



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Wednesday, 30 April 1997

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 4.00 pm, and read prayers.

PETITION - LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Opposition

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.07 pm]: I present the following petition -

To the Honourable the President and members of the Legislative Council in Parliament assembled.

The petition of the undersigned respectfully sheweth:

Our wish that any changes to the state's industrial relations system should recognise the special needs of employees to be protected from disadvantage, exploitation and discrimination in the workplace, and that we oppose the Labour Relations Legislation Amendment Bill 1997 which represents an attack on employees, their unions and personal freedom in Western Australia.

Your petitioners most humbly pray that the Legislative Council in Parliament assembled will: Defer consideration of the Bill until after May 22 1997 to enable those Members of the Council elected in December 1996 to consider the Bill when they take their places after May 22, thus (a) enabling employees to participate in legitimate industrial action to gain better working conditions without the threat of massive fines and imprisonment, and (b) ensuring employees who are unfairly dismissed have access to a fair hearing before the Industrial Relations Commission, including the right to proper compensation for unfair dismissal and that the Industrial Relations Commission retains the role of "independent umpire" without interference of Government or the Minister for Labour Relations

Your petitioners as in duty bound will ever pray.

The petition has been certified by the Clerk as conforming to the Standing Orders of the Legislative Council. The petition bears 888 signatures.

[See paper No 406.]

MOTION - COMMISSION ON GOVERNMENT RECOMMENDATION 263

Implementation

HON J.A. COWDELL (South West) [4.09 pm]: I move -

- (1) That this House calls on the Government to implement recommendation 263 of the Commission on Government, as unanimously endorsed by the Joint Standing Committee on the Commission on Government.
- (2) That a people's convention be convened prior to 19 August 1997 to consider the inclusion of new clauses in the State Constitution, pertaining to the following matters -
 - (a) assent to legislation;
 - (b) bill of rights;
 - (c) electoral rights;
 - (d) initiation of constitutional amendment/citizen initiated referendum;
 - (e) new preamble;
 - (f) power of Parliament to recall Parliament;
 - (g) prorogation;
 - (h) recognition of Aboriginal peoples;

- (i) resolution of parliamentary deadlocks;
 - (j) role of local government;
 - (k) role of political parties;
 - (l) selection, appointment and powers of the Governor; and
 - (m) size of the Ministry.
- (3) That the people's convention consist of 75 delegates directly elected by the people and 25 delegates nominated as representatives of community views.

Clearly, we must have a Constitution drafted for the twenty-first century, and the Constitution Act of 1889 as amended in 1899 is not sufficient to fulfil that requirement. In speaking to this motion, I will refer to the pledge made by the Australian Labor Party at the last election in respect of a people's convention. It is to honour that pledge to the people that I move this motion. I move it to remind the Government that it should implement the commitments it made to the people at the last election. I move it to give effect to the recommendations of the Joint Standing Committee on the Commission on Government, which had a government majority, and which made unanimous findings about this matter. I move it also to give effect to the recommendations of the Commission on Government. The motion also highlights the importance of the areas identified by the Commission on Government as requiring attention in our Constitution, and which should gain that attention by a people's convention. Matters other than those listed formally also require, or may require, attention by a people's convention. The January 1995 report of the Western Australian Constitutional Committee recognised some of these areas, and the Commission on Government identified some of these areas also.

This motion to get the Government moving is in accordance with the pledge that the Australian Labor Party made to the people of Western Australia at the last election. The Leader of the Parliamentary Labor Party, Dr Geoff Gallop, said on 18 November 1996 that Labor would make government truly answerable to the people, with the most radical reforms in memory, and that under the \$19m accountability package that he announced, Labor would, if elected, empower people by holding a people's convention to consider fundamental changes to the State Constitution such as citizens' initiated referenda, a Bill of Rights, resolution of parliamentary deadlocks, and providing electoral rights. He said also that Labor would hold a referendum on the recommendations of the convention following their consideration by Parliament, and that the convention would comprise 100 delegates, with a majority elected directly. Dr Gallop also pledged the appointment in a future Labor Ministry of the Deputy Premier as Minister responsible for constitutional reform - an indication of the degree of importance attached to such reform.

Regrettably, although the Australian Labor Party is not in a position to implement this pledge, we hope to at least prevail upon the Government to implement a similar pledge. The detailed policy that we put forward to the people, of which I am sure members will be apprised, was in an excellent 31 page summary of Labor's response to the recommendations of the Commission on Government. It made the following recommendations -

Hon Derrick Tomlinson: Is that Labor Party policy?

Hon J.A. COWDELL: Yes.

Hon Peter Foss: You did not get a mandate. Did you get a non-mandate?

Hon J.A. COWDELL: I shall refer shortly to the concept of mandate.

Hon George Cash interjected.

Hon J.A. COWDELL: I am glad to see the Government is on top of this question and that the former Leader of the House is as alert as he ever was as Leader of the House, or perhaps is in his new situation of sitting next to the Attorney General. The Labor Party policy as presented at the last election referred to both the recommendations of the Commission on Government and the Government's formal response. It states at page 30 that -

The Government states:

"The difficulties in the establishment of a people's convention should not be under-estimated and the Government believes that no particular form of people's convention should be endorsed without further community discussion. . . .

That will make a change!

Hon Derrick Tomlinson interjected

Hon J.A. COWDELL: That is a quotation from the Government. One can tell by the preponderance of the quotes which are Government and which are Labor. It continues -

Any State people's convention should meet after changes (if any) to the Commonwealth Constitution stemming from a Commonwealth people's convention.

That is a handy formula, if ever there was one. The Labor Party policy states -

This is a grossly inadequate response.

Labor will summon a People's Convention within twelve months of the commencement of the next Parliament.

The People's Convention will consider the constitution and the inclusion of new clauses pertaining to the following matters.

These are matters (a) to (m), as referred to by the Commission on Government in recommendation 263. Labor further pledged that a majority of the delegates to the people's convention would be directly elected by the people and that Parliament would consider the proposals of the people's convention.

It is probably opportune at this time to remind the Government of its commitments to the people in this regard, such as they were, and that a mandate can run in two directions. It does not mean that the Government can just wave a set of policies in front of the people and say that it was elected on that basis, and then ignore half of those policies while implementing policies that it has not brought to the attention of the people.

I turn to the particular undertakings given by the Government. The Government did not start out with a very good record. I refer to the document entitled "Government Response to Commission on Government Reports Nos 1-5". The response to recommendation 263 was -

The Government believes that if the constitutional laws of Western Australia are to be amended those amendments should be done as part of one process and that that process should incorporate the concept of the people's convention.

That is not a bad start, but it continues to the ultimate qualification -

Any State people's convention should meet after changes (if any) to the Commonwealth Constitution stemming from a Commonwealth people's convention because the Commonwealth Constitution can override the Western Australian Constitution. It would be a waste of time and money to have matters considered by a Western Australian people's convention which might be of no effect due to subsequent changes to the Commonwealth Constitution.

There is a pledge, if ever there was one, for doing absolutely nothing. It is contingent upon the Commonwealth's having a constitutional convention. The Prime Minister has edged towards having a constitutional convention now, but has not included any wide range of topics only the question of the head of State and republican or monarchical forms of the Constitution. This pledge is contingent on getting those reforms, if any, into the Commonwealth Constitution. We could wait five, 10 or 20 years for that trigger mechanism.

Hon Peter Foss: Is that how long it will be before we have another Labor Government?

Hon Derrick Tomlinson interjected.

Hon J.A. COWDELL: I am not saying that I want to do it that way. That was the pledge of members opposite. The problem is that everything is then dismissed on the basis that as the Commonwealth might do this, that and the other we cannot have a people's convention to consider anything else because of what the Commonwealth might do. However, the Prime Minister has defined what the Commonwealth will do in a very narrow and strict sense. Not surprisingly he does not want an election to the commonwealth constitutional convention with a range of candidates including the gun lobby, and so on, campaigning for election on the basis of a right to bear arms. They might get in on a National Party platform on that basis!

Several members interjected.

Hon J.A. COWDELL: They are a bit concerned about a wide ranging inquiry at the commonwealth level. The point is that they have defined it very narrowly. By doing this we have no problem with all the areas that the Commission on Government wanted to consider relating to the Western Australian Constitution. None of these areas would be substantively affected by the agenda of the commonwealth constitutional convention. But, we have this very disappointing pledge on the part of the Government.

Hon Peter Foss: Disappointing to you, of course!

Hon J.A. COWDELL: It is not only disappointing to me, Attorney General, it was also disappointing to a wide range of informed public opinion.

Hon Peter Foss: Anything that agrees with you is informed public opinion.

Hon J.A. COWDELL: Indeed!

Hon Peter Foss: By definition!

Hon J.A. COWDELL: It is not always that I refer to Paddy O'Brien as informed public opinion. On more occasions than not it is the Government that refers to him as informed public opinion.

Hon Derrick Tomlinson: He is always in-formed!

Hon J.A. COWDELL: I did not quite catch that, Hon Derrick Tomlinson. Was that a reference to a particularly informed public opinion?

Hon Derrick Tomlinson: I do not think he is informed at all.

Hon J.A. COWDELL: In response to very negative public reactions, the Premier thought he had better boost the government pledge. It was not in writing like some of the pledges by the Minister for Labour Relations, but that is probably just as well. *The West Australian* reporting this debate on 18 November under the heading "Labor pledge to follow COG rules" came up with the Government's improved pledge -

In its response delivered earlier this month, the Court Government said there had to be more community discussion before a convention was held and it should not be held before a similar one was held by the Federal Government.

But following University of WA politics professor Patrick O'Brien's attack on the Government's poor performance on reform, Premier Richard Court promised to hold a convention within the next two years regardless of Canberra's intentions.

Despite a very poor start, the Premier improved the pledge. He made a non-conditional pledge that there would be a people's convention within two years irrespective of what Canberra was doing. That is an improvement, and I am reminding the Government -

Hon Peter Foss interjected.

Hon J.A. COWDELL: Does the Attorney wish to dispute the Premier's pledge or the quality of it?

Hon Peter Foss: The quality of the adjectives you add is up to the individual.

Hon J.A. COWDELL: I turn now to the views of the Attorney in this regard -

Hon Peter Foss: Perhaps you should rely on the transcript and not on anything in *The West Australian*.

Hon J.A. COWDELL: I will rely on both.

Hon Peter Foss: I would rely only on one. The other is not accurate.

Hon J.A. COWDELL: I thought it was accurate enough when I read the transcript. We have a record of what the Government would do regarding a people's convention. We can get some idea of this from the Attorney General's comments. Members may recall that when the Commission on Government considered the State Constitution and what should be done, the Attorney marched down St Georges Terrace to sort it out.

Hon Peter Foss: I was asked to attend.

Hon J.A. COWDELL: The Attorney was very intent on telling the commissioners how it should be done.

Hon Peter Foss: I have views and obviously they differ.

The PRESIDENT: Order!

Hon Peter Foss: I wish he would stop talking.

The PRESIDENT: Order! I wish the Attorney would stop responding.

Hon J.A. COWDELL: The Attorney expressed views to the Commission on Government which would not bode well for constitutional reform or indeed a people's convention.

Hon Peter Foss: Quite right.

Hon J.A. COWDELL: He expressed the view that Western Australia did not need a new Constitution -

Hon Peter Foss: Correct.

Hon J.A. COWDELL: - spelling out how a system of government would work, because most people would not read it or be interested in it -

Hon Peter Foss: Not because I did not believe in any written form.

Hon J.A. COWDELL: We are talking here about a written one as opposed to an unwritten one in the British tradition.

Hon Peter Foss: Which I happen to prefer.

Hon J.A. COWDELL: The Attorney stated that only Parliament has the experience to see how the Constitution should be changed; the people do not. He warned against putting in writing the fine details of Western Australia's system of government and the role of public officers, including the Premier, saying that it would lead only to legalistic argument. Am I correct so far, Attorney?

Hon Peter Foss: Excellent. You are doing very well. Keep it up.

Hon J.A. COWDELL: I think the House has heard more than enough from the Attorney General, at this stage.

Hon Peter Foss: You have an understanding of my reasoning. It is very good.

Hon J.A. COWDELL: We have had a formal pledge which was poor; an improved pledge by the Premier during the election campaign, which presumably the Government has a mandate for now, which it must fulfil given that the Premier came up with the throwaway line; and we have trepidation on the part of senior members of the Government in venturing down this path.

Hon Peter Foss: Who is that?

Hon J.A. COWDELL: Some members of the Government. I remind members of the Premier's comments in June 1995 when the Government formally responded to the Western Australian Constitutional Committee's report. The Premier stated -

I will present this statement in response to the Western Australian Constitutional Committee's report, . . .

We are a Government which believes the future of our Constitutions should be decided by their owners, the people.

He further stated -

The report lists 39 specific conclusions and recommendations, which the Government has considered carefully. Its principal conclusions are in accord with the policy stance which we have consistently maintained.

The Premier then referred to constitutional and people's conventions. He stated -

Recommendations 7 and 38 urge the promotion of a Constitutional Convention in the lead-up to the centenary of federation, with the popular election of 50 per cent of delegates, and equal representation from all States.

He is obviously referring to the national constitutional convention. Nevertheless, the comments are pertinent. He further stated -

The Government recognises that this proposal for a people's convention on similar lines to the policy of the federal coalition is a profoundly constructive and democratic approach to constitutional reform, . . .

It is appropriate in moving this motion - I move it to implement the pledge given to the people by the Australian Labor Party at the last election - to remind the Government that it has also made certain pledges to the people and it is time it honoured those pledges. More importantly, I move to the essential argument for the motion, not just the fact that the Opposition has endorsed this course of action but that the Premier has endorsed it also, having removed some key qualifications, even though senior members of his Government have grave concerns about this course of action.

Hon Peter Foss: Who is a senior member? I am a junior member.

Hon J.A. COWDELL: Members of this Government then. Members must look at the fact that this motion is designed to give effect to the recommendation of the Joint Standing Committee on the Commission on Government. That committee had a coalition Government majority of 6:4 and it presented a fine report in many respects. I must acquaint the House with some of those findings. For example, the comment of the joint standing committee on COG's recommendation 263 was -

Recommendation supported as amended.

The Committee supported recommendation 263 in the following form:

A people's convention should be established to review the constitutional laws of the State.

The Committee recognised the importance of the principles contained in recommendations 257 to 262. A People's Convention should consider the appropriateness of the inclusion of these, or any other, principles in the Constitution Act 1889.

The joint standing committee referred quite often to the device of a people's convention.

Hon Peter Foss: There has been one of those in Adelaide. It was a total shambles.

Hon J.A. COWDELL: I trust the one to be introduced by the Attorney General when he honours his Government's pledge will not be a total shambles. With regard to recommendation 260, that the Constitution Act 1889 should be amended to provide that Parliament shall be summoned within 30 days of the return of the writs from a general election of either House, the recommendation was noted - not endorsed - and the comment was made -

The Committee believed that a people's convention should be established to review the constitutional laws of the State.

Similarly, with respect to recommendation 261 on the doctrine of the Shield of the Crown, once again reference was made to the fact that a people's convention was the appropriate body to make recommendations on this matter. With respect to recommendation 262, on the consolidation of the Constitution Acts Amendment Act 1899 and the Constitution Act 1889, reference is made to a people's convention. In a range of other recommendations, the joint standing committee embraced the concept very fully and referred particular constitutional recommendations made by the Commission on Government to a people's convention. It was a unanimous recommendation.

This motion is designed not only to give effect to the pledges made by the Government and the Opposition at the last poll, and to give effect to the unanimous recommendation of the Joint Standing Committee on the Commission on Government, but also to give effect to COG's recommendations themselves. I have referred to recommendation 263 specifically in my motion, and it embodies that recommendation of the Commission on Government which states -

1. A people's convention should be established by legislation to review the constitutional laws of the State and formulate a new Constitution for Western Australia.
2. The terms of reference of the proposed people's convention should be broad and permit detailed consideration of, but without being restricted to, those matters raised in Appendix 2:
 - (a) assent to legislation;
 - (b) bill of rights;
 - (c) electoral rights;
 - (d) initiation of constitutional amendment/citizen initiated referendum;
 - (e) new preamble;
 - (f) power of Parliament to recall Parliament;
 - (g) prorogation;
 - (h) recognition of Aboriginal peoples;
 - (i) resolution of parliamentary deadlocks;
 - (j) role of local government;
 - (k) role of political parties;
 - (l) selection, appointment and powers of the Governor; and
 - (m) size of the ministry.

The Commission on Government specifically recommended that the people's convention should be a broadly representative body, half of which should comprise persons directly elected by the people. It stated that the legislation establishing the procedures for election to a people's convention should be designed to minimise the influence of political parties in the election process. It further recommended that the people's convention should be required to consult widely, act openly and make available to the public all submissions made to it. Recommendation 263 finally stated that the draft Constitution produced by the people's convention should be submitted to Parliament for its consideration and presented to the people for their approval at a referendum.

The motion calls on the Government to implement recommendation 263 of the Commission on Government - a recommendation endorsed to a greater or lesser degree by both major political parties - and to refer all the matters that are specifically enumerated under that recommendation. Because it is a motion calling on the Government to act, I have not specified the details of legislative action required, although I suggest that 75 delegates out of, say, 100 delegates should be directly elected and 25 delegates nominated to the convention. I think the Labor Party's formal election pledge was that over half would be directly elected; it may be 60 or it may be 75. Nevertheless, my motion proposes 75, which is an indication that a majority of attendees at the convention should be popularly elected.

The Commission on Government report goes into detail on the form of a people's convention, the Australian experience in holding constitutional conventions, the Northern Territory discussions, and the argument about having all appointed as opposed to all elected, and it came up with the balance that has been suggested. COG does not argue that only items (a) to (m) that it enumerates should be considered by a people's convention. Its recommendations 252, 254 to 256, and 258 to 262 refer to other ways in which the Constitution should be changed. I presume it would have no objection to those detailed recommendations as opposed to general considerations being considered by a people's convention.

I diverge slightly by saying that the Opposition believes a people's convention should be a partnership between the people and Parliament. The people should have an active say in electing the convention and in electing the overwhelming majority of delegates to that convention and they should have a direct say in voting on a constitutional referendum after the convention. The process must involve Parliament in three respects. Parliament should take the initial step of consolidating the existing constitutional Acts to make them intelligible to the public of this State and to provide an appropriate agenda for the people's convention. Obviously after the people's convention the convention would make recommendations to Parliament. Those recommendations would not go directly to a referendum. It would be up to Parliament to consider what to put to the people in the referendum. It is an important two step process: Parliament considers all the recommendations and determines what goes to the people in the referendum.

I am of the opinion that not everything in the Western Australian Constitution must be entrenched. I do not believe the Western Australian Constitution should be made an inflexible document. However, certain core sections of the Constitution, the fundamental law of the State, should be enshrined and entrenched by virtue of going to the people first and then requiring a referendum to remove them. I do not believe they should just be put there by Parliament: The core sections of the Constitution should go to the people and once the people have voted to approve them they should be repealed only by referendum. I do not believe much of the minutiae in the Constitution, which reasonably may be altered from time to time, must go to referendum; however, the core values should - certainly anything involving the fundamental and basic rights of the people.

I move this motion in recognition of the need to reform the Western Australian Constitution. It is a fine old document, but one we would not want to parade around in public. Members will be aware that it is contained in a number of Acts: The Constitution Act 1889 and the Constitution Acts Amendment Act 1899 and perhaps even in fundamental clauses in the Supreme Court Act, some aspects of the Electoral Act, the Parliamentary Privilege Act and a range of other Acts. Members must consider what needs to be consolidated. When we consider the Constitution Act of 1889, the need to act on this matter and not go into the twenty-first century with this document is difficult to argue against. The preamble of the Western Australian Constitution, which runs for half a page, is almost totally incomprehensible. It states in part -

WHEREAS by the thirty-second section of the Imperial Act passed in the session holden in the thirteenth and fourteenth years of the Reign of Her present Majesty, intituled "An Act for the better Government of Her Majesty's Australian Colonies," it was among other things enacted that, notwithstanding anything thereinbefore contained, it should be lawful for the Governor and Legislative Council of Western Australia, from time to time . . .

Hon Derrick Tomlinson: You read that very well; it was very comprehensible.

Hon J.A. COWDELL: For half a page.

Hon Derrick Tomlinson: I understood every word.

Hon J.A. COWDELL: I am glad Hon Derrick Tomlinson follows that. The Constitution contains key sections. Section 5 on the first calling together of the Legislature is fundamental to our continued good government -

The Legislative Council and Legislative Assembly shall be called together for the first time at some period not later than six months after the commencement of this Act.

Section 6 on the appointment of members of the Legislative Council is fundamental also! According to that section we are not elected, but are appointed.

Hon N.F. Moore: That has a nice ring to it.

Hon J.A. COWDELL: I have tendered advice to those I hope are key members of the British Government after the election tomorrow that under no circumstances should they go anywhere near an elected House of Lords: Get rid of the hereditary peers, but keep it appointed.

Hon Derrick Tomlinson: Proportional representation, I hope.

Hon J.A. COWDELL: I am sure we could arrange it so that more than the 27 bishops of the Church of England were represented. The Hindu and Muslim communities, the non-conformist churches and the Church of Rome would be more than grateful to Hon Derrick Tomlinson.

Section 9 is fundamental to the current Constitution and it refers to the appointment of the President of the Legislative Council by the Governor and what can be done in that respect. Sections 10 and 11 have been repealed by 57 Victoria No 14. Members are well and truly informed of these annotations as they read the Constitution. When it comes down to it, there are probably 40 sections which have been repealed, so there are gaping holes and what is left is hardly worth having.

A section of the Constitution outlines how the electoral lists will be composed. It is fascinating, but it is not relevant to the modern world in any way. It also includes a section on the Legislative Council and I refer members to part III, section 42. I know members will be pleased to know they are safeguarded by section 42 of the Constitution Act. It reads -

When six years shall have elapsed from the date of the first summoning, under section six of this Act, of persons to the Legislative Council, or when the Registrar General of the Colony shall have certified, by writing under his hand to be published in the *Government Gazette*, that the population of the Colony has, to the best of his knowledge and belief, exclusive of aboriginal natives -

They do not count. They are not citizens and they are not people. To continue -

- attained to Sixty thousand souls, whichever event shall first happen, this Part shall come into operation, provided that the Governor in Council shall have power, by proclamation in the *Government Gazette*, to further postpone the operation of this Part for any period not exceeding six months.

Members will be happy to read the reference to 60 000 souls and to see that in the Western Australian Constitution there is still a section which refers to a census exclusive of Aboriginal natives. The Constitution is a fine old document which the Attorney General holds dear. Section 54 reads -

The Commissions of the present Judges of the Supreme Court and of all future Judges thereof shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty (whom may God long preserve) -

Unfortunately, he long since stopped preserving Victoria.

Hon Derrick Tomlinson: How do you know?

Hon J.A. COWDELL: They do wonders. I am sure there is a replica somewhere in the Liberal Party room. To continue -

- any law, usage, or practice to the contrary notwithstanding.

Of course, we have these sections in the Constitution which are essential at the moment. Why would we want a people's convention that would play around with such fundamental matters? The fact that this document does not recognise that Queen Victoria is deceased, that a Commonwealth of Australia has come into existence, that this State is no longer a colony, that Aboriginal natives may count and that the State no longer imposes its own customs and excise duties -

Hon J.A. Scott: Perhaps the Attorney General has some ideas.

Hon J.A. COWDELL: No doubt he does. This State does not legally impose its own customs and excise duties any more. Section 59 of the Constitution refers to this State's ability to impose customs and excise duties provided it does not impose those duties on any plant or equipment at Government House. According to section 60, this State is not to levy duty on any supplies for the Governor or troops nor any duties inconsistent with treaties. Members will be happy to know that the Constitution envisages that the colony might be divided by determination of Her Majesty,

Queen Victoria, into parts thereof and new colonies might be formed. Members will also be happy to know that, in schedule D, Sir Malcolm Fraser, KCMG, Colonial Secretary, will receive £700 per annum; Charles Nicholas Warton, Esq., Attorney General, £333.6.8 - perhaps there is some worth in this document after all and the current Attorney may wish to be remunerated accordingly - Anthony O'Grady Lefroy, CMG, Colonial Treasurer £550 and John Forrest, CMG, Surveyor General and Commissioner of Crown Lands £500. The total expenditure under schedule D is £2 083.6.8. Members are no doubt relieved to know that they are safeguarded by this document. Obviously, there is no need for constitutional revision.

Unfortunately, as a number of commentators have pointed out, although they possibly have not got through to the Attorney General as yet, there is something amiss with this document. One cannot cause it to be published and circulated widely in its current form, and this is a hindrance. I refer to the Joint Select Committee of the Legislative Assembly and Legislative Council on the Constitution - report No 1 of 1991. The committee found a number of problems with the Constitution. On page 35 reference is made to the format of the Constitution. It states that -

The marked difference between the forms of the Western Australian Constitution and the Australian Constitution make it more difficult for the Western Australian Constitution to be readily available.

That is an understatement, if there ever was one. The report states -

As already suggested in the section on our present State Constitution (3.1) an intending reader would need to purchase several Acts some of which may be a number of booklets and loose sheets of amendment acts. The attractively covered booklet of the Australian Constitution contains its provisions in a far more accessible form than the collection of pieces of paper in which our State Constitution is presented.

No doubt that is one of the essential reasons Hon Ross Lightfoot is dashing to the federal arena - a far more attractive constitutional document.

Hon Peter Foss: I got a nice new copy the other day and I read it every night.

Hon J.A. COWDELL: Given the number of challenges this Government makes against the Commonwealth, be it a Labor or Conservative Government, I am not surprised the Minister reads it constantly.

Hon Peter Foss: Unfortunately the things that one worries about are not in the Constitution. They are made up by the judges.

Hon J.A. COWDELL: And mostly by conservative appointed judges.

Several members interjected.

The PRESIDENT: Order!

Hon J.A. COWDELL: The 1991 committee stated -

To make this mere incomprehensible collection of papers more readily available to the people of this State would seem to be of dubious value, although it is possible that providing such a disjointed collection of statutes may be one way of gaining public support for the reform of our constitutional statutes.

There it is - the Attorney General's plot! It is so bad that it must drive the people into action. To continue -

The consolidation of the two principal Constitution Acts undertaken by this Committee is intended as an important beginning to this process.

That is the beginning of the process, but the second step of the process is getting under way with the calling of a people's convention to consider a consolidated constitutional document that is prepared by this Parliament. After a period of circulation of that document we will be in a position to have an election and have the people's convention make a comment on the various aspects of the Constitution.

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

[Questions without notice taken.]

SESSIONAL ORDERS - TIME MANAGEMENT

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [5.34 pm]: I move -

That commencing on Tuesday, 6 May 1997 -

- (1) (a) the times of adjournment specified in Sessional Order No 1 made on 10 April 1997 shall not apply to any sitting of the House; and

- (b) the times of adjournment specified in Standing Order No 61(b) and (c) shall not revive by operation of subparagraph (a).
- (2) Unless sooner amended or revoked, this order lapses at the adjournment of the House on the day on which the Labour Relations Legislation Amendment Bill is finally disposed of by the House.

This motion is to enable the House to sit beyond the 10.00 pm closure time on Tuesdays and Wednesdays and 5.00 pm on Thursdays for the duration of the Labour Relations Legislation Amendment Bill, the second reading debate of which will presumably commence some time tomorrow.

In the event it is agreed to, the motion will take effect next Tuesday and not as I had originally intended.

Hon Kim Chance: Assuming it will be agreed to.

Hon N.D. Griffiths: Hon Bruce Donaldson does not agree with you. He negotiated the sessional order.

Hon N.F. MOORE: For as long as you, Mr President, and I have been here it has been normal for the House to have flexibility in debating times for Bills of this nature, particularly where members feel the need to speak at great length. I have been here, as have you, Mr President, when members have spoken at great length and the House has found it necessary to sit beyond the normal closure time.

I expect members will wish to speak on this Bill at great length. Normally a motion is moved on a daily basis to go beyond the closure time for that day. However, it is appropriate to move a motion which covers the duration of the Bill so that it is not necessary to waste the time of the House debating sitting beyond the closure time every day.

It is my general view, as I have said on a number of occasions, that the House should not sit here all night. As Hon Tom Stephens knows, it was my view that we should not have a closure time in the new sessional orders. I argued for that but I did not win. I am therefore prepared to agree with the view of the committee that we should make it 10.00 pm and 5.00 pm because that is when we should finish.

Hon N.D. Griffiths: For one week.

Hon N.F. MOORE: That will be the case when Bills of this nature are not before the House.

I would prefer that the Leader of the House decide when the House adjourns on a daily basis, bearing in mind the fundamental principle that it should not sit all night unless it is absolutely necessary. The Labour Relations Legislation Amendment Bill requires flexibility, as has been demonstrated in the past. The hard and fast adjournment rule could adversely affect this debate as it has adversely affected other debates.

As I mentioned, some members may wish to speak for a long time on this Bill. I understand why that would be the case. Many members will have a particular interest. Industrial relations Bills, dog Acts and similar legislation provoke members to speak at great length.

Hon John Halden: I think this legislation is a dogged one!

Hon N.F. MOORE: I am sure members opposite will tell us that at great length when the House gets a chance to debate it. However, if we were to abide by the normal rules of closure, this Bill could be around for a long period and take away from the House its ability to deal with other legislation and issues which are as important to other members as this Bill happens to be to some members.

It is my intention that if this motion is passed, commonsense will prevail and extraordinarily long hours will be avoided if possible. The length of sittings will depend on whether people wish to filibuster or engage in tedious repetition or other behaviour of that nature, which they may feel the need to do.

It is my intention that we deal with this motion now and resolve it one way or the other then proceed to Order of the Day No 1, which is the motion moved by Hon Tom Stephens yesterday that the House debated at some length. I do not expect we will take very long to finish because there was an expectation among some of us at least that it would have been completed yesterday. Although I understand that for various reasons a couple of members did not speak, it will not take long to conclude the motion whenever it is dealt with.

I expect that we will be in a position to commence the second-reading debate on the Labour Relations Legislation Amendment Bill some time tomorrow. On the last day of sitting before the recent adjournment a loose agreement was reached that the House would commence the second-reading debate on that Bill this coming Thursday. I expect that loose agreement to be adhered to.

Given the practice of the House to be flexible on these sorts of Bills so that debate can proceed past the normal adjournment time, I seek to move that the sessional orders, and the standing orders behind them, not apply for the

duration of the debate on the Labour Relations Legislation Amendment Bill. This particular motion will be dealt with today and then either today or tomorrow the House will vote on Hon Tom Stephens' contingency motion.

Hon Tom Stephens: You will carry my motion, won't you?

Hon N.F. MOORE: Of course, if the House carries Hon Tom Stephens' motion the agreement we have about starting the second-reading debate will not apply. But the House judges those things.

Hon N.D. Griffiths: The house will always make a judgment.

Hon N.F. MOORE: I am putting forward a proposal and, as happens when other members do the same, members will be required to abide by the decision of the House without rancour on the basis that is the way the cookie crumbles.

Therefore, I seek to move the motion that the time for the adjournment of the House not apply for the duration of the debate on the Labour Relations Legislation Amendment Bill. Assuming this motion is agreed to, its conditions will apply from next Tuesday, which will mean that the normal sitting hours will apply tomorrow but the Government will contemplate using the provision outlined in the motion next Tuesday.

HON N.D. GRIFFITHS (East Metropolitan) [5.43 pm]: I listened with interest to the words of Hon Norman Moore, just as I listened with interest to his words on 10 April. Although there is a contrast between what was said then and today, I must give him credit that what he has said today carries great force. There is much behind it. He is persuasive. Once again, like every Liberal Leader of the House before, he has behind him the revered standing order 17:16. That standing order has greater strength than any words ever used by any member in this House and will always have greater eloquence than the words *Hansard* may recall. I accept the reality that this House will continue to be a rubber stamp until 22 May 1997. Members will then see what transpires.

When Hon Norman Moore addressed the House on 10 April, only a few sitting days ago, he spoke of consensus, he spoke about the way the House conducted its affairs and of the cooperation that exists between the Opposition and the Government when moving along significant items, much of which will benefit Western Australians. I regret that he has moved this motion to facilitate the House dealing with a Bill which will not benefit any Western Australian and which has already, by virtue of it being before the House, caused Western Australians a great deal of discomfort.

Before considering the motion of Hon Norman Moore, and before those opposite give their customary rubber stamp, the House should compare the words of the Leader of the House this evening with the words he uttered so eloquently only a few short sitting days ago. Those words I suggest are relevant to the House's consideration of this question.

I will not read out all of those words. I trust the Leader of the House will accept that I will not selectively quote from his speech, as I do not want to be accused of quoting him out of context. That would be unfair. However, I want him to acknowledge that what I say is what he meant on that day, and, if that is so, what has changed his mind?

We all knew on 10 April that the Labour Relations Legislation Amendment Bill was on its way, because after the House had debated the sessional orders on 10 April, the Leader of the House foreshadowed a discussion of the labour relations legislation. What has changed? What is the difference? Why has he changed his mind? He has not changed his mind. When I ask "Why has he changed his mind?" I am really asking why have those opposite, those who control the wielding of the rubber stamp, changed their minds?

I remind the House of the words of Hon Norman Moore found at page 1479 of *Hansard* of 10 April 1997. He said these things after he had referred to the new sessional order. *Hansard* records the words of that new sessional order and then records the Leader of the House saying -

There has been a genuine attempt by members from both sides of the House over a long period to recommend some sessional orders which will make this House operate more effectively and efficiency.

Those words are very true. They had great standing then and have great standing now. He then went on to say -

This motion I have moved today without notice -

It is lovely when they are moved without notice.

... reflects the consensus view of that informal subcommittee that you chaired, Mr President.

It is fascinating that on that occasion a motion was moved without notice reflecting a consensus view. But he then went on to say - and here I know that personally the Leader of the House is very consistent in his view about closing times when he speaks -

Hon N.F. Moore: It is consensus when you give and take.

Hon N.D. GRIFFITHS: I wish the Leader of the House would bear that in mind when it comes to debate in this House. The Leader of the House considers that give and take is all about the Opposition give, give, giving and he take, take, taking, because he effectively has absolute power in this House. He has the numbers. That's life! I accept that, but do not put up the pretense that the House will make up its mind or that the House will do this and the House will do that. That is sheer cant. All talk about a House of Review has always been and will continue to be rubbish.

We will leave that to another day. The words of eloquence of the Leader of the House continue -

Although I acknowledge that some aspects of these sessional orders will not appeal to every member of the House, they are trial sessional orders and it is worth the time and energy of the House to see if they will work.

So we have given them a great trial, although we have sat one full day since they came into operation.

Hon N.F. Moore: Maybe they do not work!

Hon N.D. GRIFFITHS: It is a fantastic trial!

Hon E.J. Charlton: You wanted plenty of time to debate the Bill, even though you did not want to start it until 27 May!

Hon N.D. GRIFFITHS: A very fair interjection has been made, which I want to answer.

The DEPUTY PRESIDENT (Hon Barry House): Order! The member cannot directly answer an interjection. He may include certain remarks in that regard in his comments.

Hon N.D. GRIFFITHS: You, Mr Deputy President, will be aware that I never wanted to debate the Labour Relations Legislation Amendment Bill; it is rubbish and an evil Bill. I will leave it at that for the moment. The Leader of the House continued -

The motion deals with changing the times at which the House sits -

He now gets to the kernel of his comments; it is lovely stuff -

- and provides for more opportunities for committee meetings to take place and for committee reports to the House being part of the weekly program of the House.

I can just see the conscientious committee members attending meetings in the knowledge that if they are lucky, they will sit until the early hours of the morning in the Chamber. What enthusiasm they will have!

Hon N.F. Moore: We do not have to sit to all hours of the night.

Hon N.D. GRIFFITHS: Of course not. The Leader of the House can be reasonable. He can see that the sessional orders need not be amended. One of the interesting things about debating matters with members who will have the power of standing order 17:16 is that they like to interject. I enjoy it, although I wish their interjections were a little more worthwhile. When one seeks to answer the interjection, they try to take a silly point and run away. So be it.

I remind the House of the words of Hon Norman Moore, although perhaps he does not want to hear them.

Hon P.R. Lightfoot: Perhaps you should not be quoting from them.

Hon N.D. GRIFFITHS: I wish the senator would just go away.

Towards the conclusion of the debate on the sessional orders - I refer to *Hansard* of 10 April, page 1481 - the Leader of the House said -

There are some changes in these sessional orders with which I am not happy . . .

We know that. We have just seen a display of sadness on behalf of the leader.

Hon John Halden: It is petulance.

Hon N.D. GRIFFITHS: Not at all. Hon John Halden should learn to be charitable; I am sorry, but we know that Hon Norman Moore wants the sessional orders to work and to have a fair trial. He is smart. He beat the other bloke to become Leader of the House, and he knows all about numbers. I know how he got those numbers, Hon Ross Lightfoot. Hon Norman Moore is a wise man. The House should take note of his wisdom because he knew after a whole sitting day that these sessional orders would not work. He thought they had been given a fair trial and they needed to be changed. It is only proper that I acknowledge his wisdom, and that he acknowledge that he was genuine when he said these words on 10 April. He convinced his colleagues on that occasion. He is such a persuasive leader

that members opposite go along with him. He did not change his mind, but he said he did not like certain aspects but he was prepared to wear them and give them a trial. He said -

For the sake of agreement I was prepared -

Point of Order

Hon P.R. LIGHTFOOT: Would the honourable member be kind enough to identify the document from which he is quoting?

Hon N.D. GRIFFITHS: I wonder whether the honourable member would be kind enough to listen to me when I speak; if he had, he would have heard me identify the document.

The DEPUTY PRESIDENT: Order! The document has been identified, but for the purposes of the member, who may have missed it, will Hon N.D. Griffiths cite the page number?

Hon N.D. GRIFFITHS: I appreciate that the honourable member has his mind on other things and another place.

The DEPUTY PRESIDENT: Order!

Debate Resumed

Hon N.D. GRIFFITHS: The document to which I refer is *Hansard* of 10 April, page 1481, and the passage in the speech of Hon Norman Moore concluding debate on that motion. That speech commenced at 18 minutes past three in the afternoon and occupies several lines of *Hansard*. At this stage in debate, Hon Tom Stephens, who is very charitable in these matter, interjected "I commended the leader for his efforts." I wish I had made that interjection. I commend the Leader of the House for his fine words on 10 April, but I cannot commend them this evening.

Hon N.F. Moore: Be a little charitable.

Hon N.D. GRIFFITHS: I said that the leader's words have great force.

Hon N.F. Moore: We will soon find out how much force.

Hon N.D. GRIFFITHS: Not too soon I hope. The Leader of the House spoke on 30 April, a mere 20 days after 10 April. To save members looking them up - I know that Hon Ross Lightfoot is probably already calling for a copy of *Hansard* to make sure I am not misquoting his leader -

Hon P.R. Lightfoot: I wanted to make sure you're not quoting from a document from which you should not be quoting.

Hon N.D. GRIFFITHS: I bet the Senate is waiting for the member. Hon Norman Moore continued -

I would have liked to include in these sessional orders that we do away with the time limit at the end of a day's sitting so we do not go through the crazy situation of asking permission to sit beyond 11.00 pm.

Good luck to the leader; he is very honest in his personal view. In agreeing to the sessional order, he had accommodated his personal view on behalf of those opposite. He went on to say -

Those sorts of thing could be tried and could be made to work.

However, they have not been tried fairly. Maybe they will be tried down the track until another controversial piece of legislation comes along which the Government will pass quickly following some deal or transaction with people who wish to see it passed speedily.

Hon Derrick Tomlinson: By then standing order 17:16 will be in place.

Hon N.D. GRIFFITHS: One never knows. The Leader of the House continued -

I accept that that will be taken out of the arrangements on the basis that we are seeking consensus.

It is a lovely word. I go along with that. That word reminds me of Bob Hawke beating those opposite four elections in a row, so I love that sort of "consensus" to which can relate. The leader wanted to achieve consensus, but after one day - this is his idea of consensus - he has moved a motion to change the essence of that consensus. Frankly, it was not even one day; he gave notice of a motion in similar terms before a sitting day had passed. So much for the trial!

Hon N.F. Moore: I thought I was being helpful. I gave notice and you are now being critical of me.

Hon N.D. GRIFFITHS: I am critical, but fairly so; I am not unkindly critical. There is nothing wrong with good honest criticism. My speech quotes the words of the Leader of the House because they are so eloquent.

Hon N.F. Moore: I am inclined to agree with you.

Hon N.D. GRIFFITHS: Would the Leader of the House like to speak so I need not quote him?

Sitting suspended from 6.00 to 7.30 pm

Hon N.D. GRIFFITHS: One of the great pleasures in speaking in this House is to have the opportunity of quoting from the *Hansard* when the words one is quoting are words of great wisdom. I hope they were words of wisdom and that they were meant with proper intent and were not sarcastic! I think it is a dreadful state of affairs when sarcasm enters into debate. The words I was referring to earlier were the words of Hon Norman Moore.

Hon N.F. Moore: The feeling is mutual.

Hon N.D. GRIFFITHS: I thank the Minister. As much as I enjoy listening to him, I enjoy reading his words even more. I enjoy particularly reading his words to my colleagues, the members of the Legislative Council. I was referring to some of those very eloquent words shortly before the suspension of the House. I was getting close to my conclusion. However, I read on a little and I thought that some of the words needed to be repeated - not repeated by me in terms of what I said earlier today, but repeated in the sense that I am quoting from those very wise pronouncements of Hon Norman Moore. I concluded my comments before the suspension by referring to the crazy situation, as Hon Norman Moore put it so honestly from his point of view, of having to ask for permission to sit beyond 11.00 pm. I agree it is crazy to ask for permission to sit beyond 11.00 pm because I think it is crazy to sit beyond 11.00 pm.

Hon Bob Thomas: So do I.

Hon N.D. GRIFFITHS: I wish we would get around to dealing with my friend and colleague, the Senator preselect. I want him to go to the Senate and not the Victorian upper House. I think he is more suited to the Senate than the Victorian upper House, because he will not get as many opportunities to speak as he gets here or as he may get in the Senate.

Hon Bob Thomas: He will go on 22 May. Unfortunately, the industrial relations legislation will not have been dealt with by then.

Hon N.D. GRIFFITHS: We need a senatorial sessional order so we can deal with the question of senatorial practice and delve into matters of Odgers and other issues of that kind. I will not transgress; if I were in the Senate I would not be transgressing. What I am saying is in conformity with that which occurs in Odgers in any event, as Hon Bruce Donaldson knows very well.

Hon B.K. Donaldson: I know you are trying to draw this to a conclusion.

Hon N.D. GRIFFITHS: There is reading and writing. However, when it comes to Hon Bruce Donaldson, we get a drawing! In the debate on the new sessional orders on 10 April, Hon Norman Moore used the words "those sorts of things". He said -

Those sorts of things could be tried and could be made to work.

Would be, could be! They are would be's if they could be. I have heard that before. He also said -

I accept that that will be taken out of the arrangements on the basis that we are seeking consensus.

I dealt with that before we left the Chamber but I thought I should come back to it. He continued -

When I listened to the comments of the Leader of the Opposition and Hon Jim Scott, I was tempted to not bother and to let it lie.

That is about laying it to rest, not the other meaning because that would be inappropriate as Hon Bob Thomas so readily agrees. He then said -

However, the work done on this proposal is deserving of some trial.

Hon Norman Moore is the judge, jury and executioner. He runs the whole process. There has not even been a preliminary hearing. I will not make any comments about the administration of justice in Western Australia. He continued -

We will proceed with the motion, provided that an absolute majority agree with it, and the sessional orders will be put in place.

This motion will allow standing order 17:16 to override the wishes of an absolute majority of this House. So many members of this House voted for the sessional orders motion. Hon Jim Scott voted for it. I saw him seated in his place not raising a voice in dissent. He voted for the sessional order, but his vote will be overridden. The Leader of the House will override the rights of a minority and I think that is awful.

Hon N.F. Moore: He did not vote for it at all, as I remember.

Hon N.D. GRIFFITHS: I note in that context the words of the Leader of the House who said -

I remind Hon Jim Scott that they are sessional orders and are not intended to be part of the standing orders and enshrined in them.

Of course they are not part of the standing orders. However, the session is still going. Again he used the words, "It is about trying these processes". The leader referred to going past 22 May in ongoing discussions. He used the words, "after 22 May" about future discussions, not 30 April. He said -

I hope we will have those discussions because it will be necessary to adopt a more mature approach to the processes in this House if it is to work properly in the future.

I regret to say that what we have embarked on is not a very mature approach. When Hon Norman Moore gave notice of this motion yesterday, I was very surprised. When he moved this motion today I was not so surprised. However, I was very surprised when he raised the issue yesterday because I could not conceive of how he could remain unconvinced by his words of wisdom. It seems to me that members of the coalition parties do not pay enough attention to what goes on in this House. Perhaps they do not listen to the words or perhaps they do not understand them. Perhaps they are used to putting up their hands in a rather stiff fashion when dealing with certain pieces of legislation. Perhaps they are used to elephant stamps being stamped on them by some great almighty authority. Perhaps they have mutinied. Perhaps the pretender for the position of Leader of the House got the numbers and has subverted the real wishes of Hon Norman Moore. I do not know. I can see that Hon Bruce Donaldson is very loyal to Hon Norman Moore, even though he disagrees with this motion. He wants to agree with what Hon Norman Moore said on 10 April. Nothing has changed in the past 20 days except that the month of April is about to end and we are moving into May. We will see a Labour Government in Britain, which is good - they are good wherever they occur - and I look forward to it. It will be the first of many.

In conclusion, I note the words of Hon Norman Moore. It is difficult to know how to characterise them, but they are words of genuine intent. I have had great pleasure in seeing this gentleman in action over the past few years. I believe he meant these words and that something momentous must have occurred in the past 20 days - perhaps that perceived and hoped for mutiny being fostered by the Minister for Labour Relations' representative in this place. I do not know; I do not want to speculate; I am not into speculation. I note that there is no answer from the Minister's representative. No doubt he is feeling very guilty about what he has tried to do. Hon Norman Moore said -

I hope we will have those discussions because it will be necessary to adopt a more mature approach to the processes in this House if it is to work properly in the future. I hope this is seen as a beginning to a gradual -

That is a great word and it was meant advisedly -

- reform of the way in which the House operates. I assure Hon Jim Scott that the ongoing discussions will occur -

That is what we are having at the movement for a relatively short period as debates go -

- and he will be involved, -

I suspect he might -

- as will other members if they wish to be.

I do not wish to delay the House and prevent it having the opportunity to hear another member who I know wishes to make a contribution. Therefore, notwithstanding that I wish to say much more, particularly about the eloquence of Hon Norman Moore, but because I cannot restrain one of my colleagues any longer, I conclude my remarks.

HON KIM CHANCE (Agricultural) [7.45 pm]: I do not intend to speak at length on this issue.

Hon N.D. Griffiths: You have only 45 minutes.

Hon KIM CHANCE: I will not use anything like that amount of time. A couple of issues have not been mentioned or emphasised by Hon Nick Griffiths.

Hon N.D. Griffiths: I wanted you to speak.

Hon KIM CHANCE: I thank the member for that. However, these issues require mention. After long negotiations between the Government and the Opposition, this House has just reached agreement on new sessional orders designed to improve the way we conduct the business of this House. Those negotiations were conducted by some of our most able members on both sides of the House. It is a credit to them that we were ultimately able to agree on the new sessional orders, and I mean that sincerely. It was not an easy process for members opposite and probably for members on this side. As some of those negotiations took place during the time that I was the Leader of the Opposition, I well understand the tortuous process that they had to go through. That credit stands because there are elements of the sessional orders that one side or the other does not particularly relish. As a result of that, it effectively became a careful balancing act rather skilfully crafted by the negotiators, and I emphasise that word "balancing".

The difficulty with the amendment proposed by the Leader of the House is that it has upset the balance that made the new sessional orders acceptable to both sides. I will put it another way: Had the negotiators at any time in that process brought forward draft sessional orders that included the proposition we now find ourselves discussing, I do not believe that there would ever have been an agreement. I understand that other speakers might contradict some of the things I have said, starting with that point. However, if the negotiators had understood that this would be the situation at the time of the negotiations or at the time the negotiated agreement was brought into this House for a decision, I cannot imagine that this House would have supported the proposition. Certainly, I have grave doubts whether Hon Jim Scott would have accepted it.

From the Opposition's perspective, it has shown its commitment to both the letter and the spirit of the agreement it reached. Even before they were formalised and the House voted to adopt the new sessional orders, the Opposition had begun observing at least one of the important principles of the agreement - that of restricting urgency motions to one day of the sitting week. The Opposition had set out from the very beginning of this session observing that principle, and it was not easy to get that agreement in the opposition caucus room. Having reached the agreement, we came back with the new leadership and that leadership opted to adopt the position of using the urgency motion on only one day of the week. We did not have to do that, but it was an indication that the Opposition was prepared to live with the spirit of the agreement.

On the very first day of the operation of the new sessional orders, the Government has moved a motion seeking to amend a component of the agreement. That change could substantially disadvantage the Opposition. It does not hurt the Government; it gives the Government an opportunity to debate a Bill into the late hours and to progress its legislation. That is most certainly to the Opposition's disadvantage.

I respect the Leader's honesty in what he said in support of the proposal. He could have used a number of subterfuges in arguing the case for making this change at this stage of the operation of the new sessional orders, but he made absolutely no attempt to do so. To his credit, he was open and frank about why this change to the sessional orders has been proposed. He was frank in saying that the whole purpose of the proposed alteration is to facilitate the passage of a particular piece of legislation. Indeed, the very wording of the proposed change makes that clear. Of course, the merits or otherwise of that legislation are irrelevant to this question. However, we do need to acknowledge that this Bill is the reason that we are debating this issue.

Another member of this place said to me privately that the negotiations for the sessional orders did not contemplate that the orders would, or even could, accommodate the circumstances that surround highly controversial legislation, such as the Bill which has sparked this proposal. That member did express to me similar sentiments, in broad terms, at the various stages of negotiation on the agreement. However, I must have misunderstood what he said to me, because it never occurred to me that the category C classification which is referred to in the new sessional orders and which is set aside for more complicated Bills was not wide enough to encompass a Bill of this type. Perhaps he was saying that category C was never proposed to deal with legislation of this type, and in hindsight that is probably what he meant, but that was not the impression that I got. It was always my impression that category C was for the more complicated - and perhaps we inserted in our minds the word "controversial" - legislation.

Hon John Halden: I think that was a fair assumption.

Hon KIM CHANCE: That was a fair assumption until we saw the proposal for category D; but that was so late in the process that the negotiations were all but over. In hindsight, if we worked it out logically, I suppose there would be no reason for category D if C was wide enough to encompass that. My view as the then Leader of the Opposition was that category C would encompass extremely difficult Bills. I am not suggesting that I was deliberately misled at any stage. I happily accept that I might have misunderstood the process. I had always hoped that we would deal

with this Bill within the scope of the new sessional orders - perhaps that hope was beyond realisation - and that one of the outcomes of sessional orders of this type would be a better way of dealing with highly controversial legislation. I am not suggesting that was within the terms of reference of the informal committee which framed the recommendations that came before it.

I am understating the way that I feel in saying that I am disappointed that after so much hard work and so much, in the end, broad support for the changed sessional orders with regard to the way we do business in this place, it has been foreshadowed that these sessional orders will be altered in a substantial way and in a way which will disadvantage the Opposition and clearly advantage the Government. I sincerely hope we reach another conclusion about the way that we will handle this Bill, and that we will either include it within the sessional orders or find some other way around it.

Amendment to Motion

HON JOHN HALDEN (South Metropolitan) [7.53 pm]: I move -

That part 1(b) of this motion be deleted.

In a spirit of compromise and in a spirit of trying to accept the difficulties that the Leader of the House envisages with regard to the legislation that we will debate later - the Labour Relations Legislation Amendment Bill - I have tried to provide an amendment that will give the Leader of the House the opportunity to have the House debate this Bill for a longer period each week but is not an open ended invitation to have the House sit around the clock for as long as the Government thinks fit. We all know the problems of sitting around the clock. We all know that this legislation is particularly controversial and has some significant difficulties that should be examined exhaustively and thoroughly. If we were to do that at three o'clock or four o'clock in the morning, or after having sat here for 28 or 29 hours, it would make a mockery of the process of looking at this Bill in a constructive fashion.

Whether we can agree with each other's views on the central premises of this Bill is not the issue. Members should understand why we should not examine this Bill at those hours, particularly its mechanistic parts, which require thorough consideration. The mechanisms with regard to pre-strike ballots are horrendous and unworkable. We should not seek a compromise or a new set of working arrangements or mechanisms at three, four, or five o'clock in the morning. We should work out those situations before the House sits, or behind the Chair, so that we can come into this place with proposals on which we semi agree and look at those proposals at a time when we are not so physically exhausted that we are intellectually incapable of doing anything other than dribble on or talk under wet cement and do not know what we are talking about.

The reason that I have proposed that we return to the original standing orders is that for each week that this Bill is in this place, the Government will have an additional three hours of debating time. That is fair.

The PRESIDENT: Order! If the Attorney General wants to have a meeting with Hon Kim Chance, he should go out into the corridor.

Hon JOHN HALDEN: Thank you, Mr President. I am normally the one who is trying to interject on the Attorney General! He is doing it to me now. My proposal allows a greater degree of flexibility without allowing any abuse. I do not suggest that there will be any abuse, but it will not allow abuse. The Government can have an additional three hours, but we should be considering this legislation when we are at least able to do so in a competent way. We all know what it is like in this place at six o'clock in the morning: People are sleeping in their offices and in this House. If people are not asleep they may as well be, because they could be called brain dead; the Minister and his adviser become fatigued, and one or two opposition members are viciously trying to make a point about an amendment. That sort of situation does not make for good legislation. It is almost a prerequisite that sooner or later we will have to introduce another amending Bill to fix up the problems.

We on this side of the House do not like this piece of legislation but if it is possible we should reach the best position to make it as manageable, workable and effective as the Government wants as a policy; it is not about the effectiveness of a clause or about how we think this piece of legislation will work.

There is no great need to go beyond my proposed amendment in regard to sitting hours. The second reading debate on this Bill will at best take about 15 to 18 hours, and we will do that in week one - but if the Attorney General in his response lectures us ad nauseam it will take 20 or 30 hours. We also have the following week in which to get through 40 clauses of a Bill in 20 hours. The Government will keep a close eye on tedious repetition and can use any available device to stop that process. Hon Bruce Donaldson shakes his head, but at times I think about opposition members in the same way. It is not likely that a 40 clause Bill will be held up for longer than a week of 20 hours' effective debate. Although it is not scheduled, we still have another week in which to sit. We have the opportunity to move a special adjournment at any stage to add more days to debate. I know all about that option, but we should

be functioning between the hours set in the original sessional order which are from 3.30 pm on Tuesdays, 4.00 pm on Wednesdays and 11.00 am on Thursdays, working through until 11.00 pm, 11.00 pm and 6.00 pm. We are all aware of the opportunities available, if we happen to reach 12 midnight on 21 May on this legislation, but I do not think the Government will allow us to reach that stage. I have spent two weeks considering what we and the Government can do. There is no need for this absolute open-endedness. The opportunity to proceed with the sessional order proposed by the Leader of the House is always an option for the Government if it becomes nervous at 12 midnight on 21 May, but that is not an option at the moment.

When moving this motion the Leader of the House said that he should have power to set our sitting hours. I concede that within certain limits but the limits must be set by the best interests of the House and the legislation. We are aware that this arrangement is being set for only this piece of legislation. However, we are aware also of the prerequisites in this regard. It will not be in anyone's best interests to be silly about this legislation. As a House, we should not give anyone - principally the Leader of the House - an open cheque on this issue at this time. It is not warranted, nor is it in the best interests of the deliberations of this House.

The Leader of the House also said that he does not wish to sit extended hours, around the clock. I agree with that sentiment, and that is the reason I propose this amendment. It will do exactly what the Leader of the House wants. It will provide extra time and flexibility, in the certain knowledge that the Leader of the House can change the situation whenever he wishes. At least we must keep within some of the spirit of the sessional order which was passed on 10 April and which was not allowed one day to see if it worked. These are special circumstances but my proposed amendment will allow for such special circumstances. It will also keep intact the primary focus of the sessional order as passed on 10 April, bearing in mind that standing order 17:16 is the best for us. However, we must be mindful of the task that is about to befall us.

We have just introduced a new sessional order, and we must address a controversial piece of legislation. The motion is a knee jerk reaction. It will return us to the days before the new sessional order was agreed to. I suggest a compromise that will allow us to consider whether we can use this sort of halfway house in the future when we receive controversial legislation. If we do not tackle this in a way that considers the difficulties we face with this legislation as well as keeping in place the experiment which the Leader of the House put so eloquently on 10 April, we may as well not undertake these sorts of procedures. We must experiment with procedures but the moment we see an impediment we cannot just revert to the old, conservative, tried and true methods. We should consider other options. We need more time and more flexibility but we do not need to return to the beginning. We can accept what I modestly believe is the more reasonable compromise, acknowledging that members opposite can alter the amended motion whenever they choose. No-one can be fairer than to consider the issues: What time does the Government need and when can the Government alter its schedule to achieve that time frame?

Of course, the Government can change its schedule whenever it likes. However, it is not necessary to throw out the new sessional order on day one. It can be modified in the way I am proposing to achieve the Government's ends, and it would be far more acceptable to the House under the current circumstances. In support of my amendment, I allude to the difficulties faced by the former Labor Government. It had a legislative program which included controversial Bills and on very rare occasions did this House sit beyond 11.00 pm. In those days the House sat for one hour less than is proposed under the new sessional order. The then Government had a legislative program to complete and the Opposition perpetually denied it the opportunity to extend the sitting beyond 11.00 pm. It used exactly the same arguments I am now using. I believed members opposite then.

Hon B.K. Donaldson: Never look back, always look to the future.

Hon JOHN HALDEN: The member is correct, but I advise him that it is possible for this Government to get through its legislative program without the open-ended arrangements proposed. With goodwill from all members the Government can get through the legislation it wants to under my proposition, although I acknowledge that the debate about to be held will cause angst among some members. I am sure Hon Norman Moore will remember the occasions when the then Opposition allowed the Labor Government to extend the sitting beyond 6.00 pm.

Hon N.F. Moore: It was pretty frequent.

Hon JOHN HALDEN: It was not; it was normally at the end of the autumn or spring sessions when members wanted to go away for the seven week recess or for Christmas. I am proposing that this House sit four hours more a week than it did when members on this side of the House were in government. It is a reasonable proposition. I agree with the Leader of the House that we do not want to sit all night, and my proposition fits squarely into that category. It is possible to accommodate our needs with regard to this legislation far more outside the Chamber than within it, by working out the form in which this Bill will appear once it leaves this place. We shall not do that if the Bill is debated until four o'clock or five o'clock in the morning. This House has made a mockery of some legislation and passed

provisions that should not have been passed because they were debated in the early hours of the morning. In plain language, we stuffed it up.

Hon B.K. Donaldson: Very good debate has been held in this House at four o'clock in the morning.

Hon JOHN HALDEN: I have heard Hon Ross Lightfoot speak in this House at many times during the day and I have never thought it was good debate. There are occasions when reasonable debate can take place at four o'clock in the morning but that is not the case when this House sits for extended hours day after day. Members become fatigued, and the debate is not good at 10 o'clock or 11 o'clock in the morning when they have had only three or four hours' sleep. It may work for one or two days but when it happens day after day physical and intellectual exhaustion take over. If the Government becomes jittery about passing this Bill before midnight on 21 May, it has the mechanism to deal with that. However, it is better to work slowly on this issue and to annoy as few people as possible in the process. I am sure the Government will monitor the situation, as will the Opposition, but it is better to take a half step at this stage. It may not be a big enough step for the Government, but I welcome any further amendment the Government feels is necessary. I suggest that if the finishing times were more in line with midnight, midnight and 6.00 pm each week, members on this side of the House would have no problem. It is a question of maintaining a reasonable balance. I have moved this amendment in my normal style of being conciliatory and compassionate to all. I hope the Government will see some merit in the argument. At the first stage it provides the Government with what it wants, and it gives the House some security in the initial stages that members will not embark on a talkfest that will not benefit anyone. I hope the Government will give this amendment due consideration and support it. I think it is reasonable.

HON TOM HELM (Mining and Pastoral) [8.18 pm]: In his usual way, Hon John Halden has stolen my thunder by moving this amendment. His proposal is reasonable. I had intended to oppose the whole motion because I thought how ironic it would be to change the sessional orders to which we have just agreed, to deal with a matter that will bring great efficiencies to the State. We have been told the Minister for Labour Relations introduced this legislation that will take up our time because there is a crying need for the State to be more efficient and up to date in order to compete with the rest of the world. However, we cannot seem to manage our own affairs. I do not know what went on in the Liberal party room but in Caucus we debated the sessional orders at some length. Hon Bruce Donaldson's name came up on several occasions and members praised him for the work he did and the negotiations he conducted to arrive at sessional orders that went some way towards making this place more efficient by dealing with the business of the House in a more sensible way and upgrading the processes in recognition of its task. Hon Bruce Donaldson was given proper praise, as were Hon John Cowdell and others who took part in that committee.

The Caucus had four or five sessions to agree to what went on. We recognised the work of those people to accommodate our job within the set hours. We did not have a problem with that. The Leader of the House tells us after all that we must throw those sessional orders out the window because there will be a problem down the track with a Bill. He said that as though we would never deal with a Bill as contentious as the Labour Relations Legislation Amendment Bill. The Leader of the House tells us that in changing the sessional orders he was bowing to the will of the House, in some respects against his better judgment, and that the adjournment times should have been left open-ended anyway. That is similar to what Hon John Halden suggests be done by deleting paragraph 1(b) of this motion.

How will we look to the public? How will they feel about 34 people debating the labour relations legislation that we are told will improve things when we cannot make up our minds how to conduct our business? We agree to a sessional order and then change it. The motion before the House is not the motion on the Notice Paper; it has been changed since yesterday. Only recently the sessional orders were agreed to in this House. The manager of government business in this place then moved a motion for one thing and now he presents, without notice, another motion about how we can best conduct our business.

I have not been a part of the negotiations in managing this House; however, the first thing that springs to my mind is that this motion is a clear indication of the symptom of what is wrong with this State: We have incompetent managers. That is the only way we can describe what is happening in this place. Members are spending time debating a motion that is in direct contrast to that which we negotiated over a number of months and which opposition members spent a lot of time in Caucus debating and making compromises over. What is wrong with the manager of government business in this place? Why can he not do the same thing? How can he not organise that, yet at the same time be a part of a Government that brings before us a Bill that is supposed to make the whole State efficient? What credentials will the Government have to do that?

Mr President, when you came to the Chamber tonight you may have looked out over the city and noticed all the lights on. However, are you aware that people were sent home today because electricity was cut off from some workplaces? That is another result of the Government's management practices that mystify the people who pay us to stand here

and flap our gums. What sort of example is that? It is not just the Leader of the House and his lack of management skills at issue. The whole electorate will look at us and say what wallies we are.

Did members opposite have a brainstorm? Can we not sit down like human beings and recognise that a problem exists? The leader of opposition business in this Chamber has no doubt told the Leader of the House that the Opposition will fight the Labour Relations Legislation Amendment Bill tooth and nail; that we will study it to see whether we can change or delay it - or kill it. Of course we will. Anyone who thinks anything else is acting strangely. We know that will happen. It will not be an act of God. If our side recognises there is a hard way of doing that and an easy way of doing it, we have a possibility of reaching a compromise. As our deputy leader said, we recognise the 17:16 rule: "If you ain't got the numbers, you ain't got the power." We understand that.

Opposition members will use everything in their power to change, or kill, the Bill. However, there must be some way those with power can compromise with those who, although not powerless, are less powerful. It seems we are unable to do that. The Notice Paper reflects our incompetence as members of Parliament and the incompetence of the leadership - perhaps on both sides. The Leader of the House said he agreed reluctantly to the compromised situation with the sessional orders because it was the will of the House, but then moved two slightly different motions to affect those orders. People wonder who they elected and what they are doing.

I feel anger and embarrassment because both the Leader of the House and I are members of Parliament and members of Parliament are still not held in high esteem in the electorate. This motion is a demonstration of one of our leaders of Parliament making strange decisions and putting strange ideas on the Notice Paper. He is demonstrating an inability to work with 34 people. We are not talking about a conveyer belt or a lift breaking down or a truck turning over, or something that cannot be judged. We are talking about members discussing a Bill that is somewhat contentious.

Members have a time frame in which to debate this legislation. I am sure members opposite hope the Opposition does not fill that time frame. However, the Leader of the House has given us an opportunity to do that. Perhaps down the track we can do that. The Opposition has not seen the amendments that we understand might come alongside this Bill when we get to debate it. We do not have a clue what they will contain. We do not know whether the Trades and Labor Council, the representative of the working people of this State, has suggested in those amendments the need to amend the sessional orders to accommodate difficult parts of the Bill. However, the Government is chopping as though it has a big machete. Members in this place have no direction; we do not know where we are going, but we are using every weapon.

Hon John Halden proposes an amendment to the Government's motion to try to show his leadership skills, as he did in the past. If we need to widen the areas allowed for debate, we should do it when that is required. Let us see what compromises are arrived at. We understand some compromises have been reached between the Minister for Labour Relations and the representatives of the unions of this State. They may reach compromises that are adequate to our needs; perhaps they are not needed at all. However, this motion is embarrassing for all of us - not just for the manager of business in this place. How will people perceive this? Nearly 30 000 people demonstrated yesterday because they do not believe Kierath's Bill will do what he says it will do. I hope the Leader of the House does not think that by having this motion passed - he has the numbers - opposition members will run away quaking in their boots. I think he knows better than that. We will not; we will take on the challenge and do what is necessary.

Surely we do not need to do that. I am comfortable being macho; in fact, I have missed it since I got this job. If that is what members opposite want, welcome to the club. I was doing that probably before some members opposite went to school. It is a thankless exercise. It does not do anybody any good. Mr President, no-one more than you would support the type of democracy we have in this country. We have the best system in the world, yet members opposite undermine what they are elected to this place to do by behaving foolishly and irresponsibly. If we cannot discuss how to manage the debate on a piece of legislation or whatever motion is before this place, how can we expect people who get less than half the salary of a member of Parliament or the trade unionists, who have to deal with bad managers, to discuss things rationally? How can members of this place expect to receive the respect they are entitled to if they do not discuss things rationally? That will not happen if members continue to act in a senseless way. It will not happen if we agree to something and then a couple of days later disagree with one aspect of it and a few days after that disagree with another aspect of it. It shows inconsistency. Perhaps it is an indication of members' frustration or that certain people think they are the boss and can do what they like because their side has the numbers. Irrespective of that, it reveals a highly refined sense of incompetency.

I ask members to consider the amendment moved by Hon John Halden and I certainly have great pleasure in seconding it.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [8.32 pm]: The Government does not support the Opposition's amendment. When I moved the motion I indicated that the tradition in this place has been that with Bills of this nature the House has dispensed with the fixed closing time.

This amendment seeks to take the closure time of this House back to 11 o'clock and retain the notion of a fixed closure time. Members know that the practice has been to go beyond 11 o'clock. That may happen if this motion is agreed to and that has been the practice in this Chamber for countless years, not only while the coalition has been in government, but also when the Labor Party was in government.

Hon John Halden mentioned that the coalition parties have not agreed to go beyond 11 o'clock on a number of occasions and he said because of that the Government should not be seeking to do it on this occasion. In earlier days it was acceptable from the then Labor Government's point of view to seek to do it. I remember sitting in this place all night on many occasions when both parties have been in government.

My motion is not about sitting in this place all night. All it means is that this House will have the capacity to sit beyond 11 o'clock if the situation requires it. That will occur only if members require the extraordinary time which some of them have the ability to use when they are debating controversial issues. Hon John Halden said the debate on the industrial relations Bill could take 18 hours or more. If that is all it takes, we will not need to sit beyond 11 o'clock. There will be no intention to go beyond that time and the Leader of the House will move that the House do now adjourn at the appropriate time in the event that it is making good progress. I have no intention of saying that come next Tuesday this House will sit all night and we will do the same on other days until the Bill is passed. That is not the Government's intention and I made that clear previously.

Members opposite have decided to adopt the high moral ground in respect of the sessional orders, but I remind them that they did not support them - they did not oppose them, but not one of them put up his or her hand to support them. They said they could not bring themselves to vote for them, but they would not oppose them. They should not say they are great supporters of the new sessional orders and the Government should abide by the decision of the House. Members opposite would not support them and that is the position they displayed in the House when the vote was taken. They all sat mute. I know, because I watched them do it. Had I known that the Opposition would adopt that position, I would have had second thoughts about proceeding with them. That is history.

This amendment will return this House to the way in which it has always done things and that is to finish at either 11 o'clock or six o'clock. My motion is seeking to give the flexibility the House has had in the past to go beyond 11 o'clock and six o'clock if the need arises. Members should vote against the amendment.

This over-arching motion, which covers the duration of debate on the industrial relations legislation, will avoid the unnecessary inconvenience of moving motions when the situation may require it. It could be a time wasting exercise if it were necessary on each occasion to go beyond 10 o'clock for a motion to be moved and for it to be debated ad nauseam. If such a motion were still being debated at 10 o'clock, the House would adjourn.

Yesterday Hon John Halden spoke about how age was creeping up on him and he was adopting a conciliatory approach these days. That has been clearly reflected in the way in which he has been speaking and, if I may be so bold, I think it suits him. I also know that Hon John Halden is still Hon John Halden the politician extraordinaire and he has already told the House that he has spent a fair bit of time in the last few weeks working out how to make sure this Bill is not passed. Members should not kid themselves: When Hon John Halden says that the House should continue its deliberations for another two or three hours, what he is really saying is, "We will make sure the Bill is not passed." Members should not try to make out that if we are good fellows and are nice to each other, the Bill will eventually be passed. As somebody said to me, there are no rules for industrial relations legislation in this House.

Hon John Halden: I don't know whether I should be offended.

Hon N.F. MOORE: Hon John Halden should be flattered because he knows very well that he is a politician with great political skills.

Hon Bob Thomas: Don't listen to him, John.

Hon N.F. MOORE: I may regret that comment. I also think he would be an excellent Leader of the Opposition, as he was at one time.

Hon John Halden: It might be difficult in the next place of employment.

Hon N.F. MOORE: Obviously, I cannot comment on that.

It is not necessary for the Government to accept the amendment. I indicated earlier that I have no great desire to sit here all night. That would not have happened in the past if members had not decided to speak for a very long time. I admit that this practice is not confined to members on the other side of the House. We must bear in mind that if members want to debate this Bill properly and to have it passed or rejected by the House, they must have the appropriate time in which to do so. My motion will give the flexibility to achieve that. I ask members to oppose the amendment.

HON J.A. SCOTT (South Metropolitan) [8.39 pm]: Mr President, you are aware that when Hon Norman Moore gave notice of the motion to introduce the new sessional orders I expressed considerable concern. To clarify one of the comments made by the Leader of the House I advise members that in the debate on that motion I said that although I was not opposed to the detail of the proposal, I had concerns with it. It seemed that I was the harshest critic, not of all the issues but of the process; that is, that people were still to come into this place who had to live under the changed sessional orders, who had no chance to say whether they should be introduced.

Hon George Cash: That is the case for any member who was not here five years ago. These sessional orders can be changed.

Hon J.A. SCOTT: That is true. However, a democratic decision should be made in this place by those who will work here - democracy in the workplace. When he answered my concerns, Hon Norman Moore did sway me not to vote against it, although I was able to call for a division on it as mine would have been the only voice raised against it.

Hon George Cash: These things may change.

Hon J.A. SCOTT: I decided not to oppose it because Hon Norman Moore said something along the lines that it would be necessary to adopt a mature approach to the processes in this House if they were to work properly in the future.

Hon N.F. Moore: I said more mature.

Hon J.A. SCOTT: I am trying to remember precisely what the Minister said because I do not have a *Hansard* in front of me. At that point I interjected along the lines that the proof of the pudding would be in the tasting. Now a change to the sessional orders has been introduced, and the mature approached has disappeared very quickly. I am quite concerned about this matter. If this can be changed, what will be changed next? Other parts of the sessional orders also have me worried at this time. If the hours of sitting can be changed, the classification of Bills can easily be changed. In fact, decisions can be made that are founded not on a mature and rational basis, but on a basis of political expediency.

Hon N.F. Moore: Mr Stephens told us that he would make lots of changes when he had the numbers.

Hon J.A. SCOTT: Statements were made by Hon Bruce Donaldson along the lines that this was an historic chance to create a real division between the House of Government and the House of Review.

Hon George Cash: He said a change in the culture.

Hon J.A. SCOTT: That is right. Yet what is happening here is not that at all; it is the old situation continuing. Rather than this House doing what it should do, it is doing what the Executive wants it to do. The Executive wants the legislation passed through this place, despite the fact that the Minister for Labor Relations, who is located in the other House, will provide us with all these new amendments, which we are yet to see. We must consider this supposed gap between one House and the other, a gap which does not exist. We are now manipulating the processes here to ensure that what those in the other place want to happen will occur here.

Yesterday during debate on the motion of Hon Tom Stephens that the debate on the labour relations Bill be put off until 27 May, the Leader of the House assured us he had no intention of rushing the Bill through. Here we have something which is very much connected to that, showing that a week in politics may be a long time, but half a day, in this case, is an even longer time. Having said that, he is doing the opposite.

It is no wonder people outside this place who are asked to vote for us get very confused and concerned. Today politicians are sliding along the bottom of the popularity ranks. All over Australia politicians are behaving badly. I do not know whether it has anything to do with the BBC program "Men Behaving Badly". In this place there are not many women; perhaps it is a case of politicians behaving badly.

Hon Bob Thomas: That is my favourite program.

Hon J.A. SCOTT: As Hon John Halden says, this is another matter where the community thinks we are lunatics because we sit in this place into the wee hours of the morning, right through to breakfast and even lunchtime on one occasion that I can remember.

Hon George Cash: You did not stay.

Hon J.A. SCOTT: No. I left at breakfast that day. The last occasion on which I recall that happening was in 1992 when we debated the Mabo legislation. The community thinks we are lunatics because we sit here debating matters with some members falling asleep, while others are in the corridors and other places trying to refresh themselves so

that they can come into the debate, if required. The ability of people to think properly must be impaired in those circumstances.

We are asked to make very important decisions in here. They affect a great many people. The intention behind overturning parts of the sessional orders is to allow us to sit in this place until very late and debate a very important Bill that affects many people. I wonder whether the purpose is not just to defeat the will of the people by continuing this debate when members will be tired. We must review matters properly in this place. Clearly the polls on this labour relations Bill have shown that the community is vastly opposed to it - two-thirds are opposed to it.

Hon W.N. Stretch: Even Channel 7 does not believe those figures.

Hon Doug Wenn: *The West Australian* does.

Hon J.A. SCOTT: Nevertheless, they are the figures turned up by the polls. This legislation is not popular. It is highly contentious and should be properly scrutinised. This is an attempt to put this legislation through without the new members of this House in place. They would shape the legislation more in keeping with the community's concerns. The Government does not want that; it wants the legislation to be dealt with while it has the numbers. Let us make no mistake about what this is all about. Let us sheet it back to the reality. It is all about pushing through this industrial relations Bill without amendments, unless they are put forward by the Government. It does not want to accept amendments from anyone else, and it is doing the bidding of the Executive.

The PRESIDENT: Order! I have let the member continue his remarks because of the nature of this amendment. The fact of the matter is that he is supposed to be talking about the words that are proposed to be deleted, not the content of a Bill.

Hon J.A. SCOTT: Yes, I have certainly diverged.

The PRESIDENT: The member is tying it in but he is getting a bit off the track.

Hon J.A. SCOTT: The suspension of the sessional order will change the hours we will be sitting. It will make a big difference to the passage of any legislation which the Government wants to get through during this period. The legislation will not receive the scrutiny it would have from 27 May.

Hon W.N. Stretch: That is not true at all. If you play the game, it will go through anyway.

Hon J.A. SCOTT: The game that Hon Bill Stretch wants us to play is the game of the Executive. We are supposed to be reviewing this legislation, not ramming it through on the numbers. The day that I see Hon Bill Stretch walk across to this side of the House and vote against the Government I will start playing his game. If we were to allow people to speak their minds in this place and do what they think is right, an option which will be available from 27 May because the constitution of the House will allow a more real debate -

Hon W.N. Stretch: Your side has the opportunity to work within the hours presented.

Hon Doug Wenn: By you.

Hon J.A. SCOTT: Yes.

Hon W.N. Stretch: With your agreement.

The PRESIDENT: Order!

Hon J.A. SCOTT: Hon Bill Stretch is saying that as long as everybody acquiesces to the Executive, we can all go home on time. I am not about that. When one looks at this political chicanery, as it were, and adds it to the fact that we have a member still sitting in the House who has been here for a record time for a person required in the Senate, we are setting up ourselves to be ridiculed. I support the amendment moved by Hon John Halden.

HON BOB THOMAS (South West) [8.54 pm]: When Hon Jim Scott was speaking to the amendment to the motion he spoke about one of my favourite television programs. He used "Men Behaving Badly" as a pretty good analogy to this debate. For those who have not seen it, the show is broadcast on the ABC on Thursday nights. It involves two characters, Gary and Tony, who are chauvinists with very bad personal habits and who believe that they are sophisticated and that every woman fancies them. They cannot see how ridiculous and unattractive they are to women. They persist with their mistaken belief that every woman wants to hit on them. The analogy here is that the coalition is living in the past. The coalition wants to use its numbers to treat this House as a rubber stamp. It is another example of the coalition wanting to foist its will on this House.

Only three weeks ago this House passed new sessional orders. We changed the sitting hours in order to modernise them and to make this place more productive. We were to sit more reasonable hours and not sit into the late hours

of the night, when I do not believe we are very effective at all. I do not think we are very effective after dinner. We could experiment with sitting hours, as are other Westminster Parliaments, by sitting during the day. I do not believe that the Senate sits after 9.00 pm, and most of its sittings are during the day. It is a small step forward. We are modernising our hours to sit those hours when our minds are more productive. We changed our times on Tuesdays from 3.30 pm to 11.00 pm to 3.30 pm to 10.00 pm. On Wednesdays we changed to sit from 4.00 pm to 10.00 pm and to conduct all our committee business in the morning until 3.30 pm. It makes a lot of sense because committee members find it very difficult to juggle their time to attend committees. Some of the committee staff have a fine balancing act to accommodate the various committees. Setting aside the morning and until 3.30 pm on Wednesdays makes it much easier for the staff to operate and for members of Parliament to get to those committees and to conduct their electorate work. To set aside time on Wednesday for committees and to have the House sit from 4.00 pm to 10.00 pm is good. Finishing at 10.00 pm is probably not the most productive time at which to be closing but it is better than 11.00 pm, given that we quite often have an adjournment debate that may take between 30 and 40 minutes. Often we do not get home until after 11.00 pm. We then need time to wind down. Those of us who get up early may get only four or five hours' sleep and do not feel productive the next day. To sit until 10.00 pm on Wednesdays is a step in the right direction. Sitting on Thursdays from 11.00 am to 5.00 pm makes up some of the hours we lose by having the committee time on Wednesdays and the shorter hours involved by adjourning at 10.00 pm. Sitting from 11.00 am to 5.00 pm gives us an opportunity to look at what it is like to sit during the day. Some time in the future - knowing the rate of change in this House probably a long time in the future - this House will sit daytime hours.

Hon N.D. Griffiths: We will be sitting in the daytime in a couple of weeks.

Hon BOB THOMAS: Lamentably that may be true because the daytime hours may be until 6.00 am. Another change that the House agreed to, which I did not agree to, was that urgency motions would be considered only on a Tuesday. I feel that really defeats the purpose of an urgency motion.

Hon B.K. Donaldson: The House could still suspend standing orders and deal with a genuine need.

Hon BOB THOMAS: In that case we would have a debate on whether to suspend standing orders. What is considered urgent by members on this side might not be considered urgent by members on the other side.

Hon N.F. Moore: There has not been one motion for an urgency motion that has not resulted in an urgency motion being moved.

Hon N.D. Griffiths: That is not fair. Look at the motion of Hon Graham Edwards in regard to the unfortunate people in the northern suburbs a couple of weeks ago.

Hon BOB THOMAS: I can recall an urgency motion -

The DEPUTY PRESIDENT (Hon Barry House): I am wondering what an urgency motion has to do with the amendment to the motion.

Hon BOB THOMAS: I am talking about a change in sessional orders.

The DEPUTY PRESIDENT (Hon Barry House): I presume the member is speaking to the amendment to the amendment and the question that the words proposed to be deleted be deleted. The words proposed to be deleted refer to the times of adjournment.

Hon BOB THOMAS: I seek your guidance because it was always my understanding that when there is a motion and an amendment one is able to speak to either. I am not supporting the amendment; I am opposing the motion.

Hon N.F. Moore: It is one of those funny standing orders that we need to look at seriously down the track.

Hon N.D. Griffiths: And carefully.

Hon BOB THOMAS: I strongly believe that each day this House should have the opportunity to debate an urgency motion. However, I also believe equally as strongly that the urgency motion should be used for motions which are urgent. I accept the argument that the Opposition overused urgency motions last term. They were used for a particular mechanism and I felt that we should not have done that, because in some way that demeaned the value of urgency motions. I feel strongly that the urgency motion should be available every day. It should not have been used as a matter of course by the Opposition in the way that it was. That is why, when the motion was put on Thursday, 10 April, I was one of those members who abstained from voting. The reason was that I did not agree with that proposition. I agreed with all of the other propositions in the sessional order except that.

I will recap for the House the other changes that were proposed.

The DEPUTY PRESIDENT: Some leeway has been given. However, the motion quite specifically refers to the times of adjournment. That should be the content of the member's remarks.

Hon BOB THOMAS: I will not persist with that even though my comments are germane to the motion. However, I have other things I want to say. I was particularly surprised after we made those quite substantial changes to the sessional orders to hear the Leader of the House give notice of a motion to change the closing hours, to remove the prescribed time on which we adjourn this House, and to give the Leader of the House carte blanche to decide when the House will adjourn.

We made those changes on Thursday, 10 April. The House rose for two weeks. After that two week break on Tuesday, 29 April, the Leader of the House stood in this House and gave notice that he wished to change that sessional order even before the House had started using it. I felt that it was wrong that the Leader of the House should do that. He had not given the House an opportunity to see whether those sessional orders would work. The changes to the adjournment time were particularly good. I do not believe that we are productive after 10 o'clock or 11 o'clock at night when we are sitting here considering legislation.

It was particularly good that we should be shortening the hours that we sat at night during this very important piece of legislation. I do not believe this House will discuss any legislation that is more important than the industrial relations legislation that is currently before the House. I was concerned by two things: First, this House had not had the opportunity to observe the sessional order in practice before the Leader of the House moved to change it. We had not had the opportunity to see whether it was a good or a bad change and whether it worked in practice. The second concern was that no consultation had taken place between the Leader of the House and any other member of Parliament in this Chamber.

Hon N.D. Griffiths: What about Hon Bruce Donaldson, he knows everything?

Hon BOB THOMAS: There was no consultation between government members and members on this side of the House. This was an ambush.

Hon N.F. Moore: You got notice of it. I have been ambushed plenty of times in my life. If this is an ambush, it was a soft and gentle one.

Hon BOB THOMAS: Common decency would say to the Leader of the House that if he wants to introduce this motion he should come to the Leader of the Opposition and say, "Look I have this legislation. I said on Thursday, 10 April, that when it comes to industrial legislation all bets are off - the gloves are off with industrial legislation - and I intend to change the sessional order so we can have an open-ended sitting and we do not have to adjourn the House at 10 o'clock on Tuesday, 10 o'clock on Wednesday and 5 o'clock on Thursday and if we want to sit past those hours we must pass a motion to extend past those hours". There was no consultation from the Leader of the House with anybody from this side. The Leader of the House lost some of our goodwill by doing that. We would have said, "Okay, we understand that the gloves are off and why you are doing it and we will have an argument in here with you about it." Instead of doing that the Leader of the House ambushed the Opposition with this motion.

Hon N.F. Moore: I gave notice yesterday.

Hon BOB THOMAS: The Leader of the House could have consulted with us.

Hon Norman Moore: I have amended it to fit the requirements of your leader. I amended it at his request.

Hon BOB THOMAS: Did the Leader of the House consult with him before or after he moved the motion?

Hon Norman Moore: After I moved the motion.

Hon BOB THOMAS: I thank the Leader of the House. That is my point: He did not consult us before he gave notice.

Hon Norman Moore: I did not have to give notice. I could do it without notice.

Hon BOB THOMAS: It then begs the question: Why is the Government doing this? From history one would have to say that the Government has a long memory. In 1993 Hon Peter Foss was handling an industrial relations Bill - I cannot remember whether it was the workplace agreements, minimum conditions of employment or industrial relations legislation - and he did not move to extend the sitting of the House past 11 o'clock on one evening before about 9.30 pm. The now Leader of the Opposition, Hon Tom Stephens, argued the point. A couple of others persisted with debate and we continued until 11 o'clock at night, when the House adjourned.

The coalition has never forgiven us for that. Did Hon Norman Moore ever do that while the Labor Party was in government? How many times when we sat on that side when Hon Norman Moore's party had the numbers on this side and Hon Joe Berinson wanted to extend the sitting of the House did members opposite say no?

Hon N.F. Moore interjected.

Hon BOB THOMAS: It was more than that. Conservative members took the business out of the hands of the Government on a number of occasions because they had the numbers and for no other reason whatsoever. On that occasion we argued the toss and managed to keep the debate going until 11.00 pm when the House adjourned. Members opposite have long memories and they cannot trust themselves to move a motion before 10.00 pm in case they want to extend the sitting; therefore they have moved to change the sessional orders.

Hon N.D. Griffiths: Hon Norman Moore doesn't want to do that; it is Hon Peter Foss.

Hon BOB THOMAS: Is he calling the tune here?

The DEPUTY PRESIDENT: Order! Let us have a debate not a conversation.

Hon BOB THOMAS: There are a couple of other reasons why the coalition has decided to move a motion to change the times at which the House will adjourn. One is that the coalition knows that if the Labour Relations Legislation Amendment Bill is not passed before 21 May it will have no chance of being passed in its current form. Government members know that the composition of this House will change dramatically on 22 May when the new Parliament will sit. Although it would be passed in some form it would be radically different from the legislation the Government proposes.

Members in this place know that Graham Kierath wants to implement his extreme legislation. The coalition is therefore making a do or die effort to have it passed by 21 May. Passing it by that day is imperative. However, in its haste to have this legislation rammed through this Parliament before the composition of the House changes, the Government forgot that it needed sufficient time to pass it first through the other place, and then this House where it should be properly reviewed.

Government members were not prepared for the level of backlash the legislation received from the community. They know they have shot their bolt on this; therefore they will not withdraw the legislation or water it down in any way. They will push ahead because they have endured the pain. They have examined the polls and they know the feeling in the community. They saw 30 000 or more people outside this place yesterday. National Party members saw in that crowd disaffected Labor Party supporters who have been supporting the National Party since 1989. The Government had to admit it had a problem and that it was imperative that this legislation be passed before 22 May. The Government has endured the pain so it wants to see this legislation rammed through, but it has not left sufficient time to adequately deal with it. That is why the coalition wants to tinker with the sessional orders passed on 10 April, three sitting days ago. It dawned on the coalition during the recent two week break that it had not left sufficient time for the Labour Relations Legislation Amendment Bill to be properly scrutinised in this place.

As I said, I will not support the motion moved by the Leader of the House, nor will I support the amendment moved by Hon John Halden because I believe that they will have the same effect of substantially changing the sessional orders. I do not see any need for this House to sit past 10 o'clock at night given we have made adjustments to the sitting hours during the day. I can see no need for us to sit that late unless it is close to the end of the year and a backlog of legislation must be dealt with. I understand the problems Governments have because I spent my first four years in Parliament as a government backbencher. Some legislation cannot be dealt with expeditiously. For a variety of reasons special interest groups within the community affected by legislation seek extra time to work through legislation and lobby members of Parliament to move or accept amendments. Governments introduce amendments during the passage of the legislation. Irrespective of who is in government, backlogs of legislation occur at the end of each year, particularly at the end of a four year term. There is therefore a case for extended sitting hours at that time. I do not know how many weeks we have sat this year; it cannot be more than six.

Hon N.F. Moore: We will sit some more if you like; just yell out. I tried to come back about two weeks ago and you people had a heart attack, so don't talk to me about sitting more weeks.

Hon BOB THOMAS: Hon Norman Moore said he wanted to come back two weeks ago.

Hon N.F. Moore: I wanted the House to come back during the last two week break and you would not have a bar of it.

Hon BOB THOMAS: He gave us an undertaking that the Parliament would not sit again until 28 April. However, with another ambush he moved an adjournment motion that we come back two weeks earlier than he had undertaken to come back. As is habitual for this Leader of the House, there was once again no consultation. He changes things

at the drop of a hat. This House has only just reformed its sitting times and I do not believe we have sat more than six weeks this year. There is no backlog of legislation. In fact, this Opposition has assisted in passing much of the Government's legislation. I would like to know how many Bills have passed through this House since 11 March 1997. The House has already passed 10 or 12 Bills this year. The Opposition has been constructive and cooperative in expediting the Government's legislative program. Now the House is to debate a contentious Bill which should not be debated until after 22 May. The Government wants to change a sessional order, which the House agreed to only three sitting days ago, so it can ram this contentious Bill through before 22 May. Therefore, I support the amendment moved by Hon John Halden and oppose the motion moved by the Leader of the House.

HON B.K. DONALDSON (Agricultural) [9.21 pm]: I oppose the amendment and support the motion. As Hon Norman Moore said, the Government's approach tonight marks a major cultural shift and a mature approach to debate in this House. Hon Kim Chance also showed that maturity when he said that a member of this House had approached him on a number of occasions and had mentioned certain things about a political Bill. Hon Kim Chance did not name the member, but I now admit that that member was me. He said that I had said on a number of occasions that the Labour Relations Legislation Amendment Bill was based on a philosophical and ideological gulf between the Opposition and the Government. Hon George Cash will admit that there were difficulties getting this legislation through the government party room.

Hon Norman Moore was reluctant to revert to the set times of closure of the House. This motion contains nothing new. Members should remember that this House has always adjourned at the end of the day with the Leader of the House moving the adjournment of the House. It happens in the Assembly and in the Houses of most other Australian Parliaments. Members should also remember that even under the conventions of the House, from which the new sessional orders arise, the Government of the day has the right to ensure that its legislative program is carried out. That in turn means that the Leader of the House is responsible for ensuring that the Government's legislative program is carried out.

Hon Norman Moore also admitted that he does not want to work into the early hours of the morning debating these issues. This Bill, therefore, will be a true test of the Opposition's willingness to accommodate this new spirit of goodwill and cooperation. There is no point sending the Labour Relations Legislation Amendment Bill to the Legislation Committee. It has been there once before and was sent back. Members may present a minority report on those clauses on which they disagree with the Government. If agreement is reached on 36 of the 40 clauses of a Bill, the other four will be reported to this House and all that will happen is the Committee of the Whole House will deal with them. The House has not yet dealt with the notion of classification of Bills, but I hope that will be resolved soon so that we can meet on a weekly basis to classify our Bills. That does not mean this House will be denied the opportunity to change the classification of Bills. It is true to say - and I will not put words into the mouths of Hon Nick Griffiths or Hon John Cowdell - that I said throughout the negotiations -

Hon N.D. Griffiths: Were these negotiations behind closed doors?

Hon B.K. DONALDSON: No, they were in the corridors.

Hon N.D. Griffiths: What about those things said in the corridors?

Hon B.K. DONALDSON: I continually stated that we were to set aside this particular Bill -

Hon N.D. Griffiths: You never quote what you say in the corridors.

Hon B.K. DONALDSON: I am making a point about my credibility in supporting the changes.

Hon N.D. Griffiths: I believe that is your honest recollection, but you never said that to me.

Hon B.K. DONALDSON: That is fine given that Hon Nick Griffiths was not able to attend the past couple of meetings owing to a bereavement in his family, but I certainly said it to Hon John Cowdell. Hon George Cash even said that to me this evening. It is not my concern whether the Opposition agreed to that. What we are trying to do is conduct the business of this House with maturity. That maturity existed for most of last year and the House was able to deal with most Bills.

I do not want to sit beyond 10.00 pm. For two years I have been trying to institute changes but I could not convince my colleagues. We have only got this far in the past six to eight months because of the goodwill of the Opposition. I am not detracting in any way from the sessional orders. All this motion does is give the Leader of the House flexibility to ensure that the Government's legislative program is proceeded with. It has been a balancing act. Some Government members have had to be convinced of the merit of parts of the Bill. Likewise, the Opposition does not agree with some of the things. The Bill is a compromise. Positions have to be bent and shifted.

Hon N.D. Griffiths: You are certainly shifting yours.

Hon B.K. DONALDSON: I am not shifting mine.

Hon N.D. Griffiths: Very shifty.

Hon B.K. DONALDSON: I do not think Hon Tom Helm thinks it is shifty. All I want the House to understand is how the House has come to this final position. Some argue that this sessional order should not be agreed to until after 22 May. The main reason it is proceeding is so that the membership and chairmen of committees can be appointed. Opposition members seem to have forgotten that that was basis of the sessional orders. It is not unreasonable for the Leader of the House to ask for flexibility. I understand that the Opposition will make the passage of this legislation difficult. That is its right. However, Government members do not respect that approach. I warn members not to throw out the baby with the bath water - in this case, do not throw away some of those changes -

Hon J.A. Scott: That is what you're doing.

Hon B.K. DONALDSON: That is not right. All the Government is attempting to do is give flexibility to the Leader of the House so that he can close the House during debate on this contentious Bill. This motion also allows the House to further refine the sessional orders to make them even better. I envisage many ways of doing that as the year rolls on.

HON J.A. COWDELL (South West) [9. 30 pm]: The new sessional order which is in operation should prevail at this its first test. I do not support the Halden amendment to return to standing orders and not the sessional orders, which I support. As Hon Bruce Donaldson pointed out, the business of this House is not progressed by sitting beyond 10.00 pm, 11.00 pm or 5.00 pm, whatever the case may be. The Government's proposal is for unlimited scope with all night sittings. I have consistently opposed extensions beyond 11.00 pm on numerous occasions, and members opposite will be aware that in discussions on the introduction of these new sessional orders the Government proposed that flexibility should apply to adjournments, with no specific time limit set. The Opposition resolutely and bitterly opposed that proposal, and said that if that were a condition, no new sessional orders would be accepted. We have been consistent on the matter of opposing unlimited time. We do not want to spend our time sitting into the night, as we have done on numerous occasions in the past.

How many times during the term of the Labor Government did Hon Peter Foss lecture us about no good legislation being made after 11.00 pm? We heard that view repeatedly and the House was closed down to comply with this dictum despite the business of the then Government. We have been consistent in this matter in that we have always opposed these extended sittings. This motion will extend our sitting to an unwarranted degree. It will be the first of how many precedents? This motion will apply only to the Labour Relations Legislation Amendment Bill, but it will be a precedent one. We will then have other exceptional legislation to which motions will apply, and it will become the norm rather than the exception. For these reasons, I cannot in any way support this motion.

Amendment put and negatived.

Question put and a division taken with the following result -

Ayes (13)

Hon George Cash
Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Barry House
Hon P.H. Lockyer
Hon Murray Montgomery

Hon N.F. Moore
Hon B.M. Scott
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Noes (11)

Hon Kim Chance
Hon J.A. Cowdell
Hon E.R.J. Dermer
Hon Val Ferguson

Hon N.D. Griffiths
Hon John Halden
Hon Tom Helm
Hon J.A. Scott

Hon P. Sulc
Hon Doug Wenn
Hon Bob Thomas
(*Teller*)

Pairs

Hon M.D. Nixon
Hon W.N. Stretch
Hon A.M. Carstairs
Hon P.R. Lightfoot

Hon Tom Stephens
Hon Graham Edwards
Hon Mark Nevill
Hon Cheryl Davenport

Question thus passed.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL*Second Reading to be made Order of the Day for 27 May*

Resumed from 29 April.

HON E.R.J. DERMER (North Metropolitan) [9.36 pm]: Yesterday I explained that I anticipated that the Labour Relations Legislation Amendment Bill would be the most important Bill that I would see not only in my short stay as a casual vacancy representative in this House, but also during the next four years in the term for which I was elected at the 1996 election. It is most important legislation, but I say with great vigour that it is the most dreadful legislation I anticipate seeing during that time. Given the terror to be inflicted on the Western Australian community if it is enacted, this debate is essential.

We are debating the future protection of working conditions of Western Australian employees and the living conditions of their families. No less, this debate is of utmost importance for the State of Western Australia.

The PRESIDENT: Order! This debate is not about that at all. This debate is about something quite different.

Hon E.R.J. DERMER: I am pleased to take your advice, Mr President.

The PRESIDENT: It is about whether the second reading of the Labour Relations Legislation Amendment Bill should be made an order of the day for Tuesday, 27 May.

Hon E.R.J. DERMER: I referred to the importance of the Bill as it relates to the next point; that is, the appropriate timing for its consideration by this House. It was in that sense that I made the earlier comments.

I will not labour the point a great deal longer, and I thank you, Mr President, for your advice. The Bill contains a number of pernicious components which will impact upon the Western Australian economy. As a result of these components, it is absolutely essential that we examine each of the clauses of the Bill to the fullest extent possible. It is no less essential that we anticipate every ramification of each clause regarding its impact on Western Australian workers, their families, our economy and the important harmony and good will of our State.

The Bill in my view is one of extremely ideological character. Its objective is to deprive the workers of Western Australia of decent conditions by destroying their powers of collective bargaining. If the Bill is enacted, the consequences to Western Australia will be grave indeed. The Bill introduced in the other place by the Minister for Labor Relations will impact severely on the life of every Western Australian. In that regard our consideration of this Bill is a matter of the utmost importance. It is essential therefore that the most recently elected Legislative Council should be the body to undertake the review of this legislation. The Legislative Council elected on 14 December 1996 comprises the most recently elected Legislative Councillors. When the electors of Western Australia voted on 14 December 1996, there was no way they could have anticipated how dreadful this Labor Relations Legislation Amendment Bill would be. There was no reason for the people to anticipate the extreme character of this legislation. The Premier gave a commitment prior to the election that future changes to labour relations laws would proceed only with the agreement of all parties. I have a copy of a letter that was addressed to Mr Tony Cooke, the very hardworking, intelligent and diligent Secretary of the Trades and Labor Council of Western Australia.

Hon George Cash: You don't have to worry about your preselection, Ed; that is all under control!

Hon E.R.J. DERMER: With Hon George Cash looking after me, I will try to ensure that others are looking after me also.

Hon N.D. Griffiths interjected.

Hon E.R.J. DERMER: Is he a good numbers man? I am always pleased to take good advice from Hon George Cash and I am used to taking good advice from Hon Nick Griffiths. With both gentlemen being of one mind, I am filled with great confidence.

The letter is under the letterhead of the Office of the Premier and was signed by Hon Richard Court on 7 November 1995. I could read all of it but I do not believe in filibustering. The most pertinent part of the letter written by the Premier to the Secretary off the TLC is a commitment by the Premier which states -

Tripartite groups will be established to make recommendations to the Minister on any suggested changes.

There will be no further legislation unless agreement on all sides.

Before the people voted last December the Premier promised them that any further labour relations legislation would be agreed to by all parties. That gave people confidence. There was no way on earth that the electors of Western Australia could have anticipated the extreme and vicious Bill put forward by the Minister for Labour Relations.

Despite that, the most appropriate and validly constituted Legislative Council for the extremely important task of reviewing the legislation which is such a threat to the lives of all Western Australians should be that which was elected in December last year. If this contingency motion which was moved by Hon Tom Stephens is passed, it will have that effect. He has moved that the legislation be made an order of the day for Tuesday, 27 May, after the anniversary of the birthday of Her Majesty, Queen Victoria. If this motion is carried the Legislative Council that will undertake this important task of reviewing this threatening legislation will be that which was elected in December last year.

My other concern is an ongoing concern that I have had since I gained my first understanding of the parliamentary system in this State; that is, the body that is charged with reviewing this important legislation is elected through malapportionment. When the Legislative Councillors were elected to take their seats on 22 May, there were two basic problems with the way our representative democracy worked. The first was that the electors had no idea about the dreadful legislation that would be introduced by the Government; and, secondly, the three-quarters of Western Australian electors who live in the metropolitan area are represented by only half of the Legislative Councillors. Those were two serious imperfections in the election of the Legislative Council in December 1996. Of course, the malapportionment also occurred at the 1993 election. However, the most valid and appropriate body to undertake the grave and important work of reviewing this very threatening legislation, despite the imperfection of malapportionment and the limited knowledge of the electors last December, is the Legislative Council as constituted by the 1996 election.

I referred briefly last night to the legitimacy of members of this council, including Hon Alan Carstairs, Hon Paul Sulc, Hon Val Ferguson and me. I am here by virtue of a member of this place retiring early. Hon Val Ferguson replaced Hon Tom Butler who retired some time ago. I have enjoyed many aspects of this place in the weeks I have been here. One aspect I have most enjoyed has been getting to know Hon Alan Carstairs and Hon Paul Sulc and I would like to get to know them better. They are both gentlemen - I do not use that word lightly. I remember being struck by Hon Alan Carstairs' maiden speech when he referred, not in a boastful way, to the history of his work and that of his family. The impression I got was of a man committed to his community and to making a real contribution. I have known Hon Paul Sulc for some time and more recently I have come to appreciate his deep and original thinking. I say with great confidence that both are men of true and honest conviction. It is legitimate that they be in this place serving their constituency.

The system of proportional representation, particularly in relation to an upper House - a House of Review, which serves an excellent function in the Westminster system - requires that, when a member retires or in the sad event of a death, that place be filled by a like-minded member. The fairest and simplest way to achieve that is to conduct a count of the ballot papers from the last election. In that way, Hon Alan Carstairs, Hon Paul Sulc, Hon Val Ferguson and I have a legitimate place in this Legislative Council constituted by a proportional representation election. I did not mean to labour that point, but it is very important that we consider that role.

We should also consider a factor that has been brought home to me and surprised me in the time I have been serving in this Council; that is, how much excellent work can be done when we have a cooperative and productive approach and rapport between the Opposition and the Government. Obviously, after 22 May we will have a more interesting dynamic with the presence of the Democrats and Hon Jim Scott's colleague from the Greens (WA) party.

I will refer to one example that illustrates the excellence of the work that can be done. The first substantial committee debate I witnessed was that relating to the Restraining Orders Bill. I noticed the very productive interchange between Hon Peter Foss, Hon Nick Griffiths and Hon Cheryl Davenport. That debate gave me great heart. On other occasions in this House there have been misunderstandings or variations of understanding about procedural matters that have disappointed me. However, that outstanding debate displayed rapport and an excellent working relationship involving those members working very well together in exercising their minds on that Bill. During that consideration they anticipated the impact of the legislation on the community that we are here to serve. We must remember that we are now required to do the same with this legislation. We must consider each of the clauses and anticipate their impact on the people of this State.

It would be excellent if we had an understanding of what has occurred in this House in the time that I have been here. I appreciate that I am a new boy, but sometimes it is helpful for longer serving members to hear the perspective of a newcomer after a few weeks. An excellent way of using our time between the election on 14 December and 21 May - before the most recently elected Legislative Council members take their seats - would be to do the sort of work that Hon Peter Foss, Hon Nick Griffiths and Hon Cheryl Davenport did in relation to the Restraining Orders Bill. We could look at legislation on which we have consensus so that the issue of votes and representation is not critical and we could get down to work. I am looking forward to participating in the next debate on legislation on which we have consensus. I am sure that gentlemen such as Hon Alan Carstairs and Hon Paul Sulc would also find great satisfaction in participating in such a debate. However, more important than being personally satisfied, they would

be doing excellent work on behalf of their constituents by being involved in a constructive debate on legislation where there is a consensus across this Chamber. That is the appropriate legislation to occupy our busy time between now and 21 May.

The PRESIDENT: I again remind the honourable member that the things he is saying are very interesting, and I am sure that members would like to hear him out, but this is not the occasion for him to be giving that message. He should be addressing why we should or should not take the second reading of this Bill on 27 May. A history lesson is not appropriate at this time.

Hon E.R.J. DERMER: Thank you for that advice, Mr President. I was leading up to my point. Where we have consensus on legislation and constructive work can be done, it is entirely appropriate to do that until 21 May. Where it is contentious legislation and the votes of members of this Council and the basis upon which those members hold their seats in this place is at issue, that legislation should be debated after 21 May, which, of course, is the main substance of the motion moved by Hon Tom Stephens.

Hon Peter Foss: An interesting proposition.

Hon E.R.J. DERMER: It is interesting to look at *The West Australian*. I have a curious relationship with that newspaper. For a long time I believed it was an organ of the fourth estate unsympathetic to my social democratic views. I must say that occasionally, even more than the Alston cartoon, I find the editorial very interesting.

Hon E.J. Charlton: The Alston carton is the most accurate reporting in the whole newspaper.

Hon E.R.J. DERMER: Alston has traditionally had two main targets: The Premier and former Prime Minister Paul Keating. I enjoy it more some days than others.

I will quote three paragraphs of the excellent editorial of 24 March 1997, which states -

West Australians made their views clear when they voted at the December election to change the composition of the Council. They showed they wanted exacting checks on a Government that had proved it had little commitment to parliamentary accountability.

Hon N.F. Moore: It had just been re-elected with a record majority. That was left out.

Hon E.R.J. DERMER: The people of Western Australia are smart.

Hon N.F. Moore: Which is more than I can say for the editor.

Hon E.R.J. DERMER: Hon George Cash referred to my preselection. That is important, but I have far more respect for my real constituency: The electors of the North Metropolitan Region. Many people in Western Australia now realise that four years is an increasingly short period. The actions that we take today -

Several members interjected.

Hon E.R.J. DERMER: I would be grateful for an opportunity to read this important quote, which continues -

By exploiting a constitutional technicality - which prevents the new Council from sitting before May 22 - Mr Kierath is deliberately and cynically thwarting the will of the people. He is trying to avoid a review of his Bill by the Upper House elected to be free from domination by the executive and to provide proper scrutiny of legislation.

The people of Western Australia understood precisely what they were doing. For reasons best known to themselves, the majority voted to continue with the coalition Government.

Hon Peter Foss: That was an aberration, no doubt.

Hon E.R.J. DERMER: They are the Attorney General's words, not mine.

The PRESIDENT: If the member wants to finish reading the quote he has about 30 seconds.

Hon E.R.J. DERMER: I will do it very quickly. It is important to understand that the people made a deliberate choice to vote for the coalition Government in the Legislative Assembly. Probably encouraged by the public understanding of the nature of the Senate as an effective and independent House of Review, many voted for the Australian Democrats and the Greens (WA) in the Legislative Council.

Hon N.F. Moore: They elected 17 members on this side of the House.

Hon Peter Foss: It was your preferences that got them there.

Hon E.R.J. DERMER: I will read one last sentence before we close tonight because I want members opposite to think about it overnight. It states -

This is a serious reflection on the Government's fundamental view -

[Debate adjourned, pursuant to Sessional Order No 1.]

PERSONAL EXPLANATION - HON P. SULC

Incident on Front Steps of Parliament House

HON P. SULC (East Metropolitan) [10.00 pm]: I seek leave to rise on a matter of privilege. The matter relates to an incident on the front steps of Parliament House involving me and three police officers.

The PRESIDENT: Order! The honourable member seeks leave to make a personal explanation with regard to an incident on the front steps of Parliament House involving him and three police officers.

Hon N.F. Moore: Is that because you cannot use the provisions of Standing Order No 155?

Hon P. SULC: Yes.

Leave granted.

Point of Order

Hon TOM STEPHENS: Hon Paul Sulc has said that he would like to rise on a matter of privilege. I understand there has been discussion about this matter and it is a complex situation. A member who wishes to raise a matter of privilege must do so at the earliest opportunity.

The PRESIDENT: Hang on. What is your point of order?

Hon TOM STEPHENS: That the member is seeking leave to rise on a matter of privilege.

The PRESIDENT: The member sought leave to raise a matter of privilege forthwith. The reason for his seeking leave is that he is unable to use the provisions of Standing Order No 155. The matter relates to an incident on the front steps of Parliament House involving him and three police officers at the time of Tuesday's demonstration. I take it that that is what the member is asking, and that is the question that I put to the House. Leave was granted. I thought we had reached that stage three minutes ago.

Debate Resumed

Hon P. SULC: I thank the House. Yesterday during the demonstration I was in the crowd at the front of Parliament House and I sought to gain entrance into the building. It was fairly packed out the front, as I am sure we all saw, and I had seen several of my colleagues gain entrance without hindrance in the way that I sought to seek entrance. I moved, and it took me about half an hour to do so, from where I was to the south corner of the front portico to try to get past the banners that were placed there. I managed to get past the banners and was immediately confronted by two police officers, who said that I could not go further. I then identified myself as Paul Sulc and said that I was a member of this Parliament - more specifically, a member of the Legislative Council - and that I sought entrance into the Parliament of Western Australia. They denied me entry.

I then pulled out the identification that I had with me at that moment. I had inside this wallet several business cards, one displayed most prominently, plus my driver's licence, credit cards, and a few other minor pieces of identification, which I attempted to show to those two police officers. Without looking at the identification that I tried to provide, they asked me for written permission to enter the building. I said that I did not believe I needed written permission to enter the building and that I wished to enter. They were distracted by a member of the staff of the Leader of the Opposition in another place, at which point I managed to duck around one of the officers. I then proceeded towards the door, to then be accosted by one of those police officers, and another, who physically grabbed me by the arms and prevented me going any further. I again said that I was trying to enter the Parliament, and again produced my identification. The identification was a business card that has on it the parliamentary crest and states "Hon Paul Sulc MLC, Member for East Metropolitan Region", and gives the addresses of my offices in Armadale and Parliament House.

Hon Derrick Tomlinson: Does your driver's licence have a photograph on it?

Hon P. SULC: I am afraid it does not, but I also have two credit cards, a Medicare card and, I must admit, a union card.

Hon Tom Helm: No wonder you could not get in!

Hon P. SULC: I did not try to show them that and I did not mention that I had that on me.

At this point, I was being physically restrained. This altercation lasted for about 30 seconds, where I attempted to identify myself many times and to seek entry into the building and was continually denied entry in a physical fashion. At that point, I was saved by a member of Parliament House security, who yelled out to the police officers that it was okay for me to enter the building. They then let go and I proceeded to go in. No apology was offered, and I did not take note of their names or numbers at that time.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [10.07 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Statement by Hon P. Sulc

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [10.07 pm]: The statement made to the House by Hon Paul Sulc raises serious issues that deserve to be considered as matters of privilege, and I indicate to the House that tomorrow I intend to give notice of a motion along those lines at the earliest opportunity.

Question put and passed.

House adjourned at 10.08 pm

QUESTIONS ON NOTICE

TRAINING, DEPARTMENT OF- PRIVATE EDUCATIONAL PROVIDERS

Expenditure

75. Hon JOHN HALDEN to the Leader of the House representing the Minister for Employment and Training:
What was the level of expenditure paid to private educational providers in 1995-96 and to date, by the Department of Training?

Hon N.F. MOORE replied:

1995-96	\$24.5m
1996-97	\$15.4m - as at the end of February

ABORIGINAL AFFAIRS - COMMISSIONER

Charter Aircraft - Jigalong

114. Hon TOM HELM to the Minister for Transport representing the Minister for Aboriginal Affairs:

- (1) Did the Commissioner for Aboriginal Affairs, Cedric Wyatt, charter a light aircraft to go to Jigalong on Sunday 23 February 1997?
- (2) How many people were on the plane?
- (3) Were quotes asked for?
- (4) How much did it cost?
- (5) What size was the plane?

Hon E.J. CHARLTON replied:

- (1) No.
- (2)-(5) Not applicable.

PORTS - OAKAJEE

Infrastructure

165. Hon J.A. SCOTT to the Leader of the House representing the Minister for Resources Development:

- (1) What amount of funding will the State Government put into building port facilities at Oakajee, if Environmental Protection Authority approval is given?
- (2) Does this include cost of rail links to the Geraldton/Mullewa line?
- (3) If not, will the Government provide funding for this rail link?
- (4) What amount of funding will the State Government put into the building of infrastructure, such as gas, power, water and roads, at Oakajee if EPA approval is given?
- (5) How many hectares will the proposed Kingstream project cover?
- (6) What area of coastline will be affected by this proposal?
- (7) Have any other industries made firm proposals to locate at Oakajee?
- (8) If yes, what are these industries?

Hon N.F. MOORE replied:

- (1) The Government is currently studying this issue.
- (2) Yes.
- (3) Not applicable.
- (4) The Government is currently studying this issue.

- (5) This issue is yet to be decided following completion of the feasibility studies.
- (6) This issue is being addressed as part of the Oakajee Port feasibility study.
- (7) No.
- (8) Not applicable.

NATIVE TITLE - CLAIMS

Tallering Peak

168. Hon J.A. SCOTT to the Leader of the House representing the Minister for Resources Development:

- (1) Where is iron ore for the proposed Kingstream project going to come from?
- (2) How many native title claims are there over Tallering Peak?
- (3) What compensation will be involved in these claims?

Hon N.F. MOORE replied:

- (1) Tallering Peak, Koolanooka and Blue Hills.
- (2) It is understood that two claims have been lodged.
- (3) The Proponent has been negotiating directly with the Claimants.

MICKELBERG CASE - CROWN WITNESSES

Consultation

196. Hon MARK NEVILL to the Attorney General:

I refer to the Mickelberg case and the letter dated 4 March 1997 by Mr S Pallaras of the Director of Public Prosecutions Office. Has Mr S Pallaras any evidence to support his claim that Mr R Mickelberg "had no hesitation in consulting with Crown Witnesses" as Mr R Mickelberg has advised me prior to the above letter that he has never spoken to a Crown Witness?

Hon PETER FOSS replied:

This question relates to an aspect of ongoing litigation and is sub judice.

ENVIRONMENT - SPILLAGE

Licence 6420

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

I refer the Minister to question on notice 724 of 5 September 1996 -

- (1) Has the Minister for the Environment decided, if in receipt of Crown Law Advice, that the operator of this tailings structure will be prosecuted?
- (2) If yes, when will such prosecution take place?
- (3) If not, why not?
- (4) What is the statute of limitations in relation to such prosecution?
- (5) Is the Minister aware that two and a half months prior to the tabling of question 724 the operator of this tailings structure had been advised by letter from the Department of Environmental Protection, dated 26 June 1996, that the DEP considered the tailings spill to be a serious breach of Licence No 6420?
- (6) If yes, why did the Minister not answer so in reply to part (2) of question 724?

Hon MAX EVANS replied:

- (1) No.
- (2) Not applicable.

- (3) I am not yet in receipt of Crown Law advice, nor a request from the Department of Environmental Protection.
- (4) Within 12 months from the time when the matter of complaint arose.
- (5) I am now aware.
- (6) The DEP letter expressed a view as to the breach of condition but was seeking legal advice in this instance. In that context the answer was appropriate.

HOMESWEST - ABORIGINAL HEALTH STRATEGY FUND

233. Hon J.A. SCOTT to the Minister for Finance representing the Minister for Housing:

- (1) Did Homeswest receive funding under the Aboriginal Health Strategy Fund in 1994/95?
- (2) Where does the funding come from for the State Government Social Justice Fund?
- (3) Is this fund provided by the Federal Government?
- (4) If yes, to which State departments does it go?

Hon MAX EVANS replied:

- (1) No but Homeswest received \$3m from the Health Department of Western Australia for infrastructure projects in remote communities.

In relation to parts (2)-(4) of this question, these should have been referred to the Minister for Aboriginal Affairs. However as this is also my portfolio I provide the following responses -

- (2) There is no such funding program known as the State Government Social Justice Fund.
- (3)-(4) Not applicable.

HUNTER, MR N.G. - DIRECTOR OF PUBLIC PROSECUTIONS

Financial Status

275. Hon MARK NEVILL to the Attorney General:

I refer to the Brennan stolen cars/drug case -

- (1) Has the Director of Public Prosecutions confirmed the claims made by Neil Geoffrey Hunter before Judge Hammond in the District Court on February 25, 1997 that -
 - (a) he owes \$200 000, reportedly lost in a business deal in New South Wales; and
 - (b) his bank account with Westpac Bank in Double Bay, New South Wales was \$10 000 overdrawn?
- (2) In particular, who provided the capital or provided the collateral or guaranteed the borrowings from which the funds were lost?
- (3) Was Mr Graham Frost (in possession of Mr R Brennan's Rolls Royce) from Double Bay involved in either business deal?

Hon PETER FOSS replied:

- (1)-(3) The matter is presently before the courts and is sub judice.

ENVIRONMENT - WETLANDS CONSERVATION

Government Policy

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

- (1) When was the Wetlands Conservation Policy for Western Australia completed and who was involved in its formulation?
- (2) When will the Minister for the Environment release the new Wetlands Conservation Policy for Western Australia to the public?

- (3) When is the new Wetlands Co-ordinating Committee to be established and what organisations are to be invited to participate in the committee?
- (4) When will the Minister introduce an Environmental Protection Policy to protect wetlands in the South West as promised in the Coalition's 1996 election platform on the environment?
- (5) What work has so far been done on the policy and who is involved in the drafting of the policy?

Hon MAX EVANS replied:

- (1) A Draft Wetland Conservation Policy for Western Australia was released for public comment in December 1992, following its preparation through the Integrated Catchment Management Coordinating Group. Submissions were received from State Government agencies (9), conservation organisations (8), individuals (5) and one local authority.
- (2) The Coalition Government's Environment Policy released in December 1996 includes a commitment to release the Wetlands Conservation Policy for Western Australia. Action is being taken to complete the Policy and the Minister expects to release it in the near future.
- (3) The Wetlands Coordinating Committee provided for in the Policy will be established once the Policy has been released. The proposed membership will be detailed in the Policy.
- (4) The South West Agricultural Zone (Wetlands) Environmental Protection Policy is in revised draft form and I anticipate proclamation during 1997.
- (5) The revised draft policy has been prepared for the Environmental Protection Authority arising from consultation with individuals and community groups in accordance with the requirements of the Environmental Protection Act (1986).

POLLUTION - SPILLAGE

Hypersaline Water - Kaltails Plant

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

I refer to a Hypersaline Water Spill which I understand occurred on March 25 and 26, 1996 on the Kaltails Decant line Lakewood Pipeline approximately two kilometres north of the Kaltails Plant -

- (1) Is the Minister for the Environment or the Department of Environmental Protection aware of this spill?
- (2) If not, will the Minister or the DEP investigate this matter to ascertain the extent of the spill and how it occurred?
- (3) If not, why not?
- (4) Can the Minister or the DEP state in litres how much hypersaline water was lost from the spill?
- (5) If not, why not?
- (6) Can the Minister or the DEP state the approximate area, in square metres, that was affected by the spill?
- (7) If not, why not?
- (8) Did the owner/owners of the pipeline report the spill to the DEP?
- (9) If not, why not?
- (10) Who is/are the owner/owners of the pipeline?

Hon MAX EVANS replied:

- (1) Yes.
- (2)-(3) Not applicable.
- (4) Approximately 2 megalitres.
- (5) Not applicable.
- (6) 12 000 square metres (1.2 ha).
- (7) Not applicable.

- (8) Yes.
- (9) Not applicable.
- (10) Normandy Kaltails Pty Ltd.

PUBLIC TRUSTEE - FEES

Increase

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

I refer the Attorney General to his answer to question without notice 106 of March 19, regarding the raising of the fees of the public trustee from 3.75 to 4 per cent for the first \$200 000 of gross capital value of an estate. In that answer he stated: '...on a swings and roundabouts type of measure it is very difficult for the Public Trustee to pay its way, because it does not have a reasonable range of estates.' and 'It is important, where it is capable and reasonable to recover fees, that those fees be sufficiently high to enable it to maintain itself.' When he provided that answer, was he aware that in the Annual Report of the Ministry of Justice it says on page 36, in relation to the Public Trustee: 'Revenue and fees collected during the year have exceeded expectations and a total of \$10.8m was returned to the Consolidated Fund.'?

Hon PETER FOSS replied:

The \$10.8m referred to in the Annual Report of the Ministry of Justice included revenue from all sources and comprised -

Fees and Charges raised	\$ 5.8m
Surplus Common Fund Interest	\$ 4.5m
Other (being recoup from Public Trustee Reserves) etc	<u>\$ 0.5m</u>
	<u>\$10.8m</u>

The total operating cost for the Public Trust Office in 1995-96 was \$7.5m.

FIRES AND FIRE FIGHTING - FUEL REDUCTION BURNS

South-west

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

- (1) With regard to any fuel reduction burns conducted by Conservation and Land Management in the South-West during the month of March 1997, what was the -
 - (a) location (nearest town, nearest roads, forest block, map co-ordinates);
 - (b) extent; and
 - (c) duration?
- (2) Did any of the fuel reduction burns escape or flare up at a later date?
- (3) If yes, in relation to the subsequent fire, what was the -
 - (a) location (nearest town, nearest roads, forest block, map co-ordinates);
 - (b) extent; and
 - (c) duration?

Hon MAX EVANS replied:

- (1) Fuel reduction burns done during March in the Southern Forest Region -

District	Location	Block	Extent (ha)	Date Commenced	Duration (days)
Pemberton	12km SE of Northcliffe	Boorara	100	04/03/97	2
Pemberton	12km East of Northcliffe	Muirillup	5	05/03/97	1
Walpole	45km North of Walpole	Johnson	5 000	11/03/97	4
Walpole	30km West of Mt Barker	Pardelup	3 100	21/03/97	4
Walpole	25km NW of Denmark	Clear Hills	7 076	21/03/97	4

- (2) No.
- (3) Not applicable.

FIRES AND FIRE FIGHTING - REGENERATION BURNS

South-west

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

- (1) With regard to any regeneration burns conducted by the Department of Conservation and Land Management in the South-West during the month of March 1997, what was the -
 - (a) location (nearest town, nearest roads, forest block, map co-ordinates);
 - (b) extent; and
 - (c) duration?
- (2) Did any of the regeneration burns escape or flare up at a later date?
- (3) If yes, in relation to the subsequent fire, what was the -
 - (a) location (nearest town, nearest roads, forest block, map co-ordinates);
 - (b) extent; and
 - (c) duration?

Hon MAX EVANS replied:

- (1) Regeneration Burns done in March in the Southern forest Region -

District	Location	Block	Area (ha)	Date Commenced	Duration (days)
Pemberton	5km SE of Quinninup	Sutton	45	04/03/97	2
Pemberton	20km SE of Northcliffe	Gardner	20	05/03/97	1
Pemberton	15km SE of Northcliffe	Muirillup	65	05/03/97	1
Walpole	50km North of Walpole	Mattaband	50	05/03/97	1
Manjimup	10km SW of Manjimup	Solai 1	30	05/03/97	2
Walpole	45km North of Walpole	Mattaband	55	06/03/97	1
Pemberton	20km SE of Pemberton	Nairn	60	06/03/97	1
Walpole	40km North of Walpole	Lochart	35	07/03/97	1
Pemberton	15km NW of Pemberton	Court	95	20/03/97	1
Pemberton	10km South of Pemberton	Brockman	50	21/03/97	1
Manjimup	8km SE of Manjimup	Dingup	45	21/03/97	2
Manjimup	10km SW of Manjimup	Diamond	40	21/03/97	1
Pemberton	15km SE of Pemberton	Nairn	65	24/03/97	1
Manjimup	8km SW of Manjimup	Solai	60	24/03/97	1
Pemberton	8km West of Pemberton	Treen Brook	84	25/03/97	1

- (2) No.
- (3) Not applicable.

FIRES AND FIRE FIGHTING - WILDFIRES

South-west

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

- (1) Were there any wildfires in the South-West during the month of March 1997?
- (2) If yes, in relation to the wildfires, what was the -
 - (a) location (nearest town, nearest roads, forest block, map co-ordinates);
 - (b) extent;
 - (c) duration; and
 - (d) cause?

Hon MAX EVANS replied:

- (1) 36 fires.
- (2) [See paper No 407.]

MINISTRY OF JUSTICE - DIRECTOR GENERAL

Appointment - Mr Gary Byron

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

- (1) On what date did Dr Michael McCall cease to be the Acting Director General of the Ministry of Justice?
- (2) On what date was the appointment of Mr Gary Byron to the position of Director General of the Ministry of Justice approved?
- (3) On what date was Mr Gary Byron appointed to the position of Director General of the Ministry of Justice?

Hon PETER FOSS replied:

- (1) 1 November 1996.
- (2) 8 October 1996.
- (3) 4 November 1996.

COURTS - MAGISTRATES

Blank Warrants - Signing

357. Hon MARK NEVILL to the Attorney General:

- (1) Is the Chief Stipendiary Magistrate aware of any practice of magistrates signing blank warrants?
- (2) Is this practice tolerated or considered acceptable in any situation?
- (3) Which magistrates have indulged in this practice?
- (4) What action was taken by the Chief Stipendiary Magistrate?

Hon PETER FOSS replied:

- (1) No. No such practice has been brought to the attention of the Chief Stipendiary Magistrate.
- (2) No.
- (3)-(4) Not applicable.

JUVENILE JUSTICE - COURT ORDER

Completion and Supervision

362. Hon MARK NEVILL to the Attorney General:

I refer to the juvenile who drove a vehicle into three police officers during the riot in Halls Creek on August 15, 1996 -

- (1) What action was taken by Juvenile Justice Division to ensure the juvenile completed the terms of the Juvenile Court Order?
- (2) Which Juvenile Justice Officers have been directly responsible for the juvenile, since he appeared before the Children's Court subsequent to the above riot?
- (3) What payments have been made for the juvenile's upkeep and to whom are these payments made, what amounts were paid, and what dates were these amounts paid?
- (4) Who in the Kiwirrkurra Community was responsible for the supervision of the boy since his arrival at Kiwirrkurra last year?

Hon PETER FOSS replied:

- (1) Consultation and subsequent arrangements were made with Mr Bobby West (chairperson Kiwirrkurra) and his "law uncle" for the appropriate supervision of the young person. This included permission to travel for law business. His order was breached as a result of non-compliance.
- (2) At various times Mr Samuel (Regional Manager North), Mr McMerrin (Juvenile Justice Officer) and Mr West (Senior Juvenile Justice Officer).

- | | | | | |
|-----|---------|-----------------------|-------|---|
| (3) | 5/12/96 | Kiwirrkurra Roadhouse | \$363 | basic toiletries, swag, clothes and personal items. |
| | 6/12/96 | Kiwirrkurra Council | \$800 | lodging refunded |
| | 24/3/97 | Kiwirrkurra Council | \$200 | lodgings |
- (4) Mr Bobby West and the young person's "law uncle".

MINING - TAILINGS

Line Spillage

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

I refer to a tailings line spillage which I understand occurred on August 30, 1996 on mining tenement 26/383 near the Fimiston Access road near the underpass -

- (1) Is the Minister for the Environment or the Department of Environmental Protection aware of this spill?
- (2) If not, will the Minister or the DEP investigate this matter to ascertain the cause(s) of the spill?
- (3) If not, why not?
- (4) Can the Minister or the DEP state why and how the tailings line spillage occurred?
- (5) Can the Minister or the DEP state the approximate area, in square metres, that was affected by the spill?
- (6) If not, why not?
- (7) Did the owner/owners of the pipeline report the spillage to the DEP?
- (8) If so, on what date was a report for the spillage received by the DEP?
- (9) If not, why did not the owner/owners report the spillage to the DEP?

Hon MAX EVANS replied:

- (1) Yes.
- (2)-(3) Not applicable.
- (4) The tailings line spillage occurred as a result of a tailings pipe split, allowing a fine spray of tailings slurry to escape.
- (5) An area of previously rehabilitated roadside embankment, measuring about 10 by 3 metres (30 square metres) was affected.
- (6) Not applicable.
- (7) Yes.
- (8) 4 September 1996.
- (9) Not applicable.

QUESTIONS WITHOUT NOTICE

TRANSPORT - BUS

Patronage Levels

243. Hon J.A. COWDELL to the Minister for Transport:

- (1) Will the Minister indicate the comparative level of patronage before and after 14 April on the following Transperth services: 6.30 am, 7.00 am and 7.30 am Mandurah to Perth; and 6.08 am, 6.38 am, 7.08 am, 7.23 am, 7.53 am and 8.23 am Mandurah to Fremantle?
- (2) Does the Minister anticipate any reduction in these services as a result of reduced patronage?
- (3) Given the undoubted hardship imposed by the 9.00 am restriction on concessional Day Rider tickets, particularly those in the outer metropolitan regions, and/or the decline in patronage, will the Minister now reinstate those concession entitlements that were removed on 14 April 1997?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) For the services nominated running between Mandurah and both Perth and Fremantle there has been no discernible variation in the level of patronage post-14 April compared with the levels of patronage in the preceding period.
- (2) No service reductions are anticipated or planned, particularly as no discernible change in patronage is evident. The Department of Transport is assessing proposals from the Transperth service operator, Southern Coast Transit, to increase the service frequencies between Mandurah and Perth. We have already increased that service since we entered Government, and we intend to increase it further and to ensure the quality of the vehicles is upgraded with those increases.
- (3) Only one ticket, the concession Day Rider, has had its conditions of use altered, restricting travel until after 9.00 am. This restriction upon travel after 9.00 am has been in place for those purchasing standard Day Rider tickets for many years. That means that when people paid the full price, they could not use the ticket before 9.00 am. Only those who pay a concession fare have been able to travel on the all day travel ticket before that time. This restriction upon travel after 9.00 am has been in place for those purchasing standard Day Rider tickets for many years. The recent change corrected an inequity between concession and full fare ticket purchasers. Only three ticket groups are in the range of the 56 categories which are subject to this restriction - the all day cash ticket, the concession ticket and the standard Multirider ticket. For those seeking to travel prior to 9.00 am, the other Multirider and Multirider Plus tickets offer 15 per cent and 25 per cent discounts respectively off cash fares, which in many cases will provide a cheaper alternative to the use of the concession Day Rider. As no discernible change in patronage has occurred, there is no need to consider the restoration of the inequitable situation which has only now been corrected.

As I said yesterday, we are attempting to establish whether special circumstances affect sufficient numbers, in addition to the students who travel. When we get an assessment of the number of people who are suffering as a consequence of this decision, we will see whether another type of ticket should be put in place. In the meantime, although some people are disadvantaged by this decision, we feel we must take a whole of government approach to ensure other service providers are complementing what is being done in the public transport system.

We have just changed another area in the public transport sector and we have had a 38 per cent increase in patronage as a consequence. Just today I have announced additional services in the Lansdale area. It is a northern metropolitan area. Hon John Cowdell is probably not too interested in it, but I am sure some of his colleagues will be. A whole range of additional services is being implemented on a regular basis in an attempt to maximise the use of public transport. We have an old bus fleet. A tender has been put out for the provision of new buses. When those buses are put into service, we might be able to do a range of additional things. If members know of people who have special circumstances, I ask them to let me know their names and the details of how they are affected. Let us work together. I am trying to resolve this situation. The bottom line is that we are providing many more services today than were available even three months ago.

RAILWAYS - WESTRAIL*Privatisation - Prospector***244. Hon KIM CHANCE to the Minister for Transport:**

- (1) Can the Minister confirm that the Government has taken yet another step in the privatisation of Westrail by moving to contract out passenger services on the *Prospector*?
- (2) Regardless of the answer to that question, is it true that the Government has no evidence that private contractors can provide a cheaper equivalent service?

Hon E.J. CHARLTON replied:

- (1)-(2) Yes, it is a fact. Over the past several months a review of the total *Prospector* services has been conducted. The main reason has been to ensure replacement trains for this service. As I have said before, the train is now over 25 years old. Although it is being upgraded, we do not want to put the pressure on the service, with the train being used for more than another couple of years. We want to put in a replacement. In the survey the people who use the *Prospector* complained about the service on board the train. These complaints ranged from the service itself to the interference that had occurred in the timetabling of the

service as a consequence of the inflexibility of the current arrangements with staff who have resisted some changes. The review just completed has highlighted the dissatisfaction of some components of the current service on the train. In this weekend's newspapers we will be advertising for the provision of that service on a contract basis.

We are confident - we would not be going down this path if we were not - that we will provide a better service for the railway users. That is what it is all about. We estimate that we can achieve a saving of up to half a million dollars a year. One of the impediments in the current system is that all the people who provide a service on the train operate from Perth. They have refused to allow us to put some extra flexibility into the service by providing half of the staff from Kalgoorlie, which would improve the rostering arrangements. Changes in many other areas could improve the service and, although I do not have a note of them with me, I am quite happy to go through them later with members opposite. The service is being contracted out for two reasons: First, it will provide a better service to the people who use the train; and, second, it represents a real saving. It is in line with the results of the survey, for which the users voluntarily answered questions that were put to them.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - ADVERTISING

Legal Advice

245. Hon JOHN HALDEN to the Attorney General representing the Minister for Labour Relations:

Has the Minister sought legal advice as to whether advertisements of the benefits of the Labour Relations Legislation Amendment Bill currently being run are in contravention of section 52 of the Trade Practices Act, which pertains to truth in advertising?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

No. However, legal advice was sought on a complaint directed to the Federation of Commercial Television Stations which administers a voluntary advertising code of ethics. As a consequence of that legal advice the advertisement has been modified accordingly.

EMPLOYMENT AND TRAINING - UNEMPLOYMENT

Rockingham and Kwinana

246. Hon J.A. SCOTT to the Leader of the House representing the Minister for Employment and Training:

- (1) What is the level of unemployment in the Rockingham and Kwinana regions?
- (2) What is the level of youth unemployment?
- (3) For both regions, has the level of general unemployment increased or decreased in the last two years, and by how much?
- (4) For both regions, has the level of youth unemployment increased or decreased in the last two years, and by how much?
- (5) What youth employment initiatives has the Western Australian Government undertaken in these regions in the last two years, and to what funding value?
- (6) How successful have these programs been?
- (7) How many apprenticeships have been created in these regions, both by government and industry?

Hon N.F. MOORE replied:

(1)-(4) Unemployment Rate(%)		No. of Unemployed (Persons)		Change 1994-96
June 1994	June 1996	June 1994	June 1996	
City of Rockingham	11.6 9.6	2 537	2 419	118 or 4.7% fall
Town of Kwinana	16.3 12.3	1 279	1 081	198 or 15.5%

Source: Department of Employment, Education, Training and Youth Affairs small area labour market estimates.

These estimates, which are the only source of current small area labour market data, do not contain information by age.

- (5) The Bridging the Gap Rockingham/Kwinana project has been funded \$230 000 for the financial years 1995-96 and 1996-97 through the state employment assistance strategy. Approximately 30 per cent - \$69 000 - of this funding is allocated to employment assistance services to young people in the Rockingham/Kwinana regions.

Youth Options Mandurah has been funded \$180 000 for the same two years. This project provides a service to school leavers in the Rockingham/Kwinana regions to the sum of approximately 40 per cent - \$72 000 - of its total budget.

Small grants amounting to approximately \$2 000 were provided to the Bridging the Gap Rockingham/Kwinana project to run job clubs for young unemployed people.

- (6) Overall, state employment assistance strategy projects provide employment assistance to over 30 000 people in Western Australia every year, placing over 6 000 into sustainable employment.

The Bridging the Gap project registered 154 new clients under 25 years from July 1996 to March 1997 and placed 125 into employment, training or education.

The Young Options Peel project provides assistance to nearly 200 young people each year.

- (7) Apprentices in the regions - postcodes 6167 to 6176 inclusive - amount to 278, and trainees 74. The Department of Training has recently streamlined apprenticeships and traineeships by establishing a one-stop information service through a 1300 number and a Web Site on the Internet providing accessible information to all clients of the system. In addition, the department is recognising employers of apprentices and trainees, and promoting the intake of apprentices and trainees through a comprehensive hands on trainer campaign.

LEGAL AID COMMISSION - PURCHASER-PROVIDER AGREEMENT

Legal Advice

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

I refer to the Attorney General's proposal to have the Ministry of Justice enter into a purchaser-provider agreement with the Legal Aid Commission. Will he be taking legal advice to make sure that he will not be subverting the intention of the Parliament through executive action by proposing to have the Legal Aid Commission enter into a purchaser-provider agreement where the statutory functions of the commission will be determined by the Ministry of Justice?

Hon PETER FOSS replied:

It is interesting that that is precisely what the Commonwealth Government will be doing with the Legal Aid Commission. The original suggestion by the Commonwealth Government to enter into a purchaser-provider agreement caused me to look at the question of whether we could. We can legally do so. The Legal Aid Commission as set up by the Parliament is enabled to enter into agreements in order to receive moneys. Not all government agencies have that power. I am not sure why the member refers to subverting the intention of Parliament. We will be carrying out what is legal and lawful. It is a matter of care on our part to ensure it is lawful. What will follow however is that the power of the Legal Aid Commission to deal with money directly appropriated to it by Parliament will continue, thus carrying out the intention of Parliament. However, the moneys which have not been appropriated to it but to the Ministry of Justice will be used in accordance with the intention of Parliament; that is, they are appropriated to the Ministry of Justice. They will be spent in accordance with the policy of the Government by reason of that money having been allocated to the Ministry of Justice.

TELECOMMUNICATIONS - INFRASTRUCTURE

Regulation

248. Hon E.R.J. DERMER to the Attorney General representing the Minister for Planning:

- (1) What action has the Minister taken to prepare by 1 July 1997 legislation and/or regulations for the assumption of state government responsibilities for the regulation of telecommunications infrastructure?
- (2) Does the Minister intend to provide immunity for telecommunications carriers from any Western Australian state laws?

- (3) If so, what are the details of any such immunities?
- (4) Does the Minister intend to provide telecommunications carriers with any special powers of access to land, the ability to attach facilities to land and the ability to do things on land?
- (5) If so, what are the details of any such special powers?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) At this stage it is not considered that special legislation and/or regulations will be necessary for the regulation of telecommunications infrastructure by the State.
- (2) No.
- (3) Not applicable.
- (4) No.
- (5) Not applicable.

TELECOMMUNICATIONS - TOWERS

Health Risks

249. Hon E.R.J. DERMER to the Minister for Finance representing the Minister for Health:

I refer to the Minister's answer to my question of 10 April 1997 and his assurance that there is no compromise to public health arising from exposure to radiation from electronic communication towers.

- (1) Has the Minister examined the paper Cancer Incidence and Mortality and Proximity to TV Towers by Hocking, Gordon, Grain and Hatfield which was published in the December edition of the Medical Journal of Australia and which found an association between residential proximity to television towers and increased incidence of childhood leukemia?
- (2) Is the Minister aware of the comment of the Director of the NSW Cancer Council's Cancer Information Centre, Professor Bruce Armstrong, regarding the association found by Hocking, Gordon, Grain and Hatfield that "statistical analysis of the figures gave a probability of less than one in twenty that the difference" - the difference being the basis of the association - "was simply due to chance"?
- (3) What action has the Minister taken to exclude the possibility of a causal link between increased incidence of childhood leukemia and television towers, mobile phone towers and any other form of electronic communications towers located in close proximity to residential areas?
- (4) How long does the Minister anticipate that it will take to exclude the possibility of a causal link?
- (5) What action has the Minister taken to protect the public from exposure to radiation from electronic communication towers until such time as a causal link is excluded?
- (6) What consideration has the Minister given to the question of public liability arising from this possible causal link?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Departmental officers have examined the paper.
- (2) I am not aware of the particular comment. However, I am advised that the comment simply explains the significance of the confidence intervals commonly used in epidemiological studies.
- (3) I have asked the Commissioner of Health to ensure that research in this area is closely monitored. A British study of a much larger scale than the Hocking study was published at about the same time, and did not report an association between residential proximity to TV towers and childhood leukemia.
- (4) Although epidemiological studies are useful to confirm an association, they can never, however, exclude a causal link.

- (5) By ensuring that no member of the public is exposed to radiation exceeding the national standard AS2772. Measured levels of radiation near mobile telephone towers have been below the public exposure limit by at least 100 times.
- (6) Not applicable.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - PRE-STRIKE BALLOTS

Overriding of Industrial Agreements

250. Hon P. SULC to the Attorney General representing the Minister for Labour Relations:

Is it the Government's intention that sections of the Labour Relations Legislation Amendment Bill relating to pre-strike ballots contained in pages 7 to 24 of the Bill will override industrial agreements registered under sections 40 and 41(a) of the Industrial Relations Act and industrial bargaining agreements in general?

Hon PETER FOSS replied:

I thank the member for some notice of this question. In the case of any inconsistency the provisions of the Bill will prevail.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - SECTION 97(b)

251. Hon P. SULC to the Attorney General representing the Minister for Labour Relations:

Is it the Government's intention that proposed section 97(b) of the Labour Relations Legislation Amendment Bill will override provisions set out in sections 96(a) to (l) of the Industrial Relations Act and sections 53 and 58(3)(c) of the Equal Opportunity Act?

Hon PETER FOSS replied: No.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - CROWN LAW DEPARTMENT

Advice

252. Hon TOM STEPHENS to the Attorney General representing the Minister for Labour Relations:

The Attorney General might recognise the question as it is similar to one that I asked yesterday except for the insertion of the word "not" that makes a lot of difference. I refer to the Attorney General's comments on Monday that he was in receipt of advice from the Crown Law Department that the Labour Relations Legislation Amendment Bill was not in breach of Australia's international treaty or convention obligations -

- (1) Will the Minister table that advice from Crown Law?
- (2) If not, why not?
- (3) Is the Minister aware that the Opposition is not yet in receipt of the summary of Crown Law advice which he has undertaken to provide?
- (4) Will the Minister now provide that summary?
- (5) If not, why not?

Hon PETER FOSS replied:

I was sure that I had that.

Hon Tom Stephens: The Attorney gave me an answer yesterday; however, the question did not have the crucial word "not" in it. The Attorney was able to accurately answer my question and tell me in polite language something that is sometimes said impolitely

Hon PETER FOSS: The answer is -

- (1) No.
- (2) It is not practice to table legal opinions received.
- (3) No.

- (4) I refer the member to a letter dated 15 November 1997 from the Minister for Labour Relations to the member for Nollamara.
- (5) Not applicable.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - CROWN LAW DEPARTMENT

Advice

253. Hon TOM STEPHENS to the Attorney General:

Would the Attorney take the opportunity of apprising himself of the letter to which his lower House colleague referred. That letter is not what the Minister for Labour Relations purports it to be. In those circumstances would the Attorney, as the Minister handling this legislation, be prepared to make available to the Opposition a summary of the advice about which I have asked the Minister?

Hon PETER FOSS replied:

I will try to find out what is in the letter, and see whether I can accommodate the member.

FIREARMS - LICENCES

Revenue

254. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:

- (1) What was the total revenue derived from firearm licences in Western Australia in 1995-96?
- (2) What was the cost of administering firearm licensing in WA in 1995-96?
- (3) What is the estimated total revenue derived from firearm licences in WA in 1996-97?
- (4) What is the estimated cost of administering firearm licensing in WA in 1996-97.
- (5) Does the cost of administering firearm licensing in 1996-97 include any costs associated with the gun buyback scheme?
- (6) What are the costs associated with -
 - (a) the administration of the gun buyback scheme in Western Australia in 1996-97; and
 - (b) compensation paid to private owners in 1996-97 under the scheme?
- (7) Has the State Government recouped these expenditures in whole or part from the Commonwealth Government?
- (8) How has, or will, any shortfall be met?

Hon PETER FOSS replied:

I am grateful the member has asked this question. Having given notice of the question an enormous amount of work has been done in a short time by the Police Service. It would have been a pity if I did not have the opportunity to bring that information to the Parliament.

- (1) \$2 502 215.
- (2) \$917 684 to the firearms branch. It is not possible to quantify other associated costs incurred by individual stations.
- (3) \$2 380 000.
- (4) \$904 000 for the firearms branch. It is not possible to quantify other associated costs incurred by individual stations.
- (5) No.
- (6) (a) \$700 000 in costs to be recouped from the Commonwealth at this stage but the costs associated with existing employees of the Police Service have not been quantified.
- (b) estimated to be \$7 500 000 including dealers.

- (7) To date in whole.
- (8) Not applicable.

FISHERIES - FISHING PLATFORM

Dead Finish - Funding

255. Hon BOB THOMAS to the Minister representing the Minister for Fisheries:

- (1) Can the Minister confirm that he has approved funding for a fishing platform which will cater for people with disabilities at a location known as Dead Finish, adjacent to Flinders Bay near Augusta?
- (2) Can the Minister advise why this project is now being held up despite constant requests from local residents, shire council representatives and officers for the project to proceed?
- (3) Is the Minister aware that local concern indicates that the only reason the project is being delayed is because his ministerial advisers are awaiting a suitable photo opportunity for the Minister to hand over the cheque?
- (4) If so, will the Minister expedite the handover so this worthwhile project can proceed?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2)-(4) Funding will be made available to the Shire of Augusta-Margaret River following the receipt of a written commitment to the project and signing of a funding agreement between the shire and the Fisheries Department. The Fisheries Department forwarded a letter to the shire dated 14 April 1997 advising the shire that funding is available for the project. The Fisheries Department requested the shire to commit in writing to the project by 25 April 1997 and to provide further project details. No reply has been received by the department as yet.

I have no comment about photographic opportunities.

Hon Bob Thomas: The locals will read this, Minister.

MANDURAH MARINA - INFRASTRUCTURE

Funding

256. Hon J.A. COWDELL to the Leader of the House representing the Minister for Commerce and Trade:

- (1) What funds allocated to the Peel Development Commission in the recent Budget will be expended on infrastructure for the Mandurah marina?
- (2) What aspects of infrastructure will these funds be used for?
- (3) What is the estimated total infrastructure cost associated with the Mandurah marina project?
- (4) What share of this cost will be met by the Government?
- (5) What provision has been made for government capital allocation to the project in the forward estimates?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) An initial allocation of \$1m has already been made subject to the Government further approving the next stage of the development.
- (2) Detailed planning and design for the marina.
- (3) Total investment in private and public is estimated at \$220m in 1997 dollars. This figure will be subject to review in the detailed planning and design phase.
- (4) No decision has yet been made.
- (5) \$1m has already been allocated in each of the two years 1997-98 and 1998-99.

ABORIGINAL LANDS TRUST - CHAIRMAN

*Appointment***257. Hon TOM STEPHENS to the Minister representing the Minister for Aboriginal Affairs:**

- (1) Is the chairmanship of the Aboriginal Lands Trust vacant?
- (2) If so, how will it be filled?
- (3) When will it be filled?
- (4) What is the salary and remuneration of the position of chairman?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The chairman will be appointed by the Minister in accordance with section 21 of the Aboriginal Affairs Planning Authority Act.
- (3) The Minister is awaiting the report of the selection panel.
- (4) The appropriate level of remuneration attached to the position is equivalent to a level 9 public sector classification.

LAND - ALBANY

*Lot 1401***258. Hon J.A. COWDELL to the Minister representing the Minister for Lands:**

- (1) On what basis did the Department of Land Administration decide to sell Albany town lot 1401 adjacent to the old railway station and tourist information bureau?
- (2) Has this lot been offered to the Albany Town Council to enhance public open space in the area concerned?
- (3) What restrictions are there on a development on this site in accord with the planned harbour development?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Under section 45B of the Land Act 1993.
- (2) No.
- (3) The land is zoned "central area" in the Town of Albany Town Planning Scheme. A condition of this release was that all development on the site be in accordance with the station precinct guidelines.

COURTS - SUPREME

*Appointment of Member for Rockingham as a Judge***259. Hon P.H. LOCKYER to the Attorney General:**

Is the Attorney General considering appointing the MLA member for Rockingham to the Western Australian Supreme Court as a judge?

Hon PETER FOSS replied:

No.

TELECOMMUNICATIONS - FOXTEL

*Contracts - Complaints***260. Hon TOM STEPHENS to the Minister representing the Minister for Fair Trading:**

- (1) Is the Minister aware of unfair consumer tactics currently being practised by Foxtel in its bid to enlist subscribers to the Telstra cable and Foxtel services?

- (2) Is the Minister aware that the Foxtel personnel have been instructed not to leave copies of the proposed subscriber contract with any interested householders to read at their leisure, but will permit the householder to read the contract only while the Foxtel salesman remains present and that requests for a copy of the contract have been refused by Foxtel?
- (3) Does the Minister regard that as fair trading or should those who wish to consider the contract or even get advice on it be permitted time to consider and read it without the presence of a Foxtel representative?
- (4) Will the Minister refer any complaints about this matter to the Ministry for Fair Trading?
- (5) Will the Minister raise these matters with the federal Minister for Communications to ascertain whether Foxtel or Telstra are breaking any Fair Trading or other law or consumer protection provisions in this standover tactic to enlist subscribers?

Hon MAX EVANS replied:

I thank the member for some notice of this question because my wife signed up with Foxtel, so I should check the contract.

- (1) The Minister is aware that complaints have been made to the Ministry of Fair Trading about the selling practices of Foxtel in enlisting consumers to subscribe to Foxtel services.
 - (2)-(3) The Ministry of Fair Trading has not received specific complaints to this effect. In any event, if a householder wishes to consider or reconsider the terms of a contract, the Door to Door Trading Act allows an automatic 10 day cooling off period after the contract is signed.
 - (4) Yes.
 - (5) The Minister will raise the issues presently the subject of complaints to the Ministry of Fair Trading with the federal Minister for Communications.
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