



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

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LEGISLATIVE COUNCIL

Tuesday, 11 March 1997

Legislative Council

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THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

MOTION - CONDOLENCE

Hon Richard John Lloyd Williams

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.33 pm] - without notice: I move -

That this House expresses its deep regret at the death of Hon Richard John Lloyd Williams, a former member of the Legislative Council for the Metropolitan Province; and places on record its appreciation for his long public service, and tenders its profound sympathy to his widow and the members of his family in their bereavement.

Richard John Lloyd Williams was born at Tylorstown in the Rhondda Valley of south Wales on 14 October 1926. His father was a railway shunter, later a rail inspector and consultant electrical engineer.

He was educated at Wolverhampton Grammar School near Birmingham. At the age of 17 years, John Williams enlisted in the struggle against Nazi Germany and served until 1948 with the British Army in Europe and the Middle East. He was commissioned as an officer at Sandhurst at the age of 18 years - a fact that speaks for itself.

After leaving the army, John Williams trained as a teacher and graduated as a BA from the University of Wales. He taught at a senior boys' school at Wolverhampton, and in the years after 1954 turned his energies to private enterprise as an industrial psychologist. He held the positions of marketing sales manager and then managing director of two successive companies between 1958 and 1966.

In 1966 John Williams made the decision to migrate to Australia with his family. They settled in Floreat and he resumed his work with young people, first as a teacher and guidance officer at Bentley High School, and subsequently as the executive officer for Junior Farmers between 1969 and 1971.

John Williams had been a member of the United Kingdom Conservative Party since 1956. He joined the Liberal Party soon after his arrival in Australia, and served as a branch secretary and as treasurer of the Curtin division of the party. In 1970 he won preselection to contest the Metropolitan Province seat being vacated by Hon Gordon Hislop, an MLC of almost 30 years' service. That is the measure of the respect John Williams' ability and dedication had won in a relatively short time. Moreover, he was selected to stand in what was regarded as the plum conservative seat in the Legislative Council, covering the city centre and western suburbs of Perth. Its previous members had all distinguished themselves in business, professional and political life many years prior to their selection. He faced opposition from both the Australian Labor Party and a conservative Independent at the 1971 election. However, with 45 per cent of primary votes he easily beat off this challenge and had a comfortable win after preferences. In subsequent electoral contests in 1977 and 1983 the result in the Metropolitan Province was never in doubt.

Because of his extensive practical experience in education and his very strong compassion, John Williams served as Chairman of the Alcohol and Drug Authority between 1974 and 1977, having chaired an Honorary Royal Commission into the Treatment of Alcohol and Drug Dependents in 1972-73. This was a considerable workload and responsibility on top of his parliamentary and electoral duties. Certainly John Williams' involvement was of great benefit to the cause of drug and alcohol rehabilitation.

In many other respects John Williams was a community activist. He was a delegate to the Good Neighbour Council, and at different times Senior Vice President of the Soccer Federation of WA and Chairman of Commissioners of the Soccer Super League - an interest he continued to support after his retirement.

He worked vigorously in the committees of the Parliament at a time when these were increasing. He chaired a second honorary royal commission into homosexuality in 1973-74, and chaired a select committee into QANGOs in 1984-85. He was a member of the Standing Committee on Government Agencies from 1982 to 1986, and was chairman from 1985 to 1986. He was a Deputy Chairman of Committees for 15 years until 1989, and was Secretary of the Parliamentary Liberal Party between 1984 and 1989. He served on the Executive of the Commonwealth Parliamentary Association.

After 18 years John Williams retired quietly from State Parliament and enjoyed a well earned retirement. It is sad that it was not far longer. He did not seek to be actively involved as an officer bearer, but neither did he neglect the Liberal cause in which he believed so strongly. As recently as last December he was busy scrutineering for Hon Rhonda Parker in the seat of Ballajura.

John Williams always remembered the people in the Liberal Party branches and in community organisations. He was a very welcome figure at meetings that he was never too busy to attend. His wife Sylvia was so often beside him, and his three children - Bronwyn, Elizabeth and Richard - were active supporters of the Young Liberal movement as soon as they left school.

On behalf of all members of this House, I extend our sincere sympathy to the family of John Williams and indicate to them that this Chamber is a better place for his having served here.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [3.38 pm]: I second the motion on behalf of the Opposition. I join with the Leader of the Government and all members of the Legislative Council in paying tribute to the late Hon John Williams, and express sincere condolences and sympathy to John's wife Sylvia, his son, two daughters and their families. As the Leader of the Government said, Hon John Williams was a member of the Legislative Council for 18 years from 1971 to 1989. He was the successor in this place to Dr Hislop who served the electorate for twenty-nine and a half years. It is interesting that when John Williams contested his first election in 1971 he beat the then endorsed ALP candidate who subsequently became a member for the South Metropolitan Province - Hon Garry Kelly. They later worked together in this House and joined the rest of us in the service of the people of Western Australia.

The arrival of Hon John Williams in this House as a representative of the Liberal Party was an extraordinary achievement by any standard because he had arrived in the country in 1966 and had joined the Liberal Party that same year. He came to Western Australia from the United Kingdom via America and had previously served in the British Army in Europe and the Middle East during World War II. I think that he was the last of a long list of members of this House who had undergone military service during the Second World War. At present, only Hon Graham Edwards and Hon Reg Davis are similarly distinguished by military service. John Williams came from a tradition of notable service in the military.

I have taken the opportunity of reading some of John Williams' speeches, in particular his maiden speech in this House on 22 July 1971. One of the themes of that speech was productivity. John Williams urged the House and the community to think "productivity" in order that we might all have a higher standard of living, and he focused on the need for training in the workplace as an ideal means of tackling the need for increased productivity. John had, apart from his involvement in politics, an active involvement in community life. He was active in the soccer world, and he was an avid theatre buff. He participated in the activities of the Hole in the Wall Theatre Company, and at one stage was chairman and very active in that role.

Members may recall that when Hon John Williams served in this House, he regularly arrived at the Parliament with guests who were theatrical figures from around the globe and were visiting Perth. I have a delightful memory of the day in about 1984 when John Williams introduced to me in the House the famous British actor the late Paul Eddington from the television series "Yes, Minister". John and Sylvia had invited Paul to lunch, and I was delighted to meet that distinguished actor in their company. I took the opportunity, I think in breach of the rules of this House, to have a photograph taken in the corridors of Paul Eddington and me. I was a new member then, Mr President, and I have since learnt that one should not do those things. I cherish that photograph of one of many guests whom John and Sylvia brought to this House to entertain.

During John Williams' career in this House, he served as a Deputy Chairman of Committees. He was appointed to serve on many committees of both the House and the Parliament, including the Joint House Committee and the Standing Orders Committee. He was also a member of the Executive of the Commonwealth Parliamentary Association. John Williams served the Liberal Party, and through the Liberal Party the community, in this Parliament with great distinction.

During John Williams' active involvement in community and parliamentary life, he was instrumental in establishing the West Australian Alcohol and Drug Authority and became its inaugural chairman. It is interesting to dwell on this matter, because it was an achievement of which he was proud and an important theme with which his speeches in this place were dotted. He participated in the Honorary Royal Commission into the Treatment of Alcohol and Drug Dependents, along with Lyla Elliot and one other member whose name escapes me. I know from hearing from others that when John Williams first spoke to the House in 1972 about the menace that would soon arrive on our shores involving drug abuse, his warnings were met with disbelief, if not derision, from almost all members of the House. His warning that drugs would arrive by the boatload and would disrupt and destroy the lives of so many people in Western Australia was prophetic and accurate.

John Williams was particularly proud of the work of the Alcohol and Drug Authority, and when we were in government he keenly pressed the Government to maintain support for the ADA. He would have been extremely distressed to see the crisis that area is facing currently - the early death each week of a person from a heroin overdose, as we have seen recently in the Press, and the difficulties that people are experiencing in getting onto the methadone program, which he had championed, because the ADA has not been able to get the necessary resources to do its job.

I hope this condolence motion will be an opportunity for us all to express our commitment to what was important to John Williams in his parliamentary and political career and involved so much of his time.

John Williams said in his valedictory speech to this House that -

One could reminisce about many things and many people who have passed through this place and who have inspired us. Many of them, to my knowledge, never had a nasty or cross word to say about anybody outside the Chamber. We should be able to debate politics, philosophies and ideologies in this place, but when we go through the doors of the Chamber, we should be able to forget our differences. Ninety per cent of us do that, but 10 per cent of us carry their acrimony and bitterness outside the Chamber. I feel sorry for that 10 per cent because they do not know what the job is all about.

I am one of those who fell far short of John Williams' admonition to this House, and I take this opportunity to renew the commitment that he said we should all have.

John set high goals for himself, and they are worthy of imitation by us all. John had a real commitment to friendliness, and his basic good manners were on display to me upon my arrival in this place in 1982. I was surrounded by Liberals on the other side of the House - we were in opposition - and John was one of the first to bound across, I think from where Hon Derrick Tomlinson is sitting, to welcome me to the place with enormous courtesy and friendliness, a warmth that he extended to all members of the House.

From my quick count of the House, perhaps only six or seven of us served in this Parliament at the same time as John Williams. That is an amazing testimony to the rapidly changing complexion of this place. It is an extraordinary feature of the speed with which members move through this place, and hopefully the death of John Williams is not an example of what can be caused by the stresses that those who serve this place face.

In his valedictory speech 18 years after his arrival in this place, John Williams recited William Shakespeare's sonnet No 12 entitled *The Consolation*. I looked up this sonnet last night, and before I went to bed I read it to my wife, because it has the most beautiful words. It states -

When in disgrace with fortune and men's eyes
I all alone beweep my outcast state,
And trouble deaf heaven with high bootless cries,
And look upon myself, and curse my fate;

Wishing me like to one more rich in hope,
Featured like him, like him with friends possest,
Desiring this man's art, and that man's scope,
With what I must enjoy contented least;

Yet in these thoughts myself almost despising,
Haply I think on Thee - and then my state,
Like to the lark at break of day arising
From sullen earth, sings hymns at heaven's gate;

For thy sweet love remember'd, such wealth brings,
That then I scorn to change my state with kings.

My wife's heart melted. I cannot recite poetry as John Williams could; he had a great Welsh tradition from which to draw. I found it interesting in reading his farewell speech to realise that John had arrived in this place at the age of 45, a relatively young man, filled with the preoccupations of industry, productivity and training, and that as an older man his farewell speech revealed, in my view appropriately, that his gaze had shifted to higher playing fields.

The contrast between his maiden and farewell speeches is dramatic and educative for all of us. John was, of course, a very proud man. He was proud of his rich Welsh cultural and religious heritage. During his farewell speech he told the House that he had tried to live according to the philosophies of a quotation from a speech by King George VI. They were the words ringing in my ears when I joined with other members at the funeral of Hon John Williams. I read these words just before I went to the funeral -

And I said to the man who stood at the gate of the year: 'Give me a light that I may tread safely into the unknown'. And he replied: 'Go out into the darkness and put your hand into the hand of God. That shall be to you better than light and safer than a known way'.

The farewells from this House for John were said nearly nine years ago, and now we say farewell to John from this life. More importantly, we take this opportunity to express in this brief condolence motion appreciation at the public life of John Williams as parliamentarian and activist within his community, and as a good and committed family man. On behalf of the Opposition I extend to John's wife Sylvia, and his son and daughters our sincere sympathy.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [3.52 pm]: On behalf of the National Party and, certainly, National Party members who have been in this House over a long period and who shared with John Williams his time in this place, I offer sincere sympathy to his family. John was here when I came to this place in 1984. To those members who did not know him as well as the rest of us, John has been identified by the Leader of the House and Hon Tom Stephens as a personality. He was certainly a man for a great story. He had the capacity to tell a good yarn about his life experiences before he came here. He was a genial man; certainly, a man of ideals who had a bright outlook on life.

We were not able to convert his love of soccer to Australian Rules. He was always ready to talk about soccer. It was just like talking to another former member, Hon Sam Piantadosi, who also is obsessed with that game. John's love of soccer as a young man carried through to his time in Australia. I am sure in recent times he would have been pretty pleased to see how soccer has advanced in this State.

On behalf of the National Party, and former members Hon Mick Gayfer, who had a close association with him, and Tom McNeil, I extend sincere sympathy to John's wife and family.

HON GRAHAM EDWARDS (North Metropolitan) [3.53 pm]: I want to be associated with this motion. I express my sympathy along with other members of the House to Mrs Williams and the Williams children. Eighteen years' service in this place is an extensive service, given the pressures that members of Parliament work under. I recall when I first arrived here John Williams went out of his way to extend the hand of friendship to me. Over the years that he was here I developed a good friendship with him and a good understanding of him. John Williams' contribution and the value that he added to this place was in many ways underestimated. He was a very well spoken person and in those days, when we did not have time limits, he could speak knowledgeably on many subjects, and make his speech very interesting.

I have a couple of reasons to be thankful for John's support. When I introduced legislation for random breath testing for the third time, John Williams, along with Hon Sandy Lewis, crossed the floor and enabled that legislation to become law. I know John copped a bit of flak for it, but his view was that the legislation was in the best and safest interests of Western Australians.

When I first was elected to the Ministry I walked into a real issue in sport; that was soccer. As has been stated John was a very keen, passionate follower of soccer. He was also tied up with the administration of the game. He gave me some advice on the report that had been brought forward that sought to restructure soccer. I remember his saying that there was nothing the Government could do until soccer got its act together.

Mr President, I know that during the dinner break you and John Williams enjoyed many a social game of snooker. I spent many a time in his and your company playing that game. Certainly he was, as described by Hon Eric Charlton, a very genial man. This place was a better place for the contribution that he made and for his time here. I reiterate my sympathy to the Williams family and I am pleased to be associated with this motion.

HON MARK NEVILL (Mining and Pastoral) [3.56 pm]: I also extend my condolences to the wife and family of John Williams. I spent six years in this Chamber with John Williams. He was one person whose speeches I enjoyed. He was a person of broad interests. He was interested not only in the economic and business issues that one would expect someone from his Province to be interested in, but also he was lead speaker for the Liberal Party on social issues in this Chamber. It was refreshing for someone like me to look across the Chamber and find someone speaking constructively on social issues. From my recollection he led many of those debates.

As previous speakers have said, he was involved in the Drug and Alcohol Authority, the arts, and the inquiry into homosexuality. At one stage - it was probably before I came to Parliament - his health was poor. I hope I am not recalling the wrong person. For someone who experienced poor health he showed a massive amount of energy. He was also one of the best deputy chairmen I have seen in this House. He flawlessly ran the Committee stages, and also, as Deputy President, he always had control of the Chamber and could dispose of nonsense without upsetting too many people. As Tom Stephens said in his speech, John Williams took me aside one day outside the Chamber. He said that I could forget about whatever he said in the Chamber because it was completely different from what he said outside of it. I must be one of those 10 per cent of people, because I think if one says something in the Chamber one should mean it. I was bemused by his comment. However, I understood that he meant that one does not harbour grudges outside the Chamber. However, we should not say things inside here that we do not mean.

For those years that he was in this Chamber, I will remember John Williams as a beacon of light on social issues in the Liberal Party. I think that he made a significant contribution to this House. I extend my sympathy to his wife and family.

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.00 pm]: John Williams was the other member of Metropolitan Province when I took the seat vacated by Hon Ian Medcalf. As soon as I was elected John and Sylvia

Williams invited me and my wife Barbara to lunch, which was the first meal we ate in Parliament House. As everyone else said today, John was an absolute gentleman; he tried to do everything right. As my colleague he introduced me to the right people that day and did everything properly. I am very grateful for the way he introduced me to Parliament House. It seems that he was a fatherly adviser to so many of us in this House. I am as grateful as are the other members.

I appreciate the time Hon Tom Stephens took to research John's many accomplishments well before my time here. John made a great contribution during my time here, but before then he made a greater contribution often overlooked by many people.

He took a great interest in the parliamentary system and the electorate. In those days there were five Council seats; these days there are 14. It was easier to get around the branches and to know them well. John and I looked after them during those three years. John and the President were regular players at the snooker table but snooker games are not played as regularly as they were in those days.

Outside Parliament John was involved in theatre and the arts, particularly the Hole in the Wall Theatre. These areas meant a lot to him and he was ready to lend a hand when they got into trouble, as he did in the soccer world. It was part of his nature to help other people and he did this generously over the years.

Barbara and I saw him at the Hopman Cup tennis tournament in January this year. It was a great shock to us to find that he had suddenly passed away last week. We send our deep sympathy to Sylvia and the family and my gratitude to John and Sylvia for the way they looked after me when I first came to Parliament.

HON W.N. STRETCH (South West) [4.04 pm]: Hon John Williams was an experienced member of Parliament when I entered this House. I found that he was always ready to help new members settle in and was a highly intelligent, complete and rounded man in every aspect of his life. He was a man of wide experience, tempered by World War II to a great extent. In my experience that tends to put a slightly different complexion on life. He was Secretary of the Parliamentary Liberal Party from 1984 to 1989. When I succeeded him in that position everything was so well organised and efficiently set up that it made my job very easy. In his final weeks in the Parliament he did everything possible to make sure that the transition went very smoothly and we had no problems.

I pay tribute to John's work for the Liberal Party, not only during his 18 years as a member of Parliament representing us in here but also the outstanding work he did around the branches, and the general effect he had in the community. Any party is well served by people like him. They are an example to other people and draw other people to them. John's coterie of friends spread way beyond party boundaries; he had good friends and contacts throughout the political spectrum. I sat next to him in this Chamber for many years. He was always an invaluable source of advice and assistance, as well as a fund of fascinating stories. He was a staunch supporter of the Welsh and, as has been said, of all things soccer. I missed him as a colleague and I will miss him as a Liberal.

I express to Sylvia and her family my sincere condolences and support this motion.

THE PRESIDENT (Hon Clive Griffiths): As is the convention in this place, before I put the motion I, as the President, add a few of my own comments. I endorse all the comments and expressions of sympathy made about John by each of the members who have spoken and the expressions of sympathy to Sylvia and her family.

On the night of the election of 1971 I remember sitting in the Perth Town Hall where in those days the election results were written on the board as they came to hand. That was the first time I met Hon John Williams. He was closely watching the results, bearing in mind that he was opposed by an Independent Liberal on that occasion. He was not very optimistic about the outcome. I was involved in my second election. He had a blue ribbon seat and I had the crummiest seat in the business. I was equally concerned about the result and we sat together for a couple of hours. When we left at the end of the night we were both convinced that we had won. We became very close friends over the years.

He was a Welshman and very proud of it. He used to speak about Speaker George Thomas, later to become Viscount Tony Pandy, who was Speaker of the House of Commons when I became the President. I have seen Viscount Tony Pandy frequently, although not so frequently over the past couple of years. We send each other Christmas cards every year and he invariably asks after the late Hon John Williams. I have yet to advise him of his unfortunate passing. Tony Pandy was a Welshman and a Labor member of Parliament who became one of the outstanding Speakers of that Parliament.

John Williams reminded me of Leonardo da Vinci because of his versatility and broad knowledge of so many different subjects. He had a pretty good working knowledge of just about any subject raised. Two days before he died I reminded him of the speech he made in 1971 or 1972 warning this Chamber and the people of Western Australia of the plague of drug abuse that would descend upon us. An honourable member mentioned that a moment ago. Most

people laughed and suggested that no such thing could ever occur here in Western Australia. It was not 100 years ago; it was in the early 1970s, so it was relatively recently. When one is as old as I am one can say it was relatively recently! At that time he pointed out that the drug issue in Perth was under the jurisdiction of the police liquor and gaming squad, which consisted of two policemen. John Williams was proved to be correct and was given the onerous task of establishing the Alcohol and Drug Authority, of which he was the first chairman, and he went on to do those things about which previous members have spoken.

Mention has also been made of his activities as Deputy Chairman of Committees and the skill with which he carried out the duties of that position. Unlike many people who are elected to this place, John Williams knew the rules, the Standing Orders, but, more importantly, he understood them and why they were necessary. He played his part in a very great way in ensuring that the procedures of this House were complied with while he was in the Chair.

As is normal practice, I will write to Mrs Sylvia Williams and her family informing them of the terms of this motion and forwarding a copy of all the speeches that have been made. I ask members to join me in carrying this motion by rising in their places for one minute.

Question passed, members standing.

ADDRESS-IN-REPLY

Motion

Resumed from 6 March.

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [4.27 pm] Mr President, this is my first opportunity to say to you how good it is to see you here. We were led to believe that it would be otherwise and that you would take up the post of Agent General in London a little earlier. However, luck is on our side and you are with us in this place in order to enforce the rights and privileges of the House and to ensure that it operates as an effective House of Review. We welcome your presence in that pursuit. Not least of the advantages that have come from your continued presence, Mr President, is that we will have an opportunity to hear another farewell speech from you. I am looking forward to that. I assume that will occur closer to 22 May.

Hon Max Evans: The President will be gone. He will leave at midnight 21 May!

Hon TOM STEPHENS: I congratulate Hon Norman Moore and his colleagues on their return to the Treasury benches. Those members who know me will know how hard it is for me to say that. However, I say it and I wish the government members well and hope that they have a period in government that serves the people of Western Australia well. We will do all in our power to urge government members on in that regard.

I look forward to establishing a new relationship with the Leader of the Government in this place, a relationship based on building a commitment to make this House an effective House of Review. I look forward to assisting the Government to do that.

I congratulate Hon Eric Charlton, Hon Max Evans and Hon Peter Foss on their return to the Ministry, and take the opportunity to welcome new members of the House. Hon Paul Sulc is the youngest member ever elected to this place. He was born when you, Mr President, were a member of this House.

Hon Graham Edwards: That is a reflection on the Chair!

Hon TOM STEPHENS: Hon Paul Sulc has broken a record held by another distinguished member of this place! I previously held the record of being the youngest person elected to this place at the age of 30 years and eight months. The first question I asked Hon Paul Sulc was how old he is. He was sworn in at the age of 29 years, and has the opportunity to serve the House for the remainder of the term of Hon Alannah MacTiernan, who has become a member of the other place. Members will be aware that with youth comes great energy, and I am sure that energy will be at the disposal of the House. I wish Hon Paul Sulc all the best during the period he serves the House. I hope that he will have other opportunities to do so if his interest in that direction develops.

I welcome Hon Ed Dermer to the House and look forward to working with him. He has a deep interest in politics and a close involvement with the current federal Leader of the Opposition, Hon Kim Beazley. As a member of his staff, Hon Ed Dermer has had an active involvement in politics for a long time. He was born in Subiaco in 1957, and he has travelled up the road to serve as a parliamentarian. He has certain commitments about which I am sure we shall hear more when he makes his maiden speech and when he speaks on other matters in this Parliament.

I also welcome Hon Alan Carstairs to this Parliament. I have not previously had the pleasure of meeting him, and I look forward to hearing of his interests and the commitments which brought him to the Parliament. I wish him well in his parliamentary career.

I take the opportunity to acknowledge that one of the members of this House has almost achieved preselection as a senator representing Western Australia. I refer to the preselection process under which Hon Ross Lightfoot has moved closer to taking up the vacancy in the Senate following the sad death of Senator John Panizza. That was referred to in the Governor's speech to the House, and I join with the Governor in expressing sympathy to Senator Panizza's family. His death means the loss to this State of a decent and admirable man who served the community, through the Liberal Party, in the Senate. It has been said by a number of people in a number of places, and it was contained in the media report of his funeral, that Senator Panizza could have served in any of the three major parties in the Federal Parliament. He would have been at home in the Liberal Party, the National Party or the Labor Party. However, circumstances led to his serving the community and the State of Western Australia not through a preoccupation with party politics or political ideology, but with a commitment to service. The community will miss that.

The federal Parliamentary Labor Party, in accordance with convention, has given the Liberal Party in the Senate a pair until Senator Panizza's replacement is appointed. For a number of reasons I have checked what that means. The Leader of the Opposition in the Senate assures me that the convention is one about which the Senate is most serious, and the Labor Party will respect that convention. I raise that matter because an opportunity emerges in this place by virtue of the indication that one of its members may be selected by his party to fill that vacancy. The State Parliamentary Labor Party has been asked to consider that possibility. I specifically put that question to my party room today and I have relayed to the Leader of the Government in this place that the Labor Party understands the process and the convention. I will develop that further.

Members in this House know my strengths and weaknesses, although at times they focus on my weaknesses.

Hon N.D. Griffiths: We know Hon Ross Lightfoot too!

Hon TOM STEPHENS: Of course, we all know Hon Ross Lightfoot, and he is well aware that he is not my first choice as a senator to represent Western Australia. To be frank, he is my last choice. I would prefer a Labor Party senator to represent this State in the Federal Parliament, but I am not a breaker of convention. I would not float that possibility because the selection is none of my business. I am a member of the Labor Party, and this matter is entirely the business of the Liberal Party. The Labor Party understands the convention in this matter, and it urges Mr Borbidge to reconsider that convention. The Labor Party understands what is required of the convention and process whereby a decision on the replacement will presumably be ratified by the Liberal Party at the earliest opportunity. The Labor Party understands its obligations as part of the parliamentary process; that is, once the Liberal Party has completed its process it will indicate that a joint sitting of the two Houses of this Parliament should be convened to formally ratify the selection made. At that point the Liberal Party nominee for that position will be presented to the House and will become a senator. That is an interesting thought for a couple of reasons. First, section 15 of the Constitution deals with the provisions that apply to filling casual vacancies in the Senate. This is an important issue being discussed in Western Australia, Queensland and New South Wales. The vacancy caused by the resignation of Liberal Senator Bob Woods has resulted in an assurance by the federal Parliamentary Labor Party that a pair will be provided. The New South Wales Parliament will convene a joint meeting of the Houses on 10 or 11 April to appoint Senator Woods' replacement, but he will be paired until then. Section 15 of the Constitution reads -

If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

The following extract deals with the question of the Constitution and I presume it comes from page 148 of Odger's *Senate Practice*. It states that -

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where -

- (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and

Although this House and Parliament do not need to be reminded, it appears that some Governments and Parliaments, specifically in Queensland, need to be reminded that if a person elected by the people of their State as a senator vacates the office of senator there is no freedom under the Constitution other than to replace that senator with a person from the same party for which that person stood for election.

That is the obligation of Premier Borbidge, as it is the obligation of us, who will soon be called to a joint sitting of the Houses of this Parliament to appoint a new senator for this State. Interestingly enough I noted - Hon Ross Lightfoot might find this interesting - that there is nothing in the Federal Constitution that bars a member of this House being appointed to the Senate. One cannot be a member of this House and be elected to the Senate. I have checked. It is an interesting quirk of the process. Hon Ross Lightfoot will be in a unique position if he scores the vacant senate position. He can attend the joint sitting as a member of this House and vote on the motion which will make him a senator.

Hon M.D. Nixon: The honourable the senator.

Hon TOM STEPHENS: That is right. It is a most extraordinary prospect, and the wording is interesting. It is an odd way to word it, but it has assurances for Hon Ross Lightfoot. If things go wrong for him on the floor of the House and he is not elected by the two Houses as a senator he will still have a career in this place because he would not have given up his role as a member of this House.

Hon P.R. Lightfoot: As opposed to John Gorton, who voted himself out of the office.

Hon TOM STEPHENS: That is right. In this instance, if something goes wrong Hon Ross Lightfoot can stay here.

Hon P.R. Lightfoot: I am expecting Her Majesty's Leader of the Opposition to vote for me.

Hon TOM STEPHENS: I know my obligations, but I cannot speak for the member's colleagues. If things go okay for him he will be able to hang on to his job until the vote is cast.

Hon Barry House: It is like the preselection process.

Hon TOM STEPHENS: It is an interesting process. This State's Constitution Acts Amendment Act states that for certain office holders and members of Parliament there could be a disqualification. It states that a person is disqualified from membership of the Legislature if he is a member of the Parliament of the Commonwealth or of the Legislature of a Territory or another State of the Commonwealth. In other words, at the point we pass the resolution of this House we must bid farewell to the member because that is the point at which his seat is declared vacant.

Hon P.R. Lightfoot: That is subject to section 107 of the Federal Constitution. The Constitution Acts Amendment Act is invalid if it conflicts with that section of the Federal Constitution.

Hon TOM STEPHENS: I do not know about that because I am not a constitutional lawyer. However, I found it fascinating to follow through the process as I prepared myself to put forward a recommendation for the party room today. I have begun to understand the processes we would have to go through by virtue of the circumstances referred to in the Governor's speech which relate to a vacancy in this place.

The principal reason I raised this matter is to make sure members understood where the Opposition stands in respect of its understanding of the conventions. Every member of the state Parliamentary Labor Party will be voting for the person selected by the Liberal Party to take up that seat as the new senator for Western Australia. It has nothing to do with my feelings. I may have another preference.

Hon P.R. Lightfoot: I wonder whether your largesse will extend to taking a proxy to the meeting next Saturday morning.

Hon TOM STEPHENS: I do not know whether I will be able to successfully get through the door as a bona fide member and I do not know the field. In those circumstances the member might be better off not giving his proxy to me.

Hon P.R. Lightfoot: Do as I say, trust me.

Hon TOM STEPHENS: I have not been encouraged by what the member has said to this House. His admonitions have quickly sent me in the opposite direction.

There is a slight anomaly in the federal provisions. It is a bit odd that a person cannot be elected as a federal senator if he is a member of Parliament but he can be appointed. Perhaps that anomaly should be sorted out by those responsible for the Federal Constitution. I presume it would require a referendum. For all intents and purposes it has been amended in this State because we dispatch that person very quickly by virtue of the Constitution Acts Amendment Act. I am not aware of the provisions of similar state Acts or whether any anomaly remains where someone in this

extraordinary circumstance, if appointed to a vacancy, by virtue of the state electoral provisions could have the opportunity to continue to sit in the House from which he was appointed. I have not studied the other state Acts. It would be interesting to do that to find out whether other States should put their Acts in order. Fortunately we have.

We have been asked what would be the Labor position if Hon Ross Lightfoot were made a senator. I have not had a chance to talk to Hon Ross Lightfoot, although I have informed his leader of our position. The state Parliamentary Labor Party discussed the matter today. We understand the requirements of the Constitution that govern the federal provisions. Queensland's Premier Borbidge has been extraordinarily offensive in his behaviour. We are very appreciative of the precedents established in this area by people such as the leader of the federal Parliamentary Labor Party, Senator John Faulkner. We will observe the requirements and the conventions relating to the voting process in this House. We will not move to tear up the rule books governing the conventions of this place, just as we expect our political opposite not to do that. We will abide by the conventions. The member will be provided with a pair for as long as all those conventions are in place. We would never move to tear up that convention book.

Hon P.R. Lightfoot: I appreciate that. Thank you very much.

Hon TOM STEPHENS: In passing, I recall an event in 1992 when Senator Jo Vallentine resigned. On 5 March 1992 the Senate passed a resolution which gave us a bit of a flick. At that time we were the Lawrence Labor Government and we were sitting opposite.

Hon P.R. Lightfoot: I think you were a Minister at the time.

Hon TOM STEPHENS: No, that was later on. The Senate passed a resolution on 5 March 1992 expressing its disapproval "of the action of the Western Australian Government for failing to appoint Christabel Chamarette [the candidate endorsed by the relevant political group] as a Senator for Western Australia, condemns the Western Australian Government for denying electors of that state their rightful representation in the Senate, and condemns the Western Australian Government for the disrespect it has shown to the Senate." We copped that weighty resolution from the Senate, which was moved by the member's federal counterparts, as it was then a Liberal and National Party Opposition. They had the numbers, presumably with a few others. I do not know whether my federal parliamentary colleagues joined in that condemnation, but the motion was carried.

Hon B.K. Donaldson: Overwhelmingly.

Hon TOM STEPHENS: It was carried. I do not know what the federal Parliamentary Labor Party did; but they got stuck into us.

Hon N.F. Moore: It was probably unanimous.

Hon TOM STEPHENS: It may have been. I do not know. Promptly thereafter we got our act together and quickly convened a joint sitting of the House about a week later. The motion moved by the Senate was very effective. After the joint sitting, Senator Christabel Chamarette took up her seat in the Senate. It is interesting that on 5 June 1993 the Senate passed another resolution which reads -

That the Senate -

- (a) believes that casual vacancies in the Senate should be filled as expeditiously as possible, so that no State is without its full representation in the Senate for any time longer than is necessary;
- (b) recognises that under section 15 of the Constitution an appointment to a vacancy in the Senate may be delayed because the Houses of the Parliament of the relevant State are adjourned but have not been prorogued, which, on a strict construction of the section, prevents the Governor of the State making the appointment; and
- (c) recommends that all State Parliaments adopt procedures whereby their Houses, if they are adjourned when a casual vacancy in the Senate is notified, are recalled to fill the vacancy, and whereby the vacancy is filled:
 - (i) within 14 days after the notification of the vacancy, or
 - (ii) where under section 15 of the Constitution the vacancy must be filled by a member of a political party, within 14 days after the nomination by that party is received . . .

That resolution related to the process of ensuring that the joint Houses of Parliament should not tarry, as we apparently did, and thereby offend the numbers in the Senate. Those numbers would presumably include the senators of the current Federal Government in Canberra. It is worthwhile to keep that in mind and to get on with our job quickly. I presume the Government will be mindful of the attitude of the Senate and of the rights of the people of Western

Australia to have in the Senate the full complement of senators. Every State is entitled to its full complement of representatives, and when vacancies occur they should be filled as expeditiously as possible. When considering the organisation of the affairs of the two Houses, the Government and the Opposition must keep that in mind.

I refer now to another interesting problem which has emerged closer to home on two occasions. I refer to the media reports that the President was considering resigning towards the end of December. It seems the lawyers got to work and considered the situation. They read the Electoral Act and stated that there was confusion regarding the processes that would be unleashed on the State were the President to resign. The President was in a different position from that of Hon Ross Lightfoot in that the President was not a candidate for election to this place at the 1996 poll. The circumstances are different, and different issues arise for consideration in this process. However, there are some similarities. I am not privy to the legal opinion. I have been spoken to regarding that legal opinion. I would love to see the legal opinion. It would be marvellous if the Government could make available a copy at some stage. Mr Attorney General, I would love to see it. We should all have access to it.

Hon N.D. Griffiths: Is it the Liberal Party's opinion?

Hon TOM STEPHENS: It is a legal opinion which should be available to all of us.

Hon Peter Foss: You might not be any wiser.

Hon TOM STEPHENS: That might be the case, but I would like some light thrown -

Hon Peter Foss: Perhaps not so much light as heat.

Hon TOM STEPHENS: Perhaps I could make this a formal request to the Attorney General, and he could respond. I would like to see the legal opinion which relates to this issue, because it affects not only the decisions of the Liberal Party regarding whether someone would resign, but all of us. As members of this place, we need to know whether we are able to resign if the processes -

Hon Peter Foss: You can always resign, but it is the consequences.

Hon TOM STEPHENS: That is right, but it is not fair that only one side of the House should know what the consequences would be. We should all know the consequences.

We should get to read this legal opinion so that we can determine what we will do if we are faced with some need. It may be the opportunity to go to the Senate.

Hon Peter Foss: Are you aware of *The Gondoliers*? Of that there is no manner of doubt; no probable, possible shadow of doubt; no possible doubt whatsoever.

Hon TOM STEPHENS: I do remember listening to that section.

[Questions without notice taken.]

Hon TOM STEPHENS: As I was telling the House, we have problems with our Electoral Act. I want to know why the Electoral Act has created these problems. Members of all parties are entitled to know what legal advice the coalition Government got which led it to decide in December that the President should stay longer than he had planned but which allows Hon Ross Lightfoot to leave even though there are similarities in their circumstances. We are entitled to see that advice.

Hon N.F. Moore: It is your legislation. It is ALP legislation.

Hon TOM STEPHENS: It is this House's legislation. Mr Moore should know that we were never able to control the legislation that came through this House.

The PRESIDENT: Order! The Leader of the Opposition should refer to the member as the Leader of the House.

Hon TOM STEPHENS: The Opposition at the time approved everything that came through the House. We could never get anything through unless the former Opposition said yes to it. His party said yes to it.

Hon N.F. Moore: I think ultimately you will find that was not the case at all.

The PRESIDENT: Order! Stop having a discussion. Talk to me.

Hon TOM STEPHENS: Okay, Mr President. I would like to see the legal advice that created this situation. We must look again at the amendment to the Electoral Act that was written in order to accommodate the notion of proportional

representation, because it is absurd to think that the position of a member of the Legislative Council elected at one election should be filled by recounting the ballot papers of a subsequent election.

Hon N.F. Moore: Read the Act. We agree it is absurd. I do not think that what the Act says is what was intended. You should talk to the Minister for electoral matters who brought it in in 1987.

Hon TOM STEPHENS: The House passed the legislation that has created the problems.

Hon N.F. Moore: Quite right.

The PRESIDENT: Order! Allow the Leader of the Opposition to tell me about it.

Hon TOM STEPHENS: I am not in the Government, unfortunately. I am not privy to the legal advice.

Hon N.F. Moore: You are getting further away from getting into government. You have almost shrunk to being a minority party.

Hon TOM STEPHENS: That is a problem we will have to address, and we will. Legal opinion suggests that, at least in the case of one of these vacancies, the new member will be decided by recounting the ballot papers of a subsequent election. I have told the Attorney General that I would like to see the legal opinion and that if there is doubt and confusion, the Electoral Act should be amended.

Hon N.F. Moore: Quite right.

Hon TOM STEPHENS: The Leader of the House agrees with me. It should therefore be done expeditiously.

Hon N.F. Moore: It could happen in East Metropolitan Region.

Hon TOM STEPHENS: Absolutely. If anything happened to Hon Paul Sulc, for instance, or to Hon Nick Griffiths, we would have nobody left on that ticket and that is an awful prospect. I wish them both good health.

Hon N.D. Griffiths: What is awful is the prospect of something happening to me.

Hon TOM STEPHENS: The Parliament has a couple of things to attend to expeditiously. The Leader of the House was the Minister in charge for a couple of years. He should have fixed these things.

Hon N.F. Moore: Had it been drawn to my attention I would have done something about it, but it was not drawn to my attention until after the election.

Hon TOM STEPHENS: That is a great pity.

Hon N.F. Moore: I'm sure it can be resolved.

Hon TOM STEPHENS: Let us resolve it, because if it is not fixed parties will be faced with having to put more names on their lists, or there might be a need for a referendum in this State to change the Constitution to enable the replacement of members to be done in a way similar to that which is done for Senate vacancies. We need another way of doing things. We cannot allow this to go on.

Hon N.F. Moore: There is a process to resolve these problems, but there is a doubt about which election it relates to. If you read the Act you will see why it is a problem. It is an unintended problem.

Hon TOM STEPHENS: I would have thought that if the Act did not make clear what was proposed, *Hansard* would make it clear. I have not checked *Hansard*; however, it is ludicrous that the intention of the House is not clear. Hon Ross Lightfoot's resignation or yours, Mr President, should be dealt with by going back to the 1993 ballot papers and working from those.

Hon P.R. Lightfoot: There is no-one left on that ticket.

Hon TOM STEPHENS: That is a different issue. Surely *Hansard* makes it clear what we as legislators were on about if there is some confusion in the words that this House let go through this place.

Hon Derrick Tomlinson: The problem was that the situation was not clear following the retirement of Hon James Brown. The Attorney General of the day, Hon Joe Berinson, introduced the amendment to the legislation and that amendment causes the problem we have today.

Hon TOM STEPHENS: I think Hon Derrick Tomlinson was in the House at the time and I think he might have voted in support of that amendment.

Hon Derrick Tomlinson: I certainly did.

Hon TOM STEPHENS: We all share the blame with Hon Joe Berinson and we have an obligation to sort the problem out in double quick time. It is ludicrous to suggest that the 1996 ballot papers will be counted following Hon Ross Lightfoot's resignation, which some people have suggested might be the case.

Hon P.R. Lightfoot: That is "the nearest election".

Hon TOM STEPHENS: That is a ludicrous suggestion.

Hon N.F. Moore: The Electoral Commissioner will take legal advice.

Hon TOM STEPHENS: I would love to see that advice.

Hon N.F. Moore: You can ask her for it.

Hon TOM STEPHENS: In that case I will write to her and get that advice. It is an interesting topic.

Hon N.F. Moore: Read the Act.

Hon TOM STEPHENS: I have read the Act. The Act should be clear. It is ludicrous to suggest that the 1996 ballot papers should be re-counted and on that basis the position given to the next person, a Mr Halligan. I cannot imagine that we as a House ever thought we were passing legislation to that effect.

Hon N.F. Moore: We did.

Hon TOM STEPHENS: We certainly did not intend it.

Hon W.N. Stretch: There are a lot of things you did not intend.

Hon TOM STEPHENS: We were all here.

Several members interjected.

Hon TOM STEPHENS: All of those who were here share the blame for this, and we must fix it. It seems extraordinary that if we were required by the Electoral Act to re-count the ballot papers of 1993 and we did get to a situation where no-one was left on the ticket, there would be a prospect of considering an election for the remaining few weeks. Even though *The West Australian* reported this morning that the acting Electoral Commissioner suggested there might need to be an election, I am sure she is aware of the provisions that make that impossible; that is, after 1 January we cannot have an election. In those circumstances, there is another anomaly. I have spoken at times to the acting Electoral Commissioner. She is a very capable person and she understands the Electoral Act that we have entrusted to her, as best as it is possible to understand it. I am sure she will not fall into the trap of thinking there is any opportunity of having an election after 1 January. We are faced with that difficulty. We must bring forward legislation to amend the process that this House put in place, for whatever reason.

Hon N.F. Moore: We did not all support it.

Hon TOM STEPHENS: Some of us supported it. We now have that opportunity, and I am sure that between Hon Norman Moore, Hon John Cowdell and me, we can come up with an Electoral Act between now and the next election that will fix everything.

Hon N.F. Moore: I would like you to describe "everything"!

Hon TOM STEPHENS: We would welcome the opportunity of joining with the Government in sorting out this matter.

Prior to 22 May we will have the opportunity of farewelling other members who will leave the House at that time. Ken Travers and Lyilyanna Ravlich will soon arrive on this side of the Chamber. I look forward to their arrival, and members will enjoy their presence in this place. I understand members opposite will be joined by Greg Smith from Mt Magnet, and Simon O'Brien. We will also see the arrival of two new Greens, Christine Sharp and Giz Watson. For the first time, we will have two Democrats in the House. On this occasion, they are sitting on the other side of the Bar, but after 22 May, Helen Hodgson and Norm Kelly will come through to this side of the Bar and join us on the floor of the House. I congratulate those new members and I look forward to welcoming them to the floor of the House.

Hon B.K. Donaldson: And to their support.

Hon TOM STEPHENS: We will all be non-government parties that will, I am sure, have plenty of opportunity to debate with members opposite and with each other and to work towards ensuring that this place becomes, as Hon Barbara Scott called for in her most welcome speech in response to the Governor's address to this place, a genuine House of Review. I am sure there will be that opportunity and that we will grow into that new role.

Hon B.K. Donaldson: I thought we presented a pretty good package for that review.

Hon TOM STEPHENS: I will touch on that in a while. The Leader of the Opposition was so unkind as to mention -

Hon B.K. Donaldson: You are the Leader of the Opposition.

Hon TOM STEPHENS: Hon Norman Moore will be the Leader of the Opposition after the next election.

Hon N.F. Moore: That is what you said last time.

Hon TOM STEPHENS: Regrettably, I was wrong. I look forward to being right next time.

Hon N.F. Moore: Proved wrong again!

Hon TOM STEPHENS: The Leader of the House has told me that the one thing I can be assured of is that he will never come back to this side of the House. In those circumstances, I suppose he has less interest than most of us in the proper functioning of the House into the future, but one day his party will be on this side of the House, and while it may not be important to the Leader of the House personally, it will be up to those on his team to understand that we all have divergent interests in this situation that are not always reflected in the viewpoint of the current leader. I look forward to the Leader of the House being dislodged from his current position at the earliest opportunity.

The Leader of the House was unkind enough to refer to our poor electoral performance at the last state election.

Hon N.F. Moore: I did not mean to be unkind. I was reflecting on the reality of life.

Hon TOM STEPHENS: It was unkind. Our party got a solid and hard trouncing at the polls from the people of Western Australia. It was a dreadful result for us. In the lower House, it was the worst result in the proportion of the seats since 1917. In this place, we have gone from 14 members to 12, and that is a solid blow for a major political party like ourselves. However, my colleagues should take heart that when I arrived in 1982, when we were in opposition, I had only nine colleagues, and things seemed pretty grim. I took the seat which Hon Graham Edwards is now occupying, and my colleagues and I worked hard, and gradually we built up the numbers in this House and consolidated our position to make us a formidable presence in this place, and we got quite close at one stage - unfortunately, not quite close enough. In the other House, we beavered away and built ourselves back to a significant presence on the government benches for an extended time, and our time will come again soon. We cannot let the election go without learning from that experience. These things, as we all know, go in cycles, and the system is such that we take a solid drubbing, which we have done.

We as a party have an obligation to listen to the community of Western Australia, which we will do, and to build from that experience and present ourselves at the end of this current term as a parliamentary party that is well positioned and prepared to take on the current Government at the end of its term and ensure that it is dismissed by the people of Western Australia from the Treasury benches which it currently occupies.

Hon B.K. Donaldson: It may be just a rumour, but I believe a paper is circulating that the year 2009 is the year for the Labor reincarnation.

Hon TOM STEPHENS: I have not seen that paper, but I have no truck with such notions. I am well and truly intent on the next election. Hon Bruce Donaldson and his colleagues will know that I am deadly serious about serving the community in government as a Labor Party member of Parliament, to make sure that we represent the interests of our constituency and the best interests of the people of Western Australia from the Government side of the House. I want to do that in double quick time, and four years is not soon enough so far as I am concerned. We have the opportunity of doing it, and we will do it. We have on our side a very solid team - small, but with a lot of talent and with enormous skills that will be brought to bear in the processes that we put in place between now and the next election.

It was demoralising to arrive in this place in 1982 to join only nine colleagues. However, we got on a roll. We built on that and took the government benches, and we will again.

In the upper House a new situation has emerged altogether. Although, again, our numbers have been reduced significantly the electors were not prepared to give their vote in the upper House to the Government to produce a government majority in this place. They returned 17 government members and 17 non-government members. In my discussions with members on the opposition benches - the official Opposition and the minor parties - we have agreed that we will not take up the presidency. None of us has any interest in the presidency in its current form. In those circumstances we believe the Government is obliged to fill the presidency. The Government is responsible for the functioning of the Parliament, and that can be achieved by making sure that a President is elected to the Chair in double quick time after the departure of Hon Nick Griffiths. I am sorry - I meant Hon Clive Griffiths. Hon Nick Griffiths should stay where he is. We have nobody to replace him!

Hon N.D. Griffiths: Hon Tom Stephens has tried to get rid of me twice in the past half an hour.

Hon TOM STEPHENS: I was referring to Hon Clive Griffiths, of course.

Hon N.D. Griffiths: I am particularly worried because I come from the same part of the world as the late Hon John Williams.

Hon TOM STEPHENS: On the opening day of this Parliament a couple of interesting speeches were made. The Governor told us about the Government's program - a program that I am keen to know more about as early as possible in respect of the timing of the introduction of legislation in this House. That is something I have raised with Hon Norman Moore, the Leader of the Government in this place. I have urged him to make available a timetable of initiatives that will flow as a result of the address that was delivered to this House by the Governor on opening day. However, I will refer to the speech that was made by Hon Barbara Scott.

I confess that I was sitting here daydreaming. I was lucky enough to have seated beside me on that day my wife Anne. Unbeknown to her I had switched off from what Hon Barbara Scott was saying. I was looking intently, but I was not listening to a word she was saying. I was thinking of what I had to do next. Anne was probably out of order by whispering to me, and had the President noticed my wife might have been in trouble as I have been so regularly in trouble. My wife discreetly whispered to me that Hon Barbara Scott was making an extraordinarily interesting speech and said how lucky we were to have women in this place to make such speeches to this House. I asked her what Hon Barbara Scott had said. My wife quickly whispered to me a few of the themes. I then plugged in further to her speech. I was able to switch on to some of those issues and I could see what Anne, as a woman, was responding to in the speech of Hon Barbara Scott. One issue was childhood, which is rarely spoken of in this place, because so many of us are men, with preoccupations about which I was generally speaking. I was pleased that my wife interrupted my dreaming. As I was listening I heard these words -

I know that some of my party colleagues are looking at the new Legislative Council which will operate after 21 May with some fear and trepidation, but I do not share their outlook. It will be a Council which will be vigorous and lively, in which issues will be won or lost on their merit and through which the bureaucracy and Executive will be subject to intense scrutiny. It will become a House for the people, protecting their rights and privileges from government excesses, which I believe was the original intent of the Parliament. May I suggest this historic change in the Legislative Council, with the Government not having a majority, may also herald another equally historic change; that is a change in the gender of the President!

The last matter is yet to be considered by the House. However, the earlier matters I hope will be the obligation of all of us. I had some opportunity to discuss this issue with members opposite, and many of them are looking forward to the new circumstances which are facing the House. They provide the opportunity for growth, reform and change to make this place a substantial House of Review, a place in which we can all have rewarding roles in service of the communities that have elected us. We can ensure the best opportunity for scrutiny and early opportunities for the Government to correct the mistakes that might be unwittingly unleashed within the systems of government. The Government will have the chance to embrace the early warning systems that will come through this House and to make itself, by virtue of these early warnings, a better government. Perhaps that will be to the Opposition's political disadvantage. Towards the next election the Government could, by virtue of that situation, be a better government, and more electable. That is not terribly attractive from my narrow partisan political viewpoint. However, from the viewpoint of a parliamentarian and democrat committed to the democratic processes of the State I welcome the process, as I hope will everyone else. My colleagues and I are committed to making the House work. I know from early discussions I had with members of the Greens (WA) and the two Democrats that they are committed to that process as well. The arrangement will work. It should be something that we do not fear. Hon Barbara Scott does not fear the process. Good will come out of this. It will make this House a better place and all our careers will be more rewarding, the place will be a better place, and the community of Western Australia will be well served as a result.

I hope that government members will put aside their natural fears. For 107 years they and their predecessors have had control of this place. There must be a bit of nostalgia.

Hon Derrick Tomlinson: Some of us have not been here for 107 years.

Hon Bob Thomas: The member is a candidate for President.

Hon TOM STEPHENS: The member's predecessors were present. In those circumstances enough is enough; 107 years is not a bad suck of the old sauce bottle. In those circumstances, where there is an opportunity to move on to a new situation, we can produce something better for the Legislative Council than that with which we are faced now. This is something that we on this side of the House look forward to.

Members should keep in mind that this is not an unusual circumstance. It is unusual in this place. However, it is not unusual by virtue of the experience of parliamentarians in other States in the Commonwealth. I sat on the government side for 10 years when colleagues of members opposite had the numbers on this side of the House. We muddled through as best we could. We got by. We produced legislation - which now needs change - because members opposite permitted us to pass it. Members opposite used their numbers to let Bills pass. However, we can do better than that. We can produce legislation in which we are all involved; it does not have to be sneaked through in the dead of night with some arrangement with one of the side parties. That was how it worked on that occasion. That is what Hon Norman Moore, the Leader of the Government, was referring to; it was passed by courtesy of the National Party without the support of the Liberals. In those circumstances it might have been rushed through and, as a result, it produced a silly result. We do not need to go down that path again; we can create better systems.

Hon N.F. Moore: We do not need to starve the committee system or stop spending money; we can have a real House of Review. I have never heard such hypocrisy in all my life. I sat over there while you were the Government and you starved this place of funds.

Hon TOM STEPHENS: Not I, Mr Moore.

Hon N.F. Moore: You would not spend one cent on committees, and now the boot is on the other foot you want things to be different.

Sitting suspended from 6.00 to 7.30 pm

Hon TOM STEPHENS: I was saying to the House before the dinner break that our experience in this Parliament is different from that of other Commonwealth Parliaments. When the Labor Party was in government it did not have the numbers on the floor of this House. Not many Governments throughout the Commonwealth of Australia have an upper House in which they have a majority. I think Victoria is the only one at the moment. As members know, in the early part of this century we sent our suicide squad into Queensland and that upper House was abolished. Despite the fact that Victoria is the only Government that has control of the upper House, the other governments manage their business all right. It is not something to be feared. For instance, National Party members are sometimes so worried about the Government that they are not even prepared to share the decision making process with them, let alone other people in this House such as Labor Party members.

Hon E.J. Charlton: Some are worried that we do not share it with them.

Hon TOM STEPHENS: I can understand that. It is a time for them to become used to sharing power a little more widely - even in this House. They could create the opportunity for this to be a House of Review and share in that process equitably.

Hon E.J. Charlton: You will probably share more with the Government than ever.

Hon Graham Edwards: You can talk to us at any time.

Hon TOM STEPHENS: There are exciting opportunities for the people of Western Australia. Tonight, as members will notice, is my first opportunity to have my young family with me in the House. I am conscious that my three young children -

Hon Graham Edwards: They do not have a choice!

Hon TOM STEPHENS: They have to stay for a short time; but members opposite have to stay for a long time.

Hon Max Evans: Can they not take you home with them?

Hon TOM STEPHENS: They would love to take me home to read them some stories.

Hon Graham Edwards: You are going to stay here and read us some stories!

Hon TOM STEPHENS: Amelia and Ben, and I am sure even Emma, would like me to read them stories. However, as young citizens of Western Australia they need to know that they have a Parliament which will continue to create the environment in which they can grow up as citizens of Western Australia with all the people of their own age and be confident that it will be a better place as a result of the efforts of this Parliament. In that context I join with you all -

Hon Derrick Tomlinson: You have overdosed on saccharine.

Hon TOM STEPHENS: - in providing the opportunity of making this place work more effectively and making Western Australia a better place for us and all of our children.

I will quickly touch on the brief history of the Legislative Council. I was hoping to circulate my speech to a few people who I know would be interested in what I have to say, although that does not apply to all members opposite. Hon Bruce Donaldson will be interested in some of the issues to which I will refer. We know that when this Legislative Council was originally established it was a mere adjunct to the Executive Council with its members appointed. When it first met in 1832 that is basically all it was. Over the succeeding 40 years the Council's membership shifted from fully appointed members towards a majority of elected members, although on a restricted, exclusively male property franchise. In the 1870s the Council expanded to 18 members, 12 of whom were elected. Only about a fifth of the male population was eligible to vote and the secret ballot for this place was not adopted until 1877.

The colony attained self-government in 1890 with its elected Legislative Assembly, the lower House, and the Legislative Council initially fully nominated but after 1893 elected on a restricted property franchise. Although the last vestiges of this restricted franchise disappeared in the early 1960s, the Council remains a House built on an electoral system heavily weighted in favour of rural areas. By 1989 the former dual member constituencies - the system under which I was first elected with one member being elected every three years at the general election for the six year term - were replaced by the current system of regional proportional representation for four year, fixed terms. However, because of the arrangements necessary to replace members, we now clearly have problems under that system when members resign or vacate their seats for whatever reason.

Although the Council cannot initiate or amend Bills, it can defeat any legislation. As we all know, no certain process exists by which deadlocks between the Assembly and the Council can be resolved. While a government may seek to dissolve the Assembly at any time and hold a fresh election to pressure its opponents, members of the Council have a fixed term of office which is firmly entrenched in the State's Constitution. We are therefore here for the duration; only the lower House can be forced to the polls.

One may have expected that from that position of power the Council - this House - may have adopted a critical role in the scrutiny of all government legislation. However, that has not always been the way this place has operated, from my experience or from my readings of the history books on earlier periods of Labor in office. The Council has been highly selective about which Government's legislation has been rejected or amended.

Hon W.N. Stretch: It passed 98 per cent of your Government's Bills.

Hon TOM STEPHENS: I think Hon Bill Stretch will find that the percentage for the Court and O'Connor Governments was much higher than that. Now we have an opportunity for a new process.

Hon W.N. Stretch: Ninety-eight per cent is not bad value.

Hon Graham Edwards: Look at what you knocked back.

Hon TOM STEPHENS: Members should consider what legislation we did not put up because we knew it would be knocked back.

Hon W.N. Stretch: Talk about the Land Rights Bill.

Hon TOM STEPHENS: That is a good example.

Hon W.N. Stretch: Your Premier thanked God for the Legislative Council.

Hon Graham Edwards: That is rubbish.

Hon TOM STEPHENS: Nothing could be further from the truth. The rewriting of history is amazing in reference to that Bill, in which I had an interest. My colleagues know that I was an opponent of that Bill, although I voted for it. I was wrong, not because I voted for it, but because I was an opponent. The then Premier, Brian Burke, said to me in anger, "I will do more for the people in whom you are interested by getting this legislation in the House and resolving these issues than you will ever do by holding out for pie in the sky." He was furious with me for my internal and - it is on the record - public opposition to what we did in 1984. I was wrong. More importantly, members opposite were wrong because they created the climate which resulted in all that has happened. They created the vacuum.

Hon E.J. Charlton: The sad part is that unfortunately Aboriginal people are not gaining from the current situation.

Hon TOM STEPHENS: That is another huge topic. I do not want to be diverted, but it is interesting and I am looking forward to debating aspects of it during debate on another motion that will be moved and hopefully we will then tackle some of those questions. The Notice Paper contains a motion that will give us an opportunity to get on with the task if we start laying the ground rules now about native title. I invite government members to take up a majority on a future select committee and prepare themselves for what we will need to do in legislation to accommodate the necessary changes. I want the Government to have a majority on that select committee and I want all members to learn from that process and be ready for what we will need to do.

Hon E.J. Charlton interjected.

Hon TOM STEPHENS: Hon Eric Charlton is right: Things must be done. The Aborigines are not benefiting from the current arrangements, nor is the State. That is a huge topic and I look forward to government members -

Hon E.J. Charlton: The tragedy is that white people created the problem and white people continue to do so. We are not providing an opportunity to sort it out.

Hon TOM STEPHENS: I cannot argue with that.

An examination of the statistics of the Bills rejected by the Council show that conservative Governments have had an overwhelming advantage in achieving passage of legislation in this place. The Council's worst critics have described this as the method by which the conservative parties have frustrated the will of the electors whenever they have elected a Labor Government. This Council promptly goes back to sleep when a conservative Government is elected.

Hon E.J. Charlton: The people of Western Australia blamed us for letting too much legislation through during the 1980s.

Hon TOM STEPHENS: We will have an opportunity to knock a bit back if the Minister wishes us to do so. I will tell him which legislation we want to block and he can join us to see whether we can reduce the legislative program.

Hon N.D. Griffiths: This State was prosperous 10 years ago and it is going downhill now. Members opposite should talk to their small business supporters. They are going downhill because of this Government.

Hon TOM STEPHENS: Supporters of the Council's traditional role state that electors choose to vote one way in the lower House and another way in the upper House to put a check on government. However, the malapportionment of the Council in favour of rural and regional Western Australia is the reason for the conservative predominance in this House, and that issue must be tackled.

I am conscious that the proportional representation applying at the moment has completely changed the circumstances we now face. With members elected from the six multi-member regions, with either five or seven seats, a new dynamic has come into effect. Although we have two-thirds of the State's population living in Perth there is a strong weighting in favour of rural and regional electors.

Hon B.K. Donaldson: Do you have a problem with that?

Hon TOM STEPHENS: I have campaigned on this topic for my entire political life. During my first election campaign I went to the people of my electorate on day one and told them my views on this topic. In fact, I was extremely proud when I went to the people and they re-elected me with a 14.5 per cent swing to me knowing my views on this topic. One of my major platforms during the 1982 campaign was the need for electoral reform in this Parliament; it was the biggest issue.

Hon B.K. Donaldson interjected.

Hon TOM STEPHENS: There is more to be done.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! One at a time!

Hon TOM STEPHENS: They all seem to be getting through their Address-in-Reply speeches very succinctly.

We now have the opportunity to make this place a real House of Review. We have some models for such change and other methods could be embraced if necessary. The Australian Senate could provide guidance in relation to being more proactive and interventionist in the future scrutiny of legislation. The Labor Party, the Greens and the Democrats have all made strong public commitments about turning this House into an effective House of Review. Clearly we are delighted that we are joined in that call by Hon Barbara Scott. I am sure other members opposite will support our moves when they realise that we are dinkum.

Hon B.K. Donaldson: Work has been going on for 18 months. You are holding it up.

Hon TOM STEPHENS: The member is wrong: We are ready for it.

The Democrats, the Greens and the Labor Party have all drawn on the wide-ranging recommendations of the Western Australian Commission on Government, which has extensively analysed both government and parliamentary processes in this State. It has made numerous recommendations that we are obliged to draw upon in enhancing the accountability of the Executive to the Parliament through this place. Incidentally, the Commission on Government recommended a substantial overhaul of the State's electoral system in reference to one-vote-one-value to end the traditional

malapportionment. The Government now seems finally to have accepted the need for reform of the electoral system, although we wait to hear of its proposed changes.

We have the opportunity to press for procedural changes. I have already raised with the Leader of the House the need for the process that has been adopted in the Senate for the scheduling of legislation. In that way we would know what was to be introduced, and we would have a timetable that, by and large, would be adhered to. I have commended that process to the Leader of the House and it should be implemented sooner rather than later so that the House does not feel ambushed as a result of the short notice of introduction of legislation. I understand that in the Senate any Bill introduced in one sitting period is automatically adjourned to the next sitting period unless the Senate resolves to exempt the Bill. In that situation senators can consult their State, and in our case we could consult the community. That process is worthy of consideration. The Senate has also placed a four-minute time limit on Ministers' answers to questions without notice. That does not necessarily need to happen in this place - answers are going okay to date.

Hon B.K. Donaldson: They use the guillotine too.

Hon TOM STEPHENS: No, in question time the time limit ensures that Ministers' answers are succinct. The Senate also ensures that members' questions are succinct.

Hon B.K. Donaldson: They use the guillotine for legislation too.

Hon TOM STEPHENS: I am not privy to all the information about how the Senate operates. The processes I have raised are interesting initiatives and many of the changes in the Senate were brought about by the previous Federal Opposition.

We have had discussions in this place on how the standing committees will operate in the future. Those discussions have taken place through the informal committee process under the chairmanship of the President.

When I was elected leader I had the opportunity to see for the first time the proposal for the informal committee which was talked about at the end of last year. That I had not seen it earlier was partly my fault. Since then I have had a lot of discussions with a number of people about the proposal. I ascertained that my colleagues were of the view that the proposal needed to be ratified in our party room. As secretary of the party room I knew it had not gone there. There is some misunderstanding about the situation, but that is what happened. It is a potential source of difficulty because people have different understandings of what was going on, but that is the reality. The proposal was never ratified in that forum..

Hon B.K. Donaldson: It has been to our party room on at least six occasions.

Hon TOM STEPHENS: I am pleased. However, because of an oversight on our side it did not happen. We want to catch up and move the process along as fast as we can. That is why I was pleased when Hon Norman Moore as Leader of the House asked about two weeks ago whether I would like to talk to him about the process. He said, "This is what is there. Where are you up to?" I said, "That is the proposal put forward. The state Parliamentary Labor Party is able to embrace every aspect of the proposal with one exception; we need to have a non-government majority on at least one committee. Our party room has identified the Standing Committee on Public Administration as the committee on which we would like a majority." It has been the subject of discussion in both party rooms. My colleagues do not yet know, but Hon Norman Moore asked me today whether we would be prepared to revisit this question by inviting the President yet again to convene this informal committee in order to consider again the question of the committee system. The Government would like to see what opportunity there is for resolving this question. I have not had the opportunity of discussing this with my colleagues but I will do so. I have spoken with my deputy, Hon Nick Griffiths, and Hon John Cowdell who served on that committee. Both have said that they would be available, if our colleagues are willing, to go back and give it another go under the chairmanship of the President to see in what way we can progress the question as quickly as possible. The Leader of the House referred to coming back with a report by next Monday, basically. I would like the opportunity to put all of that to my colleagues. Hopefully as early as tomorrow I will be able to tell the Leader of the House whether we can rapidly move the process, as presumably the government party room has encouraged. I have strong views on it, as does my party room, but let us have another crack at it and see what we can do. To do otherwise will be dangerous for this House and all of us. The results are uncertain and in many ways what will emerge will be left to lady luck.

Hon Barry House: You make your luck.

Hon TOM STEPHENS: That is right. Let us work at it. I am committed to making sure that we have something which works.

Hon P.R. Lightfoot: The harder you work the luckier you are.

Hon TOM STEPHENS: That is right. A very large number of people in Western Australia among the Press, our supporters, the Democrats and the Greens and even among those opposite welcome the changes that are able to come into this House as a result of the changes which occurred with the recent state election. Regrettably, no sooner had the election result become known than the Government was talking about a proposal to remove from the President his impartiality and give him a political role with a deliberative vote. Members know the first question I asked on the opening day was what the Government proposes to do on the question of changes to the Constitution Acts Amendment Act in order to give the President a deliberative vote. I thought that the Leader of the House would say that it was off the agenda, but he did not. He said that he was still considering it. I urge members opposite not to go down that path. When this suggestion came forward its strongest critic was our President, and quite rightly. He understands this place better than any of us. I do not know whether the newspapers reported him accurately.

Hon P.R. Lightfoot: It depends which newspaper.

Hon TOM STEPHENS: I suppose it does. A newspaper reported that the President said that the suggestion would politicise the role and compromise the independence of the office and that he would fight the proposal to the last drop of blood. He did not say whose drop of blood. I hope it is not mine!

Hon P.R. Lightfoot: It is more likely to be yours than his.

Hon TOM STEPHENS: There is always a lot to be said for having regard to what you say, Mr President. All of us must have regard for the President's advice on this matter and not move to make the change. What would it do? We would still be left with an uncertain result. We would end up with a situation where after 22 May, instead of our not wanting the presidency, we would want it because we would be silly not to pursue the presidency in those circumstances. We would have 17 members on this side of the House and 17 members on the other side all wanting the presidency for their respective sides. Presumably the Clerk would end up bringing out a ballot box into which we would all cast our votes and the result would be 17 all. He would then pull a name out of the hat and say, "This is the loser and the bloke whose name is left in the hat is the winner." What a strange process to achieve an uncertain result.

Hon P.R. Lightfoot: That is predicated on your believing somewhat arrogantly that you will get the Democrats and Greens to vote with you.

Hon TOM STEPHENS: No. If the President is to have a deliberative vote, obviously we would want to talk with each other to ensure that the best opportunities emerged for making this a properly functioning House of Review where regrettably we changed the Constitution Acts Amendment Act. To do that would be a pity. I urge members to bear in mind that it is an uncertain process and the pain is not worth it. Take it from me: I want to make the current processes work. This place will not bog down. I know that all members have watched the way in which I have performed in various seats in this House. In this seat I have a new job. I say to Hon Derrick Tomlinson that one views the House in a different way from different seats. I say to him, as I have told others, that if after 22 May one of the government members were sitting in the Chair and one of the opposition members were to misbehave as badly as I did when I was in such a seat, my position as Leader of the Opposition places special obligations on me. The President has previously told the House what those obligations are and how those precedents operate. The Opposition has certain obligations with regard to the operation of the House and the rulings of the President.

Hon P.R. Lightfoot: Would you suspend someone for 24 hours if they behaved as you did?

Hon TOM STEPHENS: Hon Ross Lightfoot may not have to worry about that, but it is an interesting question as to what should be done to the standing orders with regard to the process by which members are penalised for misbehaviour or for not complying with the rulings of the Presiding Officer. Throwing people out for a day or a week - as has happened to me in the past - will no longer be an appropriate response to the new situation with which this House is faced. It may be necessary to revisit that question. Perhaps suspension of a member for an hour may be appropriate to allow the President to restore and maintain order in the House.

Hon Graham Edwards: It may interest members opposite to know that Hon Tom Stephens now counsels members on this side of the House against misbehaving.

Hon P.R. Lightfoot: He has the experience to do that.

Hon TOM STEPHENS: I urge members to recognise that I know what the task is and I am serious about rising to the occasion, mending my ways and making sure this place functions. In that situation the Opposition has a greater obligation than ever before to make sure this House functions appropriately. Those things that occurred in the past are in the past, because the functioning of this House will be the responsibility of the Opposition, as well as the responsibility of the Government. This situation imposes new obligations. The Government will see a change in the way in which I operate in this House, as well as the way in which my colleagues operate. I invite members opposite

to embrace that change and to get on with it. I recognise that members opposite are having fun with this at the moment but if they talk to me outside, they will realise that I am serious about getting on with this task.

I refer to the voting practices of Presiding Officers in the Commonwealth Parliaments. I have carried out some research, and I am aware that not all members in this House are as lucky as the President has been in observing the way in which Presiding Officers operate in the Commonwealth. In the United Kingdom House of Commons the Speaker, deputies and chairmen of standing and select committees have a casting vote and not a deliberative vote. That casting vote is governed by many years of convention. In South Africa the Presiding Officer has a casting vote. In Uganda the Presiding Officer has no vote under the Constitution.

Hon Derrick Tomlinson: None at all?

Hon TOM STEPHENS: No vote at all. In the Senate in Barbados under section 53 of its Constitution the person presiding shall not vote unless the vote is tied. It provides that very clear and specific language would be required to give a Presiding Officer an original or deliberative vote. The Clerk of the Barbados Senate, in reply to a query from me, expressed his alarm at the prospect of a Presiding Officer being given a deliberative vote and found it an extraordinary proposition. He queried whether the Presiding Officer would be given the right to ask questions of Ministers and to be involved in debate on the floor of the House. He asked whether that would be under consideration if the Presiding Officer were given a vote. In the House of Assembly the Presiding Officer has a casting vote only.

In the House of Commons in Canada the Presiding Officer has a casting vote and in the Senate he has a deliberative vote. In India in the Rajya Sabha and the Lok Sabha the Chairman and the Speaker and any person acting in those capacities shall exercise a casting vote in the event of a tied vote, according to the Constitution of India. There are processes by which the casting vote is exercised. In Pakistan the Presiding Officer shall vote only in the event of a tie.

Hon P.R. Lightfoot: I did not think they allowed anyone to vote.

Hon TOM STEPHENS: In Sri Lanka the Speaker has a casting vote in the event of a tied vote. By virtue of the Constitution the Presiding Officer has no original vote. In Malta the Speaker has a casting vote only, but if anyone else is in the Chair that person has a deliberative vote. The removal of the deliberative vote applies only to the Speaker. In the National Assembly in Kenya the Speaker has only a casting vote.

Hon P.R. Lightfoot: You must discriminate between unicameral and bicameral Parliaments.

Hon TOM STEPHENS: I am giving examples of both, with the exception of Canada which is a federal system. Of course, we all know that Hon Ross Lightfoot has a hankering to make this State a separate nation at some stage.

Hon P.R. Lightfoot: You should view "Inside Cover" with some scepticism.

Hon TOM STEPHENS: It has always been my bible! In the Cook Islands the Presiding Officer has only a casting vote. In Zambia the Speaker has only a casting vote and that provision applies to anyone exercising the role of presiding officer. In Western Samoa which you, Mr President, and I once visited together, the Presiding Officer has only a casting vote.

Hon P.R. Lightfoot: You are using parliamentary privilege to say that.

Hon TOM STEPHENS: I am not sure. In Jamaica the Presiding Officer has a casting vote under section 54 of the Constitution. All Parliaments have their little quirks and this is an interesting provision, in that the Presiding Officer in the House of Representatives and in the Senate has an original vote only on Bills to change the voting age or amend the Constitution. That is a slight variation on the general theme. In Trinidad and Tobago the Presiding Officer has a casting vote only. In the Caribbean generally, where often the Presiding Officers are appointed in the upper House as Senators and then elected by members to preside, they have only a casting vote. Of course, there are variations on that. In Montserrat the Speaker is not elected from the membership of the House and I do not know what his voting rights are. The Presiding Officers in the Turks and Caicos Islands have a casting vote. I have taken members on a quick tour of the parliamentary world.

Western Australia likes to be different. However, it should not be so different that it throws out the existing system. I am aware that members can succumb to temptation, but I ask them not to proceed down that path, because there are ways to make the system work and I am determined to make it work. We have an opportunity to ensure that the Council operates in a way that will make the Executive more open to scrutiny, and that is something all members should welcome.

I thank His Excellency the Governor for the speech he delivered in this place. I am sure other members will do the same and at the conclusion of the Address-in-Reply debate the formal response from this House will be delivered to His Excellency.

It is customary at the commencement of the parliamentary session to outline what one intends to do. The speech which Hon Graham Edwards delivered to this House when he was Leader of the House is the model for what I intend to do now. I will thank the parliamentary staff at the beginning of this session, although it is generally done at the conclusion of a session. However, I am conscious that this institution functions by virtue only of the enormous effort put in by various people. I refer to Hansard staff, security staff, hospitality staff, Library staff, telephonists, attendants and the officers at the Table of the House. These people are all associated with the operation of this place. Members opposite and the staff know what I am like, but I do appreciate the efforts made by all the people who work in this place. At times I will move too quickly, and will be a little short with people and not extend the courtesies I should because of the pressures on me in my position as Leader of the Opposition. On several occasions the President has said that the Leader of the Opposition in the Legislative Council has the worst job in the entire Parliament. He is absolutely under-resourced and has all sorts of pressures put on him. He has expectations on him from the other place, which does not understand the functioning of this place. He is placed in an invidious situation. I am already conscious of that. There will be times when it appears that I am not appreciative of the efforts of other people.

On opening day the attendants were superb in the way they responded to the situations with which I was faced and I appreciate their efforts. I appreciate also the support and assistance which comes from the Clerks. I look forward to a close ongoing working relationship with the Clerks. I will need their support and I know it is always available in the same way it is available to the Government and to members on both sides of the House. As Leader of the Opposition I have a special need for their support and assistance. I look forward to the continued support of the Clerks and I assure them that regrettably I will place them under considerable pressure at certain times so that I can come up to speed in what I must do in this position. I apologise now for the pressure I will put them under and I appreciate their efforts so far.

I am ably supported by the Deputy Leader of the Opposition, Hon Nick Griffiths, the Opposition Whip, Hon Bob Thomas, and the deputy Whip, Hon Ed Dermer, and by an extremely solid, talented and committed parliamentary team. In spite of the difficulties the Opposition faced with the problems associated with the election and other things which have taken place, they will make sure they do their job in this place in authentic unity and with constructive diversity and a real determination to do their best in pursuit of the interests of the people they serve; that is, all Western Australians.

I have a small support crew in my office. I have the services of a friend and colleague who is now the director of my office, Peter McKerrow. I hope all members will meet him because he is a lovely chap. He is number four on the Mining and Pastoral ticket, so if I am killed off he will come into this House. He came from Canberra where he worked with the President of the Senate, Michael Beahan. He is a lawyer and a very good worker. I look forward to an ongoing relationship with him. I suppose that one day he will become a member of this House, something my colleagues and I look forward to. I hope it is not my demise that will bring it about.

Hon Derrick Tomlinson: Within the current term?

Hon TOM STEPHENS: It will happen. The Leader of the Opposition in this place has only one staff member allocated to him. That person must respond to my needs and those of my colleagues and provide me with the information in response to the information that the Government provides each day. Fortunately, the Leader of the Opposition in the other place has provided the Opposition in this place with another staff person in Erik Locke. I hold this small team in the very highest regard and they will be under pressure to continue to service the team.

This Parliament is an extraordinarily awful place in which to work. The members who were in this place during the recent hot weather would be very conscious of that. Members are delighted with your efforts, Mr President, in cajoling Governments over the years to improve things here. Improvements are happening slowly. I hope that in the remaining period that you are in the Chair you will not give up the efforts you have put into this process. I look forward to continuing my work on the Joint House Committee with you, Mr President, in that regard. I am keen to make that committee function more vigorously in pursuit of the reasonable resourcing of the Parliament to make sure that those who work in it can do their work properly on behalf of all Western Australians.

This Government's term will present unique opportunities for democracy in this place, but it must be matched with appropriate resourcing. The office of President, which you, Mr President, have filled for the last 21 years of your 32 years in this Chamber, will become more important and demanding when you leave. I am sure members are conscious of that. Members have an obligation to meet the challenges which will arise from the changing circumstances which will confront this House. No-one involved in the design of this place would have ever predicted the outcomes we now face. The svengalis of the Liberal Party, as I have called them in the past, involved in strategies aimed at hanging on to the arrangements in the Council could never have anticipated that this place would operate in the way in which it will now need to operate, but we now have this situation.

Mr President, when you entered this place some 32 years ago, this place was totally different from the Chamber it will become by virtue of the evolving nature of our democracy and the evolving expectations of the community. When you first arrived, Mr President, 32 years ago at least one member here today was not born and some of us were still at school. I was. Some people in the community have a negative attitude towards this place because they do not think it has adequately met their expectations of the way an upper House should evolve. We have an opportunity to bring about reforms and changes to the way in which this place operates. Mr President, you have an opportunity of participating in the process of bringing about some reforms by presiding over the informal committee about which we spoke a moment ago.

In 1965 when you arrived in this place, Mr President, the State's population was around 600 000. The State was run from a few offices down the Terrace by a handful of senior bureaucrats and Ministers. Life has changed, but regrettably many of the processes of this House remain the same. We have bureaucrats, government advisers, consultants, lobbyists, community activists and a range of social and economic activists all demanding the attention of this Parliament and its members. Yet we still use practices which are rickety and which can better be construed as part of an earlier era. However, we must deal with complex legislation and ideas, often put before us in a great rush to legislate.

I have said already that we have an embryonic, under-resourced committee system in this Parliament which has been straining to provide the necessary scrutiny of legislation and of the contentious and economic and social issues with which we are faced. The members and staff of those committees do an excellent job. They support us in a very professional manner, but regrettably we and the staff are no match for the combined resources of the bureaucracy, industry and the many powerful lobby and interest groups that are part of modern society. The Opposition has an obligation to rise to the new circumstance. The Government has an obligation to Western Australia to fulfill its pre-election pledge that when it was returned to power it would deliver real benefits from the Western Australian resources boom to the working men and women of this State. We want to participate in ensuring that that pre-election pledge is maintained and that the people of Western Australia benefit from the current boom. We have an obligation to deliver reforms to our political system, as recommended by the Commission on Government. The Opposition will be using whatever opportunities it can to hold the Government to task when it does not deliver on its pre-election commitments and pledges.

The Opposition is pledged in this parliamentary term to participate in the reform of the running of this Parliament, to make it more accountable to the people, to make this a genuine House of Review and a venue for community-driven debate that is more reflective of community expectations of the political process. We pledge to hold the Government accountable to its mandate given by the people on its pledge to ensure real benefits flow to the people of Western Australia as a result of the current boom. The Labor Party Opposition is committed to serving all the community of Western Australia, the supporters within the Labor movement and the party, those who voted for us and those who voted against us, because as part of the parliamentary process the Opposition has obligations to work in the best interests of all Western Australians. During the last election the Government promised to deliver to the working men and women of Western Australia the social dividend about which I am speaking.

Watching the coalition in action over the past four years, we saw it put the interests of the big end of town above all else. That concerns me. I hope it will not be a pattern repeated in the life of this Government. In just one term in government, the Liberal-National Party coalition managed to make the following contributions: It sold off the buses, contracted out a vast array of services, and closed down a raft of schools - forcing parents into education reform fatigue. As soon as parents became acclimatised to one change, the Government moved on to more changes. It slashed the Public Service, it failed to implement the findings of the Commission on Government, it allowed unchecked development to the detriment of our natural environment, and it introduced an unfair industrial relations system.

When the Government arrived in office four years ago we had in this State a very high standard of public service. Public transport was in public hands, hospitals were available for people in need, and the school system basically met the needs of young families. Since then, taxes and charges have increased by 29 per cent, and the waiting lists for admission to hospital have grown by 12 200. The Government came to office on a promise that it would deliver more jobs and better management. We witnessed a management involved in selling off the services on which the community had become most dependent and certainly needed. Now, the Government has promised a social dividend, but for many people it is too late because some schools have already closed, and people have been waiting months to get into hospital. People have suffered and are suffering under the workplace agreements legislation which is now in force, and many people are waiting for private buses driven by foreign bus drivers which do not arrive. Those are examples that highlight -

Hon B.K. Donaldson interjected.

Hon TOM STEPHENS: The task of the Opposition is to tell it as it is.

Hon B.K. Donaldson: I thought you were putting that behind you and were looking towards a new and bright future.

Hon TOM STEPHENS: I am, but I want the Government to help produce that future. I cannot tell lies; I must tell it the way it is. Regrettably, that is the bad news with which this State has been faced. It seems to me there is more bad news for Western Australia's families in the forward estimates which reveal that the Government is intent on cutting spending to education and health by \$209m in the next four years. The Government will do even less for those who have been thrown onto the redundancy scrapheap as a result of the cuts that are envisaged over the next four years. This is the Government that promised that no jobs would be lost, and then axed more than 7 000 public sector jobs. I ask those opposite whether the voters must wait in vain for the delivery of the social dividend that was promised in the lead-up to this most recent state election.

Hon B.K. Donaldson: There have been 100 000 jobs created in the State. What about those?

Hon Bob Thomas: How many were created Australia-wide?

Hon TOM STEPHENS: The bad news for those opposite is that we in the Labor Party, on the opposition benches, will not be lying down and watching the Government break its pledges during the current term. We do not accept that those opposite have a mandate to implement changes that will not reflect the pre-election commitments they made. They made a commitment to deliver the social dividend, and we will be holding the Government to that mandate.

This Parliament has heard from me regularly, and also from others, about the most disadvantaged section of the Western Australian community - the Aboriginal people of this State. As soon as the Premier announced the appointment of Dr Hames as the Minister for Aboriginal Affairs, I took the opportunity to write to the Minister. I congratulated him and urged him to work with us to bring about some real improvement in the living conditions of Aboriginal people in this State, and offered my support for him in that regard. He is the author of the Hames report, a very important document produced during the past four years, which calls upon the State Government to take up its obligations in the field of Aboriginal affairs. If he is supported by his Cabinet colleagues, the Minister can now implement his report, which would be a great improvement on the way in which things have been operating in this State.

I will not reiterate the tragic statistics I rattle off from time to time in the areas of Aboriginal health, imprisonment, education and employment, of which all of us are well and truly aware. We have obligations and an opportunity to start delivering in this area. I want to encourage the new Minister for Aboriginal Affairs to do just that. In my electorate there have been great improvements in some areas. There is certainly a fantastic commitment on the part of the Aboriginal people and the Aboriginal leadership, as well as great dedication and community spirit. This is an excellent example of what can be done in so many areas to tackle very complex problems and issues that people sometimes think can never be turned around; yet the leadership of the Aboriginal communities through much of the State is doing a helluva lot to tackle those problems. They are involved willingly in initiatives such as the community development employment program, which basically means they are working for the unemployment benefit, the dole. It shows real prospects for their doing good things for themselves and also the wider community. It is no secret that we on this side of the House want to continue to give this area considerable emphasis.

Members opposite will understand that as an Opposition we are strongly opposed to the Government's initiatives to introduce the third wave of industrial relations legislation. We will vigorously oppose the legislation as we understand it is being shaped when it is introduced into the Parliament. I had hoped the Government would rule out the possibility from day one that it would consider introducing that Bill into this upper House. I am sorry that the question I asked on opening day in this House -

Hon E.J. Charlton: It has been here before.

Hon TOM STEPHENS: Yes, but it should not be introduced here; it should be introduced in the appropriate House, with its new members. This is the House of Review. The Government has a responsibility to introduce it in the other place and then have it put through the normal processes. I was sorry to find that the answer delivered to this House by the Minister representing the Minister for Labour Relations was that the Government is still considering in which House the legislation will be introduced. Therefore, there is still some prospect of the Bill being introduced into this House. I am shocked that the Government would even consider such an initiative. The Government should introduce it in the lower House and have it dealt with there first. We could then consider it in this place. That is the appropriate House into which legislation of this sort should be introduced.

Hon E.J. Charlton: I will pass that on.

Hon TOM STEPHENS: By virtue of the reforms -

Hon N.D. Griffiths: A misnomer!

Hon TOM STEPHENS: Yes, indeed. As a result of the changes that have been put in place in this State, we now have not only a two-tier industrial relations system - the state and commonwealth tiers - but also a complex industrial and common law process that will soon be augmented by yet another layer of what can only be described as ideologically driven legislation. In the end it seems to be designed to reduce the return to our workers.

How do those opposite accommodate that process with their pre-election pledge to deliver the social dividend? This type of legislation which those opposite apparently are determined to pursue will deprive people of the social dividend. To see Labour Relations Minister Kierath, with some sort of carte blanche authority from his party colleagues, able to press on in experimenting with the people of Western Australia with legislation of this sort is distressing to us and, I am sure, to the community at large. It is certainly distressing to the work force. The Minister for Labour Relations has overturned the workers' compensation system, I am sure not necessarily with the results he expected or planned. I am told by people working in this field that what he has done has been an absolute mess. It is probably not what he intended to do. His team of very highly paid Melbourne solicitors developed an industrial relations regime - I do not think that even the previous New Zealand Government would have been game to impose such a system in that country - that is a complete mess.

Presumably this legislation is not just to pamper the ideological drive of this Minister, but is there to impress a small element of his party's constituency, a small section of the business community that seems to be claiming his party as its own. We have a complex, multi-layered industrial relations system that does nothing but complicate the operations of business, both big and small. I urge those opposite to desist from taking the path down which Minister Kierath has already dragged them.

Big business can employ lawyers, and the wealthy law firms that are engaged from time to time by government to develop a system that now has within it experts who claim large fees grow fatter and fatter as the system becomes more complex. Small business has the obligation and the desire to survive, but does not have ready access to what has become a very expensive field of legal advice in the industrial relations regime under which it must now operate. When things go wrong for those in small business, they can suffer very severe financial penalties. This Government forgets too readily that the economy pays a price for the uncertainty that employers and employees experience due to the complicated and fragile industrial relations regime the Government has imposed upon the State of Western Australia. Is it any wonder that the people of this State lack confidence in investing or entering into commitments when they have little or no job security? I am talking about the insecurity of the work force that is associated with the industrial relations regime now in place. The retail sector knows that is the case. Members know through their doorknocking during the election campaign that the legislation that was passed in the last term of this Government is the basis for enormous insecurity in this State.

Hon N.F. Moore: Was that what they told you in Tom Price?

Hon TOM STEPHENS: Indeed.

Hon N.F. Moore: Did you look at the figures there? The insecurity was not about our industrial relations legislation; it was that you might win. That was their concern. That is why they voted overwhelmingly against you.

Hon TOM STEPHENS: The Leader of the House might be one of those who like what insecurity does to people.

Hon N.F. Moore: No, I don't. You have it all wrong.

Hon TOM STEPHENS: I do not have it all wrong.

Hon N.F. Moore: Are you saying that the electors got it wrong?

Hon TOM STEPHENS: No. The Leader of the House was not here when I said that I knew the electorate gave the Labor Party a hammering.

Hon N.F. Moore: I heard you say that. Now you are telling us why they shouldn't have voted for us.

Hon TOM STEPHENS: I am of the view that they should not have.

Hon N.F. Moore: Are you calling them fools?

Hon TOM STEPHENS: I will address the sorts of strategies that were deployed to encourage people to vote for the Government. When economic insecurity is created within a body politic, a neurosis develops as a consequence. It happened once in Germany. When economic insecurity exists people try to find snake oil merchants to deliver opportunities that they will not otherwise get by the natural processes of government. They sometimes turn away from reason to the pursuit of that neurosis and, because of their insecurity, they blame people. They blame the victims in our community. As it was discovered through polling following the race debate, they blame migrants. They blame also Aboriginal people. There is a real resentment towards that section of our community as a result of the insecurities

that spring up when people lose the guarantee of a job - a situation this Government has caused in the short term it has been in office. The Government has attacked those who are the most disadvantaged. It is not attacking just the bogymen about whom it speaks - the trade unionists and the trade union officials - which is the basis of the Liberal Party propaganda, but by virtue of its legislative regime it is attacking the young, females, migrants and Aborigines, who have little or no bargaining power in the employment marketplace.

There are people whom the coalition's policies have driven into the economic ghettos that we in Australia have always prided ourselves as having avoided, in contrast to our British and American counterparts. We are now faced with the absurdity of a person with little bargaining power negotiating with an employer. This is best illustrated by the example of an individual client agreeing to take out a credit card with the Commonwealth Bank only if the bank drops the interest rate. That is the way I can best present the image of people who are now under individual workplace agreements and how helpless they are in the circumstances into which they have been driven by the regime that has been imposed on Western Australia. Members should imagine how the financial institution, whose market power was so overwhelming against the ordinary consumer who had such little opportunity to influence the institution, would view a proposal of that sort put by a client. However, that is exactly what the Government's current industrial relations regime does and what the proposed ongoing changes to the regime will mean for most Western Australians. Whatever social dividend the Government may try to deliver, it will be worthless for the disadvantaged under the regime it has in place and under the changes it advocates in the information that is available to us.

I will deal with one last issue; that is, a gold tax. Members would hardly expect me to raise any other matter. The goldmining industry has every right to feel justifiably aggrieved at its treatment by this State Government following the Government's decision to impose a gold royalty.

Hon E.J. Charlton: What about the Labor Party federally? Did you oppose that?

Hon TOM STEPHENS: Yes, we did.

Hon E.J. Charlton: I just want to know, because I know some of you did. I want to know where you stand.

Hon TOM STEPHENS: As a representative of the National Party, Hon Eric Charlton, more than anyone in this place, should sit in shame on this issue. I will develop the reasons I say that. He will understand why. The duplicity of the Government on this issue is obvious. Last year at federal Budget time the Government joined the Opposition - state and federal - in attempts to thwart the Liberal Government's removal of the diesel fuel rebate. At the Diggers and Dealers dinner in Kalgoorlie last July the Premier was in full rhetorical flourish when he loudly proclaimed his support for the industry's fight against the removal of the diesel fuel rebate. He said that this Government was campaigning vigorously for its federal counterparts to return to their senses on that issue. He said that the Government would not sit back and see one of the State's most important industry sectors damaged; that for some mines it would add \$50 an ounce to production costs.

We all know that the Government was campaigning vigorously in the media against one tax, but secretly instructing its bureaucracy to hatch another. At the very moment the Premier was speaking to the assembled miners just seven months ago the bureaucrats had unleashed in the system of government in Western Australia plans to move on to another tax. Later in that same speech the Premier's rhetoric grew to a crescendo when he said that he would not stand by and see the federal coffers get healthier at the expense of the decimation of the goldmining industry - an industry which in Western Australia alone directly employed 12 000 people and indirectly employed another 36 000. I know that all the miners present thought that was great stuff: The Premier was standing up for their industry, vigorously asserting the interests of that industry and the thousands of Western Australians employed in it. He was a champion of that industry indeed; a hero of our time.

However, back at Treasury the lights were on. They burnt brightly as the bureaucrats beavered away, exploring and developing the options of a gold royalty - a new tax for the goldmining industry. As the election loomed it was clear that this issue was a significant problem for the Government. Would it come clean on its real plans to impose a royalty prior to the election, or would it just dissemble, obfuscate and eventually explore the opportunity of lying to the industry and to the people of Western Australia? Those options had to be considered and, regrettably, this Government decided to follow those three latter possibilities. First, it would not confirm or deny it had plans to establish a gold royalty as it refused to be open with one of the most significant industries in the State while indulging in Canberra bashing.

Hon E.J. Charlton: No decision has been made on the gold tax. When it comes to the diesel tax, there is a significant difference: One is a tax on input, and the tragedy of this nation is that a tax on inputs is one of the most devastating ways to stop production. It is one thing to be taxed on profit and what you get out of something, but the most disastrous tax is one placed on inputs.

Hon TOM STEPHENS: I have shown the courtesy of listening to the Minister, so will he answer one question: Will he rule out a gold tax?

Hon E.J. Charlton: It is not for me -

Hon TOM STEPHENS: Yes it is. I will tell the Minister why it is for him.

Hon E.J. Charlton: The Government said before the election that we will make our decision.

Hon TOM STEPHENS: The Government said no such thing. The Minister should listen to what he and his colleagues said.

Hon E.J. Charlton: Do you see any difference between an output and an input tax?

Hon TOM STEPHENS: We will deal with that later. I first deal with the issue I bring to the House. I will take the Minister through what the Government did in its pre-election mode. Firstly, it would not confirm or deny plans to establish a royalty.

Hon E.J. Charlton: That is right.

Hon TOM STEPHENS: The Government refused to open up what was going on inside the system of government to one of most significant industries within this State; namely, the mining industry, specifically the gold industry. The Government indulged in Canberra bashing about other taxes, but at least the Commonwealth was up front about what it wanted to do; it was prepared to argue its case in public to industries that would be adversely affected by its proposal.

Hon E.J. Charlton: It was a tax on inputs.

Hon TOM STEPHENS: At least the Commonwealth was honest and was prepared to engage in a dialogue with industry and let people know what it was considering. In December, people in all the big and small communities from Kalgoorlie to the Pilbara, and beyond that to the Kimberley - but principally those in the goldmining industry - were anxious about the results of a decision on this royalty.

Hon E.J. Charlton: Even into the south west.

Hon TOM STEPHENS: The vote in some of those communities would swing the results in some seats, as members opposite knew. What was to be done? The Premier sent out the shock troops in the form of the Deputy Premier for starters, who flew up to Kalgoorlie a few days before the election. We all know that Liberal and National Party candidates in the area were a little toey because the electorate was no longer buying their line. Voters wanted to be told yes or no on a gold tax. They were not going to cop being told, "We've not made up our minds yet." It was no coincidence that the Premier sent the Deputy Premier up to the goldfields.

Hon E.J. Charlton: You've got that bit wrong for a start.

Hon TOM STEPHENS: If I have that wrong, regrettably the Minister's party and colleagues got so much more wrong: They believed it was appropriate to go into the election telling untruths to the people of the electorate. Regrettably, the National Party has been the tame poodle of the Liberal Party in this regard. The Nationals went all over the State and told this line to the regional and rural communities. If the Nationals were not sent by the Liberals, maybe they volunteered, but I would have thought they went at the Liberal Party's behest. Anyway, out they went to lull the electorate into a false sense of security. Remember the seats we are dealing with here: Kalgoorlie, Eyre, Ningaloo, Burrup, Pilbara and Kimberley, seats where the National Party ran strong candidates as Trojan horses for Liberals.

Hon E.J. Charlton: You have that wrong too.

Hon TOM STEPHENS: That is all they were. Look what the Nationals did to themselves - they prostituted themselves.

Hon E.J. Charlton: You didn't run a candidate in Kimberley. Don't talk about people prostituting themselves! Where were you? You didn't have a candidate.

Hon Graham Edwards: He was a candidate.

Hon E.J. Charlton: Do you know the top end of the State?

Hon Graham Edwards: I have lived up there, you goose.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon E.J. Charlton: Why did you not have a candidate?

The DEPUTY PRESIDENT: Order!

Hon Graham Edwards: We had a little arrangement; it had nothing to do with you. That is why you are squirming and trying to divert attention.

The DEPUTY PRESIDENT: Order! Both members are totally out of order. They should sit in silence and listen to the Leader of the Opposition.

Hon Graham Edwards: The National Party is embarrassed.

Hon E.J. Charlton: You were embarrassed when you got the figures. We turned all the seats into marginals.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: I know this subject makes members opposite squirm, but they must squirm for a while longer as this is the first opportunity for us to sheet home what they did in the pre-election context. The seat of Ningaloo was very marginal and was a targeted seat. What did the National Party do?

Hon N.D. Griffiths: They told lies.

Hon TOM STEPHENS: It ran a candidate whose only possible purpose was to deliver votes to guarantee the election of a Liberal Party member. When the Liberal Party was elected, all the hard work of Hon Eric Charlton and Mr Bob Wiese only increased the number of Liberals who took their place in the coalition. In fact, so many Liberals were elected that the Nationals lost a seat in Cabinet as a result of those efforts. Some justice can be found in that outcome because the Nationals worked so hard on this issue for their political masters in using, along with their senior coalition partners, fraud and deception in the lead-up to the election. The National Party worked hard in delivering to the Liberals a seat which was stolen by fraud and deception in reference to this gold tax issue, and other issues which I will mention later.

Hon E.J. Charlton: Aren't we allowed to contest any seats in your area?

Hon TOM STEPHENS: Of course, but at least contest them honestly and openly. The National Party delivered a seat to the Liberal Party, yet lost a Cabinet Minister because it had increased the proportion of seats in the coalition belonging to the Liberals. The geniuses of the Nationals worked so hard to produce a result which saw a National Party Minister sacked from the coalition Cabinet!

Let me return to the matter with which I deal. The reassurances came to Kalgoorlie the day the Deputy Premier rolled off the plane and went straight up Hannan St to make the "no gold royalty" pledge. He was like those snake oil merchants of old. "It is just a media and Labor Party beat up", he claimed, which was a bit rough on the poor old media representatives, who had tried to obtain a straight answer from the Premier and his Ministers for months on this issue. The media duly reported the Deputy Premier's pledge. What exactly did the Deputy Premier say? The *Kalgoorlie Miner* quoted him as follows -

I just want everybody to understand that and put beyond any doubt whatsoever because it does seem to me that people want to continually raise that issue when it is not an issue.

Just in case they did not get that message, the Deputy Premier told the *Kalgoorlie Miner* the following in reference to the gold royalty -

It is not on the agenda, and when I say it is not on the agenda I meant it is not on the agenda for the full term of the Government.

The goldfields people might be now wondering to which Government the Deputy Premier was referring. Clearly, we have a Government, in which he is the Deputy Premier, which clearly has the matter on the agenda. In fact, his senior representative in this House is still not prepared to tell us that it is off the agenda. He said he could not give us an assurance that it was not on the agenda. He is the leader of the National Party in this place, and the Deputy Premier in election mode said it was not on the agenda. If it was not on the agenda then, Mr Charlton, and the National Party promised it would not be, it should not be on the agenda now.

Hon E.J. Charlton: Is it on the agenda?

Hon TOM STEPHENS: There is one honourable course open to him. He should resign. If he cannot get his coalition colleagues to do what his party believes should be done and which he promised the people the coalition would not do, the junior party should resign from the coalition and take the principled course. However, there are no indications of that. The Deputy Premier is defending his pre-election -

Hon E.J. Charlton: Talking about principles, you told us a moment ago that you opposed the native title legislation, but you have said there is a need for it.

Hon TOM STEPHENS: You know the obligations that I have as a Labor Party member.

Hon Graham Edwards: He is diverting you. Don't let him do that.

Hon TOM STEPHENS: He has been good at diverting me and I will not be diverted any longer. I am trying to finish my speech.

The people of the goldfields must be not only puzzled but also very angry, because this Government was then and is now continuing to develop a gold royalty for the goldminers of the State to pay. We will wait for the punch line from the Deputy Premier. The Deputy Premier also said that the other thing that is very important is that if, on the one hand, there will be a clear statement - as there has been - that a gold royalty is not on the agenda, then he will not be part of any Government that breaks that commitment. When can the people of the goldfields and the scores of other goldmining communities in this State expect the resignation of the Deputy Premier and the National Party from the coalition? We might have been able to forgive a less experienced member of Parliament or some brash backbencher. However, the Deputy Premier -

Hon E.J. Charlton: Even the Minister for Transport.

Hon TOM STEPHENS: The Minister also talks with forked tongue and we will have to deal with this over the life of the Parliament. However, at the moment I want to deal only with the Deputy Premier. It is a bit rich for a man with the length of service in the Parliament he has to make a pledge like that and we then find ourselves in the situation that we are in now. Regrettably, the Deputy Premier, one of the longest serving political leaders in this State and the longest serving member of the Legislative Assembly, has made that pledge and is now taking that pledge lightly. However, that pledge was not taken lightly by the voters of the goldfields, including the people of the electoral district of Ningaloo. That pledge formed the basis of the coalition's election campaign in many seats. No doubt that pre-election pledge brought with it to the Liberal and National Parties financial and other support from the gold industry. When we see the list of donations to the Liberal and National Parties that will be provided by the Electoral Commission we will place this issue under more scrutiny. I know that the mining industry took this Government at its word. Today I rang a prominent goldmining operative. I will not name him because I did not ask him whether I could refer to him. On polling day he worked vigorously in Meekatharra on behalf of the Liberal Party. I was in Meekatharra on polling day and our team had assessed the situation of a gold tax in the lead-up to the state election. This very significant, large individual with a great presence - he is a popular local character - took nearly every voter by the hand as they arrived.

Hon N.D. Griffiths: He lied to them.

Hon TOM STEPHENS: No, he did not.

Hon N.D. Griffiths: He told a lie.

Hon TOM STEPHENS: No, he did not do that.

Hon N.D. Griffiths: He told somebody else's lie.

Hon TOM STEPHENS: Regrettably, he told somebody else's lie. He did not lie. He told so many of the people as they went through to vote that there would be no gold tax. He bet me a carton of champagne on that day that the coalition would not introduce a gold tax.

Hon E.J. Charlton: They tell me you are very receptive to a glass of champagne!

Hon TOM STEPHENS: It would be an awful drop to have to drink. This Government stole the seat of Ningaloo based on that deception. If 63 voters had changed their minds the coalition would have lost the seat. In the towns of Meekatharra, Cue, Mt Magnet and Yalgoo it was a major issue and the people believed the coalition. They should not have but they did. It told them that it would not introduce a gold tax. I will be watching very closely what the Government does. It is a disgrace. It is one of the worst breaches of the process of politics in Western Australia that we have seen for a long time. George Savell of the Association of Mining and Exploration Companies described the commitments of the Government in pre-election mode as magnificent. I wonder how he feels now that the Government has turned. He expressed confidence that the Government would see the rational basis of the industry's case and that the industry was entitled to trust the word of the Government. It was good news for the National and Liberal Party candidates, who then festooned their polling booths with posters promising there would be no gold royalty. They bombarded the media with similar statements.

The people of the Mining and Pastoral Region are no fools and should not be taken for fools by this Government. It might have deceived them this once. However, it will never be able to deceive them again because they have long memories. In 1987 virtually the entire town of Kalgoorlie marched against the Federal Government's proposed tax on income derived from goldmining. The local Labor state and federal members actively worked to defeat that federal gold tax proposal. That was no lip service to a cause.

In his first speech to the Legislative Assembly on opening day, the new member for Ningaloo cried crocodile tears over the introduction of a gold royalty. He knows he will be the beneficiary of this fraud. One of the things he said was how committed he is to those good old fashioned values. He said he had a strong sense of commitment to honesty and integrity that he would bring to this Parliament. He arrived here by virtue of a fraud that was perpetrated on the people of his electorate. The honourable course for that member -

Hon N.D. Griffiths: He should resign.

Hon TOM STEPHENS: Absolutely, and give the people of that electorate the opportunity to express their views now that they know what the word of the Deputy Premier, the National Party and this Government is worth. That electorate deserves better. Those towns in Ningaloo are the real battlers of the goldmining community. They suffered greatly in the 1970s when the price of gold fell, and they came back to life in the 1980s and 1990s, but their existence is still precarious. They deserve better than the mealy-mouthed words of a local member who rode to electoral victory on the false promise of his coalition leadership.

Hon E.J. Charlton: What did you do for those areas when you were in government?

Hon TOM STEPHENS: Worked, worked and worked.

Hon E.J. Charlton: And gave them nothing - no road funding, no assistance and no basic services.

Hon TOM STEPHENS: We are debating the gold tax. Clever operators in the goldmining industry in the electorate of Ningaloo had the wool pulled over their eyes by this coalition. It is no wonder the Minister for Transport is squirming. He has gone histrionic in his efforts to drown out my contribution to this debate because he knows the truth of what I am saying. The people of the Murchison and elsewhere in the Mining and Pastoral Region were conned by members opposite. The people in the goldmining industry in that electorate, who pride themselves on their nous and acumen, were hoodwinked by members opposite. Many of them had given generously to the Liberal and National Parties, and now they will give even more generously of their own and their shareholders' funds to the Liberal-National coalition Government in the form of a new gold royalty.

What is the rationale for this new tax? It appears that suddenly the coalition has discovered the Commonwealth Grants Commission, a body which was established in the middle of the Great Depression to assess claims by States for financial assistance under section 96 of the Constitution, and is using that body as its excuse. The principles behind the commission's recommendations were expressed in its third report in 1996, before the State election, which states that special grants are justified when a State, through financial stress from any cause, is unable to efficiently discharge its functions as a member of the Federation and should be determined by the amount of help found necessary to make it possible for that State, by reasonable effort, to function at a standard not appreciably below that of other States.

The commission's proposals are based on the principle of fiscal equalisation. This principle means in practice that each State should be given the capacity to provide the average standard of state-type public services, assuming it does so at an average level of operational efficiency and makes an average effort to raise revenue from its own sources. That principle has been presented by the Government as some sort of instruction from the commission directing it to introduce a gold royalty. The Grants Commission has no view on whether a State should adopt a particular tax or royalty. That is not the way the Grants Commission phrases its reports. In its 1995 report, entitled "Reports on Research in Progress", the commission examined the history of the measure of mining revenue and its assessments, and looked at the different approaches taken by the States and Territories in the collection of royalties, noting that some are based on the value of production and others on profits. The report states at paragraph 3.15 at page 153 that -

It appeared that most States balance the collection of revenue against other considerations, particularly the viability of the mining industry. One State said that the broad economic spin offs generated by mining sector projects were more important than the royalties paid.

That has been the practice in this State over the past 100 years, and all Governments have consistently recognised the value of maintaining a vigorous goldmining sector, which, as the Premier indicated, directly and indirectly employs nearly 50 000 people and is the backbone and part of the social fabric of many of our smaller communities. Goldmining is still one of the few mining operations which allows small local operators and prospectors to enter and set up their own operations without the massive capital and expertise required in, for example, the iron ore industry.

Western Australia's answer to the commission's question of why different rates applied to different minerals was in the following terms, in table 3-3 at page 162 -

Rates differ because of a need to cater for changing community and industry circumstances and to stimulate economic development.

Nothing has changed in the way the Grants Commission has dealt with the assessment of States' entitlements, and it is a bit rich for the Government to drag up the old reports, the old framework, to justify its breach of its pledge to the people of the goldfields. From time to time, some finetuning has been done to reflect more accurately the State's revenue base and capacity. However, the commission's regular assessments give rise to no extraordinary reason for the imposition of a royalty on gold production in this State.

Despite this Government's claim to preside over an economic boom, it has targeted the gold industry in order to raise additional tax revenue, in my view in a way that has deceived the industry, both operators and employees. It has also deceived the Government's supporters, the members of its party, and the people of Western Australia. At the heart of that deception is a lie, because the Premier and the Deputy Premier failed for all of last year to disclose the Government's plan to impose this new tax on an industry that they patronised and misled right up to election eve.

The people of this State demonstrated that they had had enough of arrogant government when they removed this House from the control of those same people who dealt with the electorate so arrogantly in the lead up to the recent state election. I assure the House, as I assure the Government, that the people of the Mining and Pastoral Region will not forget.

I have made a long contribution. I thank the House for its patience and tolerance. I look forward to a vigorous session as we head into this parliamentary term, and I embrace with enthusiasm the opportunities that have emerged.

Debate adjourned, on motion by Hon Muriel Patterson.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [9.20 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Athletics Association of Western Australia

HON DOUG WENN (South West) [9.21 pm]: I do not wish to delay the adjournment of the House, but I have some concerns that the House should consider. I am happy that the Minister for Sport and Recreation is present, so I can raise with him the report on the back page of *The West Australian* headed "Athletics body to fold". That refers to the Athletics Association of Western Australia. I have been involved in athletics for over 12 years through the WA professional body. I have witnessed many discussions between different bodies on how to improve athletics in Western Australia. I was a member of a ministerial committee appointed by Hon Graham Edwards as the Minister responsible for sport and recreation. We did not always agree, but we discussed the necessity for a body to oversee athletics in Western Australia because of the disarray it was in and, in the end, I agreed with Hon Graham Edwards that an investigation was necessary. At the end of the day we recommended the establishment of a body to be known as Athletics West.

As far as I am concerned Athletics West has been a burden on athletics in Western Australia since its instigation. I attended meetings with the original chairman of Athletics West, Mr David McCann. We were told outright by Mr McCann that regardless of what bodies within the Athletics Association wanted they would have what they were given. At a meeting at a hotel in South Perth, where we were invited to discuss the make-up of the constitution of Athletics West, we were told that we could do what we liked, say what we liked, and the Minister would happily listen to us and take on board our suggestions and would come back to us. At a later meeting at the same hotel we were told that the constitution and the rules had already been put in place and that is what we would have. That was done knowing full well that all the governing bodies in athletics did not want what they were trying to tell us we were going to have. Athletics West did its own thing. Now, thanks to that attitude, we are seeing the demise of the Athletics Association of Western Australia due to lack of funding. In many ways its demise is the result of a lack of direction in administration.

The AAWA was the governing body of athletics in Western Australia and it should have received the respect that it was due. The AAWA expected to receive a certain amount of money from the Government and it budgeted accordingly. However, along came Athletics West and, through ministerial guidance, if one can put it that way, Athletics West ended up with all of the government funding. AAWA, like all other athletics bodies in Western Australia, had to go begging to Athletics West for funding. Athletics West received hundreds of thousands of dollars a year. I am sure the Minister will inform me exactly how much. The Chairman of AAWA, Joan Hancy, made the

point that most of the funding was spent on administration costs for Athletics West. In the early days David McCann received a salary in the order of \$60 000. That came out of the funding that Athletics West received to dole out to athletics bodies. Now Chilla Porter, who is a good friend of and a good fundraiser for the Liberal Party, receives \$70 000-plus. The Minister may correct me, if I am wrong.

Athletics West has not achieved what it was set up to achieve, which was to oversee all athletics in Western Australia. It has caused nothing but animosity among athletics bodies in Western Australia. If the Government were sincere about athletics in Western Australia, it would see the need to get these bodies working together again. I appeal to the Minister to reassess Athletics West and for crying out loud to give the local associations - whether they represent distance runners, walkers, the AAWA, or other bodies - a more direct say in the way Athletics West is run.

From day one the aim of Athletics West was to take total control of athletics bodies in Western Australia. It was able to direct funds to achieve its aim. To this day I do not know what it hoped to gain, and neither does any other athletics body in Western Australia. At the outset I said to the Minister that the only way to achieve what he was aiming for was to set up a governing body comprising the presidents or nominated members of each organisation to oversee where the Minister was going. That did not happen on day one, and it has not happened to this day. I suggest that it will not happen, because Athletics West has an agenda of its own and that is not the good of athletics in Western Australia.

It is very sad to read that the AAWA has a membership of fewer than 500 when at times its membership has been over 1 000. Little Athletics is gaining in strength, but its membership is not flowing to the senior ranks. That is because of the division in the administration of the sport. I suggest that the Minister contact the leadership of Little Athletics, distance runners, or any organisation that is involved in athletics in Western Australia and hold a round table discussion. He should include in that group the professional body with which everyone in this place knows I am associated; in fact, I was given the honour of becoming a life member. If the Minister does not do that, athletics in Western Australia will hit rock bottom. The Minister has only to look at the fact that many of our top athletes are heading to the Eastern States. It is not because the Olympic Games will be held in Sydney in the year 2000; it is because of the difficulties that have been created in Western Australia by Athletics West.

Athletics West has not been willing to sit down at a table with all the groups to listen to their problems. It did not listen to the AAWA to find out why it had debts that it could not handle. It will be the saddest day for athletics in Western Australia if the AAWA collapses because money that was available to help run and promote athletics in Western Australia was being channelled into administration. I am sure even the Minister will agree with me that that is not the way the funds this Government and previous Governments have put into athletics in Western Australia should be used. I agree with Joan Hancy that over the past four or five years the AAWA has been pushed down a path that it did not want to take.

Adjournment Debate - Traffic Lights, Farrall Road-Great Eastern Highway Intersection

HON N.D. GRIFFITHS (East Metropolitan) [9.29 pm]: I raise a matter relating to the portfolio of the Minister for Transport. I caused the Minister to be advised of this prior to the motion that the House be adjourned. The matter arises from a letter dated 5 March 1997 addressed to me from the President of the Midland and Districts Chamber of Commerce and Industry. During my remarks I will refer to the letter, which raises a number of complaints about the Minister. I do not know whether the comments are true. In fact, when I received the letter I was very saddened to read it and I trust that what it says is not the case. I look forward to the Minister's persuading me that it is not the case or, if it is the case, that he reconsider as suggested by the President of the Midland and Districts Chamber of Commerce and Industry.

The letter refers to traffic lights at the intersection of Farrall Road and Great Eastern Highway. It points out recommendations from consultants who prepared proposals for Main Roads for the upgrading of Great Eastern Highway between Scott Street and the Roe Highway interchange at Bellevue, that traffic lights be installed at the Farrall Road-Horace Road intersection with Great Eastern Highway. It points out that the recommendation was rejected by the Minister. I wish to know whether that was the case.

The president of the chamber expresses a belief on behalf of the chamber that the Minister wishes to restrict traffic flow through the Midland commercial centre by preventing traffic from turning right from Farrall Road into Great Eastern Highway. It points out that Farrall Road, in the view of the chamber, is the entrance to the Midland commercial centre, that large numbers of vehicles use Great Eastern Highway and very large numbers of vehicles use Farrall Road, resulting in considerable congestion at the intersection caused by vehicles accessing and egressing Farrall Road. It points out that the Chamber conducted a survey, as the president of the chamber puts it, "several months ago as part of a community consultation process" and that the survey showed that businesses in the Midland/Bellevue areas were in favour of traffic lights being installed at the intersection, that the intersection was busy, being used by motor cars, commercial vehicles and large trucks servicing the businesses, and that the restriction of vehicles accessing Great Eastern Highway from Farrall Road was never on the agenda.

The president of the chamber makes it clear that in his view any interruption to traffic flow will severely affect business in the area. He says that it has been shown in many instances around the State that such restrictions have been the death of town centres. He is concerned that Midland will be an example of that. He points out that a community consultation process has been undertaken but as he puts it "... it seems the wishes of this community do not count for much with Mr Charlton." I hope those observations of the President of the Midland and Districts Chamber of Commerce and Industry are inaccurate.

In writing this letter to me the president of the chamber was motivated by concern for the welfare of the business people and the people who live near the town centre of Midland and those who travel there for employment. I trust the Minister for Transport also shares that concern. If the president of the chamber is wrong, I will be pleased to hear the Minister tell me so. I am sure the president of the chamber will be very pleased to hear that he is wrong. If the president of the chamber is correct, I would like to hear from the Minister why he is adopting this course that the president of the chamber says should not take place.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [9.35 pm]: To put the record straight, I have not spoken to the Midland and Districts Chamber of Commerce and Industry. However, I will be happy to talk to that organisation if Hon Nick Griffiths would like to arrange that at any time. The comment about my overriding the recommendation is not correct. I met the Swan Shire Council as a result of a number of traffic issues concerning Farrall Road and was able to advise it that Main Roads will be installing long-awaited lights at the Farrall Road-Morrison Road intersection. The Swan Shire Council has been waiting for them for many years. In discussions with Main Roads and as a result of additional funding, I assisted by allowing that installation to be brought forward. That was prompted by the number of heavy haulage vehicles travelling to and from depots off Farrall Road, coming from the north of the State down Roe Highway and turning left into Morrison Road. The traffic on Morrison Road is heavy, particularly at peak times. I have witnessed it with Main Roads and discussed it with the Swan Shire Council. Main Roads is therefore building a new right-hand turn lane out of Morrison Road, into Farrall Road. This will enable those heavy haulage vehicles to move through there without impeding other traffic.

Other modifications will be made on the Farrall Road-Morrison Road intersection. I acknowledge what the Chamber of Commerce and Industry has said about the other end of Farrall Road being an important route for business in that area. The same issues have been raised with me concerning a number of roads around the State where access is required to major highways because it is important to a town's commercial operations. As Minister for Transport I am responsible not only for the people going about their daily business on Farrall Road but also, obviously, for the safety of the traffic that comes down Great Eastern Highway. The same applies to Mundaring. Consideration has even been given to putting traffic lights in Mundaring.

As we know from other instances throughout the State, particularly in the metropolitan area, traffic lights do not always resolve traffic problems. They might guarantee access but they might not create safety. In many cases they cause safety problems. Although lights may be installed at the Great Eastern Highway-Farrall Road intersection and give a period of guaranteed access both into and out of Farrall Road, we must analyse the full safety consequences of the large numbers of heavy haulage vehicles that come down Greenmount Hill to the Roe Highway intersection, for which an interchange is planned to overcome the current traffic situation. The people moving in and out of Farrall Road have no problem. There is a right-hand turn lane off Great Eastern Highway into Farrall Road which will remain, so there is no impediment to people wanting to turn right. They can get into that pocket and turn right into Farrall Road when there is a break in the traffic. There will be no barrier to people coming out of Farrall Road, turning left and going up the hill, so there is no problem.

The only remaining issue is whether we continue to allow access from Farrall Road to motorists turning right across the traffic. Motorists would be required to clear two lanes of traffic travelling east and west. The lineups are significant and that is the reason for the request for lights to be installed. However, the lights at the other end of Farrall Road will provide motorists with the option to complete their business on Farrall Road, go down to Morrison Road and turn right or left. Motorists will be able to go about their business in Farrall Road very safely and Main Roads is currently analysing those options. I have not overridden the recommendations of the assessment group. However, as the Minister responsible, I must ensure that the safety of all road users is taken into account when those decisions are made and when funding options are put forward.

Adjournment Debate - Athletics West

HON N.F. MOORE (Mining and Pastoral - Minister for Sport and Recreation) [9.43 pm]: I will respond very briefly to Hon Doug Wenn's comments in relation to Athletics West. As members will know, the honourable member has a long and extensive interest in athletics in Western Australia. If one were to look at a couple of sports in our State that have had problems in recent times, one would probably put one's finger on athletics and soccer as having had significant difficulties. Both have been investigated by government bodies, which have been actively involved in trying to resolve the problems. That approach has not resulted in problems being resolved; in fact, additional problems have

arisen. Sporting associations should endeavour to fix their own problems before the Government intervenes. I am very aware of the problems within athletics and that it is very difficult for fragmented sports to have a single voice. That is the problem in relation to athletics and soccer - different sections within the sports are speaking about their own circumstances and it has been very difficult to get a collective voice.

Hon Doug Wenn: Athletics West has not solved that; it has made it worse.

Hon N.F. MOORE: The Labor Government established Athletics West and employed David McCann. Members opposite believed that would solve all the problems. That did not happen because of the nature of the sport, perhaps because of the personalities of a number of people involved and because of some of the different philosophical views of sections within the sport. Little Athletics is far more interested in participation and the Athletics Association of WA is more elitist. As a result, there have been philosophical problems and fragmentation of the sport. Athletics West has not succeeded, but it must be given the chance.

Hon Doug Wenn: It has had four or five years.

Hon N.F. MOORE: There is a new board at Athletics West.

Hon Doug Wenn: It is not working.

Hon N.F. MOORE: That is the member's opinion. I resent some of the member's comments. I did not intend to be irritated by his comments because I am trying to be positive.

Hon Doug Wenn interjected.

Hon N.F. MOORE: The member is taking the view that one part of this structure is wrong and everything else is right. Athletics West has a new board and executive officer, whom the member unfortunately criticises as being a member of the Liberal Party. In fact, Mr Porter has a very significant reputation and history in athletics.

Hon Doug Wenn: He was a high jumper; he won a silver medal.

Hon N.F. MOORE: That is quite right. He also has a great knowledge of administration. Athletics West is working its way through a long-established problem..

Hon Doug Wenn: It is not talking to people.

Hon N.F. MOORE: The member has a view and he has put it. I have heard that view and taken it on board. I will be talking to Athletics West about what has happened today and what is likely to come out of the situation with AAWA. However, the bottom line is that when governments decide to interfere, we invariably get the result we now have. I referred to two sports in which the Labor Government intervened and on which it spent a great deal of money - especially soccer. That approach did not solve the problems - it created more - and I have inherited some structurally unsound arrangements.

Sports are better able to survive if there is one administration running the entire show; the various sections pull together to make it work. That will be the advice I will give to these people: They must make it work. However, they cannot do that if people are going in different directions. That may be because of personalities or for other reasons. I suspect it is personalities and until they change we will probably not solve the problem. I am aware of the problem and I have taken on board the honourable member's comments. However, when Governments intervene we can be sure we will get the wrong answer. It is necessary for these people to work their way through their problems. The athletics and soccer groups - and regrettably some other groups - are trying to overcome their personality differences.

We are not talking about a government agency but an independent sporting body. It is archaic to believe that whenever something goes wrong in the community the Government must sort it out. Because the association is publicly funded it must deliver. If it cannot deliver, it will not attract funding. The best way for the Government to be involved is to ensure that the association delivers on its contractual arrangements. That will ensure that athletics survives. It is not going well, there is no question about that, and it must be improved. The member did not provide a solution; he simply told us what was wrong. I assure the Council that the Government will try to solve the problem, but government involvement is not the answer. The answer is to encourage cooperation for the betterment of the sport, but for some reason that goal seems to have disappeared.

Question put and passed.

House adjourned at 9.47 pm

QUESTIONS WITHOUT NOTICE

GUILLOTINE - USE

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

Can the Leader of the House give an assurance that the Government will not move to gag or guillotine debate in this House during consideration of legislation in the coming session, particularly amendments that are proposed to be introduced to the Workplace Agreements Act?

Hon N.F. MOORE replied:

It has not been my practice since I have been the Leader of the House to seek to curtail any debate on any issue before the House, and I can think of no reason that should not continue. This is a hypothetical question and in that sense I give a hypothetical answer.

Hon Tom Stephens: I was hoping for something more certain.

Hon N.F. MOORE: I cannot contemplate any potential circumstance that might occur in the future. As far as I am concerned, as leader, we do not have an effective guillotine process in this House, and the House should take as long as it needs to debate matters. However, members will be aware there is a limit to how long people can sit in here and listen to others making speeches. If that sort of attitude is adopted, it wears people's patience a little thin. I hope we will debate every issue fully and reach the proper conclusions at the end of that debate.

LEGAL AID COMMISSION OF WESTERN AUSTRALIA - REVIEW

13. **Hon N.D. GRIFFITHS to the Attorney General:**

I refer to the joint Federal-State Government review of the former Legal Aid Commission of Western Australia announced on 25 August 1995, and I ask -

- (1) Has the review been finalised?
- (2) If so, what are its recommendations?
- (3) If not, what is its current status?

Hon PETER FOSS replied:

- (1)-(3) This is an excellent question, and one to which I wish I knew the answer. The review appears to have gone into some form of limbo since the change of Federal Government. Currently we are trying to shift it along because we are very anxious to get a result from this very important review. A difficulty we have in doing things jointly with the Commonwealth Government is that we are very much dependent upon having a joint push on a matter. Recently I have asked for small changes to be made in the investigation of matters under consideration to see whether I can move the process along. Eventually I will be very much dependent upon the cooperation of the Federal Government.

PORT KENNEDY - LAND SALES

14. **Hon J.A. SCOTT to the Minister representing the Minister for Planning:**

I refer the Minister to the third part of question without notice No 843 answered on 24 September 1996.

- (1) Is the Minister aware that the Beamish property group has listed 60 properties at Port Kennedy as having been sold to overseas buyers?
- (2) Can the Minister confirm that this land has been sold, and did this land sale have the approval of the Minister for Planning?
- (3) Has the developer of Port Kennedy Resorts Pty Ltd been granted freehold title to this land?
- (4) If so, when was this granted?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) I am not familiar with the activities of the Beamish property group, and therefore cannot comment.

- (2) Yes. Port Kennedy Resorts Pty Ltd has confirmed it has entered into contracts of sale for house and land packages of \$20m. Such contracts have not had the approval of the Minister for Planning, nor is the approval of the Minister for Planning required.
- (3)-(4) No, but the Minister for Lands has now been requested to issue Crown grants for some of the freehold land to be made available to the company under clause 10 of the Port Kennedy agreement.

SHIP BUILDING BOUNTY - ABOLITION

15. **Hon JOHN HALDEN to the Leader of the House representing the Minister for Commerce and Trade:**

Following the Federal Government's announcement in last year's Budget to abolish the ship building bounty by 31 December 1997, I ask -

- (1) Has the Western Australian Government ascertained how many jobs, both direct and indirect, will be lost as a result of this decision?
- (2) What is the expected loss of export earnings to the State?
- (3) What assistance is the Western Australian Government proposing to offer to the ship building industry in this State to offset the effects of this decision?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) Job losses and loss of export earnings directly related to the abolition of the bounty are impossible to calculate accurately. Other normal business factors such as exchange rates, capacity to meet delivery dates, etc, also interact to impact on employment levels and export earnings to the State.
- (3) The State Government has lobbied, and is continuing to lobby, the Federal Government to amend its stance. The State Government continues to assist the ship building industry with the provision of infrastructure, such as the extension of the breakwater at Jervoise Bay at a cost of \$7.5m.

STILLBIRTH & NEONATAL DEATH SUPPORT GROUP - FUNDING

16. **Hon CHERYL DAVENPORT to the Minister representing the Minister for Health:**

Monday, 24 February 1997 was the day of action by the Stillbirth & Neonatal Death Support Group, SANDS, on which it chose to target the Health Commissioner about funding for its organisation. Will the Minister indicate how many written, faxed and telephoned support messages were received by the Health Commissioner and/or the Health Department?

Hon MAX EVANS replied:

I must advise the member that I do not have an answer to this question.

FAMILY COURT OF WESTERN AUSTRALIA - REGISTRAR ORDERS

17. **Hon N.D. GRIFFITHS to the Attorney General:**

With respect to the judgment of the Full Court of the Family Court of Australia delivered on 13 February 1997 invalidating Family Court of Western Australia Registrar Orders, I ask -

- (1) Is the Attorney General still considering an appeal to the High Court of Australia?
- (2) Will the State be appealing?
- (3) Has the Attorney General received advice in respect of any difficulty in the State's seeking special leave to appeal, given his failure to intervene when the matter came before the Full Court?

Hon PETER FOSS replied:

- (1)-(3) No. We are not considering appealing. My advice is that appeal would not be successful. We would not have envisaged any problem. With the cooperation of the respondent to the appeal we would have been able to make that appeal. It was also possible, and at one stage suggested, that the appeal had not been properly determined and that it, in itself, was void. That was dependent upon whether there was, or was not, a constitutional question in issue. There has been some suggestion that a constitutional question is in issue; therefore, some people suggest we cannot amend the law to deal with the problem. The better advice now

is that there is no constitutional problem, and we can amend it. For all of those reasons, we do not propose to appeal. Instead, we will be bringing down legislation complementary to that of the Commonwealth Government which will give effect to the orders according to their tenor.

ELECTION - PROVISIONAL VOTES

18. Hon J.A. COWDELL to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:

- (1) How many applications for provisional votes were processed at the 1996 state general election?
- (2) How many provisional votes were admitted to the count?
- (3) Have arrangements been made to ensure that all those electors who unsuccessfully applied for a provisional vote are notified and that steps are taken to enrol those electors?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The Electoral Commissioner has advised that 5 986 provisional declaration vote applications were processed.
- (2) Some 490 provisional declaration votes were admitted to the count.
- (3) All provisional vote applicants were encouraged to complete a new electoral application form on polling day when they attended a polling place or, at least, to take a form to complete and return at a later date. Subsequently all provisional declaration vote applicants whose address had not been updated on the electoral roll since the election have been sent a letter with another electoral enrolment form to complete and return.

LAND - DEVELOPMENT

19. Hon J.A. SCOTT to the Leader of the House:

- (1) Are there any areas of the State which the Government can guarantee will be safe from any form of development or mining?
- (2) If so, where are these areas?

Hon N.F. MOORE replied:

- (1)-(2) The nature of the question is such that I will need more time to obtain an answer, so I ask the member to place the question on notice.

FAMILY COURT OF WESTERN AUSTRALIA - REGISTRAR ORDERS

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

With respect to the judgment of the Full Court of the Family Court of Australia to which I referred a few moments ago, I ask -

- (1) Has the State's legislation been drafted?
- (2) If so, when will it be introduced?
- (3) Will the Attorney General forthwith provide the Opposition with a copy of it, so that its progress may be expedited?

Hon PETER FOSS replied:

- (1)-(3) I thank the Opposition for its offer to expedite this legislation. The legislation is in the course of drafting. What is causing the delay is the fact that the State and the Commonwealth are bringing in identically worded legislation. We do not wish to have any minor difference between the two pieces of legislation that may lead to somebody drawing the conclusion that that was an intended difference. I am not aware of where we are at in agreeing on that with the Commonwealth. However, I understand that a preliminary draft has been sent to the commonwealth parliamentary counsel. As soon as I receive the legislation as proposed I will ensure that Hon Nick Griffiths is given a copy of it.

FAMILY COURT OF WESTERN AUSTRALIA - REGISTRAR ORDERS

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

When did the Attorney General first consult the Commonwealth on this matter?

Hon PETER FOSS replied:

I have not consulted the Commonwealth personally. All consultation has taken place through others. Discussions on the exact nature of the legislation have been on and off because it was not until the final decision was handed down that we had to look again at the legislation. It became a new problem once the decision was handed down. Legislation was previously drafted on behalf of the State, which would have been unilaterally the State's. Upon the decision being handed down we commenced discussions with the Commonwealth on the appropriate measure. A number of different possibilities were canvassed - some suggested by the Commonwealth, some by us. It has evolved over a period. Since the problem was realised the State has discussed it constantly with the Commonwealth at various levels; at the parliamentary draftsman level, the Solicitor General level or the Family Court level.

ELECTION - BALLOT PAPERS

*Shortage***22. Hon J.A. COWDELL to the Leader of the House representing the Minister for Parliamentary and Electoral Affairs:**

- (1) How many absent electors were denied a vote on 14 December 1996 due to a shortage of ballot papers?
- (2) How were those electors recorded in terms of the marking of the roll?
- (3) Which steps have been taken to ensure that in the future electors are not denied a vote because of a shortage of ballot papers?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. The Electoral Commission has advised that -

- (1) It is unaware of any cases where electors were denied a vote due to a shortage of ballot papers.

Hon Kim Chance: It isn't!

Hon N.F. MOORE: Independent commissioners have given this information. To continue: In some cases, however, additional arrangements had to be made to deliver additional supplies of ballot papers to polling places or otherwise, to provide sufficient ballot papers. In all cases satisfactory arrangements were made to enable all electors to vote.

- (2) All absent votes were processed centrally by the Electoral Commission and all valid applications for absent votes were marked off on an "electronic" roll as absent voters.
- (3) The commission analyses a variety of statistical and enrolment information in order to predict the required resourcing for polling places. Despite this analysis, other unpredictable factors such as weather and time of year will also influence where people vote. To cover any unanticipated demands, returning officers are also supplied with supplementary stocks of ballot papers and may secure additional supplies from neighbouring districts. Other measures, such as the provision of ballot paper blanks for electoral officials to fill in candidate details, and photocopied ballot papers, which are permissible provided an electoral official initials them, may also be utilised. These measures ensure that all electors are able to lodge a valid vote and will never be denied a vote because of a ballot paper shortage.

MEMBERS OF PARLIAMENT - NOTEBOOK COMPUTERS

23. Hon TOM STEPHENS to the Minister for Finance representing the Treasurer:

- (1) What funds have been allocated in the current financial year to the Parliament through either the Library or Printing Committee for the purchase of notebook computers for the use of members of Parliament? When was the Parliament advised that these funds would be available for use? What was the earliest date on which notebook computers could have been purchased for the use of members of the State Parliament?
- (2) How much, if any, of these funds have been expended to date? How many notebook computers have been purchased and issued to state members of Parliament?
- (3) If no funds have been spent yet, why is this the case?

- (4) Has the Parliament requested a rollover of these funds into the next financial year? If so, on what basis was this request made?

Hon MAX EVANS replied:

- (1)-(4) I thank the member for some notice of this question. These questions should be referred to the Joint House Committee.

EXMOUTH BOAT HARBOUR - TENDERS

24. Hon TOM STEPHENS to the Minister for Transport:

- (1) Is the Minister prepared to table in the House today a copy of the memorandum that exists on the files of the Department of Transport from Kim Stone to Dr Mike Paul, the director of coastal and facilities management, dated 24 September 1996 in reference to the Exmouth Boat Harbour - Analysis of Tenders?
- (2) If not, why not?
- (3) How many of the original tenders for the Exmouth boat harbour project were deemed to be non-conforming tenders?
- (4) Who were they?
- (5) Is the Minister prepared to table in the House today a copy of the memorandum that exists on the files of the Department of Transport from Mike Paul to Reece Waldock, the executive director of the maritime division, dated either 25 or 27 September 1996, in reference to the Exmouth Boat Harbour - Analysis of Tenders?
- (6) If not, why not?
- (7) Will the Minister be prepared to table all correspondence between the Department of Transport and the State Supply Commission in reference to the tender of the Exmouth boat harbour?
- (8) If not, why not?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question.

- (1) No.
- (2) This document was requested by Martin Saxon of the *Sunday Times* under a freedom of information legislation request. This document was not released because it contains commercial details of the tenders submitted and it contains comments on the judgments made about the capacity of different tenderers to carry out the works. This is information that was considered to be confidential in the context of a freedom of information inquiry and, therefore, I do not intend to release the full memorandum in this House. However, I am prepared to table the edited version of the memorandum as it was given to the *Sunday Times*. This document and those requested in parts (5) and (7) were all part of the departmental records which were considered by the State Supply Commission and which formed part of the commission's independent review of the Department of Transport's process for selection of Thiess Contractors Pty Ltd as the second preferred tenderer. For the information of the House I am prepared to table the full report prepared by the State Supply Commission arising out of its review of the process used by the Department of Transport for the selection of Thiess.

It should be noted that the review found that all offers received were equally assessed against identical criteria and that the need for public tenders to be called was satisfied in October 1995. The State Supply Commission's report commented, however, that some of the department's procedures were different from those which the commission applies to its own contracts. The House should be aware that the commission's guidelines and procedures do not apply to building and construction contracts such as this. The Department of Transport has, nonetheless, decided to adopt the points recommended by the commission in relation to the assessment of future tenders.

- (3) None.
- (4) Not applicable.
- (5) No.

- (6) I refer the member to the answer to part (2).
- (7) I am prepared to release all information other than that which has been withheld previously from the freedom of information request for the reason stated in my answer to part (2).
- (8) Not applicable.

HEALTH - PRIVATE HEALTH INSURANCE

Rebate

25. Hon JOHN HALDEN to the Minister for Finance representing the Minister for Health:

The Victorian Premier, Jeff Kennett, has described the \$600m federal health insurance rebate as money down the drain. Mr Kennett further said that, to be quite honest, with the current arrangements in place, Governments would not be able to meet public expectations.

- (1) Does the Minister agree with Mr Kennett's comments?
- (2) What is the Western Australian Government doing to address the growing public health crisis?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The State Government is concerned about the continued decline in membership of private health funds. The Government welcomes any commonwealth initiatives designed to slow or reserve the decline. I consider the Commonwealth's initiatives, announced in the 1996-97 Budget, as a positive step towards encouraging people to retain or take up membership. I anticipate that they will be complemented by further reforms arising from the Productivity Commission review of private health insurance. The final report of the review is still to be released by the Commonwealth.
- (2) The State's public hospital system is not in crisis. However, it is clear that the current level of commonwealth support for public hospitals is not sufficient and the situation will get worse unless there is additional funding. Some of the factors putting additional pressure on the State's public hospital system include population growth, the ageing of the population and the introduction of new technologies, which, although of considerable medical benefit, are at the same time very costly. The situation for other States is similar. Together with other State and Territory Health Ministers, the Minister for Health emphasised to Dr Wooldridge the need for additional funding at a meeting of Health Ministers last week.

MINING - DRUG MISUSE

26. Hon KIM CHANCE to the Minister for Mines:

- (1) What work is being undertaken by the Department of Minerals and Energy to eliminate the misuse of drugs on minesites?
- (2) Does any other department or agency have a responsibility to eliminate drug abuse on minesites? If so, which departments or agencies have that responsibility?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The use of alcohol and deleterious drugs on minesites is dealt with under regulation 4.7 of the Mines Safety and Inspection Regulations 1995, and regulatory action as required or undertaken from time to time is based on the application of this regulation. The Department of Minerals and Energy has endorsed initiatives by the Chamber of Minerals and Energy and the WA Alcohol and Drug Authority in the preparation of the 1996 publication "Alcohol and Drugs in the Workplace - Issues, Trends and Practices" - ISBN 1 875449 24 8 - and assisted in the development by the Chamber of Minerals and Energy of the 1991 predecessor to this document. The department has also provided speakers at industry seminars on this subject and will continue to do so when requested. The department has also issued publications such as Safety Bulletin No 12 of 22 February 1996, which deals with the effects of drugs.
- (2) The elimination of the use of deleterious drugs is a general problem within society and is not unique to the mining industry. A variety of other departments and agencies may have a role to play and certain

responsibilities in relation to the elimination of drug abuse on minesites, and, indeed, in other areas of the community. These would include the Health Department, the Police Service and the Alcohol and Drug Authority.

PLANNING - TOWN PLANNING APPEAL COMMITTEE

Recommendations

27. Hon TOM STEPHENS to the Attorney General representing the Minister for Planning:

This is a question I asked on Opening Day and which I have amended slightly so that I do not receive another lecture from the Attorney General!

- (1) How many of the appeals handled by the previous Minister after the 14 December general election were in accordance with the recommendations of the Town Planning Appeal Committee?
- (2) How many were contrary?
- (3) For those that were contrary, how did the Minister proceed to the view that the recommendation should not be accepted, and what evidence is on file that the recommendation was flawed?
- (4) On what basis did the Minister reject the recommendation in each case?
- (5) If the recommendation is confidential -
 - (a) Are members of the Town Planning Appeal Committee professionals in the town planning arena?
 - (b) Why should the recommendation be confidential when it is a qualified opinion on how the appeal should be dealt with?
 - (c) Is this information available through the provisions of freedom of information legislation?

The PRESIDENT: Order! I remind the honourable member that he should not address the member as Mr Foss, but as the honourable Minister or the Attorney General.

Hon PETER FOSS replied:

Unfortunately, the answer provided to me indicates that it will take some time to collate the answer and that the question should be placed on notice. If the member prefers not to do that, I will chase it up to see whether I can provide the answer tomorrow. If it will take longer than that, perhaps it should be placed on notice.

ROCK ART HERITAGE - PRESERVATION

28. Hon TOM STEPHENS to the Minister for the Arts:

- (1) Is the Minister aware that much of the rock art heritage of the State is at risk of loss through exfoliating rock, fresh exposure to the elements and damage caused by sheep and cattle as well as by people?
- (2) What funds have been allocated by the State Government to the Western Australian Museum in the current financial year to preserve and protect the uniquely valuable rock art heritage of this State?
- (3) What programs have been or will be undertaken in the current financial year to protect the rock art heritage of the State?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) The WA Museum has advised me that rock and art heritage is administered by the Aboriginal Affairs Department and the Aboriginal Heritage Act. The member may recall that an Act passed through the Parliament which changed the rather anomalous situation whereby the Cultural Material Committee was part of the Museum and responsible to the Minister for Aboriginal Affairs, although the overall Museum was responsible to me. That anomaly has now been resolved.
- (2) None, as this is not a responsibility of the WA Museum.

- (3) None. However, in the past and in 1995-96 the WA Museum has worked with the Aboriginal Affairs Department and other scientists on the microclimates - I believe that is the correct word - of Aboriginal rock paintings in the West Kimberley region and has made those results widely available.

IMPERIAL FOOTBALL CLUB - LIBERAL PARTY DONATION

29. Mr THOMAS to the Minister representing the Minister for Fair Trading:

Some notice of this question has been given.

I refer the Minister to a donation of \$1 530 to the Liberal Party by a body calling itself the "Imperial Football Club" of Albany. Is the Minister able to tell the House whether the Imperial Football Club is an association incorporated under the Associations Incorporation Act or is a business name registered under the Business Names Act?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Imperial Football Club is neither an association incorporated under the Associations Incorporation Act nor a business registered under the Business Names Act.

MS PATTI MOSTYN - CONTRACTUAL ARRANGEMENT

30. Hon TOM STEPHENS to the Minister for Tourism:

Some notice of this question has been given.

- (1) Is the Government paying for the services of a Sydney-based publicist, Ms Patti Mostyn, in relation to the Elle Racing deal?
- (2) If yes, who appointed Ms Mostyn to the position?
- (3) When was Ms Mostyn appointed?
- (4) What are the terms and conditions of Ms Mostyn's contract, including the period of contract, duties and remuneration?
- (5) Is the payment of Ms Mostyn's contract part of the Government's \$1m deal with Elle Racing or is it an additional payment?
- (6) Out of which department's budget is the money for Ms Mostyn's contract being paid?

Hon N.F. MOORE replied:

The Leader of the Opposition has asked me three questions today in my capacity as Minister for Tourism, one relating to the appointment of Ms Mostyn and two relating to Global Dance. I have not had a chance to talk to the department about the questions, so I ask that he place them on notice or ask them again tomorrow. He asked another one for which I have an answer - he might like to ask that one later.

NATURAL DISASTERS - SHIRE OF ASHBURTON FLOODS

31. Hon TOM STEPHENS to the Minister representing the Minister for Emergency Services:

- (1) Following the floods which devastated the Shire of Ashburton in February, can the Minister advise what funding the State Government will provide to the shire to assess the cost of damage in the area? Does the Attorney General have this answer or does he have a problem too?

Several members interjected.

The PRESIDENT: Order! Hang on. If we are to have questions without notice, let us do things reasonably close to the rules. The Leader of the Opposition is asking a question of the Attorney General.

Hon TOM STEPHENS: I agree, Mr President, but it appears I addressed the question to the wrong person. Does the Minister for Transport represent the Minister for Emergency Services?

Hon E.J. Charlton: In the way the answer is currently provided, it relates to the Shire of Ashburton.

Hon TOM STEPHENS: I will ask the question and I do not care who answers it, Mr President.

The PRESIDENT: Order! Direct the question to the Minister representing the Minister for Emergency Services. That is the way it is done.

Hon TOM STEPHENS: My question continues -

- (2) What funding will the State Government provide to the shire for the rebuilding of roads and infrastructure damaged by the floods? It appears that I will not get an answer, Mr President.
- (3) When will each of these fundings be made available?

The PRESIDENT: Order! If the Minister concerned does not have the answer, he can say so and we will move on to the next business.

Hon PETER FOSS replied:

I do not have the answer, but I am not certain that the question is appropriately directed to the Minister for Emergency Services.

DEPARTMENT OF TRAINING - PRIVATE TRAINING COURSES

32. Hon JOHN HALDEN to the Minister representing the Minister for Employment and Training:

- (1) How many tenders has the Department of Training awarded to the private sector to conduct courses?
- (2) How many of those successful tenderers have not completed their contractual agreements?
- (3) How many of the successful tenderers have asked the department to renegotiate the tender after commencing the course?
- (4) How many times has the department agreed to renegotiate the tender after the commencement of the course?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(4) The Department for Training has been tendering training since 1994 under the categories of industry specific courses, prevocational courses, and enterprise specific courses. The Minister would be happy to provide the information if the member could be more specific in relation to, first, the period of time and, second, the nature of the tender.

FAMILY COURT OF WESTERN AUSTRALIA - REGISTRAR ORDERS

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

With respect to the judgment of the Full Court of the Family Court invalidating registrar orders, has the Attorney provided the Family Court of Western Australia with administrative support to deal with the public demand for information?

Hon PETER FOSS replied:

I have not, nor have I received a request from the court for that purpose.

SHARK BAY - EXPLORATION LICENCE

34. Hon MARK NEVILL to the Minister for Mines:

- (1) What are the terms and conditions which apply to Tap Oil NL and Moondance Energy Pty Ltd in reference to the oil exploration licence to explore in the Shark Bay area?
- (2) What expenditure must be undertaken each year on exploration by virtue of this exploration licence?
- (3) What other benefits, if any, flow to the area or the State by virtue of the granting of this licence?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) The terms and conditions which apply to EP406, the permit in question, are listed in the grant of permit document. This document comprises part of the petroleum register which is publicly available, and from which I seek leave to table the summary of conditions.

Leave granted. [See paper No 317.]

Hon N.F. MOORE: The answer continues -

- (2) Year one, \$50 000; year two, \$100 000; year three, \$500 000; year four, \$500 000; year five, \$50 000; and year six, \$50 000.
 - (3) As with all exploration activities, Western Australians benefit in supplying goods and services to explorers. The ultimate benefit is enhancing the geological knowledge of the area and perhaps identifying a petroleum resource.
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