forma by Hon Kim Chance -

That Order No 1 of 1997, made by the Minister for Fisheries under section 43 of the Fish Resources Management Act 1994, the Prohibition of Fishing for Pink Snapper (Shark Bay) Order 1997, be and is hereby disallowed.

**HON KIM CHANCE** (Agricultural) [3.58 pm]: Mr President, as this is the first opportunity I have had, either formally or informally, to address you as "Mr President", I add my words of congratulations to those of others and congratulate you on your election.

Mr President, I seek your indulgence for a matter of seconds to comment on a matter which was raised by the Leader of the House and the allegation he made that the Opposition was using the opportunity provided by the lack of a member on the other side of the House -

The PRESIDENT: Order! The House is dealing with a disallowance motion on fish resources management. It has dealt with the other matter and I ask Hon Kim Chance to proceed with Order of the Day No 1.

Hon KIM CHANCE: Thank you for your advice, Mr President. You could at least say it was a good try.

Hon E.J. Charlton: You are in trouble now.

Hon KIM CHANCE: I was about to remind the Minister for Transport that it is precisely what happened to me in 1992. However, I will not continue in this vein because it would be out of order. Perhaps the Minister will cast his memory back to 1992.

Hon E.J. Charlton: My memory goes back to when you loaded sheep on the wharf.

The PRESIDENT: Order! Hon Kim Chance has the floor. Let us proceed with Order of the Day No 1, and do it successfully.

Hon KIM CHANCE: On a procedural matter, Mr President, I understand that a very important event will take place in this Chamber at or about 4.15 this afternoon and I refer to the maiden speech of one of the new members of this Chamber. As my time is limited between now and then I may be forced to seek leave of the House to continue my remarks at the next day's sitting. On Wednesday, 12 March this year I asked the Leader of the House representing the Minister for Fisheries whether it was the intention of the Fisheries Department to ban all taking of pink snapper in the Shark Bay area between Cape Peron and Carnarvon and whether businesses in the area, including the management at Monkey Mia resort, had been consulted on the possible consequences of that action. The answer I received was that management options were being considered for two inner Shark Bay snapper stocks about which a range of discussions had been held and a number of submissions received, and that no further management of pink snapper stocks was under consideration. On Tuesday, 29 April an order was tabled by the Minister for Transport representing the Minister for Fisheries. The order provided for an absolute ban on the taking of pink snapper in the eastern gulf region of Shark Bay from 1 May this year. It is interesting to note that despite the order being tabled in this place on 29 April, it was dated 7 April. It should be clear that, allowing for the date of the answer I was given that options were being considered, things must have moved quickly for the order to be dated 7 April - a passage of only 26 days. What concerns me, and what should concern the House, is not so much the apparent haste of the introduction of the order but, rather, the reasons given for its introduction, the spurious justification given for the action, and the flimsy research it was based on.

I want the House to be clear about why I have moved this motion of disallowance. It is not my habit to move disallowance motions lightly. In my whole time in this place I have moved two or three disallowance motions. In this case I am concerned, for four principal reasons, that although what has been carried out may fit within the letter of the law - in other words, this is not a disallowance motion based on a claim of ultra vires - it is an action that does not fit within the spirit of the law - the Fish Resources Management Act. I am concerned that despite repeated requests from the local subcommittee of the Gascoyne Regional Recreational Fishing Advisory Committee, no action had been taken by the Fisheries Department to initiate a management plan in the Shark Bay area until now, and that the action that was eventually taken far exceeds the demonstrated need for a level of control.

My second concern is that the research on which the ban was based is too limited and too superficial to justify such an extreme measure which has had far reaching consequences in the local economy. My third concern is that in going to the extent of initiating a total ban, the Fisheries Department did not seek the advice of local businesses on the consequences of that decision, nor did it consult adequately with the local fishing advisory committee.

A fourth and disturbing aspect has arisen since my initial inquiry. This concern arose out of consultation with business people in the area and with people on the Recreational Fishing Advisory Committee; namely, the quality of information supplied to decision makers by the Fisheries Department.

Three things have become apparent to me that cause me some concern. First, the Central Recreational Fishing Advisory Committee, which I have been told on a number of occasions was in favour of the total ban, was provided with one-sided information that did not adequately reflect the views of the local committee. I have spoken to at least one member of the advisory committee who has told me that had the information been supplied in a balanced manner and had he known the facts as he understands them to be now, he would not have made the same decision. Second, during the Estimates Committee in the Legislative Assembly last week it became clear that neither the Minister for Fisheries nor the Executive Director of the Fisheries Department were aware of the existence of a local recreational fishing advisory committee, even to the point of their saying that if one had existed, they thought it had been wound up. That indicated to me that they were told that by someone else who wanted to hide the existence of the contrary advice. Third, I have also heard that when the Leader of the House visited the Shark Bay area last week he was provided with a letter that included a list of names of persons who purportedly supported the ban. That list included the names of some who were not only diametrically opposed to the ban, but were leading the opposition to the ban.

Hon N.F. Moore: Nobody gave me a list of any description.

Hon KIM CHANCE: I am happy for the Leader of the House to correct me if that is wrong.

Hon N.F. Moore: They advised me of that matter; that is all.

Hon KIM CHANCE: Apart from that being embarrassing to the Leader of the House -

Hon N.F. Moore: I was not embarrassed at all. I will tell you whether I am embarrassed.

Hon KIM CHANCE: If it had happened to me, I would have been embarrassed.

Hon N.F. Moore: Why?

Hon KIM CHANCE: It also provides further evidence that somebody somewhere is providing misinformation.

I return to the first point. A casual observer of what has happened in Shark Bay would think that the Fisheries Department became aware of the situation at Shark Bay and acted decisively and promptly to protect the species in that affected area, and that further, its actions were based on researched information that pointed to the need for a ban. The first part of that statement is not true. A letter dated 14 December 1995 from the Fisheries Department at Denham, co-headed by the Denham Recreational Fishing Liaison Committee, to the Chairman of the Gascoyne Recreational Fishing Advisory Committee, Lindsay Harbord, points to the fact that there was a need for action to conserve pink snapper stock in Shark Bay. It refers to the excessive catches of spawning pink snapper in the inner Shark Bay area in the 1995 season and urges action. I also have the details accompanying that letter. I have the detailed proposal, which bears the same date, that went to the Gascoyne Recreational Fishing Liaison Committee and that was copied to the Central Recreational Fishing Advisory Committee in Perth.

The committee suggested two options: The first was to bring the fish resources management plan rules for recreational fishing into force before the next season. Those rules would reduce bag limits to six fish in the prize and reef fish categories and impose a possession limit in the Shark Bay area of three days' bag of whole fish or 15 kilograms of fillets plus a one day's bag of whole fish. It suggested, second, that there be imposed a special bag limit for pink snapper in the Shark Bay area during the spawning months of May, June and July, and that the bag limit be reduced to a bag of four.

Again, a letter dated 12 February 1996 from Mike O'Dea, Executive Director of the Recreational Fishing Advisory Committee, Denham, to the Recreational Fishing Advisory Committee Chairman asks, among other things, that the RFAC urge the Minister to act to protect the spawning aggregations off Monkey Mia prior to the 1996 aggregations due to begin in April. Again, on 14 April 1997 a detailed letter was sent from the Recreational Fishing Advisory Committee in Denham to the Fisheries Department which advised its unanimous rejection of the total ban and expressed its regret that action had not been taken earlier as requested. In this letter the Denham RFAC renewed its call for a two fish a day bag limit in the eastern gulf, and a four fish a day bag limit in the western gulf. It is interesting that the letter refers to another matter, and advises of the unanimous decision to remain a separate fishing advisory committee unit and not amalgamate the Denham and Carnarvon committees. The letter is dated 14 April 1997 and was addressed to the Fisheries Department, Locked Bag No 39, Cloisters Square Post Office, Perth.

Last week in the Estimates Committee in the Legislative Assembly - only five weeks later - neither the Minister nor the Executive Director of the Fisheries Department seemed to be aware of the existence of either committee, although obviously correspondence has passed between one and the other. I do not blame the Minister or the executive director for not being aware of the existence of every committee within their portfolio but, in light of what I have already seen in evidence travelling into the offices of the executive director and the Minister, I wonder whether someone deliberately informed them that the Gascoyne and Denham RFAC committees were wound up.



I refer to the second point, relating to research. I have described the amount of research that has taken place as limited and superficial. Having done so, I make it quite clear that no-one seriously doubts that over-exploitation of pink snapper was occurring in the Shark Bay area, and that restrictions are needed and warranted. However, the total ban imposed by order beginning on 1 May 1997 is not justified by the available evidence. I will run through that available evidence. A recommendation was made by the Fisheries Department that action be taken to restrict catches of pink snapper between June and August in the Monkey Mia region of Shark Bay, with some consideration to be given to closing some waters where the aggregations exist and/or a closed season to assist with that. The date of that recommendation was 30 November 1995.

Secondly, Fisheries performed six trawl shots in November 1996 and seven in February 1997. Both were occasions on which there are usually few snapper to be found in that area, and it surprised no-one that the catches in those 13 trawl shots were relatively low. Apart from the monitoring of the catch, where we are told that over a short period the recreational catch in the region went from five tonnes to 100 tonnes per annum - which no-one suggests are empirical figures because the five tonne per annum datum figure could well have been 105 and nobody knows what it was; and I do not count that as genuine research - no research has been undertaken on this fishery. If it has been done, it is not research of such scale and quality that can justify the total disdain for local experience and advice. That is precisely what happened. Local experience has been dealt with in an abominable way for this management plan, and the result of that total rejection of local advice has been the loss of thousands of dollars a week to the local Denham economy.

That brings me to another point, and it is appropriate at this time to seek to continue my remarks at the next day's sitting.

[Leave granted for speech to be continued at the next day's sitting.]

Debate adjourned, on motion by Hon Muriel Patterson.

#### **SITTINGS OF THE HOUSE - BEYOND 10.00 PM**

On motion by Hon N.F. Moore (Leader of the House), resolved -

That the House continue to sit beyond 10.00 pm.

#### **ESTIMATES OF REVENUE AND EXPENDITURE**

##### *Consideration of Tabled Paper*

Debate resumed from 10 April.

**HON H.M. HODGSON** (North Metropolitan) [4.16 pm]: I begin by congratulating you, Mr President, on your election to the office of President earlier today. I am sure you will fill the post with distinction, and without fear or favour. You will be presiding over a new era and I know you will ensure all members in this place will have the opportunity to participate equally in the deliberations of the House. I also congratulate Hon John Cowdell on his election to the post of Chairman of Committees earlier this afternoon.

I speak for the first time in this place with a sense of history. It is the first time a member of my party has spoken in the Parliament of Western Australia. This knowledge makes me feel both proud and humble at the same time. I am proud of the party under whose banner I was elected. I am proud and honoured to be one of the first Australian Democrats to be elected to this Legislative Council. I am humbled by the trust that the voters of the North Metropolitan Region have placed in me. I know they have placed their trust in me as a representative of my party to ensure they have a say in the government of this State. I take this trust seriously and will endeavour to serve them to the best of my ability.

This is an appropriate time for me to thank all who were connected with my election campaign, from those who assisted at polling places on polling day to those who assisted in campaign administration. Each contribution was important in achieving this milestone. I must also acknowledge the support of my family, who have provided the moral support I have needed over the past years. In particular, my husband Allan has been a strong support whenever I have needed him. He has always been beside me acting as campaign manager, sounding board, housekeeper and counsellor, as necessary. The next four years will be easier with his love and support.

This is a historic change, not only because of the election of members from my party for the first time, but also because it has resulted in a change in the balance of the Legislative Council. It is no longer a place where the Government has the numbers to ensure its will is carried. There has been much speculation on the impact of this change on the traditions of this place. Far from its being revolutionary, I see the change that occurred last Thursday as an inevitable step in the evolution of government in this State. Essentially, the history of the Legislative Council

in Western Australia is the story of the increasing democratisation of this Parliament, from representative government to a Council elected under property franchise, universal suffrage and, finally, proportional representation.

When this State was founded as a British colony a system of representative government was instituted in 1832, which enabled the State to govern its affairs under the authority of the Colonial Office. As the State matured economically and its population grew and spread geographically, the people saw that a new system of government was needed. The first elections for the Legislative Council were held in 1870, and the next major reform was the grant of self-government in 1890. At this point the Legislative Council ceased being the seat of government in this State, and the Government was formed in the new Legislative Assembly. The political colour of the Legislative Council was essentially conservative, as a result of the property franchise imposed on voters. Therefore, in this phase the Legislative Council continued to play an important part in the government of this State, not always agreeing with the Government in the Legislative Assembly even when that Government was also conservative.

The 1965 election was the first in which all Western Australians could vote for representation in both Houses of Parliament, and it is from this point that the Legislative Council showed an increasing tendency to support the legislative program of the Government, at least when a conservative Government was in power. According to *The House on the Hill*, edited by David Black, between 1965 and 1983, 25 Bills were defeated in the Legislative Council, but 18 of those Bills were during the three years of the Tonkin Labor Government. During the 10 years of Labor Government between 1983 and 1993, 28 Bills were rejected, but from 1993 to 1996, when there was a Liberal Government and this House was also dominated by a conservative majority, no Bills were rejected.

In 1987, a system of proportional representation was introduced into the upper House, finally opening the way for voters who have a minority viewpoint to gain representation in the State Parliament. The election held on 14 December 1996 was the third held under this system and resulted in this historic change in the composition of this House, which for the first time in its history does not have a conservative majority.

What future do the Australian Democrats see for the Legislative Council? The main change will be that this House will become a place where legislation is based on cooperation rather than on the numbers. The history of the Australian Democrats in the Parliaments in which we have seats is that we have generally taken the position that we would prefer to see the Government's legislative program dealt with through cooperation and negotiation rather than confrontation and obstruction.

Five political parties are now represented in the Legislative Council: The Liberal Party, the Australian Labor Party, the National Party, the Greens (WA) and the Australian Democrats. It is clear that at least two parties will be required to vote together in order for any matter to be passed. Traditionally in Western Australia there have been two major groupings: The coalition and the Australian Labor Party. The coalition has had the numbers; the Australian Labor Party has not. Given the extent to which party discipline has been maintained, parliamentary debate and strategies have been dominated by the tyranny of numbers rather than by the need to persuade the other party.

The experience of minor parties in other Parliaments throughout Australia has often been that the Government and the official Opposition vote together on most matters, leaving the minor parties as a dissentient vote. I have no problem with that. Given the proportional representation system under which minor parties are elected, we know that we are elected to represent those voters who believe that the major parties do not represent their point of view adequately. Therefore, it is not surprising that the minor parties often take a stance that is outside the mainstream point of view.

I recognise that the Legislative Council has developed traditions in its history. I respect these traditions where they do not have a detrimental impact on the functions of this House; that is, where they contribute to the good government of this State. I have observed these traditions over the past few weeks, and I feel compelled to say that I am saddened that the advent of the change in the composition of the House has contributed to the breaking of a number of conventions, at what I believe will turn out to be a serious cost to the community.

I have observed the working atmosphere of this place, where members are usually tolerant of one another's views, accepting that those views stem from an alternative belief system. However, I observed that atmosphere deteriorate in the dark days of the industrial relations debate. The challenge to all members of this House is to now repair those relationships in the light of the new numbers.

I also note with pride that this election has nearly doubled the number of women who sit in this place. There has been a dramatic increase from four to seven women, which represents about 20 per cent of the members of this House. Although that is a far cry from the proportion of women in the community, it puts us on a par with the number of women who hold seats in most other Houses of Parliament. Statistics show that, on average, the number of women elected to Parliaments throughout Australia is 20 per cent. In most bicameral Parliaments, more women hold seats in the upper House than in the lower House. Western Australia has, until now, been an anomaly in that the percentage

of women who hold seats in the lower House has been double that of this Chamber. I am glad to see that anomaly rectified.

I believe that I am also the youngest member now sitting in this place. I admit to being part of a generation of women who entered the work force with a belief that anything is possible. The feminist movement of the 1970s had already removed, on paper, many of the barriers, but my experience was that those hard won reforms did not translate to equal opportunity. The taxation profession to which I belonged still provides ample evidence of the existence of these glass ceilings, which limit the ability of women to achieve to their full potential.

The access of women to a full and satisfying life is further imperilled by the government budget cuts that affect all aspects of their lives. The new industrial relations climate is biased against women, who are often clustered in low paid, casual work. Many women need the assistance of a strong union to support them in their negotiations with their employers. Child care funding is being cut so that women do not have access to reliable, affordable care for their children. Legal aid is not available to women who are in domestic violence situations.

There seems to be a return to the Victorian belief that a woman should be able to lead a full life within the confines of her home. While I admire women who are fulfilled in this role and believe firmly that there should be adequate support systems for them, for many women this is not an option. In many families, the woman is either the sole breadwinner or cannot survive on the income of her partner alone. Other women need the stimulation of a life outside the home for the sake of their mental health. Women must have choice in balancing a career with domestic duties.

It is worth noting where the women in this Chamber are seated. Nearly half of the women in this Chamber are seated on the crossbenches as representatives of the Australian Democrats and the Greens (WA). I believe I am the first woman to lead a political party in this Chamber. I believe this is because in my party, women are not constrained by a male dominated culture. My party was born in an era when strong women espoused the feminist cause and were empowered to seek political office. Two of our three best known leaders have been women, and two-thirds of our current sitting parliamentarians are women. This has been achieved without the use of quotas. We have shown through example and mentoring what women can achieve.

I am usually asked as a woman what motivated me to become involved in politics and why I chose to become involved with the Australian Democrats. The first question is not easy to answer without using cliches. I believe that if something is not working properly, one should not just complain about it but should be prepared to go in and fix it, and one's personal skills and talents will dictate the path that one chooses to take.

What personal values attracted me to the Australian Democrats? The three core values that are referred to in the constitution of the Australian Democrats and that reflect my personal value system are honesty, tolerance and compassion. These values are an essential part of the humanitarian and Christian values that I hold. Honesty requires more than personal integrity. It is our concept of honesty that drives our desire to see a more open and accountable Government in this State. The Australian Democrats believe that the Legislative Council should fulfil the role of a true House of Review. It is clear from the record of government action over recent history that many government projects have not been subjected to adequate scrutiny. Governments of both sides have expressed the attitude that the Government is elected to govern and should be allowed to carry out its legislative program. We have no quarrel with that as a fundamental thesis, but we are concerned when that means that the detail of that program is not subjected to adequate scrutiny. As an example of this, the current Government has made much of the government corporate culture that developed during the WA Inc years and the cost to the State. However, if one looks at the sum of the detail of what is going on now, one can see elements of the same culture still there. There are a number of government projects that will shortly be considered in this place. Others have been entered into under administrative powers given to Ministers. I do not say that these arrangements are necessarily flawed, but what is needed is an open and accountable review process which allows all questions to be answered and shows the community that the Government is not unduly risking public funds. We embrace the recommendations of the Commission on Government, which undertook a major review of government in this State. We intend to see these recommendations debated in this place and ultimately implemented.

Achieving a true House of Review can be largely accomplished through the proper use of the committee system. The major limitation on the effective use of Legislative Council committees is the relatively small number of members in the Council, being only 34. When the President and the Ministers are excluded from active committee service, that leaves only 29 available members. The five standing committees have very broad terms of reference, although they have not always used those terms of reference to the extent to which it is possible. For example, the Commission on Government suggested that the role of the Standing Committee on Estimates and Financial Operations in the upper House be redirected from the estimates process to an audit process in line with the operation of the upper House as a House of Review. This is already possible under the terms of reference of that committee, which is permitted to review any financial matter. It is important, however, that the members of committees be willing to ignore party political issues in order to allow the process to function effectively. Although it would not be realistic to expect

members to put aside their basic belief systems, it is important that they be willing to listen to evidence that is put before them by experts and the community before making recommendations to the House as a whole. If the committee system is allowed to become another forum to air purely party political disagreements, it will lose not only its credibility but also its effectiveness.

Tolerance is the second core value that underlies the policies of the Australian Democrats. Tolerance is a concept that is becoming a rare commodity in the political climate, a situation engendered by the vocal few who seem intent on spreading discontent in many areas. I believe we must become a united Australia, no matter what our various backgrounds. There should be no discrimination or prejudice on the grounds of religion, culture, sexuality, disabilities or any of the other myriad ways in which a person may be discriminated against. In the same way that I recognise that my value systems and politics are different from those of other members in this Chamber, so we should be able to accept other people's differences and work together towards a common goal, being the welfare of this country.

I am struck by the coincidence that this is the week in which the Aboriginal reconciliation conference is being held in Melbourne. I am deeply concerned about the welfare of our Aboriginal population. I was privileged recently to attend a weekend retreat as part of the reconciliation process. During that weekend we lived as a community, Wajellah and Noongar communities together, sharing each other's stories. It struck me strongly that if I had been born of different parentage, with an Aboriginal heritage, I would have been at risk of being stolen from my parents and brought up in an environment and culture that was alien to me. These issues are highlighted in the long awaited report of the inquiry into the stolen generation. I am pleased that this House has today acknowledged the trauma suffered by these people with a mark of our respect. There is little that can be done to rectify the errors of our predecessors, other than to offer apologies to the Aboriginal community affected by those mistakes, all the time aware of how hollow apologies must seem when the evidence of continuing racial intolerance is all around us.

The reconciliation process involves more than simply acknowledging the errors of the past, although it is an essential first step. An apology does not take away the hurt; an apology will not reunite families that have been divided or restore an identity to people who have lost connection with their roots. Neither is the reconciliation process an exercise in assuaging the guilt of the non-Aboriginal community. It is true that the actions of those who developed the Aboriginal affairs policies of the past were motivated for the most part by a lack of understanding rather than a deliberate decision to alienate a race from its culture. There was a genuine although misguided belief that the Aboriginal race would only benefit from being forced to adapt to our so-called civilised influences. The fact that the Aboriginal race and culture have survived is a testament to their powers of endurance. After all, in 200 years the Aboriginal community has been forced to adapt from a hunter-gatherer society, which was closely in touch with the land which sustained it, to life in an industrial society - an adaptation that took European society over 2 000 years.

Many individuals in the Aboriginal community have had difficulty making this transition. The loss of their own culture has left a void that they have been unable to fill. These individuals need healing. They need help to climb out of the pit of despondency. What is there for them in our society? They see around them people who are filled with racial bigotry and hatred. Statistics show that in April the Aboriginal population comprised 34 per cent of the prison population, and this is from a base of 2.7 per cent of the Western Australian population being of Aboriginal heritage. Health statistics show that Aboriginal people are more likely to suffer from diabetes, heart disease and other illnesses, whether they live in urban centres or remote communities. Today, 27 May, is the thirtieth anniversary of the referendum in which Aboriginal people were given the vote. Next week, 3 June, is the fifth anniversary of the Mabo decision, which affirmed that Aboriginal people do have a form of title to land. The current debate over how far that title extends must be resolved soon. All parties involved in the debate are suffering from uncertainty as that debate continues. One thing that is certain, however, is that extinguishment of native title is not an option. There are many forms of title that can co-exist, where each party has defined rights under that form of title. The High Court has recognised in two legal decisions that the law of Australia recognises that Aboriginal people have a right to a form of title to land where they have maintained their links to that land. We should not be even considering extinguishing that right, in the same way that we would not be talking about extinguishing the rights given to a pastoralist under the form of title granted, being their pastoral lease.

The third core value underlying the constitution of our party is compassion. Compassion is often overlooked in determining economic priorities. Compassion ensures that when these goals are set, they must take into consideration the needs of all groups of people within the State. Western Australia is in a strong growth phase at the moment. Certain sectors of our economy are booming, particularly those linked to the resource sector, yet other sectors of our economy, notably the retail sector and housing construction sectors, are still sluggish. What does this suggest? It suggests to me that there is something wrong with the engine driving this State's economy. It is firing on three cylinders. It seems that the economic benefits of the boom are not filtering through to those people in our community who really need assistance. The real engine room of the State is small business. In the north metropolitan regional economic district 67 per cent of jobs are created in small businesses; that is, businesses with fewer than five

employees. A significant number of those are in the housing construction and retail sectors; in fact, within the region the retail sector represents the largest industry sector. These battlers need to know that they have secure jobs before they will have the confidence to build new homes or to spend up big in the shops. Under the current industrial relations regime, people are never sure how secure their job really is. It has been traditional that politicians do not have security of tenure, being elected for a fixed period of time, hence our extremely generous superannuation plan. In the modern Kierath workplace there is even less security of tenure. Many people are employed on annual contracts, with no commitment for future employment. Workers in the public sector are in constant fear of having their jobs privatised; farmed out to the lowest bidder. A four year term would be seen by these people as very secure employment.

I have already referred to the dangers of uncertainty in the context of the Wik decision. Many employees are in exactly the same position as pastoralists when it comes to planning their economic future. In the absence of economic certainty of future employment, what bank will lend money to a young family to build a home? Not only does the family miss out on the dream home, but it is another house that is not built. It is one less job for the builder; it is less work for the subcontracted plumber, tiler, carpenter, painter, electrician - the list goes on. We need only multiply this out to ascertain the number of workers in this dilemma and perhaps start to see the explanation for the flatness of the retail and residential construction sectors of the economy.

Leaving aside security of tenure, employment conditions are being eroded under workplace agreements. I refer particularly to women and students, who are more often employed as casual and part time staff. Under workplace agreements, these employees often find they are working longer hours for less pay. I can see there is a good case for improving the flexibility of the workplace and that this should result in productivity gains. The idea behind a workplace agreement is that both parties should win. The way in which these agreements are implemented often means that the worker loses. Workers are presented with an agreement they cannot refuse without risking the loss of their job. This is why the industrial relations system needs unions. There is a real place for unions which can stand up for the rights of workers against major employers, in the same way as employers need protection against the actions of some of the unions from time to time. The Industrial Relations Commission must be allowed to fill the role of arbitrator between these groups if we are to develop a system of industrial relations that will lead to greater harmony and increased productivity.

Regrettably the events of the past few weeks have not generated an atmosphere in which we are likely to see industrial peace. The level of industrial disputes in Western Australia has been considerably lower than the corresponding rates in other States for many years, with the only major campaigns coinciding with the introduction of legislation by the coalition Government. Whatever the outcome of this current dispute, ultimately the people of this State will be the ones who suffer, be they unionists or employers.

We must also maintain our compassion in the context of the current tax debate. Our tax system as it is currently structured is inequitable, particularly the imbalance between the federal taxation structure and the state taxation structure. The Australian Constitution established the parameters of the division of the taxing powers between the Federal and State Governments. In practice, this has been overtaken by the grants arrangements between the Federal and the State Governments.

The Constitution was written by our forefathers nearly 100 years ago and in a vastly different commercial environment from that prevailing today. Before federation all economic issues were the responsibility of the States, which were required to raise funds to pay for services. At federation certain responsibilities were transferred to the Federal Government, which also received the power to tax to pay for these matters. The advent of the First World War, with its requirement for increased defence spending, heralded the transfer of income tax from the States to the Federal Government. In the Great Depression it was seen that the Federal Government had more scope to implement macroeconomic policies that would affect the economic force of the nation as a whole.

The biggest challenge faced by the States in restructuring the tax system is the change in commercial practices over the past 20 years. Transactions must now be viewed as occurring in the national or global economy, rather than in a particular location. It is remarkably easy to enter into electronic transactions interstate or offshore, with a consequent reduction in the Western Australian tax base. Internet global marketing is allowing customers to order goods from other countries, bypassing the point of sales tax collection systems set in place in Australia. Whatever the final shape of our state system, it must stand with that in place in other States in a way that will reduce the incentive to structure transactions to take advantage of any discrepancies between the States.

The difficulty we face is that of restructuring the tax system so it is fair. This is the ongoing dilemma for Governments: Structuring a system that is equitable and simple. Flat rate taxes, whether they be income tax, a stamp duty or a goods and services tax, always have superficial appeal because they are easy to administer and discourage avoidance; however, they are not fair. In the same way, a move to a privatised or user-pays system has superficial appeal. Members must not get me wrong; the private sector can provide some services equal to those provided by

the Government at a reduced cost. Similarly some services provided by the Government should be paid for by those who use them. The problems arise when the philosophy becomes a set of overriding criteria that prevent the Government from seeing past these principles.

Privatisation should be a choice only when the service provided is at least equal to that provided by the government sector. The problem is that there is not always as much fat in government services as the Government would like to believe. To make a profit - why else would companies be in business - the private service providers must make efficiencies which may impact on the level of services provided or on the working conditions of the staff they employ.

The user-pays system can be used to disguise taxes. With this approach some sectors of the community will always opt out of a user-pays system, leaving it underresourced and unable to provide the basic level of services needed by the community. The wealthy will often opt out of services because they can afford to pay a private provider for what is seen as an elite service. As the cheaper public service falls into disrepair, it ceases to function adequately, thus accelerating the decline until eventually we are left with a system that is supposed to serve those who cannot afford to pay for it.

Equity is an important principle of taxation, and a Government with compassion must take account of taxpayers' circumstances to devise a taxation system that is equitable. It is unfair to have a taxation system under which the poor pay a greater proportion of their income in taxes than do the wealthy. The involvement in the tax debate of welfare organisations as well as economic think-tanks is essential to strike a balance between the interests of all sectors of the community. Ultimately Governments must make some decisions about the level of services available to the community. On one side of the dilemma a compassionate Government will ensure that safety nets are in place; that people are not denied access to justice through lack of funds. The other side is that funds must be available to ensure criminals are properly prosecuted. Governments must ensure the best standards of health and education are available to all, regardless of their ability to pay.

I have taken this opportunity to expound at some length on the basic philosophies of the Australian Democrats to mark this historic occasion. These philosophies of honesty, tolerance and compassion will underlie our approach to the task before us as we seek to participate in the good government of the State. Ultimately, however, there is a fourth criterion; that is, reason. Laws and other proposals must be reasonable to be acceptable to the community. We will be reasonable people to deal with in this Chamber.

[Applause.]

**[Questions without notice taken.]**

**HON S.M. O'BRIEN** (South Metropolitan) [5.30 pm]: Mr President, I join others in offering my personal congratulations on your election this morning. This is the first day on which I have had the pleasure of sitting in this House in your company, but I have known you for about eight or nine years. Knowing your record and knowing you as a person, I am sure I can safely join with others in acknowledging that you will fulfil the role with dignity and distinction.

In my maiden speech to this House I intend to limit myself to traditional elements; I will not range over a large number of topics. I will simply introduce myself to the House, provide a little background, report briefly on my electorate, bring to the attention of the House some items that might be of interest and perhaps comment on one or two issues of the day.

However, prior to that, I wish members to know that my thoughts are very much of my father, the late Everard McDonnell O'Brien, better known to his peers as Bill O'Brien. He served in another place as the member for Murchison from 1952 until 1959. He was born on 9 April 1907 at Black Range Homestead, which is a couple of hundred miles inland from the mouth of the Murchison and just north of Sandstone. He was educated at Mt Magnet and was variously a shearer, a cordial manufacturer, a pastoralist, a railway and tramway employee, a prospector and a miner. In the early 1950s, he was secretary of the Yalgoo Road Board. For many years he was a keen recreational cyclist. This was at a time when cycling was very popular in this country. In his youth he was something of a regional champion. The other night I was talking to my sister, who lives in Kalgoorlie, and she reminded me she had in her possession a medallion my father was awarded for winning the Boogardie to Magnet road race on 20 May 1922. That was 75 years and one week ago. I do not know what he would make of the high tech carbon fibre bikes we have today when one considers the bikes they were riding in 1922. Similarly, the road from Boogardie to Mt Magnet, even though it is not flash today, certainly would not have been very good back in 1922.

My father had a busy parliamentary career. He was called upon to fight four election campaigns in seven years. He was elected first at a by-election in 1952. He then contested and won the same seat at the general election in 1953. After boundary changes that were not friendly to him, he fought the general election in 1956 and again won against some odds. In 1959, he was up again - probably wishing that like us he had a four-year term - and sadly he lost by

68 votes. My good friend Mr Jeremy Buxton recently prepared a paper on electoral change in the Murchison in which he concluded that in 1959 E.M. O'Brien "fell victim to a combination of boundary change, adverse demographics, the swing of the electoral pendulum, the ALP split of the 1950s and a very strong opponent. It was a combination that would have felled any member." Nonetheless, losing by 68 votes would still have been pretty hard to take.

My father had very conservative moral views by today's standards, although he retained a refreshing capacity for loud and blunt language when the occasion required. I particularly recall an incident when I was about eight years old involving myself and a small tin roofed building in our backyard that my father was occupying at the time. It also involved a serious error of judgment on my part involving a handful of gravel, but more of that on another occasion. Bill O'Brien had a reputation as a hard-working, honest and principled family man who was dedicated to his community, and I would like to dedicate this speech to his memory and example.

My father died in August 1971, at which time I was 11 and my sister was a month short of her fifth birthday. It is difficult for a woman left on her own to raise, educate and provide for two young children. It calls for many sacrifices, and my mother, Mrs Dulcie O'Brien, who is present today, made all of those sacrifices and many more. I am grateful for that and I hope she derives some satisfaction from the fact that her son has succeeded his father as a member of the Parliament of Western Australia.

One becomes a member of Parliament in most cases as a result of a great deal of work over a very long period. That is certainly true in my case. I thank the very large number of people - family, extended family, friends, supporters and party colleagues - who have stood by and assisted me over the years. In particular, I acknowledge my wife, Joy, who is also present today and who has always been my most faithful and hardest working supporter.

I was educated at Graylands Primary School, St Louis School at Claremont and John Curtin Senior High School at Fremantle. For most of my adult life I have worked for the Australian Customs Service, leaving in January after 15 and a half years' service. I liked that job. It brought me into contact with the shipping, bulk petroleum, aviation, freight management and warehouse industries. Sometimes, especially in the early years, the work was hot, dirty and uncomfortable. I have lost count of the number of ships I have searched and the bilges I have crawled through. However, I have been very fortunate in my career, because I have seen interesting parts of my State and country that people often do not get a chance to see; those opportunities are not available to many people.

I worked in many remote areas and also completed an airborne radar operators' course run at the historic Customs House at Townsville, which broadened my horizons in more ways than one. I have travelled operationally and worked at many remote properties and settlements throughout the Pilbara and the Kimberley, the Gulf, Arnhem, Groote, Kalumburu, Marble Bar, Broome, Coral Bay, Cossack, several points 10 000 feet in the air over the Southern Ocean, Darwin, the Abrolhos Islands, on a number of oil rigs - including one on a ship off North West Cape - in the Monte Bellos and the Chichester Ranges. I have worked in most ports in Western Australia, including Port Hedland, Wickham, Dampier, Onslow, Exmouth, Carnarvon, Useless Loop, Cape Cuvier, Geraldton, Fremantle, Bunbury and Esperance.

From 1986 to 1992, I was a training and staff development officer. My task was to provide technical and management skills training to various branches of the service. With several colleagues, I ran the 12 month and later six month training courses that provided the majority of officers who now form our customs front line. I also developed a course in field identification of narcotics and established the first in-house physical training program for recruits to the ACS, to the distress of many. In recent years Federal Governments have found it necessary to continually cut staffing numbers - a common feature of our times. This occurs in the face of an exponentially increasing workload in the form of people arriving from overseas, the number of import transactions and many other indicators. The Australian Customs Service has had to change dramatically and is a leader in management improvement programs and the exploitation of new technology to tackle labour intensive tasks. Despite all that, many officers work very long hours in order for the ACS to meet basic workload commitments. How the organisation resolves these challenges in the next few years will be critical to its future. The ACS is an instrument of the Commonwealth and not of the State. However, because of our huge coastline, which is vulnerable to low level foreign incursion and the quarantine risks that such incursions pose to our primary industries, the success or otherwise of the ACS in enforcing the customs-quarantine barrier should be of concern to all in this Parliament. In my observation the commitment and expertise of the men and women of this organisation are first class and they deserve our full support.

I was honoured to be elected as a member for the South Metropolitan Region on 14 December 1996. The primary votes cast for the main parties that contested that region were Australian Labor Party, 75 462; Greens (WA), 14 359; Australian Democrats, 13 495; and Liberal, 86 281. After the distribution of preferences two Liberal members, two Labor members and one Greens (WA) member were returned. I am proud to be one of those members. The South Metropolitan Region includes the Legislative Assembly districts of Alfred Cove, Cockburn, Fremantle, Murdoch,

Peel, Riverton, Rockingham, South Perth, Victoria Park and Willagee. The region exhibits a range of demographic patterns and communities of varying vintage from 1829 to the present.

I am genuinely pleased to support the government view that the quality of society is enhanced and the preservation of family life is assisted when neighbourhoods consist of good homes owned by those who live in them. The government program of Homeswest refurbishment and private ownership has added enormous quality and value to many communities in the region and I look forward to those programs continuing.

The region is home to specialist skills in a wide range of disciplines ranging from corrosion control to the latest in computer design technology. One success story that deserves mention at this time is the region's shipbuilding industry. Based on Jervoise Bay the participants have created an industry that provides thousands of jobs, a catalogue of magnificent products and big sales to overseas customers. Our State needs large scale employment. Its future lies in developing value added manufacturing industry and the greater export income that generates. However, the shipbuilding industry suffers from low margins and an uneven playing field. Though we welcome the decision of the Howard Government to extend the shipbuilding bounty to 1999 at this stage it is my earnest hope that this industry receives all the further practical encouragement that this Government can provide for it.

We have impressive development in the south west metropolitan corridor with substantial urban growth around Rockingham and in coastal areas such as Secret Harbour, Port Kennedy and Cockburn Sound. We see encouraging signs of a more vibrant, go-ahead and innovative community. For example, the marine education centre at Rockingham Senior High School has 300 pupils, including many from regional Western Australia. I predict it will go from strength to strength and it has the potential to attract overseas students after the inauguration of its proposed floating learning centre.

The Kwinana conceived and based organisation Kidlink is operating its early childhood intervention program successfully and has been credited with reducing local crime rates and improving quality of life for children and adults. It is important that we remember that people in this expanding region deserve the same quality of transport services and other government amenities that, perhaps, people elsewhere have come to take for granted. I expect to remind the House of this from time to time.

There has been much speculation as to what the electorate can expect of the Legislative Council in the next four years. Commentators have noted that the balance of power has changed with the non-coalition parties now outnumbering coalition members on the floor of this House. This is very exciting for some people who are absolutely hugging themselves in the anticipation of an occasion when a coalition Government is outvoted on the floor of the upper House - good for them. Everyone in this town who is unconnected with the Liberal Party seems to think we are wringing our hands in despair at this turn of events. We are not. We have accepted the results of the election without complaint. We have even reduced our number by one by nominating the President. We are happy to approach the upper House from a position where we are not in the majority, though I grant that if the election results had been slightly different we would have been even happier. Nonetheless, we are happy with the situation.

I remind all members that it is the coalition members of this House in years gone by who have fiercely maintained that this is a House of Review with the power to amend or defeat legislation, despite the strident views to the contrary of some commentators on the issue. In the past others have wanted to nullify the powers of this House or even to abolish it altogether. It would have been a tragedy for parliamentary democracy in Western Australia if that had occurred. Those of us who are excited by the current composition of this House and the opportunities it presents to them should reflect on that for a while. There would not be a meaningful upper House in this Parliament if it were not for successive coalition Oppositions in this House. That is all history. Everyone, regardless of their disposition towards the coalition, seems confident this House will be an effective House of Review. Even the former abolitionists have suddenly decided that this upper House is a wonderful thing. That augurs well for the immediate future. Let us hope we can continue to find things to agree on and deliver good government to the people of this State.

I feel we can look to the future with confidence. We have a great State, in a great land, with great people. The management of our State is now on a firm footing. It has regained its AAA credit rating; the Budget is in the black; and the future looks good.

In conclusion, I will quote from an article of belief to which I subscribe -

Under the blessing of Divine Providence and given goodwill, mutual tolerance and understanding, an energy and individual sense of purpose, there is no task that we cannot perform and no difficulty that we cannot overcome.

I thank honourable members for their courtesy during my speech.

[Applause.]



*Sitting suspended from 5.49 to 7.30 pm*

**HON NORM KELLY** (East Metropolitan) [7.30 pm]: Mr President, I congratulate you on your election today.

I appreciate being given this opportunity to give my inaugural speech to Parliament and in particular to be partially responsible for this historic new era of the Legislative Council. I am confident that this era will result in a greater awareness and understanding of the valuable role the Council can play in Western Australian politics. As a result, I anticipate an increase in the respect that the public has for this Parliament, a respect that has been seriously eroded over recent years.

My presence here is the result of the hard work, dedication and love of a number of people and I welcome the opportunity to be able to thank those people now. Firstly, my family: I thank my partner Gail for her enthusiasm, commitment, confidence, support and love over the last 10 years. Her qualities and gifts have been an inspiration to me. Her work in the area of community psychology has also developed my awareness of the way the general community has steadily become disfranchised from Governments in recent years. This is a sad indictment and one that my colleague and I hope to rectify. Similarly, my daughter Kathy has enriched my life, not only in love and passion, but also in the understanding of the difficulties faced by young people today. She has further strengthened my resolve to address the social inequities that exist in our society. These inequities are particularly prevalent in the areas of housing, education, employment and women's health issues.

As much as I would like to think that my electoral success was due to my personal charm and charisma, I am well aware that we all gain most of our votes by representing our political parties. It is pleasing to see a number of Australian Democrats members and supporters in the gallery today to witness this historic day for our party. To them I also wish to give my thanks. The members of the Australian Democrats are well aware that their party does not have huge resources. We do not receive the large donations from industry or employee groups that major parties receive. Because of this, we put extra demands on our members and supporters in the form of workload and expense. This was typified by the work of the Democrats' Legislative Assembly candidates at the state election who were aware of their limited chances of success, but who, with their families and friends, put in so much hard work for the overall success of the party. I am indebted to their many hours of work, which was not for personal gain but because of their belief in a party that delivers responsible policies with an emphasis on scrutiny, open government, accountability and bringing about social justice and environmental protection. It is fitting that they share in our success, for our success is largely due to their efforts, and I greatly appreciate their commitment and enthusiasm.

In embarking on this political career - and I hope that "career" is the correct word to use - I am indebted to the advice and support given to me by the Australian Democrats' current Western Australian senator, Senator Andrew Murray, and to the former senator and current convenor of the party in Western Australia, Jack Evans. Their experience, expertise and advice, which was so unconditionally given, have made this career transition for me so much easier to make.

I would also like to thank the voters of East Metropolitan Region for their support in the recent election. With a non-major party vote of more than 23 per cent, the voters of East Metropolitan Region demonstrated that they were keen to see a minor party representative exert some degree of balance and scrutiny in this House. I am looking forward to fulfilling that role and taking on that challenge.

The East Metropolitan Region covers almost 4 000 square kilometres and has very specific needs and concerns. These needs can be largely forgotten after an election campaign, but I will work hard to address the region's needs over the next four years.

The East Metropolitan Region is currently facing a push to destroy the semi-rural aspects of the area by decisions allowing hazardous mining in the Mundijong area and increasing noise pollution from Perth Airport that impacts on residents in the Kalamunda area. Heritage and conservation areas are under threat and planning changes are being undertaken without proper consultation with the public. The isolation faced by residents in this widespread area through the weakening of the public transport system is also of major concern. The state election result, where both the Labor Party and the Liberal Party lost support, demonstrated that the major parties must also pay attention to the concerns of East Metropolitan Region residents.

On a statewide basis the Australian Democrats' vote was 6.6 per cent, so it is reasonably democratic that the Democrats now fill 6 per cent of the seats in this Council. It is true to say that this degree of proportionality is coincidental, given the huge degree of malapportionment that is a blight on this House. The introduction of statewide proportional representation, based on five regions each returning seven members to this House, as recommended by the Commission on Government, is a necessary reform to ensure that the wishes of the people are accurately reflected in this Parliament.

I have studied the standing orders of the House and I hope to contribute to the integrity of this Chamber. I would like to encourage the Government to finally embrace the will of Western Australians who want the Legislative Council to be a true House of Review. I must admit I have been extremely disappointed that the Government has failed to do this over the last few months. It has blatantly disregarded the wishes of the people. At the state election last December Western Australians clearly stated that they wanted a coalition Government, but they also made a decision to elect a Legislative Council that did not have a Government majority. Instead, the people of Western Australia wanted an upper House that would scrutinise legislation, put in place legislative mechanisms which encourage openness and freedom of information, and ensure that the Government remains accountable to the people. Western Australians obviously have been able to see the benefits that come with an upper House acting as a House of Review. For the past 20 years the Senate has provided a great example of the benefits that can be achieved, without obstructing a Government's ability to govern. A House of Review should act as a counterbalance to the sometimes extreme measures of both coalition and Labor Governments.

Western Australians clearly voted for a Senate-style House of Review for their State. Unfortunately, the Government has chosen to ignore this message. This Government used the composition of the recently retired Council to push through legislation which it knew was in need of stronger scrutiny. Likewise, it has the dubious honour of taking the longest time in history to fill a casual Senate vacancy - all this for political expediency and gross manipulation of our political system. It is no wonder that this Government has lost any vestige of legitimacy with the Western Australian public in the area of labour relations.

This Government should not be fearful of this new era in Western Australia's history. The Legislative Council is under new management, but I am confident that, through a multipartisan approach, the five parties represented in this House will be able to produce better legislation for the people of Western Australia. The Australian Democrats have a strong history of producing reasonable and workable legislation in the Federal Parliament and in the Parliaments of New South Wales and South Australia. Hon Helen Hodgson and I are committed to continuing that tradition of responsibility in this Parliament. This is a historic time for the Australian Democrats. It is the party's first representation in the Western Australian Parliament, and I am sure we will show ourselves to be worthy contributors to the legislative processes of this House.

As one of the first members of the Australian Democrats in this Parliament I will outline some of my personal philosophies and those of my party's policies as they pertain to several of the portfolio areas for which I am responsible. For 20 years the Australian Democrats have been at the forefront of the fight to protect the nation's natural resources, such as the campaign to save the Franklin River, drafting Australia's first World Heritage legislation and establishing the woodchip fighting fund. In a similar way, I will fight to save Western Australia's natural heritage areas, such as Shark Bay, Ningaloo, our native south west forests, wetland systems and national parks. This fight has become increasingly crucial in Western Australia as our environment is placed under considerable pressure, largely due to the greed of developers and the drive for profit by large corporations.

My desire to become active politically has been generated largely by my anger at seeing the major parties shift away from addressing the very real environmental and social problems that we, as a society, are facing. I believe that for too long, the environmental and social ramifications of legislative decisions have been largely ignored in the desire to achieve economic fulfilment. Those economic goals are necessary but they should not be achieved at the expense of a degraded environmental heritage and the breakdown of the social fabric of our society.

Our disappearing native forests, our fragile coastline, our denigrated farming and pastoral lands, and our limited freshwater resources are all under further threat unless true leadership is undertaken by the representatives of Parliament and the current and future Governments.

Taxpayer funded reports, such as last year's smog report, should not be withheld from the public. The public is entitled to that information. In an open and accountable system of government access to those kinds of reports must be guaranteed.

A recent United Nations report stated that the continued failure to arrest the world's environmental problems could be summarised in four words - lack of political will. It is not a question of inadequate technology, insufficient availability of funding or human resources; it is simply a lack of political will.

This Government has the opportunity, with the support of the Democrats, to make substantive, positive changes for the future of our State's natural heritage. A cleaner, protected and sustainable environment will not only improve the quality of life for the current population but also ensure that future generations will benefit. These benefits will be evident, firstly, in the opportunity for future generations to inherit a natural, unspoilt environment and, secondly, they will have an opportunity to adopt values of conservation and sustainable development, not the values of economic greed and destruction.

The continuing urban sprawl in Western Australia places increased pressure on our limited water resources, increases pollution and is an inefficient, wasteful use of existing infrastructure and resources. Present planning strategies and decisions do not adequately address the demands on our metropolitan area. At the same time, our wetlands remain insufficiently protected from the encroachment of unnecessary developments.

Our native south west forests are being logged at an unsustainable rate. The Giblett block near Pemberton is currently under threat of destruction from corporate interests who have only the profit motive to drive them. It is our duty, through legislation, to provide the social conscience to limit the avarice of these powerful corporate groups. I urge the Government to resist the temptations of a quick economic fix derived from this destruction. We need to plan for the long term sustainable use of forests through the development of value added industries such as tourism, and a timber industry based on the production of furniture and other quality products. Such a plan could firmly establish hundreds more long term jobs in the area. Native flora and fauna species under threat of extinction would be given protection and a sufficient forest area would be maintained for future generations to enjoy. If any native forests are to be logged it should be done on the basis of supplying a demand for value added, high quality timber products, not for the provision of structural timber and woodchips which can be adequately supplied by the use and development of plantation timber resources.

It is not practical to have a single government agency, such as the Department of Conservation and Land Management, responsible for the conservation and at the same time the commercial exploitation of the land under its control. But of course there needs to be a political will to make these changes. The Australian Democrats have shown that political will for the past 20 years. It is an essential part of the Democrats' philosophy. It is a philosophy that my colleague and I will demonstrate over at least the next four years.

Perth's dependency on cars and our serious air pollution problem are well documented, and I will push for a higher priority to be given to the development of alternative fuel sources such as wind, tidal and solar power. Our whole system of energy production and usage needs to be seriously challenged and addressed. It is an area where the Government could show true leadership. One possible way would be for the Government to utilise its combined purchasing power to install LPG into its vehicle fleet. Such a conversion would have a positive impact on Perth's air pollution, reduce costs in the medium term and, most importantly, provide a positive example to the general community of ways to tackle this problem. The flow on effects could mean cheaper LPG installations for the public, more widely available LPG, vehicle manufacturers installing LPG at the factory and, of course, a cleaner environment for our State. But once again there needs to be a political will - a political will that reflects the concerns and desires of the wider community.

It is critically important to remember that we are merely custodians of our natural environment and that we have a collective duty to pass on to future generations our natural heritage in the best possible condition. One of the basic principles of the Australian Democrats is a belief in participatory democracy. Our membership is attracted to the empowerment they experience in being able to equally participate in the formation of party policy and elections. Unfortunately, a lack of true participatory democracy in the state political system has meant that the general community has become disillusioned, frustrated and, as we have seen from recent events, angry at being removed from the democratic process.

It is not good enough to say that an election result is a mandate for a government to do whatever it wants for the next four years, irrespective of the social, environmental and economic impacts of those changes. One way to restore integrity in the political process, and to begin to give back some of the power to the people, is through the use of referendums. Today is a significant day. It is the thirtieth anniversary of Australia's most momentous referendum. The 1967 Aboriginal referendum had the effect of beginning to empower Aboriginal people. Similarly, we should look at the regular use of referendums to empower our community to enable all Western Australians to have a democratic voice on a number of issues. That could include issues such as the possible legalisation of voluntary euthanasia, which is a moral and community issue. It is not an issue that should be caught up in the party political game, but one that should, instead, be decided by a majority of Western Australians, exercising their personal judgment and democratic rights.

The major political parties should have nothing to fear from the use of democratic rights. The provision of a structure for individuals to voice their agreement or disapproval of such critical issues will result in a greater transfer of power to the people. It will not diminish the power of Parliament; instead, it will enhance the representative nature of the Parliament. The community will become more aware of the complex issues that must be resolved by politicians and, consequently, people will have a greater respect for politicians and the parliamentary process.

When political institutions work towards excluding people, resentment and anger build up. When the community is included in the decision-making process, politicians can base their decisions on a more accurate knowledge of the feelings of their electorates. The decisions of Parliament will then gain greater acceptance and legitimacy in the community. This is particularly true of moral issues, which should not be decided on strict party lines.

Another shift in emphasis that I would like to see occur in the work of this House is an increased awareness and appreciation of the social impact of the decisions we make. This covers all portfolio areas, because a change in any one area necessarily impacts on its surrounding environment. In recent years we have seen a substantial extension of retail trading hours based on supposed consumer demand. However, in making these changes insufficient research has been carried out to assess its impact on the social structure of our society. Small businesses are struggling against their suddenly diminished status in the marketplace, with proprietors having to work longer hours for the same, or less, income. Larger businesses are able to exploit the new laws through gaps in the legislation.

The separation of our working life from our leisure time has become increasingly blurred. Participation in team sports has dropped, other social activities have become fragmented, and our sense of community has diminished. What are the benefits of extended trading hours? Profits are generated, but only for the larger businesses and chain store groups. Yes, there is a degree of convenience for the consumer, but should we not all take a responsible attitude and consider the impact of extended trading hours on the social cohesion of our society? At times, we should be able to experience some minor inconvenience for the good of a stronger, more integrated society.

While looking at the social impact of our laws I would also like to comment on the steady erosion of the social welfare structures in our society. Those most vulnerable to budgetary cuts, such as the disabled and their carers, single parents, the aged, Aborigines and ethnic groups, are often the targets for proportionally the most drastic cuts in services. Although we may be waiting for a magical social dividend to materialise, it is wrong to use such an economic term as "dividend" for something which should be a readily accessible and basic entitlement; a basic entitlement that includes reasonable standards of living, with adequate access to health, housing and social services.

The social implications of economic decisions are not being adequately considered. For example, a relatively minor budgetary tightening of child support services can impact far more heavily on the coping abilities of parents living in isolation. The broader social consequences are not as easily assessable in economic terms, but this does not make these consequences any less real or important.

The argument that people will benefit from the trickle-down effect of investment in large development projects is a fallacy. The profit motive that drives companies acts like a sponge, drying up the trickle long before it reaches the people who are most in need of it. The dividend that is paid out is available only to a few local and overseas shareholders.

Health is another area where people, through government action, are losing control of their own lives. As legislators we must hand back some of that control. We must allow people to have access to their medical records and we must restore dignity to people so they can make decisions about their own bodies and lives. As legislators we need to keep pace with technology. The advantages of genetic engineering mean that we are consuming genetically manipulated foods; but there is still no requirement for such foods to be adequately labelled. This means that consumers are kept in the dark and in ignorance of the facts. Fear develops through ignorance. Once again, we need to allow people to be aware of possible choices so they can then make their own informed decisions.

I cannot conclude this speech without commenting on my observations of the working of this House in recent months and, in particular, on the events of the last couple of weeks. I have learnt a good deal of the customs of this House and, hopefully, a sufficient number of the procedures. Although I have great respect for the traditions of this place, the Council needs to change its image in the eyes of the electorate by establishing a modern tradition as a true House of Review. This can be done by proper scrutiny of Bills, an expanded committee structure and a more efficient use of sitting hours.

History has shown that this place has generally been either a rubber stamp or a house of obstruction, with almost four times as many Bills defeated in the Council when there has been a Labor Government. This was a criticism that was levelled at the federal Senate in the past, but in recent decades it has become a model for state upper Houses. It is up to all of us to take this opportunity and turn the Legislative Council into a true House of Review, as has happened in the Senate.

The Australian Democrats were instrumental in bringing about that change federally, and Hon Helen Hodgson and I are committed to contributing in a similar way here. We were elected on a platform of accountability, review and open government, and we will persistently push for that during our time here. Although I am sure it presents the possibility of being disliked by both sides at various times, our contribution will be both positive and constructive.

The recent passing of the labour relations legislation, and the delay in nominating a Senate replacement for the late Senator John Panizza, should be a salutary lesson to all of us. It has highlighted the ability to bypass the proper democratic functioning of this House if one has the numbers. It has also destroyed the wider community's confidence that its elected Parliament is acting in a proper and moral way. This Government has massively damaged the credibility of Parliament, but we now have the opportunity to repair the damage.

I hope that this Council can now restore that confidence and respect for the Parliament through its actions over the next four years. There should no longer be a need to push through legislation without proper debate and scrutiny. There should also be no need to engage in time wasting speeches or frivolous debates. The community demands better than that; it is our job to deliver. The new configuration of this Council means it now has increased significance to Western Australians. It is, therefore, an opportunity to show Western Australians by our actions that their trust in this Council can be restored.

I bring into this House the benefits of a wealth and variety of working experiences from a number of locations throughout Western Australia. These experiences have taught me a good deal about the impacts that political decisions have on local communities. A combination of these experiences has driven me into politics. It is not a lust for power, but an anguish that we are living in an inequitable society that is being torn even further apart.

In my deliberations on legislation before this House, I will always be guided by two questions: First, who will benefit from the legislation; and, second, will Western Australia be a better place in which to live once the legislation is enacted? We are living in a society that has the potential to become more isolated, uncaring and greedy. We need to use our influence in this House to provide Western Australians with an environment that will promote a strong community spirit, participation in the democratic processes, a substantial natural heritage for future generations, and a commitment to social justice. It is time for this Legislative Council to take on the role of a properly functioning upper House. It is also the role that will take this Council out of the nineteenth century and into the twenty-first century.

I look forward to working with members of this Council to achieve these goals. To my family, friends and supporters of the Australian Democrats, the people of East Metropolitan Region, and members of this Council, I pledge to contribute my best over the next four years to provide Western Australia with an effective House of Review.

[Applause.]

**HON L. RAVLICH** (East Metropolitan) [8.02 pm]: Mr President, I take this opportunity to congratulate you on your election, and to say how proud I am to have been elected as a Labor member for the East Metropolitan Region. I am proud to stand on this side of the Chamber because I believe in the Australian Labor Party and its guiding values of equality, democracy, liberty and social cooperation. The Australian Labor Party is committed to meeting the aspirations of all Australians for a decent, secure, dignified and constructive way of life. It is a party about looking after the interests of ordinary people, and recognising their special needs and aspirations, regardless of sex, religion or race. It is a party about promoting social justice and giving people a fair go. It recognises the role of the trade union movement in taking forward the struggle of workers against the injustices of the extreme right wing forces.

I believe in the importance of history as a source of avoiding making the mistakes of the past and providing a direction for the future. The Australian Labor Party has both a very rich history to draw on and a very bright future ahead. It is a party to which I have always been proud to belong and I am now extremely honoured to represent it. My success at the last election would not have been possible without the support of a wide range of people. I thank my constituents for electing me to represent them over the next four years. This honour carries with it many responsibilities and challenges which I undertake to meet at all times with enthusiasm, hard work, honesty and integrity. My thanks must also go to Mr Kevin Reynolds, Mr Kim Young and Miss Karla Tucker from the Builders Labourers, Painters and Plasterers Union. My thanks also go to Mr Jim McGiveron, Mr Rick Burton and members of the Transport Workers Union. Thanks must also go to Mr Glen Anderton and Mr Don Bartlem of the Australian Workers Union. I also acknowledge the support of Mr Gavan Troy, Mr Colin Campbell-Fraser, Mr Eric Ripper the member for Belmont, Mr Julian Grill the member for Eyre, Miss Bronwyn Croghan and Mrs Darinka Ravlich, all of whom have provided encouragement and guidance over many years.

Finally, I wish to acknowledge the support of my family with whom I have shared an incredible journey, taking me from the Croatian village of Kozica to this place. I extend to my brothers, Mladen and Joskan, and sisters, Jasna and Marijana, and their families my sincerest thanks and appreciation for the inspiration, support and love they have shown me, which over many years has bonded our hearts. Finally, and most importantly, I express gratitude to my father Ivisa and late mother Ljubica for the extraordinary sacrifices they made so that, in the words of immigrant songwriter Eric Bogle, "Their children would not have to taste the bitter bread of poverty". They left the familiarity of their village, their friends and extended families to move to an unknown frontier. In the words of Bogle again, "They each took with them a brave and willing heart and two strong arms". I salute my parents and all other migrants alike for their enormous courage, strength and foresight. I stand in this place in honour of their contribution to this State.

The 1960s were a time of great growth and optimism in Western Australia, leading to a call for migrant labour. In the interests of providing a better life for his family, my father took up this call in 1962 and came to this country. The remainder of the family followed a year later. So that members do not speculate about my age, I advise that I

was five years old at the time. They can do their own arithmetic! Thirty years ago there were far fewer support services for people from non-English speaking backgrounds, and many new Australians were left to cope as best they could. Large numbers of them experienced a sense of isolation and alienation because they were different in presentation, language and culture. It is within this context that I developed a real appreciation of the struggles and aspirations of all minority groups within our community. In view of my own journey, I intend to bring to this place a perspective built upon the first-hand experience of the struggles and aspirations of all people, particularly minority groups, indigenous Australians and ethnic peoples in Western Australia.

This perspective is significant, as the 1991 census figures show that 28.9 per cent of the State's population were born overseas. Of these, 11.8 per cent were born in non-English speaking countries. A further 23.3 per cent of the State's population are Australian born with at least one parent born overseas. Together these two groups account for more than half the population of Western Australia. Irrespective of their backgrounds, migrants from all over the world have vested their main allegiance to Australia and have accepted the structures of Australian society. It is, therefore, surprising to discover that I and all other migrants stand accused by Mrs Hanson, the federal member for Oxley, of destroying the Australian identity by forcing our culture and values on others. We stand accused of contributing to this State's level of unemployment. We also stand accused of transferring the problems of our way of life to Australia. Furthermore, in her view we are not a part of mainstream society, and will not be until such time as the policy of multiculturalism is abolished and billions of dollars are saved. These assertions represent a narrow and bigoted view of multiculturalism which the good people of this State should not have to defend. Using Aboriginal people and ethnic minority groups as a scapegoat for a plethora of complex economic, social and political issues is a very dangerous pastime indeed. The simple fact is that Western Australia is a multicultural society built by the efforts of all people, including indigenous Australians and migrants from all over the world. Their combined contributions have defined, and will continue to define, this State's unique character.

I now briefly turn to the issue of financial management. I believe all Western Australians are hurting under the Court Government's policies. Since coming to office the Court Government has promoted a record of strong financial management which has been highlighted by its preoccupation with debt reduction. Privatisation and the sale of government assets have been the vehicle by which debt has been reduced. The Court Government refers to this as its "sale for public benefit policy", with Western Australians being told repeatedly that they will be better off as a result of privatisation, that jobs will not be lost, and that competition will reduce costs and flow through to consumers. This is not so. I do not know of any examples where Western Australians are paying less for key services. In fact, in the recent state Budget, the Government increased AlintaGas rates by an average of 3 per cent, Western Power rates by 3.75 per cent and Water Corporation rates by approximately 4 per cent. In addition, motor vehicle licence fees, public transport fares and drivers' licence fees increased substantially. I ask the Government: Where is the public benefit?

Contrary to Western Australians being better off, privatisation and commercialisation of the public sector has resulted in reduced levels of government spending on essential services, more than 12 000 public servants losing their jobs, government agencies being reduced in size and function, and services to the public being reduced in quality and quantity. All this at a time when the Premier has increased the size of his Department of Premier and Cabinet. All this from a Premier who said in *The West Australian* of 9 January 1993 that "While the coalition would privatise some government services and contract others out, there would be no wholesale reduction in the public sector work force". All this from a Premier who said in a 1993 policy speech that "True" - I do not know what he means by true - "public servants will have nothing to fear and much to celebrate". Over 12 000 public servants are not celebrating; and they are only the tip of the unemployment iceberg that has been created by this Government. To put it bluntly, all Western Australians are hurting because of the Court Government's policies.

Privatisation and contracting out has also failed to deliver the much talked about opportunities for small business. Hildyard and Sexton, in a recent article titled "Cartels, Low Balls, Backhanders and Handouts - Privatisation in the UK", argue that -

The theory has been that there will be more competition, more private finance and less bureaucracy. In practice, the private companies frequently act as cartels rather than competitors, combining resources to tackle large scale projects and to ensure that they have state guarantees against financial default.

This scenario leaves many small businesses victims rather than beneficiaries of the privatisation push by this Government. The benefits of privatisation are not flowing through to small business, which desperately requires a restoration in consumer confidence. However, this is unlikely to happen at a time when government, consumer and investment spending is down - a situation clearly not conducive to economic growth. All Western Australians are hurting under the Court Government's policies.

Public sector privatisation and a preoccupation with economic rationalism is having a contractionary impact on economic activity in this State. Western Australia now faces low consumption growth in small business, a depressed

housing sector, and low consumer confidence, despite numerous interest rate cuts. Reductions in consumer, investment and government spending are fuelling economic uncertainty and driving consumer confidence downwards, a trend which cannot be allowed to continue.

The future of our State rests with more jobs and better management. That is what the Premier promised yet again in a 1993 policy speech, but that is exactly what has not been delivered. Better management means that all sectors of the economy are managed efficiently and the benefits flow to all sectors accordingly. This is clearly not happening, with some sectors experiencing extreme hardship.

According to page 18 of the document titled "Western Australian Economic Review of January 1997", published by the Western Australian Chamber of Commerce and Industry -

Economic activity in Western Australia was fairly subdued over most of 1996. The unemployment rate fluctuated around a trend level of 7.7 per cent for most of the year, retail sales softened and the residential building sector lagged behind even the tardy recovery which began nationally in the later months of 1996. Bankruptcies tended upwards to their highest level in five years.

By September it was clear that WA's economy was no longer the strongest performer of the Australian States. Its overall growth rate had slipped below the national average and its retail sales for the quarter dipped even more sharply than in the rest of Australia.

This picture is very different from the one painted by the Premier in his recent Budget speech, which indicated that the Western Australian economy was booming. The simple fact is that it is not, and a major gap exists between strong overall growth in Western Australia's gross state product and weak activity in many parts of the State's economy. This gap exists because much of the economic growth in Western Australia can be attributed to the high level of activity in the resources sector. This activity has brought the State Government a significant increase in revenue at a time when many other sectors of the economy are struggling. The mining and petroleum sector is, as many members would know, a major economic force in Western Australia, accounting for 73 per cent of the State's export income. However, increased investment and production levels in the resources sector have not translated into better economic or employment prospects, leaving most Western Australians bewildered and questioning the value of a resources boom which is failing to deliver any direct benefit to them.

Clearly, Western Australians are not receiving enough economic benefits, particularly employment benefits, from the resources boom. This can be attributed to factors such as high levels of foreign investment, the capital intensive nature of resources projects, failure to value add, and a local content policy that does not sufficiently protect the interests of Western Australian companies or workers.

Unemployment remains unacceptably high, with Western Australian Treasury papers showing that despite the Court Government's boom rhetoric, employment is not forecast to improve significantly over the next four years. Western Australians are hurting under the Court Government's policies.

Information from the Department of Resources Development shows that during 1996-97, six major projects valued at \$354m were commissioned. These resulted, however, in only 460 construction jobs and 135 operational jobs. Likewise, new multimillion dollar resource development projects coming on line, such as the mid-west integrated steel project near Geraldton valued at \$2.4b, the Australian United Steel Industry project near Wickham valued at \$1.5b, the Mineralogy iron ore enrichment plant in the Fortescue area valued at \$1.8b and the Mt Gibson iron ore project valued at \$750m are estimated to generate approximately 9 000 new jobs during the construction phase but less than 2 000 permanent operational jobs.

All too often, the benefits from major resources development projects for local workers, irrespective of their value, are limited because most construction jobs are short term, mine operations require fewer workers due to their capital intensive nature, and there are no government guarantees that new work will go to Western Australians or that core components of plant construction will be manufactured locally.

It is simply not good enough to export our employment opportunities overseas. A key role for government is to protect the interests of our industry and workers. Western Australians are hurting under the Court Government's policies. Recently jobs have been moved to South East Asia because companies like the big Australian - The Broken Hill Propriety Co Ltd - prefer to pay workers \$2 an hour. BHP's recent announcement of 2 000 job losses at Newcastle by the year 1999 and up to a further 9 000 job losses in allied industries as a result of restructuring must be seen as a potential threat to Western Australian industry and workers because it sets a precedent for other companies to follow, particularly if State Governments do not act. I ask the Premier to guarantee that workers in the Western Australian resources sector will not suffer the same fate.

The Government has a key responsibility to determine why Western Australian companies are not competitive in certain areas and to devise strategies to overcome specific problems. To that end Western Australia would benefit enormously by having a long term economic growth plan, part of which might include a comprehensive industry strategy to drive economic diversification and growth. The economic growth plan might include strategies to ensure that Western Australia has long term infrastructure and capital supply; a skilled labour force; a more targeted approach to the amount and role of foreign investment; and strategies to promote a manufacturing base and import replacement industries.

Western Australia must have a plan to promote downstream processing opportunities across a range of industry sectors, and not limit itself just to the resources sector. We must diversify and spread risk by assessing the potential to establish value adding industries in all sectors. We must promote the establishment of a secondary industry base, rather than continuing to rely on primary and tertiary industries. For far too long high labour costs have been said to prohibit secondary industry development in this State. However, many projects that may previously have been thought to be uneconomical should be revisited for a reassessment of their economic viability. Twenty years ago kangaroo and emu meat for human consumption was unheard of; it was considered that such an industry could not be developed. Yet today both meats are gracing the tables in the finest restaurants in the world. On behalf of all Western Australians this Government must intervene in the marketplace and independently reassess the downstream processing and value adding potential across a range of industries. Failure to do so will leave us at the mercy of international market forces.

I now turn to an area which I consider vitally important to the future of this State - industrial relations. The coalition policy paper entitled "Jobs and Choices" put out in October 1992 stated that the coalition promised to create choice by providing another system of work arrangements alongside the existing award. It said that employees need not fear change; that employees would be free to continue under the existing system. This new choice, it said, would allow employees to take an active and responsible role in setting their own conditions through harmonious relationships between employers and employees.

Since the coalition Government came to power there has been anything but choice and harmony. We have seen a lack of choice, disharmony and a direct assault on the union movement. Tens of thousands of workers have lost their jobs, had their wages cut by between 20 per cent and 30 per cent, and had their hours extended and their conditions eroded. Major changes have undermined the effectiveness of unions and the Industrial Relations Commission.

Most recently the Government further undermined the democratic rights of unions and workers by introducing the Labour Relations Legislation Amendment Bill - the Bill of shame. Members opposite know this legislation was politically motivated, is anti-union, discriminates against unions and union members, and in a covert way aims to create two classes of workers in this State. Those opposite also know the coalition Government's real agenda at this time of immense insecurity in the workplace is to frustrate the legitimate work of unions, which is, and always has been, to protect the wages and working conditions of Western Australian workers. This legislation aims to frighten workers from joining unions and to tie up unions in litigation. It is a vicious attempt to break their spirit and to ruin them financially. However, apparently some members opposite do not know the spirit of Western Australian unions and workers is strong, and neither they nor members on this side of the House will shy away from the challenges required to protect our fundamental democratic rights. We will continue to work until this Bill is off the Western Australian Statute book.

A most disturbing aspect of this legislation is the restrictions on unions to enter a worksite. Historically, as part of the award provisions, unions have had the right to go on site to check the working conditions, wages and other records of the workers. As this will no longer be the case, it has the potential to result in employers not maintaining records, and reducing the working conditions, wages and occupational health and safety standards on sites. I am not alleging that all employers do not do the right thing; there are some very good employers in this State. However, some do look at ways of cutting costs, and occupational health and safety happens to be one of those areas. Under this Bill of shame many breaches will go unchecked, leaving the floodgate open to worker exploitation. Workers' lives will be traded off for profit. Employers' rights and profits will now drive this State's industrial relations agenda.

Only last year I attended the funeral of Mark Allen, a former organiser with the Western Australian Builders Labourers, Painters and Plasterers Union; a young man taken in his prime while he was trying to protect the working conditions of others. As members may remember, in his capacity as organiser, Mark entered an East Perth demolition site only to find major breaches of occupational health and safety. While warning workers of the dangers on that worksite he fell through asbestos sheeting to his death. It was a tragedy that could have been avoided and certainly one that we should have learnt from. Hundreds of workers are at risk every day in their workplace. The right of union officials, such as the late Mark Allen, to enter sites has possibly saved the lives of hundreds of workers. Unfortunately, under this Bill of shame it will no longer be the case. I remember the anger of construction workers across the State at the loss of a son last year. Under this legislation we can expect to lose more sons and daughters.



This legislation denies unions a right of entry to investigate breaches of occupational health and safety, particularly when resources to this area have been drastically cut.

More than any other piece of legislation, this Bill of shame has reduced the rights and working conditions of Western Australian workers, leaving the most vulnerable workers in the community at greatest risk. They have far fewer resources with which to protect themselves. Western Australian workers are hurting under the coalition Government's policies.

As the first woman born in a non-English speaking country elected to this Western Australian Parliament, I am particularly concerned about the impact of this legislation on workers from non-English backgrounds. This group often has little, if any, negotiating power in the work force. It is at risk of being further exploited in the work force. Without union protection, the plight of this group is destined to deteriorate. Migrant workers with little or no command of English are less likely to be aware of their employment entitlements, to be able to negotiate a good employment contract, and to be able to seek special employment conditions. Rather, they are more likely to have no choice but to accept whatever work is available regardless of pay or conditions, as long as it provides them with a start in a new country. Migrant workers are often most in need of union representation; yet under this legislation if they have a problem which results in a visit to a work site by a union official or an organiser it may place their job at risk.

These issues are of grave concern to me and many of my constituents in the East Metropolitan Region. The people with whom I have consulted strongly believe that this legislation should have been deferred until members elected to the Council took their position on 22 May 1997. How ironic that I, an elected member of this Parliament, was prevented from voting on this legislation while Senator-elect Hon Ross Lightfoot was artificially kept in this Chamber to maintain the Government's numbers.

There are members of the Government who know the folly of this legislation. However, Hon Ross Lightfoot's preselection shows why they must cower before the more extreme elements of the Liberal Party. Unfortunately for all Western Australians, the Government's determination to finalise the passage of the Labour Relations Legislation Amendment Bill had more to do with the internal politics of the state Liberal Party than it did with the State's industrial relations agenda. The ramming of this law through this place was a deliberate act by a desperate Government to force its ideological will on tens of thousands of honest, hard working men and women in this State.

All this from a Government without a mandate to legislate this draconian law that the good people of this State must now live with. It is a law born without consultation - by stealth - and one which will haunt this Government to its demise. It is a bad law. This Government need only look at the latest Westpoll results to recognise the extent of community outrage.

The bloody-minded and arrogant attitude of this Government has resulted in denial of natural justice to Western Australian workers. It weakens the safeguards protecting them. We on this side of the Chamber will not rest until the Bill is killed. We need only look at economies such as that of the United States of America to see the dangers of allowing the conservative forces to weaken safeguards protecting workers.

In an economy where a preoccupation with individualism is giving way to an obsession with oneself, collective responsibility is increasingly seen as somebody else's problem and workers are left to fend for themselves. It is common practice in the United States for employers to achieve competitive advantage by driving down wages. When one employer does that, others are forced to follow. The net result is a growth in what is known as the working poor. Thirty-six per cent of working Americans are earning poverty level wages. This is a situation we must not allow to happen here otherwise Australia, like the USA, will move towards a plantation economy in which a small but powerful elite will dominate this country's agenda.

I am confident that I speak for the majority of Western Australians when I say that I want to live in an egalitarian society where workers and their families can afford quality health care; where the children of blue collar workers can access a quality education system, particularly tertiary education; and where our senior citizens who have made a major contribution to this State over a lifetime can access good quality nursing care without being fleeced.

Under Court and Howard Government policies our first class health system is in the process of being dismantled. We now have up-front entry fees for university education and changes to the higher education scheme, commonly known as HECS. Under these new arrangements students unable to gain a university place on the strength of their entrance examination will be able to buy their way in if they have at least \$60 000. That will result in an education system based on the capacity to pay rather than academic ability.

Under the Court and Howard Governments the elderly must pay up-front nursing home fees of anywhere between \$26 000 and \$60 000 - the reported figures; some nursing homes may charge more. This will invariably result in a

two-tier nursing home system in this State where people with the means will have better quality nursing care and those without must put up with what is available.

Recently, the Howard Government introduced a saving incentives scheme through a tax concession on interest earned, a policy designed to assist those with large sums of money to invest. I know of very few people in the East Metropolitan Region who will benefit from that policy, from which even the Prime Minister is now trying to back-pedal.

Western Australians are hurting under Court and Howard Government policies because they do not meet the aspirations of all people for a decent, secure, dignified and constructive way of life. In fact, under conservative government policies that will be achieved for a small elitist group at the expense of all other Western Australians.

A good friend of mine recently visited the United States of America and on his return I asked him to describe that country to me. The first thing he commented on was the number of homeless people begging in the streets. I am told that the United Kingdom shares a similar problem. The economic, social and political policies that we pursue now will determine, among other things, the society we end up with in the future. I for one never want to see this great State go down that path. It is our collective responsibility to ensure that it does not. I am here because I want to make a difference.

I hope one day to look back and take pride in the contribution I made to this State. For that reason I do not intend to shy away from the difficult issues or to be a shrinking violet in this place. Rather, I look forward with enthusiasm to being an active participant in this Chamber over the next four years.

In conclusion, I acknowledge the people in the Public Gallery who made this a very special occasion for me by being here tonight. I thank them for their time and their kindness. Finally, Mr President, I hope you have a successful career as the President. I know that even on those very rare occasions when you will find the need to bring me to order, you will be acting in my best interests and in the best interests of the House; therefore it will not be taken personally. I thank you for your indulgence.

[Applause.]

Debate adjourned, on motion by Hon Muriel Patterson.

#### **STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS - MEMBERSHIP**

On motion without notice by Hon N.F. Moore (Leader of the House), resolved -

That Hons Murray Criddle and Simon O'Brien be appointed to the Standing Committee on Estimates and Financial Operations in place of Hons George Cash and Alan Carstairs.

#### **BANK MERGERS BILL BANK MERGERS (TAXING) BILL**

Hon N.F. Moore (Leader of the House) advised the House that the Bills committee had assigned category B to the Bills.

#### *Cognate Debate*

On motion by Hon Max Evans (Minister for Finance), resolved -

That leave be granted for a cognate debate on the Bank Mergers Bill and the Bank Mergers (Taxing) Bill.

#### *Second Reading*

Resumed from 6 May.

**HON MARK NEVILL** (Mining and Pastoral) [8.42 pm]: I begin by complimenting you on your election, Mr President. It is hard to get used to seeing you in the Chair. I expect to see Hon Clive Griffiths walk around the corner and take his place at any moment. I have to get accustomed to seeing you in the Chair. You are assured of my cooperation in your running of the House over the coming years.

The Opposition supports the two Bills that we are debating cognately. While am intrigued by the logic and the form of these Bills, I have no quarrel with their content. The Bills establish a framework which will facilitate bank mergers and allow them to be dealt with by a number of means, including by regulation, by adopting the relevant law of another State or Territory, or by a combination of both of those means. We have been told that the New South Wales Parliament last year enacted legislation similar to this Bill.

This sort of legislation would normally fall foul of uniform legislation concerns, which have grown in recent years, especially when we have been asked to agree to uniform measures at short notice. That resulted in changing the standing orders of this House. As I said, these Bills resemble uniform legislation. However, they are different in some respects. It would be interesting to have the views of a committee of another place, that long-running, much-travelled Standing Committee on Uniform Legislation and Intergovernmental Agreements. However, that is not available.

Hon Kim Chance: Is jealousy coming through?

Hon MARK NEVILL: I stressed the long-running and much-travelled part.

This Bill is different in that it is ancillary to the policy of the legislation. The policy area of legislation is an area of concern to the Commonwealth. Bank mergers have nothing to do with State legislation; they are the province of the Commonwealth. They are controlled by the Trade Practices Act and the Australian Competition and Consumers Commission, which assesses whether mergers comply with that Act. All other legislation that relates to bank mergers, including the Banking Act, which gives the Treasurer power over mergers, the Banks (Shareholding) Act, which restricts individual shareholders' holdings to 10 per cent of banks, and the Foreign Acquisitions and Takeovers Act, is commonwealth legislation. Therefore, bank mergers have little to do with our legislative responsibility. This Bill merely facilitates that merger by making some arrangements to deal with state stamp duty. Those transfers of accounts could occur without this legislation. It is a slow and time-consuming process.

There are problems with this legislation, which I will discuss later. We have been told in the second reading speech that this Bill is modelled on the New South Wales legislation. We have been told also that two mergers are in progress, the first of which is the National Australia Bank's merger with the Bank of New Zealand. I racked my brain earlier today in an attempt to remember when that occurred. I knew it was some time ago. However, a Treasury officer advised me this evening that it occurred in 1992. Therefore, this merger has been a long time coming and I would be bold enough to say that the National Australia Bank and the Bank of New Zealand have probably dragged their feet in getting the merger to this stage. The merger is not a significant merger in terms of the number of accounts in this State. I am not sure what the figure is.

Hon Max Evans: Six thousand.

Hon MARK NEVILL: That is not a large number of accounts when one compares it with the Westpac-Challenge Bank merger, which involved some 330 000, according to the second reading speech. Obviously that would be a very slow and time consuming task.

The second reading speech also states that there is also an expectation that further bank mergers may occur following the Wallis inquiry. I must tick the Minister off because that part of the speech was written before the Wallis report. I have told other Ministers in this House that if the Bill is amended in the other place, the second reading speech should be rewritten.

Hon Max Evans: It was read on 6 May.

Hon MARK NEVILL: The Minister's staff and the Minister should ensure second reading speeches are brought up to date. The Wallis report is a monstrous tome. I was intrigued to find that I was the first person to take it out of the Parliamentary Library. I thought it would have had many other people's fingerprints on it before mine. It is in pristine condition. The Wallis inquiry recommended that banks could merge with life assurance offices; however, it recommended against the four major banks - the National Australia Bank, the ANZ, Westpac and the Commonwealth Bank - merging. If that is a recommendation of the Wallis inquiry, it is not yet a policy of the Government. The Government is yet to respond to that. However, I would be surprised if the Federal Government allowed those four major banks to merge. I do not believe we will see legislation in this House relating to the merger of the National Bank and the ANZ or Westpac, and certainly we would not see mergers being done by way of regulation. That would be an extremely contentious merger. I think most people would object to that.

The second reading speech also states that bank mergers are on the increase. I do not believe that is true. The second reading speech refers to two mergers, the NAB-Bank of New Zealand merger and the St George-Advance Bank merger. They are in train. The only other regional bank that I know of that has not been taken over is the Bendigo Bank. If mergers will not occur among the four major banks, that is not a valid statement. Basically the scraps are left: The regional banks have gone in all but name. They are allowed to keep their name now only because of a change to banking laws about two years ago. They can have only one licence, but they can trade under different names.

This Bill will overcome the expensive and time consuming documentation associated with the transfer of banking business from one bank to another. This must be done because under the law banks can hold only one licence. This

Bill purports to facilitate these mergers without delaying the time of the House. That is a dangerous assumption. Bank mergers will still have to be done separately because they will occur at separate times. If bank mergers are done by regulation, they will be subject to disallowance. There is a different effect of disallowance in this case. If the Government increases by regulation drivers' licence fees, anyone who is due to pay the licence must pay the higher fee. If that increase is later disallowed, the fee will revert to the old licence fee. That is an ongoing stream of events that can be affected by disallowance.

In this case the disallowance may occur after a period in which all the transactions have gone through and when there is none to follow. If all the transactions are completed before the disallowance comes into effect, the disallowance will basically be a Clayton's disallowance; therefore, we could be giving ourselves an illusory power. These regulations must be disallowed within 14 sitting days. If members wanted to do that effectively, they would have to move quickly after the regulations were tabled to thwart a bank transferring the accounts quickly. Facilitating this merger by regulation is an odd way of doing it.

People are sensitive to banks and they are sceptical about how banks operate. Just this week there was a 0.5 per cent decrease in the Reserve Bank rate and that afternoon banks announced varying drops in their housing loan interest rates. However, those rate drops will not come into effect for two months. On the other side of the cycle, when interest rates go up and the Reserve Bank announces an increase, will the banks follow suit by announcing an increase in the bank rate the next day, or will that increase be postponed for two months? One can envisage people getting upset about what banks do with their rates when a merger that could be subject to disallowance is before Parliament.

Another mechanism in this Bill is the use of the legislation of another State. That occurred previously in a fair trading Bill that came before the House. That Bill included model legislation that was introduced in the Queensland Parliament and, as I remember it, legal challenges to that legislation had to be dealt with in Queensland. I do not think cross-vesting powers of the two Supreme Courts were in effect, at least not initially. This House should view that sort of strategy with great concern because it takes matters out of the proper control of this Parliament. I do not believe much time is saved by using this style of Bill to facilitate this legislation. The Government must still draft the regulations. These are not large Bills; they are only two or three pages long. To my knowledge such legislation has not been delayed in either House when previous bank mergers have occurred. I do not believe much time will be saved in the House and in drafting.

I telephoned the National Australia Bank Ltd early yesterday morning to discuss this matter with its legislation people. As late as the close of business today my telephone call had not been returned, which does not impress me. I am not sure how much interest the National Australia Bank has in this legislation. It merged with the Bank of New Zealand five years ago. Two days is ample time to get back to me. I gave the bank the number of my mobile phone, which has a message bank. Plenty of others have been able to get through, so the bank cannot say it was unable to reach me.

Members are debating two Bills, the second of which is the Bank Mergers (Taxing) Bill. Clause 3 of that Bill requires the Treasurer to recover from parties any state taxes and charges that would normally have been forgone by this process. New members might not understand that process. When a tax is imposed, a separate Bill must be introduced and that is why the taxing provisions are included in that Bill.

This Bill has been classified as a class B Bill; therefore, it is contemplated that this Bill can be dealt with by the Standing Committee on Legislation. This Bill has been delayed, as has the Iron and Steel (Mid West) Agreement Bill, by the industrial relations legislation.

Hon N.F. Moore: It certainly can be sent to the Legislation Committee, but your leader indicated to me that it would be passed tonight.

Hon MARK NEVILL: The Leader of the House suggests he has been misled by the Leader of the Opposition.

Hon N.F. Moore: Only if it is not resolved.

Hon MARK NEVILL: I changed my mind about sending this Bill to the Legislation Committee about an hour ago. On doing that I immediately advised the Minister for Finance of my change of mind and the reason for that change. I gave him that courtesy. It was my decision, entrusted to me by Caucus. The Leader of the House may not have been aware that I advised the Minister for Finance of that decision. Hon Norman Moore should not reflect on the Leader of the Opposition in that case because we are living in a new world in this place.

Hon N.F. Moore: It's okay, Mr Nevill, so long as we know that when you tell us what is to happen, it will happen.

The PRESIDENT: Order! Hon Mark Nevill should address the Chair.

Hon MARK NEVILL: My party has always supported -

Hon N.F. Moore: Will you be ringing up the banks to tell them, too?

Hon MARK NEVILL: It is not my job to ring the banks; I have already rung the banks and they did not have the courtesy to return my call!

Hon N.F. Moore: I don't blame them.

Hon MARK NEVILL: To whom shall I talk?

The PRESIDENT: Order! Hon Mark Nevill will address the Chair.

Hon MARK NEVILL: We move for the disallowance of regulations quite frequently to debate an issue, and not necessarily to have the regulations disallowed. On occasions, it would have been quite embarrassing if the opposition members' bluff had been called as we have always worked on the premise that nothing would happen because we did not have the numbers. However, things have changed and we must be careful about what we do now. We cannot just move disallowance to debate a matter as it might actually be disallowed!

Hon Max Evans: Hon Alannah MacTiernan found that out one night.

Hon MARK NEVILL: In current circumstances, we must be more circumspect than we may have been in the past.

I have read section 42 of the Interpretation Act many times over the years, and for some reason my view was that disallowance of regulations applied from the date of original gazettal. However, it is a prospective provision as the regulations cease to have effect on disallowance. Therefore, disallowance on the bank Bills' regulations will not affect any transactions carried out before disallowance takes effect. Also, the Opposition can move disallowance, but the Government decides when the motion is dealt with; it may be dealt with three to six months later if a recess is involved, and that is the main concern.

I am not particularly worried about telling the banks about this move as they can wear the decision of this House. This Bill will affect 6 000 depositors, and referral to a committee will have not have the same effect as delaying a merger Bill with which 330 000 depositors might be involved. These transfers can be conducted manually without this legislation. These two Bills, along with the Kingstream Bill, were held up by passionate debate on the industrial relations Bill, but that was the Government's choice as it manages the business of this House. If some problem is caused by that delay, I do not accept full responsibility for that - although I accept my share. Certainly, the Government's management of business has left a lot to be desired. It can allow the banks to conduct these transfers manually or draft a separate Bill to facilitate the stamp transfers in this merger, and I am sure that such Bill would be dealt with urgently.

The Labor Party has a problem with not the policy of the Bill, but the method of its implementation.

Hon Max Evans: You're pre-empting the committee by saying that you want the Bill redrawn in certain ways.

Hon MARK NEVILL: Not necessarily. I am making suggestions to the Government, which it can discuss with the Legislation Committee if the referral is successful. I believe that Hon Helen Hodgson will move for referral to that committee after the second reading is passed. The Australian Labor Party will support the Bill and its referral to the Legislation Committee.

**HON H.M. HODGSON** (North Metropolitan) [9.04 pm]: It seems to be a tradition for Democrats to be thrown into weighty matters on the first day that they take their seat. I have looked at the Bank Mergers Bill and the Bank Mergers (Taxing) Bill and the second reading speeches. The policy of the Bill is to facilitate bank mergers, which are matters of Federal Government policy, and Reserve Bank and Australian Competition and Consumers Commission supervision. State responsibility is limited to the commercial issues dealing with the transfer of assets and other matters associated with the change of ownership.

I recognise and appreciate the need for commercial certainty in dealing with these issues, and mechanisms are included in the Bill to deal with contractual issues associated with the merger. The other major issue is the protection of the revenue base; namely, the stamp duty or any other taxes involved. The Democrats agree with the general principles of the Bill, but we have two major concerns about some of the mechanisms to be used to implement this policy. We would like to see the matters debated in more detail.

The first of these concerns is the accountability mechanism. Members have heard my colleague Hon Norm Kelly and I speak tonight on accountability. Therefore, it is interesting that the first Bill to come before us is one which falls short in these areas. The Bill delegates legislative authority from Parliament to regulations, which can be laid before Parliament for disallowance. The sitting timetable, when read against the Interpretation Act, indicates that we have six sitting days before the regulations are laid before the House - that is two weeks. One has 14 sitting days to move for disallowance, which is at least five weeks, and one must debate the motion within 10 days of its

introduction. Therefore, we have 30 sitting days from the time that the regulation is gazetted until disallowance may occur. Essentially, any regulated action will be valid if it is not disallowed in that time. That is a concern for the Democrats.

A date is relevant to bank mergers. The last Bill before the House on such matters was the Westpac Banking Corporation (Challenge Bank) Bill 1996, which contained a commencement date defined by proclamation. It was a specific date. It is conceivable that the date on which these Bills before the House take effect could be within the first six sitting days of the timetable I outlined. Therefore, no opportunity would be available to this House or the other place to exercise their rights to scrutinise the regulations. It is a particular problem with a lengthy recess pending; within a few weeks we will rise for the winter recess, which will extend the time involved over several months.

Orders are also referred to in the Bill, and these are a concern as they cannot be disallowed under the same procedure as regulations. I am pleased to see that the Bill contains a mechanism to apply to orders the same process of disallowance as applies to regulations. This is an excellent idea.

The second concern is the arrangement for the collection of tax. A reason given for introducing this Bill is that it will protect the revenue base. My background in the taxation profession means I am well aware of how important it is to protect the revenue base, and it has given me some ideas about how to provide that protection. I notice that the Bill uses the phrase that the amount payable is to be determined by the Treasurer in accordance with such principles as the Treasurer thinks appropriate. That phrase leaves the matter flexible and open-ended, and an explanation is required on why it needs to be left open-ended. My first reaction is that I would prefer to see parameters in place, such as a requirement that the revenue is at least equal to the amount expected to be received in stamp duty on the transfer. It is well and good to say that the current Treasurer will adopt these principles, but who knows who will occupy the Treasury benches after successive elections - who knows, we may see Democrats on those benches one day! It is important that there be parameters in the legislation allowing the Treasurer to apply those principles in reaching that determination.

The Democrats agree with the principle and policy of the Bill, but these issues cannot be resolved tonight. I foreshadow that I will move to refer this matter to the Standing Committee on Legislation for urgent consideration. In view of the urgency with which the Government has said it wants this Bill to pass, I am happy to make that a very urgent review.

Hon Derrick Tomlinson: How long is that?

Hon H.M. HODGSON: The proposal is that the committee report back by 11 June, which might require extra meetings.

**HON J.A. SCOTT** (South Metropolitan) [9.12 pm]: Mr President, I also congratulate you on your success in achieving the Presidency of this House. Having seen you in other roles, I have great respect for your ability and I am sure you will do a wonderful job in keeping this House in check.

I support the position put by Hon Helen Hodgson. From a philosophical point of view, I am concerned when this House considers Bills that could become template legislation. Such legislation must be very carefully considered in case there is an error because, if there is, it could be very costly.

Hon Mark Nevill has pointed out already that the regulation process can be more time consuming than going through the normal process of debating Bills. After all, bank mergers do not happen every day of the week. Of course, such legislation can be amended later, but it would be much better if we were to get it right the first time.

While the method described might make the process simpler and speedier, which is debatable, the community expects this new House to ensure it is not handing its powers over to the Executive without ensuring that the proper checks and balances are in place.

I have looked at a number of provisions in this Bill, some of which deal with the existing or pending legal proceedings that might be the subject of regulations. There could be a problem if those regulations were challenged in the courts by people with large amounts of money, such as banks, especially if those legal challenges must be sorted out in other States, where we have little control over what happens.

Some other regulations concern me, not just those relating to the legal proceedings but also those dealing with employment, superannuation and related rights of the staff of banks. I would hate to see such related rights disappear because this House did not consider legislation properly. I want to ensure that those rights are safeguarded. I will support the motion moved by Hon Helen Hodgson when it is put at the end of the second reading stage.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [9.15 pm]: I was pleased with the support I appeared to be getting from Hon Mark Nevill when he said the Opposition supported the legislation, but he quickly moved away from that. If members opposite talk about defeating this legislation, they should remember that the previous two Bills should have been defeated. There was only one Bill; as the then President pointed out, we did not have a separate taxing Bill. Everyone else appeared to have overlooked that. In hindsight, there was a very good reason for that legislation to go to the Standing Committee on Legislation. However, it has since been sorted out.

Hon Mark Nevill referred to the Wallis report. I thought it came out after 6 May and my second reading speech in this House. There has been time to consider it. I confirm that Hon Mark Nevill discussed this with me tonight. It is the Opposition's right to disagree with what is going on.

This is probably the simplest piece of legislation that I will introduce in this House. The bank merger has been approved. Hon Mark Nevill pointed out that the merger of the National Australia Bank and the Bank of New Zealand started five years ago. A few years ago we dealt with the merger of the Australian and New Zealand Banking Group and the Town and Country Bank, which took about four years to complete. The Reserve Bank seems to create time delays and we are required to pass the enabling legislation in the last month or so before the time limit runs out. The Westpac-Challenge merger was expedited because Tony Howarth went ahead and did what needed to be done and brought it in well ahead of schedule. Those involved in the Eastern States forget about what is happening here. I remember Ray Turner, the CEO of Town and Country Bank, sitting in the gallery waiting to see the enabling legislation pass on 29 or 30 June. When these mergers happen, the banks end up with only one banking licence and many assets in the old bank. In this case, the two groups have 330 000 deposit accounts and 83 000 loan accounts. The deposit accounts are easily dealt with, but the loan accounts involve mortgages, stamp duty and so on. This legislation is simply about facilitating the transfer of assets by banks doing a deal approved by the Federal Government. The State does not suffer any loss of stamp duty or tax.

Hon Helen Hodgson referred to the Treasurer's role. The Treasurer works through Treasury. We cannot say that the total value of the assets is umpteen billion dollars and tax that amount; each amount must be considered separately according to scales. Treasury must simply approve the method.

Members also referred to accountability. This legislation simply expedites what will happen. The big issue is whether there will be any more transfers. Who knows? The Government is trying to reduce the number of Bills introduced into this House.

Reference was also made to the regulations being disallowed. I do not know why anyone would want to do that. After all, this is simply a mechanism for people to do something they will do anyway. Mention was made of the Standing Committee on Legislation's wanting to see the Bills redrafted specifically for the National Australia Bank and the Bank of New Zealand. As that is the case, I am not quite certain of the mechanics. There is a certain protocol. It has to go to Cabinet to be approved. It could be printed in a couple of weeks. It will not be that quick because there is no way in which one can beat the process. We will look at the position as it emerges. The cost in man hours will be far greater to the State Revenue Department than it ever will be to the banks. They have 6 000 transfers which they will give to State Revenue, which will assess the stamp duty. That will be a longer process than that carried out by the Treasury.

Hon Mark Nevill: Is there provision in the Bill to compensate State Revenue for the work?

Hon MAX EVANS: That comes out under costs, but the department could not pick it up as extra costs. Delegated legislation would not allow that. It would say, "You cannot charge extra costs there for labour otherwise you are raising a tax." Therefore, I do not think we will recover the extra costs. All we will have is stamp duty. I imagine that State Revenue will take some time to work through 6 000 documents. Therefore, we will have X amount of dollars, less my overtime, because I do not think I can charge for it.

I regret that the Opposition feels strongly about this legislation, because there are many more meaningful things it might want to send to the Legislation Committee than this. These Bills are among the simplest pieces of legislation. As Hon Mark Nevill has mentioned, as most of the documents have gone through, we cannot unscramble the eggs. That is what the legislation is all about. It has been split from one Bill for two bank mergers to two Bills, which is the right way to do it. We are doing it this way, even though the former President has left. He quite rightly did not like the previous Bill. We have put it right for him, and I hope he knows about this before he leaves the country. We will not agree to the Bills going to the Legislation Committee. We believe that this is simple legislation. We should just get on with it, pass it and help the banks do their business. I commend the Bill to the House.

Question put and passed.

Bills read a second time.

*Referral to Standing Committee on Legislation*

**HON H.M. HODGSON** (North Metropolitan) [9.24 pm]: I move -

That the Bank Mergers Bill and the Bank Mergers (Taxing) Bill be referred to the Standing Committee on Legislation and the committee report the Bills to the House not later than Wednesday, 11 June 1997.

I have already covered most of the reasons that I believe these Bills need to be discussed in more detail. The intention is not simply to slow down the processes and attack the efficient workings of the legislation. Some matters genuinely need to be discussed. They can be discussed quickly with the aid of people experienced in the area. The Legislation Committee is the appropriate place in which to do this. If the Bills classification committee had reviewed this Bill, I hope that it would have come to the same conclusion.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [9.25 pm]: As I have said, the Government does not support this motion. We believe this is simple legislation; it is well designed and well drafted as a simple mechanism for this bank merger. There may or may not be a third bank merger. Hon Mark Nevill has said that the legislation has been dealt with in this way to reduce the work of the House. We would like to see it get through so that the bank can wind up its business for this year. I presume that the other later merger involving the St George Bank and Advance Bank Australia Ltd, which may be in October or November of this year, would go through very simply. We do not support the motion.

**HON J.A. SCOTT** (South Metropolitan) [9.26 pm]: I certainly agree with the motion put by Hon Helen Hodgson. The very fact that this type of legislation will be used for successive mergers is all the more reason why it should be very tight, and properly scrutinised. I support the motion.

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [9.27 pm]: Hon Mark Nevill said during his comments earlier this evening that times have changed, and he is quite right. Some things should not change; that is, when we have an agreement in place it should remain in place and we should not be left at the end of a period of agreement finding that the agreement does not stand. I make that comment quickly to indicate that I was led to believe that this legislation would be passed tonight by this Council. Because of that I was happy to organise the program today to ensure that new members had time in which to make their maiden speeches and that we did not take up the time of the House debating other issues.

I am the first to acknowledge that for a variety of reasons some rush is attached to these Bills. In the current context the main one is the need of the banks to have this legislation passed.

Hon Mark Nevill: They have waited five years; they can wait another month.

Hon N.F. MOORE: That is fine. I suggest that the member not tell me that but say to the banks which are waiting for this legislation that he has made that decision. There will be occasions in the future when members on the other side of the House seek to get the pleasure of making decisions which mean that this Government will lose votes and those decisions will affect somebody else outside this Chamber. This legislation does not affect the Government and is nothing at all to do with the Government. We are seeking to facilitate a commercial arrangement. If the Opposition, for reasons best known to itself, wants to use its numbers on this occasion - and I suspect we are about to encounter an historical moment - to delay the passage of this legislation, it is up to members opposite to decide.

Hon Mark Nevill: This could have been dealt with two months ago.

The PRESIDENT: Order!

Hon N.F. MOORE: There is some urgency attached to this legislation, which I have explained.

Hon N.D. Griffiths: We dealt with the labour relations legislation.

Hon N.F. MOORE: The labour relations legislation took three weeks of the time of this House.

Several members interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: Members opposite talked and talked until I could not believe they could talk any more. A member in this House spoke for eight hours on one Bill and did not say anything of any consequence in all that time. He would deny 10 000 other people the chance to say a word. To suggest that somehow or other we are wasting the time of the House is absolute nonsense. We had three weeks of time wasting. To say that the industrial relations legislation and our attitude to it has led to a delay with this legislation is nonsense. We could have dealt with it a long time ago.



I was led to understand certain things would happen with this legislation and now they will not happen, as I understand the position of the Labor Party. It is disappointing because I made arrangements on the basis of that understanding. I will no doubt be told shortly by the Leader of the Opposition that I misunderstood what he said. He can say that, but all that means is that from now on every time we communicate, it will have to be in writing, signed and witnessed by 17 witnesses, so that there can be no argument further down the track. The Government is trying to facilitate a commercial arrangement between the banks. I can think of no reason why sending these Bills to the Legislation Committee will make them any better, within the period of time members opposite propose to look at them. We could easily have spent today debating these Bills at length during a Committee of the Whole House, so that all members could have a say about them and perhaps resolve any problems they might feel that only the Legislation Committee could deal with. However, the Leader of the Opposition did not ask for that. He did not suggest until the last minute that it would go to the Legislation Committee.

It is handy to talk about cooperation. Today I listened to maiden speeches that referred to cooperation and getting together to make things better and being one big happy family. We can be a big happy family only if we know what everybody else is doing. However, if the person who is trying to organise the program is the last to know what is occurring and members opposite renege on arrangements that have been put in place, it is difficult to be cooperative and act as one big happy family.

Hon Mark Nevill: We had to cooperate with every whim of yours for 10 years.

Hon N.F. MOORE: That is not true. However, I do not propose to argue with Hon Mark Nevill on that level, because that would be counterproductive. The Government does not believe it is necessary to refer this Bill to the Legislation Committee. The Government will be happy on future occasions for that to happen. The Bills committee gave this Bill a category B classification today on the basis, as I explained to the Leader of the Opposition, that it would be dealt with tonight and concluded. It would not have made any difference whether it was categorised as A, B or C, because that was my understanding of the situation.

Hon Bob Thomas: We did not know.

Hon N.F. MOORE: The Leader of the Opposition did not put me out of my misery at that time. I wish he had, because we could have made other arrangements for the business of the House for the rest of the day. The B category means that the Bill may go to the Legislation Committee.

Hon Mark Nevill: I advised my leader at eight o'clock that I had changed my mind.

The PRESIDENT: Order! I ask Hon Mark Nevill to cease interjecting.

Hon N.F. MOORE: I acknowledge that Hon Mark Nevill and the Leader of the Opposition are entitled to change their minds, and I accept that it will happen frequently in the future. However, if this House is to operate in a reasonably effective way, arrangements between the various parties should at least last for more than five minutes.

**HON TOM STEPHENS** (Mining and Pastoral - Leader of the Opposition) [9.31 pm]: The Opposition agrees with much that the Leader of the Government has said, some of which has been said already. From the brief opportunity I had to listen to the contributions made by other members from this side of the House, and specifically a brief discussion with the leader of the Democrats, Hon Helen Hodgson, I understand that we agree that this legislation should be dealt with expeditiously. I am pleased to see that the motion before the House will ensure that happens. It is proposed to refer the Bill to the Legislation Committee, and it must be back in the House on Wednesday, 11 June, effectively two sitting days. It will be in this place, not the next time we meet as a House, but the day after.

As the Government knows, on behalf of members of the state Parliamentary Labor Party in this place, I have offered it the opportunity to meet tomorrow, the next day, the day after, or next week if the Government's legislative program requires it. We have been told that the Government does not want to avail itself of that offer.

Hon N.F. Moore: We have already organised the Estimates Committees for the next three days.

Hon N.D. Griffiths: They can be shifted.

Hon N.F. Moore: Had I tried to shift them without your agreement, I know what you would have said. Come on, get off the grass.

Hon TOM STEPHENS: I indicated to the government leader that if he was of a mind there was nothing to stop those opportunities being explored. The opposition parties, in particular the state Parliamentary Labor Party, know the temptations with which we are dealing here. We know the great risks involved in being tempted to respond to the way we have been dealt with for year after year. We will resist vigorously that temptation.

Hon E.J. Charlton: Arrangements have always been put in place.

Hon B.K. Donaldson: It is retaliation and revenge.

Hon TOM STEPHENS: Hon Bruce Donaldson is wrong.

Hon B.K. Donaldson: The Leader of the Opposition said it.

Hon Bob Thomas: Hon Bruce Donaldson can talk to his leader about that.

The PRESIDENT: If the Leader of the Opposition addresses his comments to me there will not be any interjections at all.

Hon TOM STEPHENS: I want to disabuse any member on the other side of the House of any suggestion that this is simply a response to years and years of conditioning that has gone on in this House in the way business has been done with the non-conservative parties, and the way that the Labor Party has been dealt with year in and year out. We will resist that temptation. The motion before the House proposes that a specific Bill be referred to the Legislation Committee, be dealt with in double quick time and be back on the floor of the House for its passage to be completed at almost the earliest opportunity - the day after the earliest opportunity. The Leader of the Government indicated that he had been misled. This is not an accurate portrayal of the situation.

Hon N.F. Moore: It is an accurate portrayal of my understanding of the situation. We will get everything in writing now.

Hon TOM STEPHENS: The Leader of the Government allowed himself to mislead himself.

Hon E.J. Charlton: He believed you.

Hon N.F. Moore: I took your word on things, Mr Stephens. I have learnt.

Hon TOM STEPHENS: The Leader of the House may have deliberately misled himself.

The PRESIDENT: I ask the Leader of the Opposition to direct his comments to the Chair.

Hon TOM STEPHENS: Mr President, the Leader of the Government convinced himself that my statement that this legislation would be brought to resolution tonight - I was speaking on behalf of the state Parliamentary Labor Party - would guarantee that this legislation was passed tonight.

Hon N.F. Moore: So that means the Legislation Committee?

Hon TOM STEPHENS: No. I did not know whether a motion would be moved. I want to tell the Leader of the House that the Leader of the Democrats has regularly told me that she will not be treated as some sort of fourth faction of the Labor Party. She had not told me what she would do.

Hon N.F. Moore: This is the tail wagging the dog, by the sound of it.

Hon E.J. Charlton: You are running along like a lamb.

Hon N.F. Moore: This is what happened in the Senate. You became completely irrelevant. You are irrelevant, Mr Stephens.

Hon TOM STEPHENS: I will tell members the chain of events, so that everybody understands the way it works. When I was listening to Hon Ljiljanna Ravlich earlier this evening at about eight o'clock I thought I had better write a note to Hon Mark Nevill. I am sure someone has that note as verification of what I said.

The PRESIDENT: Order! Let us address the motion before the Chair.

Hon TOM STEPHENS: Hon Helen Hodgson will find this educative as well. I said in a note to my colleague Hon Mark Nevill, who has responsibility for this legislation, that I thought there was a possibility that the Democrats might choose to send this legislation off to the Legislation Committee, and the Labor Party should be prepared to consider where it was if that were to happen. After some consideration my colleague sent me a note. I hope he does not mind my reading the note to the House.

Hon Mark Nevill: Go for your life.

Hon TOM STEPHENS: The note states -

Tom,

We will support the Bank Merger Bill going to the Legislation Committee.

Mark.

He has responsibility for the handling of that legislation. That is the first that I knew of it.

Hon E.J. Charlton: You lost control of him as well.

Hon TOM STEPHENS: Hon Mark Nevill has responsibility for handling that legislation.

Hon E.J. Charlton: You are the leader.

Hon TOM STEPHENS: I am a cooperative leader for a range of reasons, Mr Charlton.

The PRESIDENT: The Leader of the Opposition can be cooperative if he addresses me and tries to avoid interjections.

Hon TOM STEPHENS: So that members opposite and colleagues on this side of the House who are not in the Labor Party understand the process, I felt it necessary to write another note to my colleague. That note said that I thought he should check with the Leader of the Opposition, Dr Geoff Gallop, and with Hon Max Evans to ascertain their attitude. I then received a note, and I ask Hon Mark Nevill whether I can reveal what Hon Max Evans said.

Hon Mark Nevill: The Democrats and the Greens (WA) will find out I have a mind of my own.

Hon TOM STEPHENS: Hon Mark Nevill does have a mind of his own. The note said that Dr Gallop said okay. Can I reveal what Hon Max Evans said?

Hon Max Evans: You can say what you want to.

Hon TOM STEPHENS: The message was that Hon Max Evans was not fussed about it.

Hon Max Evans: We can't stop you from saying anything.

Hon Mark Nevill: They are Democrats and you are an autocrat, Minister.

Hon TOM STEPHENS: Members of the Labor Party will always be open to listening to the argument. On this occasion it has done that. It was prepared to find out what was proposed in the motion in case it was moved. I did not know at three o'clock this afternoon what would happen about the handling of this legislation. I was not told.

Hon N.F. Moore: Let us work on the basis that we made no arrangement.

Hon TOM STEPHENS: It is important for members to know what happened at three o'clock this afternoon. This legislation was given classification B. Sessional Order No 5(3)(b) reads -

class B means a bill that may pass unamended or unopposed but which appears to require some consideration whether in a committee of the whole House or a standing committee;  
This Bill was given that classification -

Hon N.F. Moore: On the basis it would be passed today.

Hon H.M. Hodgson: I did not have the opportunity to consult with you.

Hon TOM STEPHENS: I did not have the opportunity to consult with the Leader of the Democrats. It is one of the difficulties of the classifications committee we will have to address. Nonetheless, it was given classification B and it enabled the Leader of the Democrats to do exactly what she did; that is, to move a motion to refer the legislation to a standing committee for consideration. It is not of great moment; it is something which happened -

Hon Mark Nevill: Because I changed my mind.

Several members interjected.

Hon TOM STEPHENS: I assure every member in this House that I will not mislead anyone. Members should listen to what I say.

Hon N.F. Moore: I don't want to listen to you; I want you to write it down.

The PRESIDENT: Order! I ask the Leader of the Opposition to address me. He appears to be concluding his comments.

Hon TOM STEPHENS: I am doing that, Mr President. I will not mislead anybody with reference to any of the undertakings I give. When I used the word "resolution" I did so because I was not sure in what form the motion would be put to the House. I suspected a motion would be moved and that it would fall within classification B. However, I did not know what would happen until later this evening. In that circumstance, I have a clear conscience

that I did not set out to mislead the Leader of the House. However, he has a mind set; that is, whatever the conservative party believes should happen to legislation, should happen. That is what has happened in the past.

Hon N.F. Moore: If you said that it would go to a committee for consideration, that would have been the end of it.

Hon TOM STEPHENS: I do not need to add anything more. No attempt was made to mislead the Government and no attempt will be made in the future by me to mislead the Government. I am urged on by all my colleagues in reference to that.

Hon N.F. Moore: Let me say we believed them on face value.

Hon TOM STEPHENS: I support the motion moved by the Leader of the Democrats and seconded by my colleague, Hon Mark Nevill.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [9.45 pm]: It is worth noting that it is only a few hours since this historic Legislative Council met. I have listened to every speech and every maiden speech with great interest.

I support the Government's position that the legislation should not be referred to a committee for further consideration. I listened with interest to the Leader of the Opposition say that he will not mislead. I think he should also have said that he will not lead. It is the position in which the Leader of the Opposition finds himself. It has taken only a few minutes into the deliberations of this new Legislative Council for that to happen.

Earlier today I had the privilege of representing the Leader of the House at the gathering outside Parliament House. Like all members who have been in this place for some time I look back on all the good and bad things that have happened. I am a great believer that when one is presented with an opportunity to do something which has not been or could not be done before, one is also confronted with increased responsibility. We cannot have one without the other. This is not the end of the world. All members are in good humour and are accepting the situation. Members have a right to put their point of view.

The Leader of the House and the Leader of the Opposition reach agreement on how the business of this House should proceed. The Leader of the House, in addition to being the Leader of the Government in this place, has always cooperated with the Opposition and he will continue to cooperate with the Labor Opposition, the Democrats and the Greens (WA). He will try to accommodate the wishes of all parties and, if it is necessary, he will delay debate on legislation for a day or a week if they are not ready to deal with it. He will arrange, if necessary, briefings on the legislation. The same consideration was given when the coalition parties were in opposition. They always did their best to ensure the movement of legislation through the Parliament and to cooperate with the then Government.

When members reflect on what happened on the first day of the new Legislative Council they will say it is the day on which the Leader of the Opposition said that this simple piece of legislation would be passed.

Several members interjected.

Hon Kim Chance: We will remember the last day of the last regime.

Hon E.J. CHARLTON: All of a sudden he found that the 12 members of the Labor Party were being directed from the rear. It reminds me of a cap with two peaks which has written on it, "Follow me, I am the leader." I will bring the cap with me tomorrow to show Hon Tom Stephens. This motion, if it is passed, will delay the passage of this legislation by a fortnight, not one day as the Leader of the Opposition advised members of the House. I said to the people who were gathered outside Parliament House today that when I first came into this place and I was tested -

Hon N.D. Griffiths interjected.

Hon E.J. CHARLTON: Hon Nick Griffiths would not understand because he was not here at the time. At that stage there were three National Party members -

Hon W.N. Stretch: Four.

Hon E.J. CHARLTON: There were four, if the member wants to throw in the country member of the Liberal Party as well. Things have changed. Hon Mark Nevill is stuck in the Labor Party, which is dominated by a terrible group of people.

Hon Mark Nevill: I am dominated so much I will change the Bill tonight.

The PRESIDENT: Order! If the Minister addresses his comments to me, there will not be a need for interjections.

Hon E.J. CHARLTON: I look forward to seeing what will happen in the future. It is worth recording that this is how opposition members choose to treat the first piece of legislation that they have the opportunity to debate. We would all do well to reflect on this exercise.

**HON NORM KELLY** (East Metropolitan) [9.50 pm]: It is good to hear members referring to the history of this occasion. I am sure that it will take some time for the five parties to work in harmony on these sorts of Bills.

I wish to clarify a couple of points. Hon Eric Charlton said that we had received briefings from the department. It was only yesterday that Hon Helen Hodgson and I were offered a briefing. Hon Helen Hodgson received that briefing today. Therefore, it was not until today that we were made aware of some of the ramifications of this legislation. Because of our concerns about certain clauses of the Bill, particularly clause 18, it is understandable that we wish to see it referred to a committee for clarification.

The Minister for Finance referred to the need to expedite business. However, expedition of business should not override accountability measures. The Democrats will push consistently to ensure that these considerations are not overridden, and that accountability measures are placed in legislation.

As much as the Democrats will be working with the other four parties in the Chamber, it is necessary to make it clear that our decisions will be made independently of other parties. We will decide on legislation on a Bill by Bill basis.

Question put and a division taken with the following result -

Ayes (16)

Hon Kim Chance  
Hon J.A. Cowdell  
Hon Cheryl Davenport  
Hon E.R.J. Dermer  
Hon N.D. Griffiths  
Hon John Halden

Hon H.M. Hodgson  
Hon Norm. Kelly  
Hon Mark Nevill  
Hon L. Ravlich  
Hon J.A. Scott

Hon C. Sharp  
Hon Tom Stephens  
Hon K.D.E. Travers  
Hon Giz Watson  
Hon Bob Thomas (*Teller*)

Noes (14)

Hon E.J. Charlton  
Hon M.J. Criddle  
Hon B.K. Donaldson  
Hon Max Evans  
Hon Barry House

Hon Murray Montgomery  
Hon N.F. Moore  
Hon M.D. Nixon  
Hon S.M. O'Brien  
Hon B.M. Scott

Hon G.D. Smith  
Hon W.N. Stretch  
Hon Derrick Tomlinson  
Hon Muriel Patterson (*Teller*)

Pair

Hon Tom Helm

Hon Peter Foss

Question thus passed.

**ADJOURNMENT OF THE HOUSE - SPECIAL**

On motion without notice by Hon N.F. Moore (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 10 June 1997.

**ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON N.F. MOORE** (Mining and Pastoral - Leader of the House) [9.55 pm]: I move -

That the House do now adjourn.

*Adjournment Debate - Industrial Relations: Labour Market: Regulation*

**HON KIM CHANCE** (Agricultural) [9.56 pm]: I was inspired by some of the remarks by Hon Ljiljana Ravlich in her inaugural address about the state of migrant workers. Although she addressed the situation of non-English speaking migrants with great emotion and feeling, it is not always in a foreign language country that migrant workers have problems. I want to illustrate that by giving a personal example of how migrant workers can be treated.

My daughter registered with a San Francisco-based child care agency about 14 months ago. Out of the blue, about two months ago she received a call from South Lake Tahoe, Nevada, offering her a job. She invited the person to provide the details of the wages and conditions applicable to the job. My daughter is a strong willed, even wilful, young lady -

Hon Bob Thomas: She takes after her mother!

Hon KIM CHANCE: I think she gets that from her mother!

When my daughter was advised of the terms and conditions of employment, she said that if they wanted to pay Mexican wages they should not be speaking to an Australian. Very quickly, she summed up the labour market situation in those few words.

One of the reasons that the labour situation in the United States is so utterly depressing and - as indicated by Hon Ljiljanna Ravlich - 30 per cent of wage earning workers live below the poverty line is that there is no labour market protection for workers, particularly foreign workers. As Hon Ljiljanna Ravlich presented very well, that is exactly the situation we are working towards in this country - and we do so at great peril. We should give serious consideration to her comments. Perhaps we should consider what is happening in countries where unregulated labour market systems exist. We do not need to look very far. Hon Ljiljanna Ravlich did not mention it, but a country where it is not difficult to find people homeless and living in poverty, even though they are working, is across the Tasman Sea. I commend Hon Ljiljanna Ravlich for her speech, and I hope that members read it in a quiet moment.

Question put and passed.

*House adjourned at 10.00 pm*

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**QUESTIONS ON NOTICE**

**ROADS - ROAD SAFETY**

*Motor Cyclists - Speed Control*

121. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

The Auditor General's report on Road Safety (p.4) shows that speed cameras are ineffective at deterring motor cyclists from speeding because cycles have no front registration plates and cannot be identified by the cameras.

- (1) Does the Government acknowledge that current arrangements lead to two sets of rules on our roads - one for motor cyclists and another for vehicle drivers?
- (2) How does the Minister for Police propose to apply the same speed control measures to motor cyclists as are applied to vehicle drivers to protect road users and the pedestrians?

Hon PETER FOSS replied:

- (1) No. While difficulties exist in identifying many motor cyclists, the Police Service does have some alternatives which are used where possible. The Government is, however, considering this issue.
- (2) Refer to (1).

**MINISTERIAL OFFICES - STAFF**

*Attorney General - Statistics*

129. Hon MARK NEVILL to the Attorney General:

- (1) What staff were employed in or attached to the office(s) of the Attorney at Tuesday, 4 March 1997?
- (2) What were the total salary costs of these staff?
- (3) What was the financial cost to the State of the employment of these staff?
- (4) What were the titles, roles and duties of these staff and what public service (or equivalent) classifications did they carry?
- (5) Under what programs were they employed?

Hon PETER FOSS replied:

This question is almost identical to question without notice 372 to which I refer the member. The answer is unchanged except that we were without a level 6 Media Secretary.

**POLICE - SPEED CAMERAS**

*Locations*

174. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Police:

- (1) Could the Minister for Police please outline what selection criteria are used for choosing speed camera locations?
- (2) Could the Minister detail the selection criteria?
- (3) Could the Minister specify what relevant data is used to base choices on?

Hon PETER FOSS replied:

- (1) Speed camera locations are selected using a range of information including Main Road Department statistics.

Speed related crash spots as sourced from Main Roads WA database.  
Areas of complaint received from the public and Local Government  
Discretion of Commander of Traffic & Operations Support in relation to special traffic campaigns and events.

- (2-3) Refer to (1).

## PORTS AND HARBOURS - ALBANY

*Silica Sand Storage Facility*

266. Hon J.A. COWDELL to the Minister for Finance representing the Minister for the Environment:

With respect to the export of mineral sands through the Port of Albany -

- (1) Is the Government satisfied that the residents of Albany are adequately protected from the effects of fine silica dust?
- (2) Will the Government indicate the protective measures that are in place to minimise the dust problem?
- (3) Are any additional protective measures contemplated?

Hon MAX EVANS replied:

- (1) Yes.
- (2) The operation of the silica sand storage facility and ship loading infrastructure at the Albany Port is licensed under Part V of the Environmental Protection Act 1986. This requires that the silica sand stockpiles are covered by tarpaulins and, during stacking and ship loading operations, sprinklers are used as necessary to prevent dust generation.
- (3) The operator is investigating the construction of an enclosed facility for storage of the various silica sand products. A decision on this issue will be made within the next three months.

## DRIVERS' LICENCES - SUSPENSION ORDERS

*Prosecutions*

302. Hon N.D. GRIFFITHS to the Attorney General:

In each month since, and including, January 1995, how many prosecutions have been commenced with respect to persons driving while their motor vehicle driver's licence is suspended pursuant to licence suspension orders made under the Fines, Penalties and Infringement Notices Enforcement Act 1994?

Hon PETER FOSS replied:

Records are not maintained within the Police Service to identify prosecutions commenced or convictions obtained because of action taken under the Fines, Penalties and Infringement Notices Enforcement Act. Charges are subsequently laid under provisions of Section 49(1)(a), Road Traffic Act. No Motor Drivers Licence (Under Suspension). I am advised that arrangements are being made to keep a statistical record of charges instigated under Fines Enforcement Legislation to be able to distinguish such convictions.

## POLICE - FEDERAL

*Eucla Case - Assessment*

365. Hon MARK NEVILL to the Attorney General representing the Minister for Police:

What was the outcome of the independent assessment by the Federal Police of the Eucla Case?

Hon PETER FOSS replied:

The Commissioner of Police has provided the following advice:

The independent assessment by the Australian Federal Police resulted in a total of fourteen general recommendations comprising both operational and administrative issues. Those recommendations which are specifically the responsibility of the Western Australia Police Service are being progressed and in some instances have been concluded.

## POLLUTION - SPILLAGE

*Mining Leases 26/86 and 26/383*

383. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer the Minister for the Environment to question on notice 961 of October 30, 1996 and question on notice 171 of March 11, 1997 and the response of the Minister: "Therefore, no estimate of an 'affected' area was made" -



- (1) Given that a "Notification of a Tailings Spill of Fimiston Plant" dated October 22, 1996, sent from Kalgoorlie Consolidated Gold Mines to the Department of Environmental Protection states that "Approximately 2 000 square metres of already distributed land was affected", has the Minister misled the Parliament?
- (2) If not, why not?
- (3) If yes, why did this occur?

Hon MAX EVANS replied:

- (1-2) No, because from the Department of Environmental Protection's perspective, the environment was not affected as the spillage was contained within areas designed for mining related purposes.
- (3) Not applicable.

#### GOVERNMENT CONTRACTS - ROYAL PERTH HOSPITAL

##### *Internal Audit Services*

413. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Health:

- (1) How many contracts have been awarded for the Internal audit services at Royal Perth Hospital?
- (2) Who has been awarded this or these contracts?
- (3) What were the respective value or values of this or these contracts?
- (4) What -
  - (a) savings; or
  - (b) additional costs,have resulted from the provision of each of these services by private contractors instead of by Government?
- (5) What mechanisms are in place to monitor the performance of the private contractors?

Hon MAX EVANS replied:

- (1) One.
- (2) Pannell Kerr Forster.
- (3) \$149,250 for the year 1996/97.
- (4)
  - (a) Nil
  - (b) \$11,250.

NB: Scope of the contract has been extended to include additional areas, eg, Information Technology

- (5) Contractor is supervised by the Board of Managements Audit Committee. Representatives of the Auditor General attend Audit Committee meetings. Annual internal audit program developed by contractor and submitted to Audit Subcommittee. Work undertaken by contractor is monitored against this program.

#### GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

##### *Funding*

422. Hon TOM STEPHENS to the Minister for Finance representing the Minister for the Environment:

- (1) What programs are conducted in the Minister for the Environment's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon MAX EVANS replied:

Kings Park Botanical Gardens

- (1) Kings Park and Botanic Garden negotiated with the Aboriginal Economic Development Office for the establishment of an Aboriginal Cultural Centre.
- (2) The commercial venture will provide Aboriginal arts & crafts, dance and music performances and schools interpretation programs.
- (3) Nil
- (4) Not applicable.

Perth Zoo

- (1) No programs are currently running.
- (2)-(4) Not applicable.

Conservation and Land Management

- (1)
  - (a) Aboriginal policy
  - (b) Training and employment
  - (c) Cooperative management initiatives
  - (d) Aboriginal Nature Based Tourism, Education and Training Unit
- (2)
  - (a) CALM employs an officer with the responsibility to oversee issues relating to Aboriginal interests on CALM lands and waters.
  - (b) CALM employs an Aboriginal Employment and Training Officer to aid in the advancement of Aboriginal employment within the Department.
  - (c) CALM has also provided a model for cooperative management of lands it manages. This model has commenced application in Karijini and Purnululu National Parks.
  - (d) CALM has also established an Aboriginal Nature Based Tourism, Education and Training Unit. The unit assists in the delivery of tertiary courses at a Regional TAFE, and the delivery of education and interpretation programs for schools, groups and the broader community.

Further details on each of these programs can be obtained through the Department of Conservation and Land Management.

- (3) \$316 000
- (4)
  - (a) CALM budget
  - (b) CALM budget and grant funds
  - (c) CALM budget and grant funds
  - (d) CALM budget, recoups and revenue generated from programs.

Department of Environmental Protection

- (1) None.
- (2)-(4) Not applicable.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

*Funding*

428. Hon TOM STEPHENS to the Minister for Justice:

- (1) What programs are conducted in the Minister's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?

- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon PETER FOSS replied:

- (1)
- (i) The Aboriginal Visitors Scheme
  - (ii) The Aboriginal Alternative Disputes Resolution Service
  - (iii) Ministry of Justice Aboriginal Plan
  - (iv) Aboriginal Cross Cultural Awareness Program
  - (v) Aboriginal Prisoner Support Program
  - (vi) Aboriginal Community Supervision Program
  - (vii) Juvenile Detention Centre Programs
    - (a) Aboriginal studies
    - (b) Noongar Alcohol and Substance Abuse Service
    - (c) Aboriginal Welfare Officers
  - (viii) Juvenile Justice Team Sessionals
    - (a) Mentor Program
    - (b) Juvenile Justice Team Sessionals
    - (c) Aboriginal Family Supervision Program
    - (d) Community Funding Program
- (2)-(4)
- (i) Established in 1988 and provides support and counselling for Aboriginal detainees in police lock-ups, prisons and juvenile detention centres throughout the State. Ministry of Justice's Budget - \$908,000
  - (ii) Transferred to the Ministry of Justice in 1993. Provides mediation, conciliation, negotiation and arbitration services to assist Aboriginal people reach voluntary agreements or settlements. Ministry of Justice budget - \$152,000
  - (iii) The Ministry of Justice's Aboriginal Plan was released in 1996 and ensures "entitlement of Aboriginal people to equity of access to justice services" and "a responsive approach to meeting the needs of Aboriginal people, including the involvement of Aboriginal people in the development and delivery of justice services". No specific budget allocation.
  - (iv) A two day course available to all Ministry staff giving a broad coverage of Aboriginal issues from the historical context to current operational demands. Some 2284 staff have been through the program to date. Ministry of Justice budget - \$400,000.
  - (v) Ten Aboriginal Prisoner Support Officers are employed within prisons to provide relevant cultural advice and co-ordinate prisoner peer support programs. Ministry of Justice budget - \$400,000.
  - (vi) Provides more culturally appropriate methods of supervision. To date 48 contracts with Aboriginal communities in the Kimberley, Pilbara and Eastern Goldfields are in operation. No specific allocation within the Ministry of Justice's budget.
  - (vii)
    - (a) These are incorporated into the education program supported by an Aboriginal resource worker. No specific allocation within the Ministry of Justice's budget.
    - (b) NASAS are funded to provide drug and alcohol sessions specifically for Aboriginal detainees. Ministry of Justice's budget - \$4,000
    - (c) Each detention Centre has an Aboriginal Welfare Officer to assist Aboriginal detainees in a number of areas. Ministry of Justice's budget - \$75,000
  - (viii)
    - (a) Provides one to one supervision and support for Aboriginal and Non aboriginal youths who require extra support. Ministry of Justice's budget - \$300,000
    - (b) Aboriginal staff are employed part-time in each Team specifically to work with Aboriginal youth and their families to ensure the Team process is more accessible. Ministry of Justice's budget - \$125,000.
    - (c) Designed to provide additional support to Aboriginal youth aged 16 - 21 years who are on Community Based Orders. Ministry of Justice's budget - \$270,000
    - (d) An initiative to support non-Government agencies working towards reducing the risk of offending with both Aboriginal and non-Aboriginal youth. All programs accept

Aboriginal referrals although some are Aboriginal specific. \$1.5 million total, of which some \$400,000 is for Aboriginal specific programs.

#### GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

##### *Funding*

429. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Lands:

- (1) What programs are conducted in the Minister for Lands' portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?
- (2) What are the details of these programs?
- (3) What funds are made available to these programs?
- (4) What is the source of those funds?

Hon MAX EVANS replied:

- (1) The Department of Land Administration is responsible for the Crown Land Allocation Program.
- (2) To administer and develop the Crown estate for the benefit of the community, in accordance with the provisions of the Land Act 1933. This Program includes allocating and processing land applications lodged by Aboriginal Corporations or individuals.
- (3) No specific funds are provided or identified in the Program for the processing of land applications from aboriginal people as it is an administration function encompassed in the Program.
- (4) The Program is funded from the consolidated revenue fund and forms part of the Department of Land Administration's operating and capital works budget.

#### ENVIRONMENT - DEPARTMENT

##### *Definition of "Pollution"*

471. Hon J.A. SCOTT to the Minister for Finance representing the Minister for the Environment:

I refer to question on notice 562 of July 2, 1996 where the Minister has stated "I am advised that the department considered it pollution within the meaning defined under the Environmental Protection Act 1986" -

- (1) Can the Minister for the Environment state the reason(s) why "the department considered it pollution within the meaning defined under the Environmental Protection Act 1986"?
- (2) If not, why not?

Hon MAX EVANS replied:

- (1) The Department of Environmental Protection considers the spill to be pollution because it resulted in direct or indirect alteration to the environment as defined in section 3(1) (a) and (c) of the Environmental Protection Act 1986 as amended.
- (2) Not applicable.

#### LAND - FARAWAY BAY RESORT

##### *Tourist Activities*

472. Hon TOM HELM to the Minister for Finance representing the Minister for Lands:

With reference to the approval of the Faraway Bay resort -

- (1) When was approval granted for tourism activities to take place on this property?
- (2) What is the nature of the title of this property?
- (3) In whose name is the title held?
- (4) What land does this property occupy?
- (5) What was the nature of the land title prior to the granting of permission for its use for tourism activities?

Hon MAX EVANS replied:

- (1) Lease commenced 6 August 1993.
- (2) Nine year special lease for purpose of "airstrip and fishing base".
- (3) Benrama Pty Ltd.
- (4) Marndoc Location 12.
- (5) Vacant Crown Land.

LAND - ECO BEACH, LOCATION 323

*Tourist Activities*

473. Hon TOM HELM to the Minister for Finance representing the Minister for Lands:

With reference to the tourism development at Eco Beach, near Cape Villet at Location 323 -

- (1) When was approval granted for tourism activities to take place on this property?
- (2) What is the nature of the title of this property?
- (3) In whose name is the title held?
- (4) What land does this property occupy?
- (5) What was the nature of the land title prior to the granting of permission for its use for tourism activities?

Hon MAX EVANS replied:

- (1) Lease commenced 1 October 1993
- (2) Ten year special lease for purpose of "tourist camp facility".
- (3) The Kimberley Connection Pty Ltd.
- (4) Dampier Location 323.
- (5) Water Reserve 1517.

CROWN SOLICITOR'S OFFICE - CLIENT SURVEY

485. Hon N.D. GRIFFITHS to the Attorney General:

With reference to the statement made on page 51-20 of the Program Statements that a client survey will be conducted on behalf of the Crown Solicitor's Office during 1996/97, I ask -

- (1) Has that survey been conducted?
- (2) If so, by whom was it conducted and what did the results indicate?
- (3) If not, when will this survey be conducted, and by whom?

Hon PETER FOSS replied:

- (1) No
- (2) Not applicable
- (3) The Crown Solicitor will conclude the survey by 30 June.

DETENTION CENTRES - CAMP KURLI MURRI

*Recidivism Study*

486. Hon N.D. GRIFFITHS to the Attorney General:

With reference to the statement on page 51-31 of the 1996/97 Program Statements that a study of recidivism for ex-Camp Kurli Murri detainees would be conducted by June 30, I ask -

- (1) Has this study commenced?
- (2) Who is to conduct this study?
- (3) Will the Attorney General give a commitment to table the results of this study when it is finalised?

Hon PETER FOSS replied:

- (1) Given that Camp Kurli Murri closed in November 1996 and the low numbers of offenders that had been sentenced there, a study of recidivism of ex-detainees would not have provided any significant data. As a result the decision was made not to continue with the study.
- (2)-(3) Not applicable

#### MINISTERS OF THE CROWN - ATTORNEY GENERAL

##### *Marks Royal Commission - Charges*

490. Hon N.D. GRIFFITHS to the Attorney General:

- (1) Has any consultation(s) taken place between the Attorney General and the Solicitor General or their respective representatives with respect to the potential laying of charges against any or all of Hon Dr Carmen Mary Lawrence, Hon John Halden and Mr Edward Thomas Russell with respect to matters to do with the Marks Royal Commission?
- (2) If so, on what dates did such consultation take place?
- (3) What role, if any, did the Attorney General have with respect to the consideration of the laying of the charges against Hon Dr Carmen Mary Lawrence, Hon John Halden and Mr Edward Thomas Russell?

Hon PETER FOSS replied:

- (1) I have never had any discussions with the Solicitor General regarding the subject matter of the member's question. Nor have I ever had any discussions in that regard with the Director of Public Prosecutions or any other person who might have been involved in making the decision to lay charges against the persons in question.
- (2) Not applicable.
- (3) Acting on the advice of the Solicitor General, requesting that the question of whether or not any charges should be laid against any person or persons arising out of the Royal Commission be referred by him to the Director of Public Prosecutions for his consideration. Apart from that, none. Having said that, I want to make it absolutely clear that neither I nor any other member of the Government had any role to play in the making of the decision to lay the charges against the persons in question.

#### MARKS ROYAL COMMISSION - DEPUTY COMMISSIONER OF POLICE

##### *Testimony - Imprest Investigation*

491. Hon CHERYL DAVENPORT to the Attorney General:

- (1) Is the Attorney General aware of testimony given to the Marks Royal Commission by the former Deputy Commissioner of Police in which he stated that an inquiry had been conducted into the 1992 leaking to news media of details of an investigation into the impost account of then Premier Dr Carmen Lawrence?
- (2) Is the Attorney General also aware that the two officers responsible for the impost investigation gave evidence to the Marks Royal Commission that they were unaware of any inquiry into the leak?
- (3) Is the Attorney General further aware that in an investigation in 1996 the State Ombudsman found no evidence on police files to support the Deputy Commissioner's assertion that the leak had been investigated?
- (4) Has the Attorney General referred the matter to the Solicitor General for examination?
- (5) If not, why not?

Hon PETER FOSS replied:

- (1)-(3) I was not aware of the matters the member mentioned until I received notice of this question.

- (4) No.
- (5) There were no adverse findings in the report of the Royal Commission concerning these matters. If the member believes that some further action should be taken, no doubt she will take this up with the appropriate authorities - if she has not already done so.

### QUESTIONS WITHOUT NOTICE

#### LEGISLATIVE COUNCIL - COMMITTEE SYSTEM

##### *Funding*

#### **420. Hon TOM STEPHENS to the Leader of the House:**

In his capacity as Leader of the Government in this place, the Leader of the House addressed the Lawson Institute seminar on the future role of the Legislative Council last week. He indicated that the Government would be maintaining funds for the committee system of the Legislative Council and he would consider increasing funds to the committees.

- (1) Will the Leader of the House place on record his commitment to providing the same as the current level of funding, indexed to inflation, for the committee system of this place?
- (2) If not, is this an indication of the tactics the Government intends to use to stymie the new non-government majority in this House?

#### **Hon N.F. MOORE replied:**

- (1)-(2) I am pleased Hon Tom Stephens has asked this question just as I was pleased one of his colleagues asked a similar question at the Lawson Institute.

Hon Tom Stephens: Was it one of my colleagues?

Hon N.F. MOORE: It was one of the Leader of the Opposition's political colleagues in the broadest possible sense. It was someone who supports the Labor Party. Most of the people at the Lawson Institute support that side of politics. Therefore, if one were to ascertain any suggestion from reading its literature that it is a middle of the road organisation, one should only look at who are the office bearers to know that it is, I suspect, a Labor Party version of the H.R. Nicholls Society. I suspect that in due course when we get a chance to read the transcripts of the seminars and so on that it conducts we will all be able to draw our own conclusions about that.

Hon Tom Stephens: I think that is unfair.

Hon N.F. MOORE: Having read in the document that the seminar was the brainchild of Hon Tom Stephens, it was clear it was not something that was put together by the Liberal Party! The seminar was organised in such a way as to promote a particular point of view, even though an opportunity was given to the President and me to say a few words.

I am pleased Hon Tom Stephens has raised this question about funding committees because I want to tell the House what I told the Lawson Institute. I am a little regretful in saying this: I have been here now longer than anyone else and I hope my memory is not fading as tends to happen when one becomes the father of the House. However, my memory is very clear in respect of the committee system of this House. I remind members that the committee system was set up in this House at the instigation of members on this side of politics. I recall clearly the vehement opposition by the then Leader of the Government, Hon Joe Berinson, who resisted for years a consideration of the proposals from the committee on committees and those put forward by Hon Bob Pike. Ultimately, the House prevailed as one expects it will on some of the issues that the Leader of the Opposition thinks are important, and we set up a committee system in this Chamber contrary to the views of the Labor Party. It resisted it vehemently.

Hon Tom Stephens: Will you maintain it?

Hon N.F. MOORE: Let me go on. That system established all the committees other than the government agencies committee, which was set up during the term of the previous Court Government.

Hon Tom Stephens: Will you maintain it?

Hon N.F. MOORE: I was a member of that committee for many years. In fact, I was an inaugural member of that committee in about 1982 or 1983 and remained on it until 1994. That committee did not have an officer working

for it for quite a long period of its history. The reason for that was that no money was provided by the then Leader of the Government, Hon Joe Berinson. Therefore, that committee existed in name only. It did not have an officer to work for it or carry out research for a long period - probably over 12 months. I was told there was no money. The history of the Labor Party on committees in this House is appalling.

Hon Tom Stephens: Now can you answer the question?

Hon N.F. MOORE: For the Leader of the Opposition to tell us to adopt the same approach we have always adopted - that is, to put money into committees on the basis that he now believes it is a good idea - demonstrates once and for all that there are some hypocritical views amongst members of the Labor Party on these matters.

I said at the Lawson Institute that I could see no reason for the Government to reduce funding to the committee system. It is not my job, as Leader of the Government, to determine how much money is spent on committees by the Legislative Council. That is decided by the responsible officers who deal with the Legislative Council budget. The Government provides the funds to the Legislative Council for it to function on the basis of the submissions it makes to the Treasury Department. Since it has been in office this Government has provided a gradual and not insignificant increase to the Legislative Council budget.

Hon Tom Stephens: Will that continue?

Hon N.F. MOORE: I do not know what will happen in next year's budget, or that for the year after. Neither does Hon Tom Stephens. However, one thing I can be certain of is that the committee system in this House will do vastly better under this Government than it ever did for 10 miserable years under the Labor Government. It starved this place almost to extinction and then said that it did not agree with it anyway and it should be abolished.

The PRESIDENT: Order! I ask the Leader of the House to draw his answer to a conclusion.

Hon N.F. MOORE: Certainly, Mr President. It is extraordinary how members opposite can go from one side to the other in such a short period. It was not so long ago that they were talking about abolishing this place and now they think it is the greatest thing on earth and want it to be highly funded to provide a committee system that will work. We will provide funds for the committee system in a way that will make sure that it works, unlike the situation that occurred when Hon Joe Berinson was Leader of this House.

#### LEGISLATION - REPRINTING

##### *Availability*

#### **421. Hon TOM STEPHENS to the Attorney General representing the Minister for Labour Relations:**

Some notice of the question has been given.

When will the following Bill and Acts recently amended be reprinted and made available in full consolidated form -

- (a) the Labour Relations Legislation Amendment Bill;
- (b) the Workplace Agreements Act;
- (c) the Minimum Conditions of Employment Act?

#### **Hon PETER FOSS replied:**

- (a) The Labour Relations Legislation Amendment Bill will be available from the State Law Publisher later this week. A reprint of the Industrial Relations Act as amended by the Labour Relations Legislation Amendment Bill that comes into operation on royal assent or on the twenty-eighth day after royal assent will be available as soon as possible after 30 June 1997. A further reprint will be issued after parts 3 and 5 and sections 34, 35(b), 36 and 37 of the Labour Relations Legislation Amendment Bill are proclaimed.
- (b) A reprint of the Workplace Agreements Act will be issued after part 10 of the Labour Relations Legislation Amendment Bill is proclaimed.
- (c) A reprint of the Minimum Conditions of Employment Act will be available within a month.

#### PORTS AND HARBOURS - KWINANA NAVAL BASE

##### *Expansion*

#### **422. Hon J.A. SCOTT to the Leader of the House representing the Premier:**

I have given some notice of the question.



- (1) Has Cabinet endorsed Naval Base, Kwinana as the site for the development of expanded port facilities to cater for trade beyond the capacity of the existing Fremantle Inner Harbour, as stated on page 21 of the Fremantle-Rockingham industrial area regional study discussion paper of March 1997?
- (2) If yes, when was the decision made?
- (3) Is the Premier aware that this decision is contrary to the Kwinana regional strategy 1988 which proposed rehabilitation of Cockburn Sound and the coastal beaches?
- (4) Was Cabinet aware of the findings of the southern coastal waters study 1996 when this decision was made?
- (5) Is the Premier aware that the southern metropolitan waters study recommended a moratorium on large scale industrial development in Cockburn until the nutrient enrichment problem is solved?
- (6) If yes, does the Premier plan to implement the recommendation?

**Hon N.F. MOORE replied:**

- (1) Yes.
- (2) 18 March 1996.
- (3) It is not inconsistent with the Kwinana regional strategy 1988 which has as its most important theme a continued emphasis on the very significant strategic and economic role of the Kwinana industrial area. Under section 7 Conservation and Recreation the following policy and proposals are relevant -
  - CR9 Assess future industrial development having regard to the need to reduce the impact of industry on the Cockburn Sound coastline and waters and to facilitate public access to beaches.
  - CR10 Further investigate the potential for upgrading and improving public access to the Challenger, Barter Road and James Point beaches in a way which is consistent with port and industrial activities in the area.
- (4) Parliament was presented with a summary of the key findings of the South Metropolitan Coastal Waters Study in the 1994-95 annual report of the Department of Environmental Protection published in August 1995. The final report of the SMCWS, which contained detailed findings and draft recommendations, was released in December 1996.
- (5) The recommendations contained in the SMCWS final report are all draft recommendations.
- (6) The Environmental Protection Authority with assistance from the Department of Environmental Protection will shortly commence a formal consultative process to seek community views before finalising the environmental management response and the draft recommendations of the SMCWS final report. This will take the form of a comprehensive coastal waters management package which will be presented to the Government for endorsement. The Government will respond after it has considered the package prepared by the EPA.

**GOVERNMENT ADVERTISING - INDUSTRIAL RELATIONS LEGISLATION**

*Cost*

**423. Hon N.D. GRIFFITHS to the Attorney General representing the Minister for Labour Relations:**

- (1) What is the estimated cost of the Government's advertising and public relations campaign from 1 January 1997 in support of its industrial relations legislation and how much of this cost is attributable to -
  - (a) newspaper advertising;
  - (b) television advertising;
  - (c) radio advertising; and
  - (d) production or consultants' contracts?
- (2) What is the anticipated cost of the Government's advertising and public relations campaigns since 15 May 1997 in support of its industrial relations legislation and how much of that relates to -
  - (a) newspaper advertising;
  - (b) television advertising;

- (c) radio advertising;
- (d) production or consultants' contracts; and
- (e) the use of the Internet?

**Hon PETER FOSS replied:**

As the information requested cannot be provided accurately in the time allocated, I ask the member to place the question on notice.

GOVERNMENT ADVERTISING - INDUSTRIAL RELATIONS LEGISLATION

*Legal Advice*

**424. Hon L. RAVLICH to the Attorney General representing the Minister for Labour Relations:**

Given that the Minister sought legal advice on a complaint to the Federation of Commercial Television Stations regarding the first run of advertisements relating to the "benefits" of the Labour Relations Legislation Amendment Bill -

- (1) Has the Minister sought advice as to whether the new advertisements to be shown breach section 52 of the Trade Practices Act pertaining to truth in advertising?
- (2) Will the Minister be referring the next run of advertisements for legal advice prior to screening?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question. I assume that the Minister referred to is the Minister for Labour Relations, because I have not sought legal advice. On that assumption -

- (1) The Trade Practices Act does not apply with respect to providing the public with information about the effect of new legislation.
- (2) This decision will be made at the time.

INDUSTRIAL RELATIONS - COMMISSION

*Changes - Union and Employer Support*

**425. Hon K.D.E. TRAVERS to the Attorney General representing the Minister for Labour Relations:**

I refer to the legislation that the Minister has signalled he wishes to introduce to overhaul the Industrial Relations Commission and his claim that he had "the broad support of the union movement and employers".

- (1) On what basis did the Minister claim that he had the broad support of unions and employers for planned changes to the Industrial Relations Commission?
- (2) Given that Tony Cooke, Secretary of the Trades and Labor Council, has denied any agreement on his part, is this a case of the Minister misrepresenting the negotiations he has had on this matter?

**Hon PETER FOSS replied:**

I thank the member for some notice of this question.

- (1) The peak employer bodies in the State and the Trades and Labor Council participated with the Government in a consultative process to review the recommendations of then Commissioner Fielding in his report entitled "Review of Western Australian Labour Relations Legislation". The initial, without prejudice, response of the parties was to support, in general, the thrust of the recommendations regarding the restructuring of the commission.
- (2) No.

COURTS - PSYCHIATRIC ASSESSMENT FACILITIES

*Kimberley*

**426. Hon TOM STEPHENS to the Attorney General:**

Today Kimberley magistrate Col Roberts raised the question of the non-availability of adequate psychiatric care and assessment in the Kimberley and the effect of that situation on the administration of justice. His comments came

during a hearing relating to nine charges against a 17 year old Balgo youth who has been placed on bail with a 24 hour curfew pending a psychiatric report, which may take any time to obtain.

- (1) Is the Attorney General aware of other cases where Kimberley people are awaiting psychiatric assessment for legal reasons; if so, what steps is the Attorney taking to overcome the problem?
- (2) Does this problem extend to other regions of Western Australia?

**Hon PETER FOSS replied:**

- (1) I am not aware of any other cases. I was not even aware of this case.
- (2) Not applicable.

#### COURTS - PSYCHIATRIC ASSESSMENT FACILITIES

*Kimberley*

**427. Hon TOM STEPHENS to the Attorney General:**

Will the Attorney make himself aware of the circumstances and see what steps he can take to ensure that the situation is alleviated?

**Hon PETER FOSS replied:**

I will make myself aware of it. However, steps that I can take will be confined to speaking to the Minister for Health, whose responsibility this is, and if there is a need he should take those steps.

#### TOURISM - THE BEST ON EARTH IN PERTH PROGRAM

**428. Hon L. RAVLICH to the Minister for Tourism:**

The Minister has recently distributed a package promoting a series of sporting events - The Best on Earth in Perth. The package included a colour laminated poster, video and information pack.

- (1) Who produced and printed the poster?
- (2) Who produced the video?
- (3) Who produced and printed the information pack?
- (4) To whom was the package sent?
- (5) What was the total cost of production of the package?
- (6) What was the cost of the distribution of the package?

**Hon N.F. MOORE replied:**

I can now thank the member for some notice of the question, because the answer is just to hand. That is a pity, because I was about to make a long speech about the virtues of The Best on Earth in Perth. I hope the member will read the information because it is an excellent program of events for Western Australia over the next 12 months. I hope the Labor Party will be positive about it - for the first time in the past five years!

- (1) The poster was designed and printed by 303 Advertising.
- (2) The video was produced by Editel.
- (3) The information within the pack was produced by EventsCorp's public relations officer, while the shell was produced and printed by PPB Group using the existing art work for the poster.
- (4) All Cabinet Ministers, the Lord Mayor, the Governor, the Leader of the Opposition and the shadow Minister for Tourism.
- (5) The total cost of the production of this package for the purpose of informing Cabinet Ministers and members of the Opposition is as follows: Poster \$5.58; lamination \$6.00; video \$9.00; shell \$2.03 - unit cost \$22.61; that is, 21 packs cost \$474.81.

The poster, video and information kit were produced by EventsCorp to promote Western Australia's calendar of events to Western Australians, Australia-wide and internationally. So far some 1 000 Best on Earth in Perth information kits, minus the video and poster, have been distributed to key people in the

media, tourism and events industries. The poster and video have been sent to the WATC and the Australian Tourist Commission offices interstate and overseas. The pack, video and poster will be used as communication tools throughout the remainder of the year to continue promoting the Best on Earth in Perth.

Two thousand posters cost \$11 154; video production cost \$5 000; 60 copies at \$9.00 each totals \$540; 4 000 shells cost \$4 719. The total cost was \$21 413.

- (6) The cost of distributing the package to the 21 people was \$31.20. The estimated distribution costs in relation to the media and the tourism and events industry is \$239.

#### ABORIGINES - DEATHS IN CUSTODY

##### *Implementation of Royal Commission's Recommendations*

#### **429. Hon TOM STEPHENS to the Minister representing the Minister for Aboriginal Affairs:**

According to the Dodson report, the Western Australian Government has indicated in its latest implementation report that most of the recommendations it had adopted from the Royal Commission into Aboriginal Deaths in Custody had been implemented. The Western Australian Aboriginal Legal Service also has reported on the progress of implementation. The ALS analysed 216 recommendations and found that 16 had been fully implemented and 107 had been partly implemented, and that 43 per cent had not been implemented or had been implemented at a level which was entirely unsatisfactory. The difference in these two reports being extreme, can the Minister explain -

- (1) Why the two reports differ to such a degree?
- (2) What is the actual situation regarding implementation?

#### **Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question. The information required will take some time to compile and I ask the member to place the question on notice.

#### HEALTH - JOONDALUP CAMPUS

##### *Review*

#### **430. Hon K.D.E. TRAVERS to the Minister representing the Minister for Health:**

During the Assembly's Estimates Committee hearings last week the Auditor General said that he was looking at two or three major proposals in the contract management area. Will the Minister inform the House why the Auditor General is looking at a Joondalup Health Campus project?

#### **Hon MAX EVANS replied:**

Although the Minister for Health is aware of the review of the Joondalup Health Campus project by the Auditor General, he is not aware of any specific reason for this. I can only suggest that the question be redirected to the Auditor General.

#### UNIVERSITIES - EDITH COWAN

##### *Bunbury Campus - Transfer to Murdoch University*

#### **431. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:**

- (1) Will the Minister support the proposal to transfer the Bunbury campus of Edith Cowan University to Murdoch University at a joint planning meeting of commonwealth and state Education Ministers in June?
- (2) Will the Minister amend the relevant state Acts to give effect to local opinion in this regard?
- (3) When does the Minister expect this issue to be resolved?

#### **Hon N.F. MOORE replied:**

I thank the member for some notice of this question.

- (1) The Minister supports the proper investigation of the advantages and disadvantages of the proposed transfer of the Bunbury campus of Edith Cowan University to Murdoch University, having regard to what is in the best interests of both the staff and students at the Bunbury campus and the provision of higher education in the south west generally.

- (2) Depending on the outcome of these investigations and the consultations with the Commonwealth, legislative action may be required.
- (3) July 1997.

GOVERNMENT ADVERTISING - POLITICAL

*Expenditure*

**432. Hon TOM STEPHENS to the Leader of the House:**

Will the Minister assure the House that there has been no expenditure undertaken for political advertising by any of the departments or agencies in his portfolio areas during the current financial year?

**Hon N.F. MOORE replied:**

I need to contemplate the question. I understand the member to be asking me whether any of the agencies within my portfolio have spent any money on political advertising.

Hon Tom Stephens: That's correct.

Hon N.F. MOORE: To my knowledge, no.

GOVERNMENT ADVERTISING - POLITICAL

*Expenditure*

**433. Hon N.D. GRIFFITHS to the Minister for Justice:**

Is the Minister able to assure the House that there has been no expenditure undertaken for political advertising by his department in the current financial year?

**Hon PETER FOSS replied:**

I am happy for the member to ask me to provide details of what advertising has been carried out by the agencies within my portfolio responsibility so that he can draw his own conclusions about whether they are or are not political, because that happens to be a matter of opinion.

SCHOOLS - ASBESTOS

*Removal*

**434. Hon K.D.E. TRAVERS to the Leader of the House representing the Minister for Education:**

I remind the Minister of the coalition's commitment that if elected to Government it would speed the program to remove asbestos fibres from government schools, and ask -

- (1) How many schools are waiting to have asbestos removed from their sites?
- (2) From how many schools has asbestos been removed since the election of the coalition Government in 1993?
- (3) Who currently holds the contracts for the removal of asbestos from schools?
- (4) What is the nature of those contracts?
- (5) When does the Government plan to have all asbestos removed from Western Australian schools?

**Hon N.F. MOORE replied:**

I thank the member for some notice of this question and I ask that it be placed on notice due to the time constraints that would be involved in providing all the information. This is the sort of question which ought to be put on notice so that an answer can be provided when the information is available.

RAILWAYS - WESTRAIL

*Line Maintenance*

**435. Hon KIM CHANCE to the Minister for Transport:**

- (1) Is it correct that Westrail's private line maintenance contractor, John Holland Construction and Engineering Pty Ltd, is about to relocate maintenance teams from Merredin and Narrogin to Midland?

- (2) If so, what power does the Minister have to ensure that these two regional centres will not suffer from further reductions in Westrail-sourced employment opportunities?
- (3) Was the intention of the Right Track policy to increasingly centralise line maintenance and to reduce employment opportunities in regional centres?

**Hon E.J. CHARLTON replied:**

I thank the member for some notice of this question.

- (1) No, insofar as the terms of the contract held between John Holland Construction and Engineering Pty Ltd and Westrail are concerned. Contractual arrangements between Westrail and John Holland require that a permanent caretaker gang of eight persons be based at Merredin and Narrogin. That arrangement is in place and will remain in place.
- (2) Not applicable.
- (3) No. The whole thrust of contracting out maintenance ensures that work gangs remain in all regional areas identified in the contractual agreement, and that will stand.

#### DISABILITY SERVICES - LET'S HAVE A BREAK PROGRAM

##### *Funding*

**436. Hon J.A. COWDELL to the Minister representing the Minister for Disability Services:**

- (1) Has the disbursement of funds under the Let's Have a Break program been discontinued for the balance of this financial year?
- (2) What funds were disbursed under this scheme in each of the last 12 months?
- (3) Does this freeze on LHAB grants also affect the moneys allocated under the Bradford grants to those in the Rockingham-Kwinana and Mandurah-Murray areas?

**Hon MAX EVANS replied:**

I thank the member for some notice of this question.

- (1) No.
- (2) \$3 000 per month for the last 12 months.
- (3) Not applicable.

#### TRANSPORT - CONCESSIONAL FARES

##### *Mandurah*

**437. Hon J.A. COWDELL to the Minister for Transport:**

How does the Minister respond to charges in the local Mandurah press that Mandurah's pensioners needing to get to Perth for medical appointments will still be hard hit? A large number of seniors travel to Fremantle for medical appointments that are often in the mornings. As the trip is nearly an hour and a half, many elderly people leave earlier than 9.00 am to be there mid-morning. The Mandurah press charges that it is ludicrous to exclude concession card holders from bus services before 9.00 am. Bus services to Mandurah are not comprehensive, and while people living in the inner metropolitan area have regular bus services every 30 minutes, the residents of Mandurah do not. The impact of such changes on those who live in the outer parts of the metropolitan areas must be appreciated. Those were the two specific charges made in the Mandurah press. Will the Minister now further ease restrictions on pre-9.00 am concessional travel from Mandurah?

**Hon E.J. CHARLTON replied:**

The Government has been endeavouring to improve the services to both concession card holders and full fare paying passengers in Mandurah. I have not noticed Hon John Cowdell congratulating the Government for implementing the express bus service which has seen three new special coaches providing an express service to Mandurah.

Hon Peter Foss: He is nodding and agreeing with you.

Hon E.J. CHARLTON: I look forward to seeing that letter to the editor shortly congratulating the Government and saying how much the member supports that government initiative. Previously, full fare paying passengers were

denied room on those buses because concession card holders were travelling at that time of the morning - some of whom did not need to travel early, but some of whom did.

I want to do two things other than put on additional vehicles in the morning to satisfy the needs of concession card holders who travel at that time. First, I want those responsible for health care to make appointments for people needing medical attention at other times of the day when there is spare capacity on public transport vehicles from Mandurah and other outlying areas. That seems to be a logical solution. Currently concession card holders are required to travel early to get to a 9 o'clock appointment but once at the health centre they have to wait for some time to see health practitioners. I would rather that these people stay home and be given a more appropriate time to travel for both themselves and the public transport system. I have taken that issue up with the Minister for Health and I hope the hospitals involved will respond to that request. I invite Hon John Cowdell to work with us to see whether he, the Minister for Health and I can ensure those changes are made. Such a move would satisfy those elderly people and other concession card holders without putting on another vehicle and expanding the period in which these people can travel. Secondly, we announced a couple of weeks ago that an additional bus would be provided early in the morning to meet the extra patronage attracted to the system. Also, we are considering expansion of that already significantly improved service in Mandurah. The bottom line is that we need to work together to determine a commonsense approach to enable those people to travel a little later to take advantage of the full concessions after 9.00 am and to attend the medical centre or whatever the destination may be in the best and most appropriate way.

#### SCHOOLS - CAREY PARK

##### *Mercury Contamination*

#### **438. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:**

In relation to reports that the Education Department is considering building the new Carey Park Primary School on a site which showed mercury levels in excess of public health standards, I ask -

- (1) Is the Minister prepared to give an assurance to the parents of children who will attend the new Carey Park school that there will be no danger of exposure to contaminated soil?
- (2) What size school is the ministry planning for Carey Park?

#### **Hon N.F. MOORE replied:**

I thank the member for some notice of this question on the important commitment made by the Government in recent times.

- (1) The proposed site has not yet been finalised. However, the replacement school will not be located on the site formerly used for waste disposal, and which contains contaminants.
- (2) Facilities on the new site will cater for long term projected enrolments of 400 to 430 primary, and approximately 75 five-year-old preprimary students. In the short term, four-year-old children will continue to access the Doolan Street site. Arrangements for the longer term, when four-year-old children attend more sessions, have yet to be determined.

#### POLICE - BUNBURY

##### *Rapid Response Squad*

#### **439. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:**

Some notice of this question has been given. The front page of the *South Western Times* of 13 May contained a story claiming that a rapid response police squad was being sought for Bunbury.

- (1) Can the Minister confirm that the Bunbury district police superintendent made a request for 12 more police officers in his region?
- (2) If yes, was that request made because of growing concerns about the activities of bikie groups in the south west?
- (3) Will the request be granted?

#### **Hon PETER FOSS replied:**

- (1) The Bunbury superintendent has not officially made a request for 12 more police officers in his district. However, he is researching and compiling submissions for consideration of such a group to be established.

- (2) The concept of the superintendent's intended submission does not specifically result from the activity of motor cycle gangs, but is designed to supplement the district police in the performance of the five core functions of the Police Service: The prevention and control of crime; maintenance of the peace; traffic management and road safety; emergency management coordination; and assisting members of the community in times of emergency and need.
- (3) A decision on the submission is entirely a matter for the Establishment Control Board of the Police Service.

#### LEGAL AID - FUNDING

##### *Commonwealth Cuts*

#### **440. Hon J.A. SCOTT to the Attorney General:**

- (1) Is the Minister aware that Attorneys General in Queensland and South Australia have successfully lobbied the Federal Government to reduce the proposed cuts in funding for legal aid by \$4.6m in Queensland, which completely eliminates that cut, and down to \$0.8m in South Australia?
- (2) Has the Attorney General succeeded in having Western Australia's legal aid cuts by the Commonwealth reduced or discarded?
- (3) If not, will he be making up the shortfall in the commonwealth allocation from any other source?

#### **Hon PETER FOSS replied:**

- (1)-(3) It is not a matter of lobbying. Unfortunately, when dealing with the Federal Government it is a matter of taking what one is given. The basis upon which the cuts are to be made to the differing States' allocations is past expenditure on what the Commonwealth now calls "commonwealth matters". One can lobby all one likes, but one takes it on the basis of what the Commonwealth will provide. It is unfortunate that the Commonwealth Government's form of calculation means one has no choice in the matter. I have certainly argued that WA should not have the significant cuts suggested, which is up to a \$5.8m cut for WA -

Hon N.D. Griffiths: It keeps going up; it was \$3.3m, \$5.3m and now \$5.8m.

Hon PETER FOSS: It is going down at the moment, I am pleased to say.

Hon N.D. Griffiths: It is about time.

Hon PETER FOSS: Unfortunately, the Commonwealth has not agreed with my arguments in respect of certain aspects of the law. We will get whatever the assessment shows as the amount paid in previous years for "commonwealth matters".

Hon J.A. Scott: How did Queensland achieve that reduction?

Hon PETER FOSS: It depends upon the mix, along with peculiar aspects such as what one spends on capital works in the year in question. The basis is not fair. If we spent \$2m on capital works last year, that would be included in the money spent. However, if one happened to spend \$2m the year before, it would not be included as part of the money spent. That indicates the haphazard nature of the calculation. It depends on the mix of legal aid carried out in any State. The States which are currently resisting agreement on this matter are those which do not like the formula; these are mainly Western Australia, Victoria and New South Wales. It does not produce a nice result for these States in the way it is worked out. We will do everything we can to address that issue, but I do not have a great deal of hope that the Commonwealth will change its mind. We are looking at the possibility of some form of supplementation, but until we know the amount, and upon which areas it will impact, it is hard to make a case for any form of supplementation.

#### ARTS AND CULTURE - WA ART GALLERY

##### *Chairman - Mr Mick Bolto*

#### **441. Hon L. RAVLICH to the Leader of the House representing the Premier:**

Some notice of this question has been given. I remind the Premier of his commitment that "The restoration of integrity to Government is essential . . . and a problem facing the public administration was the politicisation of the Public Service."

- (1) Will the Premier instigate investigations into the appointment of Mr Mick Bolto to the position of Chairman of the WA Art Gallery Board?



(2) If not, why not?

**Hon N.F. MOORE replied:**

(1)-(2) The appointment of Mr Mick Bolto as Chairman of the WA Art Gallery Board was entirely appropriate and the proper procedures were followed.

**ROADS - CARNARVON-MEEKATHARRA**

*Upgrading*

**442. Hon TOM STEPHENS to the Minister for Transport:**

The Minister was reported as saying on a trip to the north west with Mrs Margaret Day and Mr Dudley Maslen prior to the state election that the Government would assist the three local shires to ensure funds were available to bituminise the road from Carnarvon to Meekatharra. What plans does the Minister have to deliver on his pre-election promise?

**Hon E.J. CHARLTON replied:**

I am pleased that Hon Tom Stephens has identified this road as I do not think he has visited the area in recent times.

Hon Tom Stephens: I have been on the road - it needs bituminisation!

Hon E.J. CHARLTON: I have done two things towards developing that road. I have invited the shires of Meekatharra, Upper Gascoyne, Carnarvon and Murchison -

Hon Tom Stephens: To pay for it.

Hon E.J. CHARLTON: - to come together and work out the priorities regarding sections of that road, and to discuss the realignment they consider necessary. That is being done in conjunction with Main Roads. I have also initiated an additional funding plan for a road upgrade so that the road identified by the member will be sealed. The first section involved will be from Carnarvon to Gascoyne Junction at a cost of \$20m. The Leader of the Opposition should listen if he is interested. I look forward to that program being announced shortly to identify other roads which need urgent upgrading, in both metropolitan and country areas. I look forward to the member's support for that program.

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