



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FOURTH PARLIAMENT
FOURTH SESSION
1996

LEGISLATIVE COUNCIL

Thursday, 17 October 1996

Legislative Council

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

BILLS (3): ASSENT

Message from the Governor received and read notifying assent to the following Bills -

1. Vocational Education and Training Bill
2. Electoral Legislation Amendment Bill
3. Telecommunications (Interception) Western Australia Bill

PETITION - RULED OUT OF ORDER

HON TOM STEPHENS (Mining and Pastoral) [2.32 pm]: Mr President, I seek leave to present a petition which is not in accordance with the standing orders of the House because it has not been certified by the Clerk. The petition is from 620 citizens of the township of Broome and relates to juvenile justice issues. The petition has not been countersigned by the Clerk.

The PRESIDENT: Is there a reason for that?

Hon TOM STEPHENS: Yes. The petitioners sought the advice of the House with regard to the wording of their petition, and the House indicated that the Clerk is not in a position to advise petitioners on the drafting of petitions. The petition has now come back in a format which the Clerk is unable to sign, so the petitioners are in a situation where they can neither get advice about the drafting of the petition, nor approval of the petition now that it has been presented by them, because it does not comply with the standing orders of the House. If the House does not grant these petitioners leave, it highlights to me the need to immediately refer this matter to a committee of the House, presumably the Standing Orders and Procedure Committee, so that petitioners may at least get advice from the House about how to prepare a petition that will conform to the standards of the House.

The PRESIDENT: It is not for me to give or to deny Hon Tom Stephens leave; that is for the House to decide. However, it seems extraordinary to me that the person whose task it is to interpret the standing orders and make decisions on these matters has not been approached by Hon Tom Stephens or anybody else and told that there is a problem with a petition. It seems to me that at least that should have occurred. That is why I asked Hon Tom Stephens about the circumstances, because I find it very difficult to reconcile this situation with the information he has just given me. However, it is for the House to decide whether to give leave for a petition which does not conform to the standing orders, which is what Hon Tom Stephens is virtually saying, is it not?

Hon TOM STEPHENS: Yes, in so far as the Clerk has not signed the petition.

Leave denied.

PETITION - REGIONAL PARK SOUTH OF GUILDERTON, ESTABLISHMENT

Hon Murray Nixon presented a petition, by delivery to the Clerk, from 40 residents of Western Australia requesting the establishment of a regional park south of Guilderton.

[See paper No 732.]

PETITION - COMMUNITY CENTRE, CONNOLLY, FUNDING

Hon P.R. Lightfoot presented the following petition bearing the signatures of 312 persons -

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

We the undersigned overwhelmingly support the provision of a community centre in Connolly, with funding for this project being provided by both State and Local Government.

Your petitioners, therefore humbly pray that you will give this matter earnest consideration and your petitioners as in duty bound, will ever pray.

[See paper No 733.]

The PRESIDENT: Before we finish with petitions, may I say to Hon Tom Stephens that whatever else he proposes to do, perhaps he can talk to me afterwards and give me a bit more information.

Hon TOM STEPHENS: Thank you, Mr President. As you probably appreciate, it came to my attention at fairly short notice that I was not able to present the petition. The petition has been around here for a while, and I was surprised by the short notice that I received.

SCRUTINY OF NATIONAL SCHEMES OF LEGISLATION POSITION PAPER

Tabling

By leave, Hon B.K. Donaldson tabled the Scrutiny of National Schemes of Legislation position paper.

[See paper No 734.]

MOTION - URGENCY

Goldfields Gas Transmission Pipeline, Power Costs Reduction Claims

THE PRESIDENT (Hon Clive Griffiths): I have received the following letter dated 17 October -
Dear Mr President

Pursuant to Standing Order No 72, it is my intention at today's sitting to move that the House at its rising, adjourn until 9.00 am on 10 January 1997 in order to urgently consider the claims by the Government that the Goldfields Gas Transmission pipeline will result in a reduction of power costs between 30 per cent and 60 per cent.

Yours sincerely

HON MARK NEVILL, MLC

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON MARK NEVILL (Mining and Pastoral) [2.44 pm]: I move -

That the House at its rising adjourn until 9.00 am on 10 January 1997.

The goldfields gas pipeline is a visionary project. Many benefits will flow from the project in the long term and some benefits will flow from it in the short to medium term. However, they will be nothing like the benefits that the Minister for Energy, Hon Colin Barnett, has claimed on a number of occasions. I challenge members of the Government to outline just where the 30 to 60 per cent reduction in power costs will occur. That will be very large at the Mt Newman end, but to suggest a 30 per cent decrease in power costs at the Kalgoorlie end of the pipeline, is a fantasy. I am sure that neither the Minister nor his colleagues in this House can justify that claim when the facts are put before them. The claim of a 30 per cent reduction in power costs at the Kalgoorlie end of the pipeline has raised people's expectations of a sharply reduced cost to them, and new downstream processing industries in the region at the Mungari Industrial Park. The prices that will be paid in the Kalgoorlie area will be no different from the prices currently being charged by Western Power - that is, about 8.2¢ a kilowatt hour for large industrial users.

Before the pipeline was finished, Western Power said that, if it were allowed to compete with the gas pipeline, it could dramatically undercut the prices that would be charged as a result of the goldfields gas pipeline. However, the Minister for Energy said that Western Power, and its predecessor SECWA, would not be allowed to undercut the prices charged by the goldfields gas pipeline consortium. It has been suggested that gas will be reticulated to residents of Kalgoorlie-Boulder, therefore people think they will have gas reticulated to their properties and that they will receive a reduction in gas prices. That is a fantasy. If some small industrial users around Kalgoorlie do take up the gas, and the pipeline runs to the facility, domestic users close to the pipeline will have gas connected to their properties but there will be no widespread reticulation of gas in Kalgoorlie because it is very expensive gas.

The overall saving for Normandy Poseidon which operates the super pit at Kalgoorlie will be about 15 per cent. I have been told that by its executives. Power will be supplied from a jet turbine engine which Normandy Poseidon put in with TransAlta, a Canadian company, to supply gas to the super pit and for other uses by Normandy Poseidon. The reduction in electricity costs will be in the order of 15 per cent. Hon Colin Barnett has spoken about a reduction of 30 per cent in energy costs, but that will have no impact on the use of diesel in trackless mining equipment. The mines will still use diesel to haul ore from the pit, and for all the other uses diesel is put to. There will be no diesel power generation. There was none of that in the Kalgoorlie area anyway; it was supplied by Western Power.

The overall power prices for Western Power in the goldfields will fall on average by 6 per cent only in the first year. I have obtained these figures from the company, and they are not disputed by the people in the know. A total saving of between 10 and 15 per cent at the end of the second year is anticipated, but that will depend on a rapid uptake of gas by third party users in the region. Currently not one third party user has taken up gas, because it is very expensive and it is a disincentive at the moment for some of those companies. The Jundee, Nimary, Bronzewing, Mt McClure, Tarmoola, Sons of Gwalia, Wiluna and Plutonic mines have not locked into that gas. The transmission costs of the goldfields gas pipeline to Kalgoorlie are \$3.67 a gigajoule. ICI wants to build a sodium cyanide plant at the Mungari Industrial Park at Coolgardie and has been quoted that price. That is the transmission cost. The actual gas cost is roughly \$2 a gigajoule.

Hon N.F. Moore: The cost varies along the length of the pipeline.

Hon MARK NEVILL: I am talking about Kalgoorlie. The price of gas is the same; the transmission cost is variable.

Hon N.F. Moore: Depending on how much it travels. You are looking at the worst case scenario.

Hon MARK NEVILL: I am saying that 60 per cent savings have been made at Mt Newman but no way will they reach 30 per cent at Kalgoorlie. I challenge the Minister to provide evidence to the House of that 30 per cent saving. Transmission costs will be \$3.67 from the Pilbara to Kalgoorlie. The cost of gas in addition to that is \$2 GJ making it \$5.67 GJ. To transport gas to Kwinana costs \$1.20 GJ. If we add the \$2 to that it will cost \$3.20 GJ compared with \$5.67 GJ in Kalgoorlie. That is a massive disincentive to downstream process in the Kalgoorlie area. The gas price is the same no matter how far it travels along a pipeline. The companies involved have spent \$450m and I congratulate them for that. Western Mining Corporation Ltd is not claiming that costs will be reduced by 30 per cent; it is the Minister for Energy and the Premier.

Hugh Morgan said in his speech at the opening of the pipeline about two weeks ago that the pipeline was a marginal proposition and the capital repayment schedule was problematical. We know Western Mining receives a 6 per cent reduction. Those companies must maintain their current electrical power systems because they need them for backup. In some cases the price of energy will increase because they must maintain two sets of equipment - one to generate power from gas and a backup system in case they need to tap into Western Power. I suspect - I have no proof; it is only hearsay - that the Government has directed Western Power to ensure that it has the generating capacity in Kalgoorlie to back up Normandy Poseidon Limited and Western Mining in case failures occur in the gas pipeline. If that were the case it would increase the capital cost to Western Power dramatically. The Minister for Energy has been quoting a 30 per cent cut for months and I cannot work out how that can be achieved; yet he keeps repeating it. The figure was 35 per cent and he has had the temerity to bring it down to 30 per cent. No way in the world will power costs be reduced by 30 per cent. As I said it will cut only electricity costs, not energy costs because diesel will still be required.

At the gold conference in Kalgoorlie in 1994 the Premier claimed a 50 per cent cut would be made in energy costs when the pipeline was completed. One year later, when he opened the gold conference in Kalgoorlie he said that the Pilbara-Kalgoorlie pipeline would reduce energy costs by 25 per cent. The rate has halved. Since then the Press has referred to cuts of 10 per cent to 15 per cent; yet the Minister for Energy still talks about 30 per cent cuts. The people in Kalgoorlie have expectations of receiving cheap gas and think that downstream processing will eventuate there. That will not happen unless there is a dramatic reduction in the cost of power. That will occur only by a large up-take of gas by users along the grid. When we pitch transmission costs at \$3.67 GJ not a lot of take-up will occur. It shows the phoniness of this proposition. If a 30 per cent reduction were occurring in power costs the other mines would grab at the opportunity to take advantage of it. It is just not there.

As I said, the pipeline is a visionary project which has resulted in reductions in the price of energy. Obviously the energy prices have been pitched at a level to ensure early repayment of capital. The capital for this pipeline must be paid back over a much longer period than projected by the participants in this pipeline. That would be one way of lowering the energy costs and is something the Government should consider. As I said, Western Power has had its hands tied. It is not allowed to undercut electricity prices in Kalgoorlie from its Muja transmission line. When we disaggregated the gas contracts on the North West Shelf, it was written into the Act, possibly by ministerial direction, that Western Power, then known as the State Energy Commission of Western Australia, was not allowed to sell gas to commercial customers in the Pilbara for five years. Why was that? Under the take-or-pay contract it had already paid for its gas that still lies underground on the North West Shelf. All it would need to charge would be the transmission costs plus whatever else it wanted to make on that gas. It could have sent that down the goldfields gas pipeline at \$1 GJ and still saved money because it had already paid for it. The State Energy Commission was not allowed to do that because that would have interfered with the economics of the pipeline. Western Power has had its hands tied and I can understand the reason for that.

I cannot deny that the pipeline will be a great asset to the goldfields and those places in the long-term. It will protect them against any sharp rises in oil or distillate costs in the longer term or against tax rises in diesel excise. However, if they feel that they can extract some more economic rent out of gas no doubt Federal Governments will implement other forms of taxation on it to make it more expensive and penalise its users. Unless the cost of gas transmission to the goldfields is reduced, the establishment of new business for downstream processing will not occur. If there is no great uptake in gas by other users along that pipeline, I doubt whether the capital of that pipeline will be repaid. As a result the absolute maximum amount will be charged to the original participants in order to minimise its losses.

Parallels exist between the goldfields gas pipeline and the domestic pipeline from the Pilbara to Perth. The domestic pipeline now has a debt of \$1.2b which is more than the cost of building the pipeline from scratch. Unfortunately, that is the way our energy system has evolved in this State. It is wrong for the Premier and the Minister for Energy, Hon Colin Barnett, to claim that energy costs in Kalgoorlie have been reduced by 30 per cent.

Visitors And Guests - Queensland Parliamentary Committee

The PRESIDENT: Before members commence their comments I advise that in the President's Gallery is the leader of the delegation of the Members Ethics and Parliamentary Privileges Committee, Lyn Warwick, MLA from Queensland. That committee is here meeting with our Joint Standing Committee on the Commission on Government. I welcome them to the Legislative Council of Western Australia. I single out my good friend, the former Speaker, Jim Fouras, MLA. We are always pleased to see people come to Western Australia when doing their research because I am convinced that what they find here will stand them in very good stead.

[Applause.]

Debate Resumed

HON KIM CHANCE (Agricultural - Leader of the Opposition) [3.00 pm]: I thank Hon Mark Nevill for raising this issue because it is extremely important. One of the reasons he has brought the matter forward is to try to ensure that the issues raised by another of our colleagues, Hon Julian Grill, are not misunderstood, as I believe they have been at this stage. It is very important to note carefully what Hon Mark Nevill said. No member of the Opposition has any difficulty at all with the project as it stands. Our concern is not with what has been proposed and what is being carried out by the private owners of the Pilbara-goldfields pipeline but rather it is to try to put into context the upbeat image of the pipeline which has been portrayed by the Minister for Energy, Hon Colin Barnett. One might even think that there was an election in the offing and that the Minister for Energy was doing no more than trying to translate a trickle down effect from the boom in Western Australia, which he and the rest of Western Australia know is not occurring.

There is absolutely no doubt that the Pilbara-goldfields pipeline is now and will continue to be of significant benefit to remote site industrial energy users. It is fair to say that the most particular benefit, which has been identified accurately by the Minister for Energy, has been in Newman, where power costs will reduce by something in the order of 60 per cent. However, the effect of the whole pipeline project, although beneficial in every respect, has been grossly overstated by the Minister for Energy. This has had two fundamental effects.

As Hon Mark Nevill said, it has had the initial effect of raising unreasonable expectations, particularly amongst goldfields users and for remote mine sites in the eastern goldfields region, that there will be power cost cuts in the order of the parameters expressed by the Minister for Energy; that is, between a high point of 60 per cent and a low point of 30 per cent. The fact is that those benefits do not exist. The owners of the pipeline have never claimed that they exist. In the short or intermediate term there is no likelihood that they will exist. Perhaps in the longer term things may change, but certainly in the foreseeable future, because of the private proponents' requirements to make fairly short-term, full capital amortisation on the cost of the pipeline, very high carrier associated costs will continue. That has been explained by Hon Mark Nevill.

The second and consequential effect of that is that we are now seeing confusion in the minds of goldfields people and, indeed, we could see possible disillusionment about the value of the project in the eastern goldfields. All of us would hope that did not occur. It is certainly not my intention, nor that of anybody else on the Opposition side, that should be the case. However, our responsibility is to make very clear the benefits of the pipeline and to ensure that the expectations are not greater than what can reasonably be claimed. The benefits claimed by the Minister for Energy of a reduction in cost between a high point of 60 per cent and a low point of 30 per cent are simply wrong on the available evidence. It suggests that the gas cost to mine sites in the eastern goldfields will fall by an average of 6 per cent and nothing like the low point claimed by the Minister for Energy of 30 per cent. There is a huge difference in the carrier price of the gas. Hon Mark Nevill gave the figures, but I shall run over them again: For users of the Dampier-Perth pipeline the cost is \$1.20 a gigajoule and for goldfield users on the Pilbara-goldfields pipeline it will be \$3.30 a gigajoule -

Hon N.F. Moore: That is at the end of the pipeline.

Hon KIM CHANCE: I said it was to goldfield users. To terminal goldfield users it is \$3.30. The end result is that costs for power generated from gas out of that pipeline will be significantly higher in the long-term, and certainly in the immediate term, than in Bunbury, Kwinana, Perth or any other point on the Dampier pipeline.

The owners of the pipeline have never made those claims. The Premier and the Minister for Energy have said that this will be the financial outcome of that project. I believe that those two members need to be accountable for what they said. If a member of Parliament decides to go around beating up the prospects and effects of a project, at the very least the Premier and Minister for Energy must be able to justify what they have said about the economic outcomes of the project and tell us, if later investigations and the current facts prove them to be wrong, why they were wrong. The fact is that goldfields gas prices will be significantly higher than those in other industrial areas served by the Dampier-Perth pipeline.

In *The West Australian* of 8 October, Hon Julian Grill was reported as saying that the truth is that, in the Kalgoorlie-Kambalda area, prices for power generated from gas will be no lower than those presently charged by Western Power. That is certainly the case at the end of the line, and I understand the point the Leader of the House made. Benefits from the pipeline increase as it gets closer to the source of the gas further north. Hon Julian Grill makes the point in the next paragraph that the savings which Hon Colin Barnett is referring to are for those remote areas which are currently not served by Western Power in any case, but rely solely on diesel-powered generators. At the same time the power costs in the eastern goldfields mine sites have the potential to rise slightly, because it will be necessary to carry two lots of capital costs; that is, one for gas and another for Western Power.

I want to make it extremely clear because we do not want to be misunderstood on this: We are certainly not critical of the project. From the point of view of my colleague Hon Tom Helm whose electorate office is in Newman, the benefits to Newman are great, clearly identified and extremely welcome. Everyone in the Opposition would be extremely enthusiastic about the outcome for Newman and industry in that area and, indeed, for points south of Newman. Even when the gas arrives at Kalgoorlie there are benefits, but they are becoming extremely marginal by the time it gets there. It would appear from what Hon Mark Nevill said that those benefits could be predicated on a best case scenario. As he said, there exist a number of circumstances which could whittle away even those relatively marginal advantages which seem to exist. For example, if the uptake of gas sales is not as fast as is projected, we will see the relatively narrow margins whittled away even further.

I hope that our position is understood and is not misrepresented. There are benefits with the pipeline but certainly not to the degree that is being projected by the Minister for Energy and the Premier.

HON P.R. LIGHTFOOT (North Metropolitan) [3.10 pm]: I am disappointed that the Opposition once again has taken to knocking one of the great adjuncts to resource development in Western Australia. I say that with all the sincerity that I can muster. That approach gives the impression that there is something wrong with the pipeline. The Government did not invest one cent in it - Broken Hill Proprietary Co Ltd, Western Mining Corporation and Normandy Poseidon put up the \$450m. This 1 400 km pipeline is a wonderful achievement for the State.

Hon Kim Chance: I could not agree more.

Hon P.R. LIGHTFOOT: The member could not agree more, but he has just spent 10 minutes telling the House that it is a fraud. I will demonstrate why I do not believe that what the Premier and the Minister for Resources Development said was fraudulent. The pipeline is a wonderful adjunct to resource development in this State.

If Hon Kim Chance had been to the coal face in the past decade, he would know that the electricity headwork charges in the goldfields are staggering. If a mining company wanted electricity at its mine, it was required to pay the headworks costs. In some cases those costs were several hundred thousand dollars. In addition, those headworks then became the property of what is now Western Power. If anyone wanted to take electricity off that line they could, but the company was not reimbursed. The company was then charged up to 27 cents a kilowatt hour for electricity from the line that it had paid to have installed. Given that amount, amortised to that project for the headworks charged, one is looking at between 30 cents and 40 cents a kilowatt hour. Members should not tell me that we cannot get a 50 to 60 per cent saving on that! Hon Kim Chance should not tell me that, in the remote areas that are dependent on diesel, that cost cannot be reduced; he has said so himself!

If members opposite had been to Kalgoorlie and the eastern goldfields area, where a significant proportion of the wealth of this State is generated, they would know that people use bottled gas. That bottled gas is transported from Perth at an enormous cost. Once the gas from the pipeline is reticulated, people in Leonora and Kalgoorlie-Boulder will enjoy an enormous saving. There is no question about that. It may be even more than 50 per cent. Members opposite say that is not important for the people of Kalgoorlie. Let us knock the pipeline, although it has not cost the Government one cent! Members opposite attacked the Government when it spent a large amount to bring gas

down from the Pilbara along the coast, which eventually resulted in thousands of jobs in the aluminium industry and made this State the biggest exporter of alumina powder in the world.

Members opposite must look at these projects not just with the view that they should knock them because an election is imminent. This is a pretty good State. The private sector has shown its colours by investing \$450m in a pipeline for the benefit of all Western Australians. That is a pretty good effort.

Hon Mark Nevill interjected.

Hon P.R. LIGHTFOOT: I am glad that the member is now in the Chamber. He said there would be a \$2 per gigajoule charge for gas. I know that one can buy gas on big projects in the Pilbara for about \$1 per gigajoule. Some of the projects that this Government is initiating involve \$42b-worth of works. When this first contract is completed, the price of natural gas will come down and that will be an enormous saving, not just to BHP, WMC and Normandy Poseidon, but also to the people of the goldfields. Members opposite seem to forget that. We cannot knock projects like this because they involve some risk capital. That capital does not come from the taxpayers of this State: It comes from the people in the Pilbara who are prepared to put their money where their mouth is and do the job, and they should not have members opposite as a millstone around their necks.

The member made reference to a jet engine. I assume he meant a turbine. There are several turbine engines on the pipeline that pump the gas down to Kalgoorlie and keep it at a constant pressure. Regrettably, there is very little employment on the pipeline; it is primarily controlled by computers. Once the pipeline is amortised it will be free. I cannot blame those companies for wanting to get their investment back in as short a period as possible. It will be paid for well before its life is over. That means that the amortisation cost is not built into the \$3.67 -

Several members interjected.

Hon P.R. LIGHTFOOT: No, I am speaking generically. The member has the advantage over me on this. However, he does not have the advantage of the truth. I am telling the truth. The pipeline will be paid for well before its life is over. After that, whatever flows down is separate from the maintenance of the turbines, which the member erroneously called jet engines - it sounds as though the pipeline will take off!

Several members interjected.

Hon P.R. LIGHTFOOT: Since the 1980s, when the people of the goldfields paid the highest electricity charges in the nation -

Several members interjected.

The PRESIDENT: Order!

Hon P.R. LIGHTFOOT: They were not somewhere near the highest, but the highest electricity charges in the nation. Regrettably, Western Australians pay on average between 40 and 50 per cent more than consumers in the Eastern States, but the people in the goldfields were paying significantly more for their electricity than were the people in metropolitan Perth -

Hon Mark Nevill: We have always subsidised you lot.

Hon P.R. LIGHTFOOT: The totally urbanised Hon Mark Nevill sits here saying we have always been subsidised. The member used the royal prerogative and that causes me chagrin as well. I have spent most of my working life in or around the goldfields and I am certainly not about to knock the pipeline.

Several members interjected.

Hon P.R. LIGHTFOOT: It is a wonderful achievement. What the Minister for Resources Development and the Premier have said on these occasions is totally accurate, as I have demonstrated here today - there will be a saving of between 30 and 60 per cent. I cannot say whether that saving will be overall: All I am able to say is that, in remote areas, there will be an enormous saving for those generators that run constantly on diesel. There will also be an enormous saving for the people of Kalgoorlie-Boulder, in particular, because this is the alternative to electricity, which is one of the dearest forms of energy in the State, especially in outback areas. They will be able to run a stove on natural gas instead of one that uses a lot of energy. There will be an enormous saving to the people of Kalgoorlie-Boulder.

Let us not undermine one of the great projects of the 1990s. I do not believe that people realise the significance of this project. I applaud the people involved in it - the executives of WMC, BHP and Normandy Poseidon - for deciding that was what they would do and getting stuck in and doing it. The Government created an environment to ensure that there were no obstacles. It should not be put down so lightly by members saying that there will not be

enormous savings. The savings are clear. It is a great project and I hope that, when this Government is returned to office, it announces other projects of this nature - they are on the drawing board. We will announce them, but members opposite will knock them just as they have knocked one of the great projects of the 1990s today. I applaud it and I stick up for it for the people of the goldfields.

HON N.F. MOORE (Mining and Pastoral - Minister for Employment and Training) [3.20 pm]: It is extraordinary that the Opposition is now still in its whingeing mode. Whingeing Jim has been removed because of his whingeing, yet we still find Hon Julian Grill and Hon Mark Nevill, who both represent the goldfields, whingeing about the greatest project which has happened in the past four years in Western Australia. I cannot believe that people like Hon Mark Nevill and Hon Julian Grill, who have reputations in this Parliament for being reasonable moderates on these matters - in other words, they are occasionally supportive of the private sector and the actions taken by the Government to ensure job creation - should start whingeing like this prior to the election. I thought the Labor Party was trying to get rid of the whingeing image with a couple of new leaders, but nothing has changed apart from the names on the frontbench; they are still whingeing and moaning.

On the first day of the last election campaign, it was announced by the then Leader of the Opposition, the current Premier, that we would have a gas pipeline from the Pilbara to the goldfields during our first term in office. We have delivered, and that gets up the nose of Hon Mark Nevill and his mates. The Government has achieved a significant project for Western Australians and for all the ports of call from the Pilbara down to Kalgoorlie, not just those in the goldfields. We have a magnificent project completed in our term of government. This upsets Hon Mark Nevill as he cannot stand the thought of somebody achieving something for Western Australia. Members opposite are in opposition mode - their minds are switched off to positives, and they think only of the next negative they can raise. They cannot sit back and watch the Government achieve things about which they could only dream in government.

This pipeline has enormous benefits for Western Australia. We already have a 105 megawatt gas turbine power station at Mt Newman which cost \$80m on top of the pipeline which was an investment of over \$400m. The commitment by Western Mining Corporation Ltd is to spend \$120m to build a four by 40 MW power station at Mt Keith, Leinster, and the smelter at the Kambalda nickel corporation. Normandy Power and the TransAlta Corporation are committed to the construction of a 75 MW power station at Parkestone East at a cost of \$70m. All those dollars are on top of the pipeline in the first place.

Hon Mark Nevill: Do you now how much they are saving?

Hon N.F. MOORE: I have listened to the members whinge in the mode of this Opposition.

I have outlined the benefits in terms of extra capital expenditure along the gas pipeline in Western Australia. These companies are not building the gas turbine because it will cost them more, but because of the benefits of the gas.

Hon Colin Barnett was quoted in the *Kalgoorlie Miner* of Wednesday, 9 October as saying that he stood by his comments that the pipeline proponents WMC, Normandy Poseidon and BHP would save between 30 and 60 per cent of their total energy cost. He said, "I stand by that, and I am that sure the companies will too." Hon Colin Barnett is making an assumption on the basis of a 90 per cent load factor in respect of the use of gas. The gas price of \$2 per gigajoule from the Pilbara, with the delivery cost to the goldfields gas pipeline to Newman would be about \$3.57 per GJ. As Hon Mark Nevill said, the price at Kalgoorlie it will be \$5.67 per GJ. This compares to \$8 or \$9 per GJ for the distillate, which price is net of the diesel fuel rebate. If one looks at the prices at Newman - \$3.57 delivered compared to \$8 or \$9 per GJ for distillate - it is a saving of 60 per cent.

Hon Mark Nevill: Kalgoorlie does not run on distillate; it is on the grid.

Hon N.F. MOORE: We are talking about the situation in respect of those companies involved in this project. The \$5.67 compared with \$8 or \$9 is the 30 per cent referred to for Kalgoorlie. One needs to understand what the Minister for Energy has been saying. The member is taking the broadest possible context of what the Minister said to denigrate an important project.

Hon Mark Nevill: I do not understand what he is saying.

Hon N.F. MOORE: Why does the member not talk to him? In the same article Hon Colin Barnett responded to some comments made by Mr Grill totally condemning the pipeline. I could not believe it. Mr Grill got stuck into the pipeline in a negative way, which surprised me as he is not normally negative. Hon Colin Barnett said, "Frankly, I am not interested in what Mr Grill has to say about the matter now. He has not formally approached me to discuss the matter."

Hon Mark Nevill: Is that Grace Meertens' article?

Hon N.F. MOORE: No. It is Stephen Pennells' in the *Kalgoorlie Miner*, which is usually more accurate than *The West Australian* with all due respect.

Hon Mark Nevill: The West was very poor on that issue.

Hon N.F. MOORE: The West is usually very poor on these sorts of things, but its editorial said this project was a good thing. I was delighted that it was supportive of the project.

Instead of Hon Mark Nevill, as is his wont, raising in a one-hour urgency debate an issue which requires more than one hour's debate - I went through this matter yesterday - we should have a substantive debate with all the information available. In that way we could talk to Hon Colin Barnett, whom I saw for one minute before this debate and I am trying to handle it on his behalf. Also, I am relying on Hon Mark Nevill's recollection of what he said, which I do not know is correct. We should be debating it in a different manner entirely. I suggest that the member, along with Mr Grill, instead of knocking the project -

Hon Mark Nevill: I'm not. You have oversold the benefits at Kalgoorlie.

Hon N.F. MOORE: Even though the member claims he is not knocking the project, people think he is. I suggest that he talk to Hon Colin Barnett, talk to the people involved in the process -

Hon Mark Nevill: We have done that.

Hon N.F. MOORE: - and talk to the Premier to find out what Hon Colin Barnett actually said, what comparison he was making and how he determined the figures of 30 to 60 per cent. Hon Colin Barnett is not a person who goes around making comments with no substantiation; it is the style of neither him nor the Premier. Just before an election the Opposition is trying hard to knock a very significant achievement of this Government.

Hon Mark Nevill: It is questioning the credibility of your Minister, not the companies'.

Hon N.F. MOORE: Hon Colin Barnett says go and ask the companies.

Hon Mark Nevill: The company is not claiming that saving.

Hon N.F. MOORE: The Opposition knocks the project, which it knows was the cornerstone of our policy at the last election. If it can discredit the project, it considers that it may score a point or two. It is like Mr McGinty yesterday leaking some information he thought he had about some tourism development, which sabotaged an attempt to get a tourism development off the ground by giving competitors an advantage. He could not keep his mouth shut. The only people who suffer in that sort of nonsense are the people of Western Australia. The Opposition's ongoing negative attitude reflects the election cycle. It is a shame that Hon Mark Nevill, who normally is a positive person and has the right attitude to the development projects, and Mr Grill act in manner similar to Mr McGinty - knocking and whingeing.

[The motion lapsed, pursuant to Standing Order No 72.]

**ORDER OF THE DAY No 1 - MISUSE OF DRUGS AMENDMENT REGULATIONS, DISCHARGED
FROM NOTICE PAPER**

Hon B.K. Donaldson was granted leave to discharge Order of the Day No 1 from the Notice Paper.

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND AND LEVY COLLECTION
AMENDMENT BILL**

Report

Report of the Committee adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Hon N.F. Moore (Leader of the House), and transmitted to the Assembly.

HOME BUILDING CONTRACTS AMENDMENT BILL

Report

Report of the Committee adopted.

**MOTION - ORDER OF THE DAY No 15 - INDUSTRIAL LEGISLATION AMENDMENT BILL (No 2),
BE NOW TAKEN**

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.33 pm]: I move -

That Order of the Day No 15 be now taken.

HON KIM CHANCE (Agricultural - Leader of the Opposition) [3.33 pm]: I am concerned about events that have led to the moving of this motion. I attended a meeting today between employers in the industry to which this Order of the Day is relevant, which meeting took place at 11.45 this morning. During the meeting we discussed this matter with the employers, who by and large are representatives of church groups, they being the bodies representing, in large part, the owners of the private sector nursing homes involved in this matter.

As members are aware, this issue relates to a longstanding dispute between the employers in the private sector nursing homes and their employees, represented by the hospitality and miscellaneous workers union. The dispute revolves around whether on-call workers who are required to sleep on the premises should be paid according to the dictates of the minimum conditions of employment legislation. It has been said that as a result of a loophole, the amount those workers are entitled to under the relevant award is, from my recollection, only \$1.46 an hour.

Hon N.F. Moore: The question was that we take Order of the Day No 15 now.

Hon KIM CHANCE: Indeed. I only wanted to touch on the issue of the meeting so far as it relates to why this motion is coming forward. I thank the Leader of the House for reminding me of what I should be doing.

The PRESIDENT: Order! The Minister beat me by half a second.

Hon KIM CHANCE: Having attended that meeting - this is strictly relevant to the issue - I formed a clear impression from the negotiations between the union and the employers, and later from discussions between the Opposition and the employers and their representatives, the Chamber of Commerce and Industry of Western Australia, that we were on the edge of resolving what has been a longstanding and divisive dispute. Indeed, I felt comfortable - more importantly, so too did the employers - with the alternative presented by the opposition spokesperson on industrial relations, Hon Alannah MacTiernan. It is fair to say that the representative of the Chamber of Commerce and Industry, Mr Lyndon Rowe, also expressed the view that this was not a resolution that could cause any problems.

To come to the point: To deal with a matter in the way in which it is proposed now is a totally divisive and incorrect means of resolving a dispute. I know it has been a longstanding dispute, but I believe we got very close to resolving the dispute today in a way in which I think we should have. To attempt to resolve the dispute now, effectively by proceeding with mechanisms which will lead to a parliamentary resolution, is just wrong, and we should not contemplate it. We have an active dispute and the proposal that is before us will ultimately lead to the Parliament being used to intervene in it. I make this statement simply because we are embarking on an incorrect use of the Parliament in these circumstances.

HON A.J.G. MacTIERNAN (East Metropolitan) [3.37 pm]: I endorse the comments made by Hon Kim Chance. The way in which this matter has been brought on is very unfortunate. Last Tuesday night in discussions with the Leader of the House it was indicated that this matter might come on next week or possibly the week after. Suddenly last night there was a flurry of activity and it appears that the Premier has decided something quite different will happen. There are any number of theories about what might have been motivating the Premier in this regard.

The PRESIDENT: Order! The Premier does not have anything to do with this place.

Hon A.J.G. MacTIERNAN: I know. We are talking about why this matter is being brought on today. It has been brought forward from being No 15 on the Notice Paper, when it had been indicated in discussions that it would not come on for debate for some time.

Hon N.F. Moore: Be a little careful with how you report conversations.

Hon A.J.G. MacTIERNAN: We understood that this matter would not come forward for some time, yet suddenly this is a matter of high urgency.

Hon N.F. Moore: If you want to talk about conversations, I will tell you about other conversations I have had.

Hon A.J.G. MacTIERNAN: Last night during a discussion it was indicated that this matter might come on today. The point we are seeking to make is that in some way this sudden rush to get this legislation through has been used as a sword of Damocles hanging over the head of the various unions.

In this debate the Opposition is not particularly concerned about the fate of the union, because we believe that the matter is -

Point of Order

Hon N.F. MOORE: The member is debating the substance of the order of the day rather than the question before the House.

The PRESIDENT: The question before the House is that Order of the Day No 15 be taken forthwith. The member should be saying that she opposes its being taken forthwith or is highly delighted at the prospect.

Debate Resumed

Hon A.J.G. MacTIERNAN: I am saying that I oppose it and I am seeking to explain why the Opposition is not highly delighted. I do not want to debate the substance at this point. I suppose I was trying to take a pre-emptive strike against a furphy that is usually raised when opposition members express their concerns about matters such as this. The opposition of members on this side of the House is not due to a concern about the fate of this negotiation, because in my view the parties are so close to a resolution of their dispute that that is not the issue. Our concern is the appropriateness of bringing forward this legislation. The key question we are addressing is whether it is appropriate to bring forward on the Notice Paper Order of the Day No 15.

Hon N.F. Moore: It's been sitting on the Notice Paper for months.

Hon A.J.G. MacTIERNAN: However, it has been sitting on the Notice Paper as Order of the Day No 15 and not in an advanced position for a reason. A general expectation existed that this order of the day would not be brought on prematurely. The reason this legislation has languished around the lower orders of the Notice Paper is that it had been generally agreed by the Government and the Opposition, and by the Chamber of Commerce and Industry of Western Australia and the union, that it was appropriate to allow the dispute to resolve itself before the Government moved forward with this legislation. The timing of the legislation and the location of the legislation on the Notice Paper cannot be discussed in isolation from the fact that a dispute occurred between the Miscellaneous Workers Union and various church and community groups that were managers of hostel facilities. The Opposition's concern is that by moving this legislation up the Notice Paper the Government is using Parliament as a tool to intervene, in not necessarily a helpful way, in a dispute that is moving towards a resolution.

The Opposition is concerned also that the Government seeks to bring this legislation forward without a great deal of prior notice on a short sitting day. It seems particularly surprising when presumably at least another two weeks of Parliament are left with sitting days of a proper length when members can debate the merits of the Bill - which it is not our intention to debate now - in a more reasonable fashion. I am interested to know the Minister's intention for the timetabling of the House in bringing this order of the day forward. Are members to take the proposal to move this Bill forward to mean that we will sit late into the evening?

Hon N.F. Moore: It depends on how long you want to talk for. This is simply the first step. You've taken half an hour on the question that the order of the day be now taken. If you want to debate the issue, let's get onto the issue.

Hon A.J.G. MacTIERNAN: Why must this order of the day be discussed now at this time when members have at the most an hour and a half to debate it?

Hon N.F. Moore: We want the issue resolved. We can always sit after dinner. That is up to you.

The PRESIDENT: Order! This has nothing to do with the issue. Hon Alannah MacTiernan is talking around and around the issue and is not getting to the question, which is that Order of the Day No 15 be dealt with. If she is going to proceed, she should proceed.

Hon A.J.G. MacTIERNAN: That seems to be very relevant. As it is relevant to consider whether a particular order of the day should be brought forward to be debated, it is relevant whether we will get a proper examination of that issue on this day, as opposed to determining it on another day.

Hon N.F. Moore: To get a proper examination it will take as long as it takes to do it.

Hon John Halden: Today?

Hon A.J.G. MacTIERNAN: I am interested to know why it is a matter of urgency that this legislation be debated suddenly.

Hon N.F. Moore: When we get onto the issue you will know all about it.

Hon A.J.G. MacTIERNAN: We must discuss this matter at this point. I am not talking about the substance of the Bill. Why is it necessary for the House to bring this matter forward?

[Continued next page.]

Sitting suspended from 3.46 to 4.00 pm

[Questions without notice taken.]

STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION

Sixteenth Report Tabling

Hon Murray Nixon, by leave, presented the sixteenth report of the Standing Committee on Constitutional Affairs and Statutes Revision in relation to a petition regarding the effect of soil conservation policy on clearing controls and remnant vegetation management, and on his motion it was resolved -

That the report do lie upon the Table and be printed.

[See paper No 736.]

**MOTION - ORDER OF THE DAY No 15 - INDUSTRIAL LEGISLATION AMENDMENT BILL (No 2),
BE NOW TAKEN**

Resumed from an earlier stage.

HON A.J.G. MacTIERNAN (East Metropolitan) [4.45 pm]: The motion before us is that we now take Order of the Day No 15. We have put our argument, but to recap: We do not agree with bringing on this motion now. It will certainly take us beyond our normal sitting time. I see no urgency for this motion to be dealt with immediately. The underlying problem that the Government sought to solve, as we understand it, has been solved already. There is no need for this legislation. It is very difficult to understand this decision to bring on this order of the day when the Government knows that the matter will require some considerable time of the House. Also, it will require many country members to alter their plans in order to sit beyond the normal sitting time. We see no reason that this order of the day could not be dealt with in the normal sitting times next Tuesday and be discharged accordingly. Therefore, we oppose very strenuously the inappropriate taking of this order of the day at this time.

Question put and a division taken with the following result -

Ayes (14)

Hon George Cash
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss
Hon Barry House

Hon P.R. Lightfoot
Hon P.H. Lockyer
Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon

Hon B.M. Scott
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Noes (11)

Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon Val Ferguson

Hon N.D. Griffiths
Hon John Halden
Hon A.J.G. MacTiernan
Hon Mark Nevill

Hon J.A. Scott
Hon Tom Stephens
Hon Tom Helm (*Teller*)

Pairs

Hon M.J. Criddle
Hon E.J. Charlton
Hon I.D. MacLean

Hon Graham Edwards
Hon Doug Wenn
Hon Bob Thomas

Question thus passed.

INDUSTRIAL LEGISLATION AMENDMENT BILL (No 2)

Consideration of Bill in Committee - Procedure

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.48 pm]: I move -

That the Committee of the Whole be instructed that -

- (a) it have power to divide the Bill into two or more separate Bills and insert in each such Bill words of enactment, citation, and commencement and report them separately to the House;

- (b) any question for the division of the Bill be decided before a question is put under Standing Order No 236;
- (c) if the Bill is divided, the Committee is to report forthwith to the House without proceeding to a consideration of any clause other than for a purpose specified in paragraph (a).

The intention of the motion is to split the Industrial Legislation Amendment Bill (No 2) 1995 into two parts - one dealing solely with the amendment to the Minimum Conditions of Employment Act regarding payments for time spent on call. This Bill will be called the Minimum Conditions of Employment Amendment Bill 1996. The remainder of the Bill will be placed in a Bill to be called the Industrial Legislation Amendment Bill 1996.

The Bill is being split to accommodate the urgent necessity of dealing with the "on call" payment issue. Churches and hostel owners are faced with a massive payout if the case currently before the magistrate - and set down for 4 and 5 December - should succeed. While we recognise the Opposition has concern about the other parts of the original Bill, the Opposition should support this part of the legislation in the public interest. We are quite willing to have those other parts debated at a later date.

The matter of the payment for time spent on call, however, is quite uncontentious and should be dealt with expeditiously in order to settle the issue conclusively. The irresponsible attitude of the union in seeking retrospective payments and attempting to prosecute a hostel is the reason that the operative date of the legislation has been made retrospective to 1 December 1993. This is the date on which the Minimum Conditions of Employment Act came into operation. This will conclusively defeat any claims for minimum conditions rates of pay while an employee is sleeping.

The proposition to split the Bill arose in June when I discussed the issue with the then Leader of the Opposition, Hon John Halden. We discussed how we would handle the splitting of the legislation into two Bills. Subsequent talks between the union and the Minister for Labour Relations resulted in our deferring the split of the Bill at that stage, so that negotiations could continue. Parliament was due to sit again on 22 August, and the court case would be heard on 26 August. We realised there would be no time to make any changes, as a result of any further negotiations. The union agreed to delay the court action until 1 October, and that action has now moved to 4 and 5 December. Therefore, there is nothing new in this matter. It was to be brought on around the end of June, or at the end of that session. The urgency has occurred now as a result of great pressure from the churches and other organisations representing aged persons' hostels caught up with the unions' claims for higher rates of pay and retrospectivity. They have written a number of letters to members of Parliament, including the Premier and the Minister for Labour Relations. The Western Australian Chamber of Commerce and Industry is also working on the problem. As a result of this coming to a head in the past 48 hours, meetings were held last night and again this morning with the unions and the Opposition. Hon Kim Chance and Hon Alannah MacTiernan referred to an agreement with the union being almost reached this morning.

Notwithstanding any agreement now made between the union, the churches and other organisations, our amendment is necessary to put beyond doubt the meaning of "hours worked". That does not include time spent on-call. In other words, the minimum terms and conditions have been split because of the difference between "hours worked" and "on-call"; otherwise the claim for back payment could still be claimed in subsequent applications by employees for higher payment. The union cannot guarantee that no other claims will be made by employers who have not entered into an agreement, or may not be members of the union.

The agreement would also be illegal if the Act were found to provide a rate of \$7.93 an hour. The Government and the Chamber of Commerce and Industry have not agreed to that rate. If a magistrate found that the union was right in seeking \$7.93 any agreement being entered into could be made void.

Hon A.J.G. MacTiernan: What did you say about the \$7.93?

The PRESIDENT: Everybody is losing track of what we are doing, including the Minister.

Hon MAX EVANS: I was told to move the motion and that I could speak to it.

The PRESIDENT: I was wondering why the Minister did not do that. The motion is that the Committee of the Whole be instructed that it have the power to divide the Bill into two or more separate Bills and insert in each such Bill words of enactment, citation and commencement and report them separately to the House, and a couple of other things.

Hon Max Evans: I explained about the splitting of the Bills and the reasons for it.

The PRESIDENT: The Minister went a long way beyond that. The merits of the Bill are not to be discussed while we debate this motion. They will be discussed if and when members agree to this motion. That is the point I was trying to make to the Minister. The merits of the legislation can be debated at a later stage.

HON A.J.G. MacTIERNAN (East Metropolitan) [4.55 pm]: In discussing whether it is necessary to split the legislation I think it is appropriate that I have an opportunity to respond to the statements made by the Minister in support of that proposition. It seems to be quite inappropriate for the Minister to have made the various propositions that he put forward in support of his case -

The PRESIDENT: That is not necessarily the case. The Minister may have put forward some arguments that had nothing to do with the question. I was frantically trying to follow what the Minister was saying and I had some difficulty in understanding and relating it to the motion. It was only when the Minister finished that I was able to comprehend. Just because one person makes a mistake does not mean that everybody else should perpetuate it. The member can argue against sending this instruction to the Committee without having to go into the merits of the legislation. The member should continue; if she goes too far off track I will give her a yell.

Hon A.J.G. MacTIERNAN: The Minister has sought to persuade us that we should send the Bill to the Committee with the instruction to divide it into two Bills on the basis that it is necessary for us to reach a resolution of a problem that now confronts the various aged persons' hostels in this State. I understand we are talking about a considerable number of these hostels, some of which are run by church groups and some by various community organisations. We want to contest even that basic proposition. Certainly the role the Opposition has always played is that of an honest broker between the parties in these issues. We understand that today, after a meeting arranged by the Opposition, the various church groups and the Western Australian Chamber of Commerce and Industry, which was negotiating on behalf of the church groups, an accommodation was reached. Therefore, in no way shape or form do we have a crisis. The very fundamental justification for this development that has been adduced by this Minister simply does not exist.

For the benefit of members who do not understand the genesis of the dispute, which has been used as the Minister's basic justification to warrant this instruction, the introduction of the Workplace Agreements Act stripped away all award protection. As a result a safety net, albeit one slung very close to the ground, needed to be put in place. That took the form of the Minimum Conditions of Employment Act. That Act struck a basic hourly rate that was to be paid for all work performed.

Hon John Halden: What was the rate?

Hon A.J.G. MacTIERNAN: It is now \$7.10. Initially it was less than that. I cannot remember the rate per year, but I think it is the princely sum of \$317 a week.

One of the types of work that persons engaged in aged hostels perform is called sleep over, which is where a hostel worker sleeps on the premises in order to provide care for elderly and frail patients while they are asleep. The tradition has been that these people have not been paid at the full rate while they are performing that service but at a lesser rate, notwithstanding the fact that to require them to absent themselves from their homes is obviously quite a considerable imposition on them.

The DEPUTY PRESIDENT (Hon Barry House): Order! The question is that the Bill be split into two Bills. I really feel that the member is going into the substance of the debate rather than the question of whether the Bill should be split.

Hon A.J.G. MacTIERNAN: I am seeking to give members some background to the dispute. The Minister in his address put forward the basic proposition that we must take this unusual course of action because of a time line on a dispute ranging between the union and managers of aged persons' hostels. We say that we do not believe that is the case. We are seeking to give a background to the dispute so that what the dispute is, or was, and how it has been resolved might be understood.

The workers who traditionally performed that sleep over function were paid under the award the sum of \$1.42 an hour, which is acknowledged, even by all the managers of the aged persons' hostel facilities, not to be an adequate sum. The union movement saw that, given the nature of the performance of sleep over tasks, the people were working within the definition of the Minimum Conditions of Employment Act. They believe they had every right to make a claim before the industrial magistrate for their entitlements under that Act. I find it pretty extraordinary that the Minister has quite improperly described that as an absolute outrage and that he would also describe as outrageous an attempt by a worker, who performs a service for an employer which requires him to be away from home, to apply to the industrial magistrate for what appears to be a legal entitlement of some \$7. That is hardly outrageous. I believe that the Minister would not take that view of members of the accounting profession who pour over the Income Tax Assessment Act to find loopholes in order to allow the wealthy to get away without payment of tax. The Minister

in this place has said that they are doing nothing illegal and there is nothing wrong with that. One might question the morality of their action, which I presume the Minister has engaged in on many occasions, well before one would describe as outrageous the proposition that a very lowly paid worker should seek to be recompensed.

The DEPUTY PRESIDENT: Order! I must again bring the member's attention to the fact that we are discussing here an instruction to the Committee of the House about why or why not the Bill should be divided into two. I know that the dispute is the reason behind doing that, but it is not the substance of the dispute in which we are interested. It may be why that dispute has led to this course of action or why it should not be leading to this course of action. We are debating an instruction to the Committee.

Point of Order

Hon JOHN HALDEN: I understand that this is a particularly difficult subject and I understand your endeavouring to assist us in this process, Mr Deputy President. I wonder if you could be a little clearer about what we can talk about on the substance and what is to do with the motion, because I think the difficulty is that they intertwine. I do not mean this disrespectfully, but we need a fairly clear definition of where we can go and what we cannot transgress, because otherwise this problem will occur. If you could assist us on this side, it would be appreciated.

The DEPUTY PRESIDENT: In my mind it is quite clear that the nature and the details of the dispute should be discussed in the Committee, if the House decides that it should go to Committee. We should be discussing now the reasons behind dealing with the legislation in this way. We are debating why we are being asked to give the Committee of the Whole House the power to do something it would otherwise not be able to do. That is really the nub of the matter.

Hon TOM HELM: We are being asked to do that because of a set of circumstances that have been presented to the Minister or whoever. What worries me is that we have to keep away from the substance of the dispute. However, surely we have to refer to the dispute because that is what has brought us to this point. How will you, Mr Deputy President, keep us away from the dispute and its causation when it is because of that very fact that we are being asked to take this step?

The DEPUTY PRESIDENT: I understand that a time line is attached to this matter. We should be discussing the time line and the need to resolve the matter in a certain time line and whether this appears to be the best way of doing it. That is what the debate should be about at this moment.

Debate Resumed

Hon A.J.G. MacTIERNAN: I was seeking to give some background to the dispute because it is quite difficult for members to deliberate on whether the dispute requires intervention of this most unusual kind. Unless we are prepared to go through and look at some of that background to understand the nature of the dispute, I do not believe that members in this place will be able to determine whether the case advanced by the Minister as the justification for the need to take this extraordinary action is warranted.

I would be particularly concerned if the Minister, who gave a very coloured version of the events leading up to the dispute in order to sway the members of this House in their deliberations, were allowed to make those assumptions and statements and they were to go unchallenged. Members will be in a much better position to deliberate, first, about the existence of the dispute and, secondly, whether this dispute warrants the House's referring this matter to the Committee with the instruction to divide the Bill. What we are seeking to do is very germane to the precise question that is being asked on two counts.

That was the basis of the union's claim. The union's legal advice was that it had a very strong claim under the Minimum Conditions of Employment Act. This obviously caused some concern. The union was provided with very strong advice from its legal counsel - I understand that the Chamber of Commerce and Industry had similar legal advice - that there was in fact a very strong claim. The church groups in the various independent hostels were obviously concerned about this. They had been paying according to an award, albeit an award that on their own admission was less than fair -

Hon Max Evans interjected.

Hon A.J.G. MacTIERNAN: It takes two sides to make a bargain. That is why the Opposition does not believe that the Government's individual work conditions should be called individual workplace agreements - they are certainly not agreements in any shape or form.

We understood the churches' concern. All of a sudden they were faced with the prospect of not only a very substantial increase in the rate they would be required to pay their workers but also a very substantial retrospective payment. Members would understand the differential. The Minister is right in quoting the hourly figure of \$7.93;

instead of an hourly rate of \$1.42, they would be required to pay \$7.93, which in isolation is not necessarily unreasonable. However, given the retrospectivity, this was not something that the hostels had provided for and they probably had not been made aware of it by the professional bodies that advised them.

They came to both the Government and the Opposition asking for assistance. At the same time, they entered into negotiations with the union movement. A certain amount of progress was made. There was a general recognition on the part of the aged persons' hostel facilities management that the current rate of remuneration for the sleep over work was inadequate and that it needed to be increased. Discussion ensued as to what the increase should be and they gradually got to an agreement that it would be about \$5. Then a whole range of issues about retrospectivity were raised and whether this would be paid on holidays, sick leave and long service leave. There was then a subsidiary range of disputes about how this would be adjusted - in accordance with the national wage case or the movement of the rates of supervisors, as is the case with most of the award provisions.

Point of Order

Hon B.K. DONALDSON: I do not want to be disrespectful to the member, but I have the feeling that we are now starting to debate the substance of the Bill.

The DEPUTY PRESIDENT: We are debating whether an instruction should go to the Committee to divide the Bill and whether members think that is an appropriate way to deal with this matter. That is the focus of the debate. Regardless of what has been said previously, we should leave the substance of the issue for the major debate, which will take place in the Committee if the House agrees. We should focus on whether this is the most appropriate way to do it.

Debate Resumed

Hon A.J.G. MacTIERNAN: I am not debating the substance of the Bill; the issues that form the substance of the Bill are quite different. When we start talking about the substance of the Bill, we will be talking about a whole range of different on-call provisions, the sorts of services that people will be required to perform under those conditions and the reason the provisions are inadequate to deal with that situation. I am not talking about the substance of the legislation at all. I am talking about the issue that the Minister has raised as being the justification for proposing to deal with this legislation in a most unusual way. The Minister has told us that the reason this House should give leave to take the extraordinary step of sending this to the Committee to divide the Bill is that there is a dispute, that the dispute has ramifications for aged persons' facilities around this State, and that it can be resolved only if we are prepared to intervene at this time with this most unusual procedure. What we are dealing with here is not in any way, shape or form the substance of the Bill. We are dealing with the question of whether there is a dispute and whether that dispute needs to be dealt with in this way. We are not very far advanced into that discussion.

The aged hostels have expressed a concern about retrospectivity. They suggested to the Government that legislation needed to be introduced as a result of concern that they had not been able to reach a settlement with the union movement on this issue.

Hon B.K. Donaldson: It is an assumption that that is the reason.

Hon A.J.G. MacTIERNAN: It is not, Mr MacLean, a matter of whether -

Hon Tom Helm: It is Hon Bruce Donaldson.

Several members interjected.

Hon A.J.G. MacTIERNAN: I am sorry. It was the calibre of his contribution that caused the error.

Hon Graham Edwards: It is a wonder he did not jump up and raise a point of order!

Hon A.J.G. MacTIERNAN: And ask me to withdraw.

The DEPUTY PRESIDENT: Order! Let us make progress with the debate. We should debate whether splitting the Bill or whether a new Bill should be introduced, to give a couple of examples, is the appropriate way to deal with this matter. That is the nature of the debate.

Hon A.J.G. MacTIERNAN: That is an interesting question which I will raise when I have dealt with the issue of whether the Minister's claim that this dispute requires this change is correct. A request was made by the union movement for the Opposition and the Government to look at legislative intervention in order that the matter could be resolved. Some time ago the Government proposed that such a matter be dealt with in this way, and a great deal of concern was expressed.

Oddly, the Minister said that the Government's proposal in relation to the amendments to the Minimum Conditions of Employment Act were very uncontentious. I am not sure from where the Minister derived that point of view. It seems to be have been Mr Kierath's line that no great difficult existed with this provision. It is not the Opposition's intention to debate that point because it would be debating the legislation's substance. However, a great deal of contention was evident about the appropriateness of taking such a step. The question was asked not only about retrospectivity, but also the equity for the people not party to the dispute and whether their position would be compromised in order to get a resolution to the dispute for the union members and the employees. It is certainly not the case that this Bill was uncontentious. Perhaps the Minister became a little confused because of the very contentious nature of other aspects of the Bill; maybe he thought that because the other aspects of the Bill which he seeks to sever were even more contentious, this part was uncontentious. Regardless, he is wrong.

That claim makes it even more questionable that we should seek to deal with these portions of the legislation in the way now proposed. It may well be the case that if this had been a portion of the legislation that had been genuinely uncontroversial, the proposal before us might not be so repugnant. It seems that the standing orders clearly contemplate that we should deal with a piece of legislation as a whole. Exceptional reasons must exist to decide that the legislation is to be dealt with in some other way. At times the Opposition has agreed to split legislation. On one occasion circumstances dictated that it was prudent and necessary to do so. Members may recall that we have previously done that in relation to his Bill in its mark I phase. The State was suffering as a result of the very imprudent legislation which the Minister for Labour Relations had introduced. This is the same legislation which had been described by the Chamber of Mines as being guided by excess -

The DEPUTY PRESIDENT: Order! I remind the member that we are not debating the legislation; we are debating an instruction to the Committee.

Hon A.J.G. MacTIERNAN: I am well aware of that, Mr Deputy President. Standing orders contemplate that reason is needed for us to depart from the normal processes in which a Bill is considered in its entirety. We must look at the justification for agreeing that that be done. I was seeking to draw an analogy. It is relevant to consider the last time that this Chamber made such a decision. My recollection is that that occurred the last time we were dealing with this Bill, or the remnants of legislation which form this Bill. It is instructive for us to look at that incident. It would set the parameters and clarify the sort of considerations which are properly taken into account in determining whether a Bill should be split. There are times when this Chamber needs to be informed by things happening outside it in order to make its decision. I refresh the memories of members about what was going on at the time we dealt with the legislation in that way.

Hon Tom Helm: We agreed then, did we not?

Hon A.J.G. MacTIERNAN: We agreed for that reason.

Hon Tom Stephens: When was that?

Hon A.J.G. MacTIERNAN: It was August 1995 that the controversy arose, and around October 1995 when we reached this accommodation. However, the general framework of what was happening was massive industrial disputation in this State as a result of the introduction of this Bill in its first form. A national day of action was held which the Premier estimated cost the State \$50m.

Hon N.F. Moore: You're not proud of that, I hope.

Hon A.J.G. MacTIERNAN: I am certainly not happy about it.

Hon N.F. Moore: You sound as though you are proud of it.

Hon A.J.G. MacTIERNAN: Not at all.

Hon Tom Stephens: Do you remember what we said at that time?

Hon A.J.G. MacTIERNAN: It was interesting and instructive that it was not seen by the community at large, certainly not by the business community, that the fault for those regrettable losses should be laid at the feet of the union movement. I recall reading in Parliament letters from various employers who were berating the Government for having put the legislation in place which put their businesses at risk. The legislation was described as motivated by an excess of ideology and a failure to understand the real needs and concerns of business.

Hon Kim Chance: Not to mention a touch of insanity.

Hon A.J.G. MacTIERNAN: Indeed, as well as fanaticism.

It was in the context of broad dispute within the general community which was causing massive loss to industry and substantial loss to employees who could ill-afford to take the wage losses which were being suffered as a result of this situation that we agreed that intervention was necessary. The more rational forces within the Government took control and negotiated with the union movement and with the Opposition a settlement of the matter whereby certain aspects of the Bill would not be proceeded with. Of course there had to be some face saving for the Minister for Labour Relations, so the more controversial bits could not simply be assigned to the dustbin. We understood that. Under those circumstances it was generally agreed that it would be the best thing for the community, for the members of unions and for business within this State, if we were prepared at that time to take that most unusual step of allowing a Bill to be split.

The important lesson we must learn from that is that during that period there was a grave dispute running in the community, grave disruption across the length and breadth of this State, and we needed to be cognisant of that. In response to those circumstances we were prepared to negotiate and to give our approval and support to that most unusual step of splitting a Bill.

Today we find ourselves in a very different situation: There is no crisis, no urgent matter that must be attended to, because there is no lingering dispute. As I understand it, there has been an agreement between -

Hon N.F. Moore: I think she lives in some fairyland.

Hon Tom Stephens: What is the dispute? Have you heard what the churches have decided today?

Hon N.F. Moore: You are doing your best to hold them back.

The PRESIDENT: Order! The member is skirting around the question. She has been given a lot of leeway, but it is starting to expire rapidly. There is a very simple question before the Chair; that is, whether the Committee is given the power to do something which it currently does not have - to split the Bill in two. The merits of why it is happening and all the arguments about whether it should or should not occur, are irrelevant. What is relevant is whether this House should give the Committee the power to split the Bill. The arrangements that were made with regard to the legislation, in toto, have nothing to do with this matter. If the member continues to say the same things, I will invoke Standing Order No 100. She is defying what I said initially about the narrowness of the argument.

Hon A.J.G. MacTIERNAN: I am not aware that I have been repeating myself at all. I have been looking very closely and clearly at the question before us. We have been asked to give leave to the House to take an unusual step of splitting a Bill, rather than dealing with the Bill in its entirety. We have been asked to split the Bill.

The PRESIDENT: Order! We are not doing that at all. To be precise, we are determining whether the House thinks the Committee should be given the power to split the Bill. It is quite a different thing.

Hon A.J.G. MacTIERNAN: If there is to be any purpose in our making a determination about whether the House should give the Committee the power to split the Bill, there must be some logical reason for so doing. If it were something that should be granted without debate, I presume the standing orders would reflect that, and would not require the leave of the House to be sought. I take the standing orders very seriously. If leave is required of the House -

The PRESIDENT: Order! Leave is not required at all. This is a motion of which notice has been given.

Hon A.J.G. MacTIERNAN: I mean leave in the sense that, the approval - perhaps I should have used that word initially - of the House is required to do this. If it was intended to happen without any argument or discussion, presumably it would not require a motion. If we are to pay due respect to the standing orders and to the fact that they require a motion to be passed so that the Committee can have the power to split the Bill, it is logical and necessary that we contemplate the reasons adduced that the Committee should be given power to do so. The reasons having been advanced, we must have an opportunity to examine their cogency and to adduce other reasons that would not be proper to give the Committee this power. In this instance, the reason that has been adduced by the Minister in support of his proposition that the committee be so empowered is that there is a practical matter in the community that must be resolved.

It was not in any sense a deviation from the basic argument that led me to go back to the Bill in its earlier formulation. To my knowledge that is the last time that the House gave the requisite approval. I am seeking to demonstrate the motivations that in that instance led to the House being prepared to give this approval to the Committee.

Hon Tom Stephens: For what it is worth, it appears to me that not only is it the last time the House did it, but it is the first time it did it, in my experience. Therefore, whatever you are bringing forward as an example is relevant.

Hon A.J.G. MacTIERNAN: That is right, and I think it is instructive. If the standing orders are to have any content, there must be some reason to debate the issue. Otherwise, Bills could be introduced with bits being hived off here and there, and it could become a dog's breakfast. Normally the standing orders contemplate that a Bill is brought into the House and second read, and then in its entirety it goes to the Committee. We want to deviate from that normal process. It is said that we want to do so because a rip-roaring brawl is going on in the community that must be resolved as a matter of urgency and that we cannot wrap up this issue with all of the other stuff that is in the legislation.

The whole nature of this problem comes from the structure of Mr Kierath's Bill. I do not know what the people in Cabinet were doing when the Bill came forward. What was known as the second wave legislation was a complete hotchpotch of provisions. This provision is part of the first wave and has nothing in common with the rest of the bits and pieces that have made their way into the so-called second wave Bill. We are presented with this problem tonight because Cabinet approved a Bill that was in its very formulation completely illogical. If the Government had any sense, part of this legislation would have been introduced as a separate Bill. I do not think that every piece of legislation the Government has some difficulty with should be able to be brought into this House and chopped up with a Stanley knife at the whim of government members.

Hon Kim Chance: Particularly to involve itself in an industrial dispute.

Hon A.J.G. MacTIERNAN: It is totally inappropriate and it is disrespectful to the standing orders and the normal procedures of the House for this to occur.

I turn to what has happened in the alleged dispute, because the dispute is the supposed justification for our taking this unusual step of granting to the Committee of the Whole the power to divide the Bill. This dispute is not the dispute the Minister makes it out to be. I have documentation that shows that a set of meetings were arranged between the hostel managers and their representatives and the union. Those meetings were brought forward to 24 October. There has been movement back and forward between the two groups. For some unknown reason, yesterday the hostels were all summoned to see the Premier. He told them that the Government would bring on this legislation today to get this matter over and done with. One might think that an election was on the horizon and that was the reason for the Government's action. The impetus for the introduction of this Bill tonight and the reason for the request for it to be split do not come from the hostel managers; this is part of a grand plan by the Government.

Hon N.F. Moore: That is totally incorrect, even though it is irrelevant to the motion before the Chair.

Hon A.J.G. MacTIERNAN: I do not know whether the Minister is suggesting that the Opposition has been misinformed by Archbishop Carnley.

Hon N.F. Moore: Did he say that this was initiated by the Government?

Hon A.J.G. MacTIERNAN: Archbishop Carnley says -

Point of Order

Hon P.R. LIGHTFOOT: I feel as though I have descended into a verbal charnel house. I fail to see what relevance this continuing repetition has to the question of whether the Bill should be split. In other words, I do not think that his grace Archbishop Carnley has anything to do with splitting the Bill. I wish the member would get on with the substance of the question.

The PRESIDENT: That is not a point of order. What the member is saying is what I have been saying to Hon Alannah MacTiernan: She must stick to what this motion is about, and she must do it without repeating herself.

Hon Kim Chance interjected.

The PRESIDENT: Order! If I am going to say it, members should at least listen to me. I have already warned Hon Alannah MacTiernan that I believe she is contravening Standing Order No 100 in as much as she is embarking on what I consider to be tedious repetition. That is what the standing order says; she can look it up. I am reluctant to stop the member, but I am telling her that she must get to the point quickly. The question is simple - whether or not she gives the House approval to do what is sought in this motion. If she does not give it approval, she votes against it.

Debate Resumed

HON JOHN HALDEN (South Metropolitan) [5.44 pm]: I would like to be involved in this debate and to refer specifically -

Hon N.F. Moore: You're turning into an absolute mob of children.

Hon JOHN HALDEN: I will go through what I see as the problems with what members are dealing with here.

Hon N.F. Moore: Just keep talking until six o'clock and we won't sit beyond six.

Hon Kim Chance: The Government's been raising points of order all afternoon.

Hon N.F. Moore: You're refusing to give me the opportunity to extend the sitting of the House beyond six o'clock; as long as you know what you're doing.

Hon JOHN HALDEN: I will deal with two specific problems. The first is a problem for the House. Paragraph (a) of the motion instructs that the Committee of the Whole have the power to divide the Bill into two or more separate Bills. Members should consider the history of this Bill and what is proposed by that part of the motion. If members agree to this motion as it is proposed, this Bill will have had four separate lives: The original Bill, divided into two more Bills; one passed, one sitting. That part that is still sitting on the Notice Paper is to be further divided again - twice. We are allowing the Executive and the Government to pass controversial legislation by stealth in bits and pieces.

Hon Graham Edwards: It's an abuse of the process.

Hon JOHN HALDEN: Yes.

Hon N.F. Moore: You have a very short memory, Mr Edwards. You're an absolute disgrace.

The PRESIDENT: Order! Hon John Halden in the confines of the scope of this motion is trying to tell us why the House should not do it.

Hon JOHN HALDEN: I am indeed. Members must consider carefully the precedents to be established here. The proposition before the House is to divide a Bill four times. There is an agenda there. We all know why the Government will not bring the total Bill before the House: The Bill is politically unpopular. Last time the Minister for Labour Relations went over the top. The Government negotiated out of it what it saw as the least controversial bits, and it left in the most controversial bits. The legislative process should not work like that. It should not be compromised by that sort of pragmatism. However, the Government is going to do it again.

Hon N.F. Moore: Good grief, Mr Halden; that coming from you! You'll get pimples on your tongue that are so big you won't be able to close your mouth. You speak of pragmatism; good grief!

The PRESIDENT: Order! Let Hon John Halden proceed.

Hon JOHN HALDEN: The Government keeps compromising the process of the Parliament. I was disappointed that the Minister, in what everyone knew would be a controversial step, did not put before the House a written proposal of the purpose of what we are doing here today.

We all had difficulty trying to understand the Minister's arguments, but we need that sort of information. It should have been provided. I agree with the ruling by the Chair that we cannot discuss the substantive issue but, using the procedures in this place, the Government can advise the House that it is absolutely crucial to do certain things at certain times. However, this process will allow members to debate this matter only in Committee. Members will not have the opportunity of a second reading debate, in which they may establish the need for the Bill. The Government has said the policy is absolutely crucial and that is why it must be debated at this time. However, by virtue of the standing orders, members are unable to debate that policy. Members will have the opportunity to debate only the clauses. If this is an urgent matter, members should be able to debate the policy outlined. This highlights one of the dangers of the process, particularly when matters have been left for so long. If this matter is so important, why has the Minister responsible allowed it to sit on the Notice Paper for 10 months? The dispute has been ongoing for eight months, and out of the blue the Government has decided to deal with it.

In essence, the role of this House is compromised by such tactics. I understand the reason for the original division but nothing has been done with the legislation since then. The Government has not sought to debate it or to refer it to a committee. For some bizarre reason it wants to bring it back to the Parliament today. We do not know why. The integrity of this place will be compromised if a second reading debate will not be permitted. According to the Minister, this may not be the last time this will happen because he has indicated that the Bill may be divided further. Therefore, we may go through this charade once again when the Government wants to score cheap political points in the industrial relations area. The Legislative Council should not be compromised by the Government's attempt to score cheap political points in this way. The process is being absolutely rorted.

Hon N.F. Moore: Even you don't believe that - Mr Pragmatism himself.

The PRESIDENT: Order! The Minister should stop interjecting.

Hon JOHN HALDEN: If this were an important matter, bearing in mind how long it has been on the Notice Paper and the period of dispute, it would have been dealt with before today and more than 24 hours' notice would have been given.

Other problems with the course on which this House is embarking have serious implications for the legislative process. The Government has not provided members with copies of this Bill. It appears the House will sit after 6.00 pm even though members have no knowledge of the contents of the Bill. I bet this Bill will contain a clause that makes its provisions retrospective. As you know, Mr President, that could have serious implications. We do not know the reasons for dealing with this matter tonight and under the rules in this House we cannot discuss the appropriateness of the Bill. The whole legislative function is being compromised by the Government's action.

Why is the Government doing this when for 10 months there has been no urgency in the matter? No argument was developed by the Minister when he moved this motion to indicate why it needs to be done. Surely, that should have been done to justify this extraordinary action on the part of the Government. I have some sympathy with your position, Mr President, but one would expect the Government to detail exactly why this proposition is now put without due and appropriate notice. That is proper parliamentary procedure. From what I heard of the Minister's speech, no substantive reasons were given. I do not wish to cast aspersions on your role, Mr President, but the relevance of that speech to the subject was almost nil. Some obscure facts were presented about wage rates, which are not at all relevant to the legislation.

Hon Graham Edwards: No persuasive argument was presented.

Hon JOHN HALDEN: None whatsoever. Members in this House are expected to deal with this matter because the Government thinks now is a good time to do so. If, as Hon Alannah MacTiernan has suggested, this process has in some way been initiated by the Premier's office, that should be clarified.

Hon N.F. Moore: It came from the churches, who fear they will lose a lot of money. You can explain to them why you are delaying this.

The PRESIDENT: Order! The Minister is interjecting when the honourable member is planning to wind up.

Hon JOHN HALDEN: I do not think so yet, but very soon.

Hon N.F. Moore: I think he will still be speaking at six o'clock.

Hon JOHN HALDEN: If the Premier called these people to his office -

Hon N.F. Moore: No he did not.

Hon JOHN HALDEN: If that is correct -

Hon N.F. Moore: Do not always believe what your front bench tells you - they sometimes get it wrong.

The PRESIDENT: Order!

Hon JOHN HALDEN: If that were the case, it would be an abuse by the Executive. What is the need for it? No reason has been enunciated by the Minister for splitting the Bill into two or more parts.

Hon Tom Stephens: Perhaps the Minister will provide that reason by interjection.

Hon N.F. Moore: I have not had a chance to speak. Members opposite are going on ad nauseam, and I guess you will be next.

The PRESIDENT: Order!

Hon JOHN HALDEN: If the Bill were split again, this matter could go on and on. This is nothing less than stealth on the part of the Government to pass its controversial second wave legislation in increments. If the Government wants to do that, why does it not present the whole Bill? That would achieve its aim. The Government has the numbers. The Government did not take that course because it knows there is an election around the corner, but it pulled this stunt. The Government is trying to stir the pot artificially for electoral purposes, but it should not be allowed to happen. The legislative process in this House should not be compromised to suit the Government. We must ask ourselves why this is being done. Is it because of ministerial intransigence? I will not transgress. No reason has been put forward to suggest that is not the case. Is it ideologically driven? That has not been suggested. Why are we doing it today? What is the importance of today? It seems to me there is a solution around the corner. Why today? What is the imperative of Thursday, 17 October? There is none, particularly when this matter is about to be resolved.

Hon N.F. Moore: That is the problem, Mr Halden. It is not resolved.

Hon JOHN HALDEN: I said "about to be resolved".

[Debate adjourned, pursuant to Standing Order No 61(b).]

ADJOURNMENT OF THE HOUSE - ORDINARY

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [6.00 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Industrial Legislation Amendment Bill (No 2) - Instruction to Committee of the Whole

We have just seen a quite extraordinary filibuster cleverly designed to ensure that the Leader of the House could not move to -

Hon John Halden interjected.

Hon N.F. MOORE: Filibusters are long speeches designed to take up time, Mr Halden. That time was taken up to prevent the Leader of the House from moving that the House sit beyond 6.00 pm. Effectively, the Opposition has now determined that the House will not sit tonight and this legislation will not be passed tonight. We have had another demonstration of the union lackeys on the other side of the House, the misso slaves, doing the bidding of the unions. Every time there is an issue in this House, they are the slaves of the unions. The missos run their preselections; they run what they do in the House; they tell members what to do; and they do it all the time. Today we read of the new Leader of the Opposition, Dr Gallop, holding discussions with the TLC and getting all friendly again. It is obvious from what they have done today that they will continue to frustrate and take the unions' line, and they will continue to make sure that this legislation is not passed. They will also make sure by so doing that the churches that have come to see us in desperation to sort out their problems will not get what they want. Members opposite will have to answer to them about why they decided to deliberately - it was deliberate because of the smart little trick by Hon Alannah MacTiernan of sitting down on a point of order and allowing Mr Halden to get up - ensure that this House did not debate this issue. Members were given some notice. I have been in this House for a long time; there were occasions when we were in opposition that we got no notice at all. I heard references to our taking the business of the House out of the Government's hands. I heard that from Mr Edwards on countless occasions. That is what happened today with this very clever little trick. Okay; it worked. Members can go home now and feel good that Hon Alannah MacTiernan stopped the House from trying to sort out the problem of the churches. She can explain that to the employers and to the churches who want this legislation passed.

Hon A.J.G. MacTiernan: We have. We have been on the phone with them all afternoon.

Hon N.F. MOORE: She should explain why members opposite have sat here all day and filibustered and made sure this legislation was not discussed tonight.

Hon A.J.G. MacTiernan: We haven't done that.

Hon N.F. MOORE: I can tell you what, Mr President: This legislation will be passed as long as the House agrees to it because we will spend the time that it takes to pass it. If we do not do it tonight, we will do it at some other time. Members should get themselves ready for a debate next week and we will sit here until it is done. We could come back tomorrow. Tomorrow might have been a solution to this issue, Mr President. However, I will not move that the House sit tomorrow. We will do it next week.

The churches in Western Australia approached the Government to get this legislation passed because they are in diabolical circumstances financially, and the Government responded by saying that, because the times are extraordinary, it would do something about it. However, when we tried to do something about it by sitting here for a couple of hours on a Thursday night, members opposite played little games and tricks -

Hon A.J.G. MacTiernan: It is not a game. We have spent the day trying to get a solution.

Hon N.F. MOORE: Hon Alannah MacTiernan has already said enough today to fill about 10 volumes of *Hansard*. Can I finish? Members opposite had long enough. The bottom line is that the unions, and especially the missos, as they always do - for some reason the missos must have more control over preselections than the rest of them put together -

Hon A.J.G. MacTiernan: They don't control mine, I can tell you that.

Hon N.F. MOORE: - have told members opposite what to do and when they say "jump" members opposite ask "how high?" That is what happened today. We will stay for some time after six o'clock, I can assure members of that, even if it is not after 7.30 pm.

As I said, the bottom line is that the lackeys of the missos have come in here and done their bidding. Their bidding is to make sure that this legislation does not get passed. What we saw this afternoon was the first step in that.

Hon A.J.G. MacTiernan: No, you are wrong.

Hon N.F. MOORE: The member should listen to me for once. Members opposite did not allow this House to sit beyond six o'clock tonight because it is Thursday night and they want to go home; so they used this tactic of talking and talking so that the Leader of the House could not seek the approval of the House to sit at 7.30 pm. That was a deliberate action.

Hon A.J.G. MacTiernan: We do not deny that.

Hon N.F. MOORE: Congratulations; it was very clever. However, that is the first step in making sure that this legislation does not get passed. When we sit here all night next week, I guarantee that members opposite will not support it anyway. They do not support it and their union people do not support it. They will make sure that the churches of Western Australia are severely disadvantaged to the detriment of the people they look after.

Hon Graham Edwards: Mr President -

Hon N.F. MOORE: I will sit down when I am finished. I look forward to reading in the newspapers their defence of their actions. They will tell the churches and the old people who are involved in all this why they are taking this action.

Hon John Halden: Because of actions taken by your federal counterparts.

Hon N.F. MOORE: I look forward to their telling everybody why they did it and explaining why they could not give a couple of hours on a Thursday night to resolve this problem. Why could they not do that? I gave notice yesterday that we would be doing this today. That is not as much notice as we normally have. However, this is an urgent matter and must be resolved.

Hon A.J.G. MacTiernan: It is not urgent.

Hon N.F. MOORE: This Opposition has used a very clever stunt today to make sure that this House does not debate a matter of great significance to the churches of Western Australia who came to us to resolve the matter.

Hon Tom Helm: And the Minister let them down.

Hon N.F. MOORE: That is where it came from and these people are denying the resolution of that problem by the very smart tactics that we have seen this afternoon. They will wear the churches' attitude towards this and we will do this next week.

HON GRAHAM EDWARDS (North Metropolitan) [6.08 pm]: I have never heard such a petulant whinge in this House in the time that I have been here than that which I have just heard from the Leader of the House. Hon Norman Moore forgets that some of us have been in this House for a long time. One of the things I remember with great clarity is the rule that this Opposition, when in government, had; that is, that we would not sit beyond the time that had been set for the House to sit. Hon Norman Moore strongly supported that. On many occasions he argued with his then leader that he had been given no notice to sit beyond 11 o'clock and he would not support it.

Hon N.F. Moore: Rubbish. Your memory is flawed, like you.

Hon GRAHAM EDWARDS: This Government in opposition continually prevented Hon Joe Berinson, the then leader, ever sitting beyond the designated hours -

Hon N.F. Moore: Not when something had to be done, and you know that.

Hon GRAHAM EDWARDS: - unless many days' notice was given.

Hon N.F. Moore: That is not true.

Hon GRAHAM EDWARDS: Setting that aside, the sitting hours are well and truly in the hands of the Minister. If he knew, as he claims, that this was such a serious issue, he should have come into this House and at a very early opportunity - after the House began sitting at 2.30 pm - moved that the House sit beyond six o'clock, thereby giving everyone in this place some notice of his intentions. He should have advised not only the members, but also the staff and other people who support this place. He did not deem it necessary to do that.

Hon N.F. Moore: They were advised, as were you.

Hon GRAHAM EDWARDS: He is too arrogant.

Another thing the Leader of the House could have done before he moved that the House do now adjourn was to call us back tomorrow if it was so urgent. I said at the start that the speech by the Leader of the House, Hon Norman Moore, was, is and will remain, I am sure, for my time in this House, the biggest and most petulant whinge I have heard in my time here.

HON MAX EVANS (North Metropolitan - Minister for Finance) [6.11 pm]: I want to put in place a few facts. A meeting was held by the Premier, the Minister for Labour Relations and me with all the organisations and operators of aged persons homes as a result of the continuous pressure of recent weeks.

Hon A.J.G. MacTiernan: Did you call the meeting?

Hon MAX EVANS: They wanted to see us to learn what we intended to do about it. I have letters from all the different churches expressing concern about going to court in December and what that would cost them, and wanting us to solve the problem. We are being responsible to them. I will not read all the letters from all the different churches and organisations. One organisation which members may know about was considering building another aged persons home but did not go ahead because the cost of running a new home would take the organisation right out with a debt of about \$800 000 if this legislation were not to go through. If the case goes to the magistrate and the magistrate settles on \$7 an hour for on-call times, many of those organisations will be out of business if the award is retrospective. We must protect them because they are doing such an important and valuable service for this community. No-one should forget the work they are doing. That is what we intended to do today. The matter was brought on in June and we agreed with the unions to give them time to see if something could be worked out.

Several members interjected.

The PRESIDENT: Order!

Hon MAX EVANS: What was being worked out was not satisfactory, and I alluded to that earlier. The loopholes in the proposition meant that it would not stand up if the magistrate gave a certain ruling in December. It would override any agreement reached at the present time with the unions. The Government must do something because of the great pressure over the last two or three weeks and because no other solution is available to prevent the approximately \$10m retrospective cost to those organisations and the ongoing costs. We responded strongly to that and Hon Norman Moore gave notice to members earlier today in the dining room. Action must be taken to protect that important industry in Western Australia because at the end of the day hundreds of people, if not thousands, will not be able to be looked after in aged persons homes because of the stalling tactics of the Opposition.

HON A.J.G. MacTIERNAN (East Metropolitan) [6.14 pm]: I will clarify a few issues. We have been very mindful of the problem that the managers of these aged hostels face. We have taken a very active role in facilitating discussions. This morning we met with the Archbishop of Perth, senior representatives of the Catholic Church, the Church of Christ, the Salvation Army, the Uniting Church and various other groups.

Hon P.R. Lightfoot: What about the Anglican Church?

Hon A.J.G. MacTIERNAN: I am sorry, I made a mistake. It was the Anglican Archbishop of Perth. I should be particularly conscious of that. We also met with Mr Lyndon Rowe and other negotiators of the Chamber of Commerce and Industry. They advised us that subsequent to a meeting which the Opposition had organised between the unions and the church groups they had virtually reached an accommodation. A few small points remained to be resolved at around 11.00 am today. Aside from those small points there was substantial agreement. The agreement would then be locked into the federal award. Therefore, there would be no need for us to go into bat to protect the miscellaneous workers union.

The amendments we want to put forward today are not to advance the position of the MWU. That has already been done and that part of the dispute is over. The concern that we have continually put to Archbishop Carnley and other church leaders is for all those people who will be affected by the proposed amendment. The churches have asked for an amendment that will confine the effect of the changes to them because they know they will have in place an equitable arrangement which will make sure that their employees are protected. However, the Government would not accommodate that. I have letters from Archbishop Carnley in which he says that he is concerned that the Government's amendments go further than protecting the arrangement that has been made.

Hon Max Evans: All we are wanting to do is split the Bill.

Hon A.J.G. MacTIERNAN: I am not sure whether the Minister understands, but the Bill he is proposing to put forward will amend the Minimum Conditions of Employment Act. We put a caveat to that amendment which would have the effect of ensuring that it would not have a massively greater impact.

Hon Max Evans: You can debate that at the Committee stage.

Hon A.J.G. MacTIERNAN: That is right. It is not that we are not mindful of the churches' predicament. We put our amendment to the churches in the presence of the Chamber of Commerce and Industry representatives. The draft was down to the fourth model and was agreed by the Chamber of Commerce and Industry and each of the church groups there. They said, "We can live with the proposal." The proposal had nothing to do with protecting the MWU but was to protect all those who were not covered by the agreement that the MWU would make with the church groups.

Hon Kim Chance: None of it was contrary to the thrust of government policy.

Hon A.J.G. MacTIERNAN: We even proposed another way around it for Mr Kierath, if he did not like that particular proposal. He could schedule within the minimum conditions a provision for people in that sleep over situation. The Government's proposals will not affect members of the MWU because they have an agreement with the churches which will be enshrined in a federal award. Mr Kierath will not get his hands on it. The people we are trying to protect with our amendment do not have the benefit of the protection of the MWU. That has been our concern all the way along in these negotiations. If Mr Kierath rejects the caveat which we put onto the amendments to the Minimum Conditions of Employment Act, and has been accepted by all the church groups, we will be happy to go back to him and his advisers and look at another way around it. At the end of the day the Minister has the numbers in the House and he will get the Bill through. However, we wanted to make this point and I do not have any shame at all about what we have done here today.

Hon N.F. Moore: You should be terribly ashamed.

Hon Kim Chance: Don't talk rot, man!

Hon A.J.G. MacTIERNAN: What the Government is doing is very wrong and we have a moral obligation to make some sort of stand.

Hon Max Evans: On behalf of the MWU!

Several members interjected.

Hon A.J.G. MacTIERNAN: I do not know whether the Minister fails to understand, but the MWU does not require the sort of amendment we are putting forward. The amendment will be irrelevant to it because it will have its award locked into federal coverage. Its members will not be susceptible to workplace agreements. It will affect only people on this Government's workplace agreements.

Hon N.F. Moore: So why won't you debate the Bill?

Hon A.J.G. MacTIERNAN: The Opposition is trying to make a stand. Hon Graham Edwards and Hon Tom Stephens will tell me what happened when we were in government. If we were trying to introduce legislation to protect working people in this State would members opposite have sought to stop that legislation?

Hon Tom Stephens: Hon John Halden is about to tell the House.

Hon Graham Edwards: Hon Norman Moore's view is in *Hansard*.

Hon A.J.G. MacTIERNAN: We are making a stand. We have limited influence in opposition. We do not have the numbers; we cannot control the proceedings, but we are making a stand.

Hon N.F. Moore: The House sat out of hours if there was an urgent matter.

Hon A.J.G. MacTIERNAN: It is not an urgent matter.

Hon N.F. Moore: So you have decided. Nobody else agrees with you.

Hon A.J.G. MacTIERNAN: The court case is listed for 3 or 4 December.

Hon N.F. Moore: You tell the churches not to worry, because it is in your hands.

Hon A.J.G. MacTIERNAN: If the Leader of the House believes that the legislation is urgent he will be able to tell me why it needs to be passed tonight. Why would Tuesday not be adequate?

Hon N.F. Moore: It will be Tuesday now. It will probably be Wednesday morning, very early.

Hon A.J.G. MacTIERNAN: What has the Opposition done that is so wrong?

Hon N.F. Moore: You have decided when the House will sit.

Hon A.J.G. MacTIERNAN: We have stood up for those people who will be forced onto workplace agreements - I hesitated before I used the word "agreements" - who will be required, as they are required at Fast Eddys Cafe, to sit around in a crib room for hours at a time waiting for the employer to decide whether he is busy enough for these people to work for a couple of hours. They are the people whom we are concerned about.

Hon N.F. Moore: You are only concerned about your unions and preselection.

Hon Kim Chance: It does not affect union members.

Hon A.J.G. MacTIERNAN: It will not affect those people who have the protection of the federal award.

Hon N.F. Moore: For the time being.

Hon A.J.G. MacTIERNAN: The Government will pass this legislation next week; however, we are taking a stand.

Hon N.F. Moore: Good on you.

Hon A.J.G. MacTIERNAN: We are saying that this legislation is fundamentally wrong and we will not sit back and lie doggo while the Government pushes it through. We have very few powers, but we will use those limited powers to stop that happening.

Hon N.F. Moore: Your power is that you can keep talking forever.

HON JOHN HALDEN (South Metropolitan) [6.24 pm]: Hon Graham Edwards described the situation perfectly: The Leader of the House stood and had a whinge.

Hon N.F. Moore: I would not use the word "whinge"; it was a slightly embarrassed speech.

Hon JOHN HALDEN: The Leader of the House had the temerity to suggest that I was filibustering. During my speech, and in relation to the rights and the role of this House, did one government member take a point of order? Was I out of order once? Mr President, did you in any way question whether my speech was relevant to the Bill?

Hon N.F. Moore: Nobody would argue about that at all.

Hon JOHN HALDEN: The answer is no, because I addressed the motion before the House. The Government may not like preserving the rights of members of this House or protecting the rights of opposition members or minorities, but members opposite raised no objection during my speech, and now they have the temerity to say via their leader that it was a filibuster.

Hon N.F. Moore: Of course it was a filibuster; that is where you keep talking.

Hon JOHN HALDEN: The Leader of the House can say what he likes, but there was no suggestion during the debate that what I said was not relevant to the motion.

Hon A.J.G. MacTiernan: Everything after it was relevant too.

Hon N.F. Moore interjected.

Hon JOHN HALDEN: I am offended by what the Leader of the House said.

Hon N.F. Moore: You don't have to filibuster now; we are going home when you sit down. This mock outrage is too much.

Hon JOHN HALDEN: I am sorry if that is what the Leader of the House thinks. However, I am on my feet and I intend to have my say, with the President's indulgence.

The PRESIDENT: Order! The President is losing his voice again.

Hon JOHN HALDEN: This matter was at the point of resolution today. It was an intransigent, ideological Minister that made it necessary that this happen. As the Leader of the House said by way of interjection, "This is nothing but a political stunt." We have crocodile tears, whingeing and whining; it is nothing more than a political stunt by the Government.

Hon P.R. Lightfoot: It was a cunning stunt on your part.

Hon JOHN HALDEN: Mr Lightfoot should not say that too quickly or the Minister might be offended. There is no urgency. The Minister responsible for introducing this motion did not even have a prepared document to justify his position. We could not understand what he was talking about! It was so important, there was nothing prepared; it was not a well argued case. Then members opposite become annoyed because we take up the cudgels for the rights and privileges of members. It is absolute hypocrisy on their part.

Hon N.F. Moore: We have seven more minutes of purgatory.

Hon JOHN HALDEN: Hon Graham Edwards raised a point about sitting beyond the set times of this place. The rule is observed more in the breach than anything else. We seemingly cannot work within the hours set down under the standing orders. On 30 November 1989 Hon Joe Berinson moved a motion to suspend standing orders so we could sit after 11 o'clock. That was how difficult it was! Now the Government does it every day of the week that we sit. I will quote Hon George Cash on sitting beyond the set hours. On page 5675 of *Hansard* of 1989 Mr Cash states -

In respect of the motion moved by the Leader of the House yesterday . . . the Opposition is not able to support paragraph (b) which suggests that the business of the House be proceeded with beyond the times appointed for the sitting and adjournment of the House.

I make the point that if the Legislative Council is to be a proper House of Review it has to have the opportunity to consider legislation in a reasonable manner and that reasonable manner does not necessarily extend to debating important legislation which could have a dramatic effect on this State at the hour of two, three, four or perhaps five o'clock on any one morning.

They were pertinent comments, but in government they are not observed by either Mr Cash or Mr Moore.

Hon Graham Edwards: Mr Berinson had to do that by motion.

Hon JOHN HALDEN: The Government does it, because it has the numbers.

Hon Graham Edwards: Because Mr Moore says so.

Hon JOHN HALDEN: This is an important matter; it should not have been dealt with in this highhanded way. The Leader of the House has got what he deserves. He is so arrogant and he thought we were so stupid.

Hon N.F. Moore: If I am arrogant I learnt it from you, Mr Halden. The House makes decisions about when it sits.

Hon JOHN HALDEN: The Leader of the House was caught out because of his arrogance.

Hon N.F. Moore: It was not arrogance; it was a slip up. It will not happen again.

Hon JOHN HALDEN: This matter should have been resolved between the parties. It is a sensitive and important matter. After today's discussions, we did not deserve to have the Bill rushed in here and a political hammer belted down upon us. The process should have been allowed to continue. If by next Tuesday, for instance, the issue was not resolved, the matter could be dealt with in this House.

Hon N.F. Moore: You will pass it next Tuesday will you?

Hon Kim Chance: We are ready to talk to you about that.

Hon N.F. Moore: Are you for it or agin it?

Hon Graham Edwards: We have not been allowed to debate it yet.

The PRESIDENT: Order! My voice is getting worse and worse.

Hon Graham Edwards: We do not want you to lose your voice or your patience yet.

The PRESIDENT: Order! I am getting angry because it was getting better, but having to yell all day has made it worse.

Hon JOHN HALDEN: It could well be that this matter is resolved by Tuesday. If it is not, we will deal with it on Tuesday. However, we will not be forced to deal with it in the way that it was presented to us by the Government. Hon Him Scott did not even know we were going to debate this matter - so much for the protection of the rights of the minority! He did not know we were going to sit beyond six o'clock.

Hon P.R. Lightfoot: He often does not know things.

Hon JOHN HALDEN: We were told by the Leader of the House that this would happen today.

Hon Kim Chance: That is true.

Hon JOHN HALDEN: There may have been informal discussions on that basis, but I did not know about them.

Hon N.F. Moore: Then the rules have to change.

Hon JOHN HALDEN: If members want to see how important the Government rated this matter they need go no further than the Notice Paper. What order of the day number was the Bill yesterday evening when the Notice Paper was prepared? It was No 15. Where has it been for the past eight months? It was listed at No 18 or No 20.

Hon N.F. Moore: As you well know, meetings were being held today.

HON JOHN HALDEN: The Minister, in trying to pull a political stunt, got up and cried crocodile tears, stamped his feet and threw a tantrum. He was so arrogant that he did not observe the processes of this place and he deserved what he got. However, he deserved more than that because he is playing with people's lives. The Minister is not banging the unions because the union members will be protected. The potential for people on workplace agreements to be underpaid will be increased and there will be no provision for the process to be negotiated. It has nothing to do with union members and I do not know how many times the silly members opposite have to be told that they are protected. If the Minister for Labour Relations had any sensitivity or knowledge of the issue he would understand that and know that what happened today was nothing more than a political stunt to garner cheap political points. No consideration was given to the churches, the workers or elderly people. What members opposite said about that is all blarney. It all came down to a cheap political stunt and the reality is that the Government underestimated the propensity of the Opposition to have due process in this place, even though it is the minority. However, the Government was hoist with its own petard. It deserved it because this whole issue is nothing but a charade and the Government should be treated with the contempt it deserves. It is similar to its Mabo stunt - the same repetitive trick - but this time it was caught out.

Question put and passed.

House adjourned at 6.32 pm

QUESTIONS ON NOTICE

CORPORATE BOXES - AT SPORTING VENUES SPONSORED BY GOVERNMENT, COSTS

456. Hon TOM STEPHENS to the Leader of the House representing the Premier:

Will the Premier list the cost to the Western Australian taxpayer of corporate boxes located at Western Australian sporting venues and sponsored by state government departments or agencies?

Hon N.F. MOORE replied:

There are two agencies that have corporate boxes at major sporting venues in Western Australia, Western Power and AlintaGas. These corporate boxes are part of commercially sensitive sponsorship arrangements between the agencies concerned and the various sporting bodies. I am not prepared to disclose the costs associated with the corporate boxes, as it may prejudice the commercially confidential nature of these sponsorship agreements.

QUESTIONS ON NOTICE - 540

736. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Youth:

Following the answer supplied to question on notice 540 -

- (1) Has the conduct of this survey been contracted out?
- (2) If so, to whom and at what cost to the Government?

Hon E.J. CHARLTON replied:

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

QUESTIONS WITHOUT NOTICE

ELECTORAL COMMISSIONER - APPOINTMENT

931. Hon TOM STEPHENS to the Minister for Parliamentary and Electoral Affairs:

- (1) Has the Government made a decision about the appointment of a new Electoral Commissioner?
- (2) Is the Government proposing not to reappoint Lyn Auld to that position?

Hon N.F. MOORE replied:

- (1)-(2) The Cabinet has made a decision on the appointment of an Electoral Commissioner. Lyn Auld is not the substantive Electoral Commissioner. She therefore cannot be reappointed because she is not in that position.

ELECTORAL COMMISSIONER - APPOINTMENT

932. Hon TOM STEPHENS to the Minister for Parliamentary and Electoral Affairs:

Who is to be appointed to that position?

Hon N.F. MOORE replied:

The position will not be filled in view of the recommendations of the selection panel. Applications will be recalled for the position.

MAIN ROADS WESTERN AUSTRALIA - PROPERTY, STIRLING HIGHWAY, CLAREMONT, SALE

933. Hon P.R. LIGHTFOOT to the Minister for Transport:

I refer the Minister to a Main Roads property at the rear of 118A, Stirling Highway, Claremont and ask -

- (1) Is the property to be sold?
- (2) If yes, when?
- (3) What is the estimated value of the property?
- (4) Does the tenant occupying the premises have first refusal?
- (5) What are the conditions of the current lease?

- (6) Is the tenant to be reimbursed for capital expenditure?
- (7) What rights, if any, attach to the current lease of this property?

Hon E.J. CHARLTON replied:

- (1) Yes.
- (2) In approximately 18 months.
- (3) The property will be sold by auction or by public tender.
- (4) No. The property must first be offered to the former owner at market value.
- (5) The lease expired on 31 August and a new lease is being negotiated.
- (6) The lease did not provide for reimbursement.
- (7) There is no current lease.

**EXMOUTH MARINA PROJECT - THIESS CONTRACTORS PTY LTD,
QUARRY EXTENSIONS**

934. Hon TOM STEPHENS to the Minister for Transport:

- (1) In relation to the Exmouth marina project, is it correct that Thiess Contractors Pty Ltd has been given permission to quarry outside the limits of the existing quarry to which the first contractor was compelled to draw rock and that, despite the complaints of that contractor, that was the reason for its difficulties in finding adequate amounts of rock to complete the contract?
- (2) If so, will the Minister admit that it was the Government's insistence on the use of that specific quarry that caused the difficulties for Sidcon that led to the stop work on that important project?

Hon E.J. CHARLTON replied:

- (2) No, absolutely not.
- (1) It is correct that Thiess is now operating as the contractor. The approval for extensions outside the area was put in place prior to Thiess being awarded the contract. That was being negotiated in the term of the previous contractor. I am advised that, because this is a very important issue, there will be no need to go outside the existing lease area. The operators of the quarry, which is WA Limestone, which is doing the work for Thiess, has advised me that it believes the quarry site is more than capable of delivering the required material for the project.

HOSPITALS - MANDURAH

Health Solutions (WA) Pty Ltd, Government Payments

935. Hon CHERYL DAVENPORT to the Attorney General representing the Minister for Health:

Some notice of the question has been given.

- (1) What will the Government be paying to Health Solutions (WA) Pty Ltd to operate and manage the new Mandurah hospital?
- (2) Will the Government be paying any other fees or costs to Health Solutions to provide services or accommodation to public patients?
- (3) If yes to (2), what is the estimate of these fees and costs?

Hon PETER FOSS replied:

- (1)-(3) The Government will be paying Health Solutions' fees relating to the provision of services; that is, purchasing of services to be provided in Peel rather than a management fee. The payment of these fees will be based on the provision of the service as contracted to a given quality standard. These fees will include factors that relate to other considerations such as cost of capital and state taxes. The detail of these fees is considered commercially sensitive, particularly as the Government is now in the final stages of negotiation. The rates, however, are competitive and have been established via the tendering process.

FISHERIES DEPARTMENT - AUSSIE LOBSTERS PTY LTD, ANNEX APPLICATION REFUSAL

936. Hon JOHN HALDEN to the Minister representing the Minister for Fisheries:

- (1) Will the Minister confirm that Aussie Lobsters' application for variation of processing licence 1040 to annex the Green Head premises to 8-10 Boyd Crescent, Hamilton Hill, has not been approved?
- (2) Will the Minister further confirm that Fisheries Department senior scientists have reported to the Chief Executive Officer Fisheries regarding Aussie Lobsters' live holding technology and processing, that it is "a well designed and efficient closed circuit system resulting in the achievement of much higher stock densities" and that "outcomes achieved in the Greenhead experiment are laudable and are as good or in some respects better than most"?
- (3) As Aussie Lobsters was able during the experimental period to keep 96.85 per cent of its catch live and add in excess of 100 per cent to the value of crayfish, how can this decision be justified?
- (4) Is this another case of the Fisheries Department victimising Aussie Lobsters, a Western Australian owned company that has invested millions of dollars in a Western Australian resource to maximise the returns of that resource to the State?
- (5) If not, how can that be substantiated on the basis of a long, well-documented history that indicates the reverse?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question.

- (1) Yes, that is the case.
- (2) The quotes given form only part of the conclusions, which in full are -

All the technology is available commercially, although Aussie . . . have combined this technology together to produce a well defined and efficient closed circuit system . . . [resulting in the achievement] of much higher stocking densities . . . although there is some evidence that mortality rates will be higher at high stocking densities [and] . . .

Aussie is obviously still in the process of refining its technology . . . The scientists confirm that the outcomes achieved in the Green Head "experiment" are laudable and are as good as or are, in some respects, better than most, in my view there is nothing about them that is so exceptional that they obviously demand special treatment.
- (3) The position taken by the executive director is in accord with long standing policy governing the use of annexes and the number of licensed rock lobster processing establishments.
- (4) The Fisheries Department does not engage in the victimisation of any person or company.
- (5) I reiterate that the Fisheries Department is not victimising Aussie Lobsters but is working in accord with established government policy. If Aussie Lobsters believes it has a case for overturning the proposed decision it should make application to the Independent Appeals Tribunal under the Fisheries Resources Management Act.

I seek leave to table the associated report on Aussie Lobsters Pty Ltd.

[Leave granted.] [See paper No 735.]

PUBLIC TRANSPORT - IMPROVEMENT PLANS

937. Hon B.M. SCOTT to the Minister for Transport:

- (1) What better public transport initiatives have been made in Perth?
- (2) Is there a forward plan to improve public transport?

Hon E.J. CHARLTON replied:

Mr President, -

Hon Mark Nevill: We heard this on the radio this morning.

Hon E.J. CHARLTON: That is good. The action plan that was announced today is for a conference on alternative fuel -

Hon A.J.G. MacTiernan: This a ministerial statement.

Hon E.J. CHARLTON: No, it is not. It is an answer to a question, my dear.

A conference on alternative fuels for city buses will be held later this year. All members will be invited to that, because they are sincerely interested. The bus fleet replacement program has already been announced. There will be a grade separation for the Lord Street level crossing, so that traffic is not impeded.

Hon A.J.G. MacTiernan: That is a good move. I will give you an elephant stamp for that, Eric.

Hon E.J. CHARLTON: Thank you, I will put it with the others I have received from the member over the years.

We will introduce a circle route commencing from the Morley Shopping Centre, Stirling interchange station, University of Western Australia and to Fremantle via Canning Vale, Curtin University and Oats Street Station. That circle route will assist people who want to travel across suburbia on public transport, but have never had the opportunity. A system 21 bus concept will provide for 13 new special initiative bus routes in the metropolitan area; the first will be from Rockingham to Fremantle. There will be bus lane extension at the Murdoch park and ride. We will contribute to undergrounding the Subiaco Station development. Another project is the master plan for the Rockingham-Fremantle transit way, initially with buses and afterwards with any other form of transportation, including rail. Another project will be the upgrade of the master plan for the Kenwick to Rockingham-Mandurah railway.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - CAPE RANGE KARST MANAGEMENT REPORT, RELEASE DATE

938. Hon J.A. SCOTT to the Minister for the Environment:

- (1) Has the Minister formally released the Department of Environmental Protection's commissioned Cape Range Karst Management report? If not, when will he formally release that report?
- (2) Will the Minister table a copy of that report at the next sitting of this House? If not, when will he make the report available to members of the Chamber?

Hon PETER FOSS replied:

- (1)-(2) One of the unfortunate things about this report is that most people's information about it is based on reports in *The West Australian*. All people we have been associated with who have been reported in that newspaper have informed us they have been misquoted or totally misrepresented. It is not a good start for the public.

It was intended to be a scientific report. However, it makes statements about people who have not been given the opportunity to reply to those statements. It is probably dealing in areas that would not strictly be considered to be scientific. Also, certain information appears to be inaccurate and it will be subject to appropriate inquiry and peer review. The report will not be considered for release until such time as it has been through the appropriate scientific review process, to make certain it can be released. I am sure all members will agree, particularly Hon Jim Scott, that it is important that the appropriate scientific stringency is applied.

The most serious problem is that the Crown Law Department has advised that the report is defamatory. That is something one would not normally expect in a scientific report. That must be addressed. It is not appropriate that we use the privilege of Parliament to allow this defamatory document to be published. We should deal with the defamatory allegations by either removing them or rephrasing them so that they are not defamatory. The report should deal with facts.

Hon A.J.G. MacTiernan: It can be factual and defamatory.

Hon PETER FOSS: That is true. However, not if it is scientific. If we are dealing with scientific facts, it is hard to see how a scientific fact could be defamatory. It should deal with natural science and the reality of the world. If it is defamatory it is obviously dealing with people, as the member might have guessed. The difficulty is that it is defamatory, rather than dealing with scientific facts, and the authors will be asked to deal with those matters before it is released. The report is not yet ready to be released because the appropriate scientific stringency has not been applied to it. Secondly, the issue of defamation must be dealt with, because defamatory remarks should not be part of a scientific review.

WORKSAFE WA - CONSTRUCTION BRANCH, CORRUPTION ALLEGATIONS

939. Hon A.J.G. MacTIERNAN to the Minister representing the Minister for Labour Relations:

- (1) Can the Minister explain why the Minister for Labour Relations was unable or not prepared to provide answers to questions relating to allegations of bribery and corruption among WorkSafe construction inspectors, and incidents concerning WorkSafe inspectors being threatened with violence by employers?
- (2) Had the Minister for Labour Relations been made aware of these allegations of bribery and corruption by the Building Industry Task Force?
- (3) If the Minister had been made aware, did he issue any instructions to the Building Industry Task Force about these allegations?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) The Minister for Labour Relations did not provide a reply to the two questions yesterday because a considered response could not be provided in the time frame available. Clearly the Minister's request to place the question on notice indicated he was not attempting to avoid replying. Therefore, once the question has been placed on notice a response will be provided.
- (2) The Minister for Labour Relations was made aware of these allegations by the Building Industry Task Force.

Hon A.J.G. MacTiernan: Six weeks later.

Hon MAX EVANS: To continue -

- (3) The Minister for Labour Relations requested the Building Industry Task Force to refer the matter to WorkSafe Western Australia's commissioner of investigations.

ALINTAGAS - PAYMENTS TO SUPPLIERS AND EMPLOYEES MADE BY TRANSMISSION BUSINESS;
OTHER BUSINESS

940. Hon MARK NEVILL to the Minister representing the Minister for Energy:

What proportion of the payments to suppliers and employees reported by AlintaGas in its 1996 annual report for the 1996-97 financial year was made by -

- (a) transmission business unit, and
- (b) other business units?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

I assume the member is referring to the 1995-96 financial year, in which case the proportion of payment to suppliers and employees totalling \$181.65m reported by AlintaGas in the 1996 annual report consisted of transmission business, 11 per cent; and corporation's other business, 89 per cent.

ATHLETICS WEST - CHIEF EXECUTIVE OFFICER APPOINTMENT

941. Hon A.J.G. MacTIERNAN to the Minister for Sport and Recreation:

My question is without notice - a rare species.

- (1) Was the position of chief executive officer of Athletics West advertised?
- (2) If yes, where was it advertised?
- (3) How many applicants were interviewed for the position?
- (4) Who formed the selection panel?
- (5) Was the Minister at all involved with the appointment of Chilla Porter, a prominent member of the Liberal Party, to the position of chief executive officer of Athletics West?

Hon E.J. Charlton: And a high jumper.

Hon N.F. MOORE replied:

- (1)-(5) Athletics West is an independent organisation which has no relationship to the Minister or the Government. It was set up on a voluntary basis to run athletics in Western Australia. As a consequence it makes its own appointments. I have no knowledge of whether the position was advertised. I can only assume it was. I have no idea how many applications were received. It is the business of Athletics West and not mine to make appointments.

Hon Tom Helm: You do not know the answer.

Hon N.F. MOORE: I was about to advise Hon Alannah MacTiernan that she should ask Athletics West and its board to provide her with the details.

ATHLETICS WEST - GOVERNMENT FUNDING

942. Hon A.J.G. MacTIERNAN to the Minister for Sport and Recreation:

Does Athletics West receive financial assistance from the Government and has the Minister any idea of the level of that assistance?

Hon N.F. MOORE replied:

It does, as do other sporting associations in Western Australia. The sports development plans are funded by the Ministry of Sport and Recreation. Hon Graham Edwards will know about that, because he did the same thing when he was Minister. Funds are provided on the basis of submissions put forward for the development of particular sports and most sporting associations in Western Australia receive some state government funding. I have no idea of the amount that goes to Athletics West, but the average for sporting associations of that size is about \$50 000 a year.

"PRODUCTIVITY 2000 - A VISION" - SOURCES

943. Hon A.J.G. MacTIERNAN to the Minister representing the Treasurer:

Has the Minister yet been advised by the Treasurer of the sources of the publication "Productivity 2000 - A Vision"? If yes, will he provide that information to the House?

Hon MAX EVANS replied:

I thank the member for some notice of this question. The Treasurer has asked that this question be placed on notice.

MINING ACT - SECTION 29, AMENDMENT PLANS

944. Hon MARK NEVILL to the Leader of the House representing the Premier:

Some notice of this question has been given.

- (1) Does the Premier support the current veto that farmers have over mining and exploration on broadacre private land under section 29 of the Mining Act?
- (2) If yes, why?
- (3) If not, will the Premier support legislation to remove this veto?

Hon N.F. MOORE replied:

- (1)-(3) The Government has no plans to amend section 29 of the Mining Act.

MINING AND EXPLORATION - ABORIGINAL RESERVE LAND, VETO

945. Hon MARK NEVILL to the Leader of the House representing the Premier:

- (1) Does the Premier support a similar veto which farmers have over mining and exploration on broadacre private land being given to Aboriginal people so they have a veto over mining and exploration on land reserved for the use and benefit of Aboriginal people?
- (2) If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) The entry requirements of the Aboriginal Affairs Planning Authority Act already provide Aboriginal people with a mechanism to control or deny access by miners to Aboriginal reserve land.

AUSTRALIAN COUNCIL FOR REHABILITATION OF DISABILITIES - REVIEW

946. Hon GRAHAM EDWARDS to the Minister representing the Minister for Disability Services:

- (1) Can the Minister confirm that the Minister for Disability Services has initiated a review of the Australian Council for Rehabilitation of Disabilities?
- (2) What is the purpose of the review and what are the terms of reference?
- (3) Who is conducting the review and what is the cost?
- (4) Who will be consulted during the course of the review and will this process of consultation include ACROD?
- (5) If not, why not?
- (6) Is it the Government's intention to take control of parking permits for the disabled, currently handled by ACROD?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The purpose of the review is to investigate and recommend solutions to an acknowledged budget deficit by ACROD. This review was established following an approach made by ACROD to the Minister for Disability Services concerning its inability to resolve its budget difficulties. The terms of reference are -
 - (1) Provide a full analysis of ACROD's current finances with particular attention paid to -
 - Current and long-term viability;
 - Reasons for current viability problems;
 - Potential utilisation of cash reserves.
 - Current management and administrative practices.
- (2) Investigate and compare cost/benefits of parking scheme administration in other States/Territories?

DISABILITY SERVICES COMMISSION - PARKING PERMITS FOR DISABLED REVIEW

947. Hon GRAHAM EDWARDS to the Minister for Transport:

Is it the Government's intention to take control of the issue of parking permits for the disabled, currently handled by the Australian Council for Rehabilitation of Disabilities?

Hon E.J. CHARLTON replied:

I thank the member for some notice of this question. The Disabilities Services Commission is undertaking a review of ACROD, including its role in the administration of parking permits for people with disabilities. The State Government's only intention is to establish the most appropriate administrative arrangements for parking permits for the disabled in Western Australia to ensure their accessibility and affordability to people with disabilities.

FISHERIES DEPARTMENT - COMMERCIAL FISHING LICENCES, HARDY INLET; BLACKWOOD AND SCOTT RIVERS

948. Hon GRAHAM EDWARDS to the Minister representing the Minister for Fisheries:

Some notice of this question has been given.

- (1) How many commercial fishing licences are allocated to allow for fishing in the Hardy Inlet and Blackwood and Scott Rivers?
- (2) Who are the licence holders and which ones are active?
- (3) Has a review of mesh size and net length been completed?
- (4) If not, when will it be completed?

- (5) If yes, what were the results of the review and have a mesh size and net length been implemented?
- (6) If not, why not?
- (7) When was the last commercial fishing period for this fishery covering a full 12 months?
- (8) What was the total combined catch for the following species: Western sand mullet, sea mullet, herring, tailor, black brim, tarwhine and King George whiting?

Hon E.J. CHARLTON replied:

I have part of the answer but I have not, at this stage, been able to get the complete answer. Either the member can put the question on notice or I will get the answer for him next week.

HOSPITALS - MANDURAH

Funding Arrangements

949. Hon J.A. COWDELL to the Attorney General representing the Minister for Health:

I refer to the financial arrangements that exist between the Government and Health Solutions for the proposed new Mandurah hospital.

- (1) Can the Minister confirm that the Government is borrowing money to pay for the private component of the planned new hospital campus?
- (2) How much is it estimated this private section will cost?
- (3) What is the period of the loan the Government is taking to build this hospital and what is the interest rate?

Hon PETER FOSS replied:

- (1) The whole facility will be owned by the Government; therefore, the Government is borrowing funds for construction of the total facility. I hope the member understands that even though part of the hospital will be used for private accommodation, the whole building will be publicly-owned. Health Solutions is being offered a lease of the private ward accommodation for 20 years.
- (2) \$1.8m.
- (3) The expiry date of the loan is 15 June, 2013. The interest rate is 7.915 per cent and the administration fee is 0.13 per cent; therefore, the total interest cost is 8.045 per cent.

HOSPITALS - MANDURAH

Outfitting Cost

950. Hon J.A. COWDELL to the Attorney General representing the Minister for Health:

I refer again to the new Mandurah hospital.

- (1) Does the \$38.2m which the Government will borrow to build this hospital include the cost of outfitting it?
- (2) If no, what is the estimated cost of outfitting this hospital - both the public and private component - and who will pay for it?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) The cost of fitting out the facility is \$5.7m. The Government is paying this cost, but Health Solutions will be required to pay for that share of the equipment to be used in the private sector. This will be paid as part of the up-front lease payment.

UNIVERSITIES - CURTIN, EDITH COWAN, MURDOCH, AMALGAMATION PLANS

951. Hon JOHN HALDEN to the Leader of the House representing the Minister for Education:

- (1) Will the Minister confirm that Curtin, Edith Cowan and Murdoch Universities will be amalgamating in the near future?

- (2) If this is correct, when will the amalgamation be proceeding?
- (3) Is it correct that the new amalgamated university will be known as Perth university?

Hon N.F. MOORE replied:

- (1)-(3) I am aware that Curtin University of Technology, Edith Cowan University and Murdoch University are actively exploring avenues for further cooperation, of which amalgamation is just one of several possibilities. No decisions have been made.

PAPOTTO, SAMUEL JOHN - DISTRICT COURT CASE

952. Hon TOM HELM to the Attorney General:

Some notice of this question has been given.

I refer to the case of Samuel John Papotto who pleaded guilty in the District Court of Western Australia on 20 June 1996 to a charge of threatening with intent to cause detriment.

- (1) Was Papotto fined \$2 000 with three months to pay the fine?
- (2) Has Papotto paid the fine?
- (3) If not, has a warrant for his arrest been issued; if so, has it been executed?
- (4) Has the Director of Public Prosecutions received a report investigated by the Western Australia Police Service into Papotto's perjury case?
- (5) If so, is the DPP intending to prosecute Papotto in the matter of perjury?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) No.
- (3) A warrant was issued on 15 October 1996. The DPP is not aware whether the warrant has been executed.
- (4)-(5) It is inappropriate to provide answers to any particular matter that may still be the subject of investigation and proceedings before a court.

HOSPITALS - MANDURAH

Health Solutions (WA) Pty Ltd, Lease Fees

953. Hon J.A. COWDELL to the Attorney General representing the Minister for Health:

I refer again to the new Mandurah hospital.

- (1) Apart from the up front lease fees for the private component of the hospital, what other lease fees will be paid by Health Solutions (WA) Pty Ltd?
- (2) Over the next 20 years how much will Health Solutions pay the Government in lease fees?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Health Solutions will be required to lease the public component of the facility.
- (2) The exact detail of this will not be finalised until the completion of all the contracts. However, it will equate to the construction plus financing costs.

HOSPITALS - MANDURAH

Design

954. Hon J.A. COWDELL to the Attorney General representing the Minister for Health:

The Government said it would pay for the design and construction of the new hospital campus in Mandurah.

- (1) Is the design of the new hospital the same, or similar to, that announced by Health Solutions nearly 12 months ago?
- (12) What input did the Government have in this design?

Hon PETER FOSS replied:

- (1) Yes, it is similar
- (2) A comprehensive evaluation was carried out by representatives of Contract and Management Services, the Health Department and the Peel Health Services Board. Shortfalls identified by this group have been addressed as part of the minor changes to the design that have occurred. Other changes that have occurred relate to the provision of additional services, such as mental health, that are or will be occurring in the Peel region in the foreseeable future.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF - CAPE RANGE KARST MANAGEMENT REPORT

955. Hon J.A. SCOTT to the Minister for the Environment:

According to *The West Australian* the Cape Range Karst Management Report has raised considerable concerns relating to canal development, septic tanks and development on the west coast of North West Cape. Will the Minister be ensuring that those developments and proposed developments identified by the report are reviewed by the Department of Environmental Protection to ensure the protection of the environment of the North West Cape?

Hon PETER FOSS replied:

The big problem with this is that the report was commissioned to ensure that these matters were dealt with. While there has been incredibly inaccurate reporting by *The West Australian* of this matter, there has also been an incredibly inaccurate understanding of the reason for the report. The environmental process requires us to look at it on a scientific and not an emotional basis, and it was because of the natural concern of the DEP to ensure that it had the appropriate information on which to make recommendations to me as Minister that the report was commissioned. Not only has Hon Jim Scott relied on *The West Australian*, which is totally inaccurate, and anybody who has had anything to do with it says it is totally inaccurate, but also he appears to have misunderstood the purpose of the report. The purpose of the report is to make certain that the appropriate notice and scientific data is before the authority so that all the appropriate decisions can be made. We will do it in the way it has always been done in this State: We will look at the facts and make a decision on the basis of the facts.

STATEMENT - PRESIDENT

Questions, Asking and Answering Rules

Hon N.F. MOORE - by leave: I wish to make a brief statement in respect of question without notice 845 asked by Hon John Halden on 24 September, about which I now have some additional information. The question was about a visit to Malaysia by some TAFE staff, and I gave an answer which related to one visit. It has since come to the attention of the department that there was another visit to which I did not refer in the answer, and I want to explain what that visit was about. Staff from TAFE and Advanced Manufacturing Technologies Centre were invited by Petronas Caligari Petroleum to travel to Miri, Malaysia, the company's corporate headquarters, to make a presentation to senior training and platform managers on multimedia and technology training. The three staff members who travelled to Malaysia on 4 to 8 September 1996 were Messrs Tate, Lang and Marshall. As Managing Director of South Metropolitan College, Mr Tony Tate was invited to make a presentation to Petronas on behalf of Ecodrill, a technical contracting company operating in Malaysia with strong connections in the petroleum industry. Mr Tate represented the training provider with regard to the conversion of traditional classroom curriculum to computer based training and the total learning process within that environment.

Mr Mark Lang was a joint presenter with Mr Tate and promoted the existing multimedia product and training services offered by TAFE colleges in Western Australia. Mr Lang is the Manager of Resolutions, which is a wholly owned division of Advanced Manufacturing Technologies Centre. Resolutions specialises in developing customised computer based training solutions for industry, with a particular interest in mining, oil and gas industries. Mr Alan Marshall is Managing Director of TAFE International in Western Australia. As coordinator of international marketing efforts, Mr Marshall travelled to Malaysia to assess the potential project and initiate future negotiations on international activities conducted by TAFE in Western Australia. TAFE Western Australia and AMTC are considered to have capability in multimedia and technology training, and the presentation in Malaysia has ensured that positive negotiations continue.

STATEMENT - PRESIDENT

Questions Asked of Ministers - Procedure

The PRESIDENT: Before we proceed to the next item of business, I want to say that after about 20 years in this position, the biggest frustration that I have is that I appear to have failed miserably in my attempts to communicate to members some of the fundamental and basic rules about the asking and answering of questions. I do not want to seem pedantic, and I do not want to bore members, most of whom, I trust, understand the position; however, I was horrified today when, in response to one question, a Minister said, "The Treasurer has asked that this question be placed on notice." I do not know how long members have got to be here before they can understand that the Treasurer is not asked questions in this House, and he does not answer questions either.

Hon John Halden: He does not even sit in here!

The PRESIDENT: Order! If members want to start interjecting on me, then their position will become very vulnerable, because I have a standing order that says if they keep doing it, they may well not have the opportunity of being with us for the rest of the afternoon.

I want to make it very clear again that with regard to questions concerning the activities of the Government, four people only in this Chamber answer questions, and those four people take total and absolute responsibility for the answers that they give. For example, yesterday a question was asked of a Minister representing another Minister in this House, who was representing a Minister in the other place. That question rocked me a bit, but I let it go, because the Minister who actually answered the question in this House ultimately is responsible for the integrity of that answer - not the other Minister in this House, the Minister who was not here, but the Minister who is here accepts the responsibility for that answer. Some members who ask questions have not comprehended when they word their questions that they cannot ask the Minister for Mines, for example, to tell them something in this Chamber, nor can they ask the Premier, the Minister for Agriculture, the Minister for Housing, or whatever other Minister is not in this Chamber. Members cannot ask those Ministers a question, and certainly those Ministers cannot answer it. The person who is asked the question is the Minister in this Chamber. That is why I brought in the rule nearly 20 years ago, which brought about a change in our standing orders, that if members want to ask a Minister in this Chamber a question about a matter that belongs to a Minister in the other place, they must give notice, because it is reasonable to let the Minister go and find out. He does not necessarily have to find out from the other Minister. He can ask the man outside Hoyts Cinemas, if he wants to. Where he gets the information from is up to the Minister. He can ask the bloke next door, or he can make it up himself.

Hon Mark Nevill: I think that is the usual answer.

The PRESIDENT: I will not leave this place until I have satisfied myself that everybody understands that. Where the Minister in this Chamber gets the information from is the Minister's business. Obviously if members ask questions dealing with the Premier's Department, it would be reasonable that the Minister go to the Premier or his department to get the answer, but when that Minister comes in here, it is the answer not of the Premier but of the Minister in this Chamber. It is a very serious offence to suggest that a Minister in another place say to this House, "Put the question on notice", because that Minister, firstly, does not belong here, and, more importantly, does not have any right to answer questions in this place. I am an eternal optimist, among other things, and I hope that members will understand that. They may think I am being a bit pedantic about it, but in the ultimate it is very important for a House of Parliament to understand who has ultimate responsibility for the words that are used in an answer, because there may well come a day when the words used to answer a question do require some accountability, and I would hate to see Ministers running around trying to put the blame on somebody else. I say that in all good faith, in the hope that members will be better informed as a result. I do not make the rules in this place. I interpret them, and I interpret them with a view to ensuring that no member places him or herself in jeopardy at any time.

Hon Tom Helm: Mr President, is it the process that you object to or is it the words that Ministers use in replying to those questions?

The PRESIDENT: I will not entertain any discussion. If the member has not understood me, I have failed again!

Hon A.J.G. MacTiernan: Some Ministers do not like taking responsibility.

The PRESIDENT: It is their responsibility whether they like it or not. Ministers do not have to answer questions if they do not want to.
