

Legislative Council

Tuesday, 5 April 1994

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

PETITION - ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Hon J.A. Cowdell presented a petition signed by 377 overseas students who are resident in Western Australia requesting that the Legislative Council refrain from passing the Acts Amendment (Student Guilds and Associations) Bill.

[See paper No 1232.]

MOTION - PARLIAMENT, MEDIA ACCESS

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

The Hon Clive Griffiths MLC
President
Legislative Council

Dear Mr President,

At today's sitting, it is my intention to move under SO 72 that the House, at its rising adjourn until 9.00 am on December 25 1994 in order to discuss the need for the State Government to provide the physical facilities to allow the Presiding Officers to reverse their decision to limit the accreditation of reporters from the West Australian newspaper.

Yours sincerely
Tom Helm MLC

The mover of this motion will require the support of four members.

[At least four members rose in their places.]

HON TOM HELM (Mining and Pastoral) [3.35 pm]: I move -

That the House at its rising adjourn until 9.00 am on 25 December 1994.

I am pleased to have this opportunity to bring to the attention of the House articles in *The West Australian* complaining of the lack of facilities for reporters and the refusal of permission for the accreditation of a reporter in this Parliament. A number of matters need to be raised on this issue. From the statements in the Press it appears that the responsibility for giving a delegation to anybody to do anything in this Parliament rests with the Presiding Officers, both you, Mr President, and the Speaker. It needs to be placed on the record that the Speaker and the President act on behalf of the members in both Chambers. Any decisions they make are made on our behalf and in our best interests as members of Parliament. They are made with a view to ensuring that the Parliament is run as efficiently and properly as possible and with the recognition that this is the House of the people. There needs to be accountability by members of Parliament both individually and collectively in this place.

I am always stunned and amazed by the display of ignorance by members of the Press at both a local and Statewide level. I suggest that there should be some ability for us to advise members of the media and members of the public about the way in which the Parliament needs to work and about the meaning of democracy. People do not seem to understand the rules and regulations under which we and you, Mr President, have to act. It is most unfortunate that members of the Press are able to make a complaint or put a point of view in the newspaper or any other media outlet without our having the right to respond officially.

Mr President, when you have the time, I invite you to make a statement on the matter. I

understand, and perhaps the Press would be aware, that as President of the Legislative Council you are not allowed to participate in debate in this place and your job is to see that the good order of the House is maintained, as is our ability to speak on behalf of our constituents without fear or favour. There needs to be a balance between the ability to inform the public of our role and the facilities provided to the people who have to report what we say, do and vote on. In this case it appears to be quite clear - at least from the press reports I have read - that the President and the Speaker have pointed out to the public of Western Australia that the facilities for reporting staff in this place are totally inadequate. They are part of the inadequacy of this whole Parliament House building. We do not have to go very far to see that this Parliament House is a disgrace and has been allowed to run down to a huge extent. I am not saying that we should follow the example of the Northern Territory Government which, as the members of this Chamber and the Press would be aware, spent about \$140m on a new Parliament House building.

When one considers the population of the Northern Territory and its number of MPs, \$140m seems an exorbitant amount. Although I do not suggest we go down that track, it is about time that we as politicians, whether in Government or Opposition, should grasp the nettle and change the working conditions under which we ask the staff of the Parliament to act. This includes members of the Press, who are only trying to do their job. *The West Australian* went to great pains to explain that reporters and the staff who work for Hansard work in conditions which are best described as Dickensian. In 1994, when we are running an enterprise, this State, the value of which is measured in billions of dollars, the working conditions for the Hansard staff are really a disgrace. I wonder how many provisions of the Occupational Health, Safety and Welfare Act are being breached by asking those people to work under quite intense conditions for short periods of time on a roster basis. Their conditions are stressful and have been badly in need of improvement for quite some time. It is not only Hansard staff but also members themselves who are inconvenienced. Members must share offices, in some instances with two other members, and must deal with constituency matters in awkward circumstances.

Hon Peter Foss: What about the Ministers?

Hon TOM HELM: Ministers are the people who have their hands on the purse strings most of all. Hon Peter Foss might be the first to complain about the power of the Executive. In fact, he has previously demonstrated a complete support for the Executive and what he described, when on this side of the House, as its unfettered powers. Of course, his tune has changed a little now.

Hon Peter Foss: Do you think our accommodation is adequate?

Hon TOM HELM: The Cabinet room and ministerial offices around the city are adequate, and probably more than adequate. I take the question with the cynicism in which it is asked; nonetheless, Hon Peter Foss belongs to a Cabinet which has okayed the expenditure of moneys to improve the situation for Ministers.

Hon Peter Foss: Parliament okays the expenditure.

Hon TOM HELM: We understand that, and if Hon Peter Foss wishes to continue that cynical theme I will follow him. He will not do that, because some of his views recorded in *Hansard* when he was on this side of the Chamber would cause him some regret. An example is when parliamentary debate was guillotined.

Hon George Cash: I sometimes wish I could have your office, as you have a single office.

The PRESIDENT: Order!

Hon TOM HELM: The ability of Ministers to attend to their duties is not limited to this place, but members' ability to do their parliamentary duties is limited to the one room, which they must share.

Hon George Cash: I agree with you, but I remember the \$10m the former Labor Government set aside, and I am still looking for it.

The PRESIDENT: Order! Let Hon Tom Helm finish what he has to say.

Hon TOM HELM: Although those interjections are unruly, Mr President, it is good to hear them, because they demonstrate something which I will bring to the attention of the House. I am not saying that any Administration is without guilt, and nor are we in this Chamber guiltless. We have a Joint House committee, and this Chamber and the other place each has a committee. I have heard lots of debate and agreement about the need to improve facilities here; I have heard no-one deny that the facilities of this place need to be looked at and have money spent on them. There are huge problems. However, I am also aware that nothing very much has happened - except for a new security system. I am amazed at the amount of money spent on security; for example, on armour plated windows and different locks. Although I have been involved in committees and debates agreeing that money should be spent on upgrading the facilities here, nobody has asked me to agree to upgrade security measures, particularly a railing across the main entrance which can stop people getting into the people's House. I would have something to say if I were asked whether it is better that the Hansard staff have decent working conditions or that there be a railing outside the main entrance to stop those people who pay our wages from getting in here.

Hon George Cash has pointed out that Governments have promised money and there have been different agreements about it. No-one argues against the fact that we need to improve facilities here. I am concerned that the Government is being so silent on this matter. Unless the Government does not understand the roles of the President and the Speaker, why has it been so quiet about the matter the Press has brought to our attention? When a press representative is refused entry because of the inadequacies we have here, why does the Government allow our Presiding Officers to take the flak? Perhaps the Government does not know that the Presiding Officers have limited opportunities to respond to accusations about how they treat this place as their own fiefdom and have no choice but to listen to our arguments. They do not have the same opportunity as I to stand up in this place and make a point on the matter. This is an opportunity for the State Government to make the position clear and come to the defence of the Presiding Officers. We have had cynical remarks from the Leader of the House and the Minister for Health about what they have to put up with as Ministers. Before I became Whip for my party I had to share my office with a country member and a city member. All that plain members of Parliament have is an office facility in Perth and an allowance for an office in the country. There is a facility in Perth for Ministers themselves. They not only have the ability to change the situation but also the opportunity to conduct their ministerial business in office accommodation away from this place.

Hon Peter Foss: Not when the House is sitting.

Hon TOM HELM: If the Minister has to conduct his ministerial business with three other people in his ministerial room here, he cannot do very much.

Hon Peter Foss: Four other people.

Hon TOM HELM: He must not do very much in his office in the city. It was also his decision to have five Ministers in this place.

Hon Peter Foss: We could have had 17 sharing one room. At the moment there are 11, which is not too bad.

Hon TOM HELM: The Minister can worry about it, but it was in his hands.

Hon Peter Foss: No.

Hon TOM HELM: He would have had a decision in his party room about whether to have five Ministers in this place or stay with three, as we used to have.

Hon Peter Foss: No.

Hon TOM HELM: It was imposed upon him! He belongs to a party which gives everybody the opportunity to speak, and yet somebody told him that there would be five Ministers in this place.

Hon Peter Foss: Don't you understand how we work? You really do not understand very much at all.

Hon TOM HELM: It is the Premier who decides. No wonder the Minister is embarrassed.

Hon Peter Foss: I am not embarrassed at all.

Hon TOM HELM: Leaving aside the cynicism, ministerial office accommodation here needs to be attended to. I agree that we were in the same position when we had three Ministers. It is ridiculous for that number of Ministers to be working in one office.

Several members interjected.

Hon TOM HELM: Members opposite should get real. They know that the point I am trying to make is that their office accommodation pales into insignificance alongside the working conditions of the Hansard reporters. That is probably the worst example; the accommodation of the Leader of the House is way down the list of adequate accommodation. No-one would argue with that, but in the scheme of things I suggest the working conditions of some people breach part of the Occupational Health, Safety and Welfare regulations.

Hon Peter Foss: I am sure Hansard accommodation would.

Hon TOM HELM: Then there is the inability of the Presiding Officers to make a statement or join in the general debate on the matter. The State Government must take that responsibility and let people know that there is a limited opportunity for Presiding Officers to defend themselves in cases such as this. There must be an understanding that the issue is not about the fact, as the newspaper article would have us believe, that the Parliament becomes a victim of anybody in particular. The problem of accommodation must be addressed for almost everybody in the Chamber except, I suppose, for me; because I must admit my accommodation is quite adequate, although that was not the case before I became the Opposition Whip. I will use this opportunity to invite the President to make a statement on the matter.

To some extent, I would also like to congratulate the staff of the Parliamentary Library who are responsible for public education on matters associated with the Parliament. I wonder if we have made a fundamental error in not having concentrated on the education, if one likes, of media reporters. We should make clear the misunderstandings seen in the Press concerning the role of Presiding Officers and of what say members of Parliament have over how funds are spent. I understand a motion is on the Notice Paper in another place to discuss this matter. I suppose the opportunity will be taken to bring to the attention of that House and the people of Western Australia, the amount of money spent on upgrading the Speaker's corridor and his suite.

I have objected to the way money has been spent on some things in this place while certain problems exist. However, the people of Western Australia must understand that we expect our members of Parliament to be accountable. There is only one way they can be accountable in the broad sense; that is, through the media. It is regrettable we have only one Statewide newspaper. I am sure there is a need for more than one Statewide newspaper in order to create the kind of competition which will provide a balanced view by the Press. It is obvious that irrespective of who is the reporter, politician or President, as we are human a certain amount of bias will exist in the way in which events are reported. It is an indictment of us all that we do not have the facilities for people to report matters in this place in the way in which they should be reported.

I invite a response from the Government at the appropriate time to advise exactly what is the situation with the upgrading of this place. I am aware of many proposals, the latest of which, as Hon George Cash brought to our attention, was worth about \$11m. Individually, we should all be able to at least make some proposals. You may recall, Mr Deputy President (Hon Barry House), for a while sketches of new designs for seating for this Chamber were available in this place. I am not sure what happened to that proposal or how we agreed to the difference in the seats.

Hon Sam Piantadosi: It was shelved.

Hon TOM HELM: If it was shelved, I was not aware of it. Perhaps that demonstrates the lack of information that is passed from one group to another. However, I am aware that whenever the subject of spending money to extend facilities in Parliament House for members of Parliament or their staff comes before the Government of the day, it is always the wrong time to talk about it. The request before the Government from the Opposition for an increase in the staff and facilities that should be afforded its members is also important. In some Parliaments, accommodation is provided within the precinct of the Parliament, as is an ability for meals to be provided. That is far preferable to being given an allowance enabling one to go into the marketplace and choose for oneself.

All those things will take us from being an antiquated small backwater of a Parliament in Australia into an institution which takes advantage of modern technology and different and new approaches to the job. It is quite a joke when we must meet in this place with the captains of industry. My office is not too bad, but most other members of Parliament do not have much provision for meeting with executives in this place to discuss matters that might concern them.

I thank members for giving me the opportunity to move this motion.

HON GEORGE CASH (North Metropolitan - Leader of the House) [3.57 pm]: In his opening remarks Hon Tom Helm said - I took it down as best I could - that it appears from what is written in the paper - by the paper I assume he meant *The West Australian* - that the Presiding Officers run the Parliament. Later he said that the Parliament, or the House, makes the rules. I disagree with his first statement. The Presiding Officers do not run the Parliament. However, Hon Tom Helm is correct in his second statement. In fact, the Houses are indeed masters of their own destiny. However, in being masters of their own destiny, they have delegated to the Presiding Officers certain functions which include the day-to-day management of the Parliament. Most members of Parliament would say that the Presiding Officers do a good job without fear or favour. Perhaps it is the fact that over a period of years the Presiding Officers, be they Liberal or Labor, have done their job without fear or favour that has caused some persons to be aggrieved. Quite clearly, sometimes it is aggrieved people who then determine a strategy to raise matters as public issues which could favour them.

The motion as it is framed at the moment implies that any decision by the Presiding Officers to change the previously agreed status quo with the parliamentary press corps is contingent upon provision of further physical facilities in Parliament House. The motion then suggests that if those facilities are provided, that will enable the Presiding Officers to reverse their decision to limit the accreditation of reporters from *The West Australian*. In its present form the motion is fundamentally flawed because it does not take the renovation, rebuilding or provision of additional facilities in this Parliament to change an agreed status quo between the parliamentary press corps and the Presiding Officers.

Hon John Halden: They have wanted to change that for some time.

Hon GEORGE CASH: If the parliamentary press corps wants the current limit of four changed - at the moment *The West Australian* already has five, an additional person to the existing rule - the president of the press corps, Geof Parry from Channel 7, should let the Presiding Officers know what the press corps wants as the maximum number of passes to be accredited to any one organisation.

Hon John Halden: That has occurred, but over a long period there hasn't been any resolution of the question of five or six passes.

Hon GEORGE CASH: It is my understanding that that has not occurred. I refer to some of the meetings that have occurred about the use of the Press Galleries and the press facilities in Parliament House over a long period. On 1 February 1976 a rule was introduced which included the following statement -

except where otherwise specified within the rules, no representative of the news media is permitted in any other part of Parliament House unless accompanied by a Member, Officer or Attendant.

That rule has been in operation for 18 years. In November and December 1986 the then Speaker, Mike Barnett, requested a redrafting of the rules. In February 1987 new rules were discussed by the Speaker and the President and were sent out with application forms for the new session. The changes included press officers being required to wear security passes in the building and support staff - that is, crew cameramen - to be issued with visitors' passes after being verified by an accredited reporter. The new rules also included the following statement -

The number of Accredited Press Passes issued for each Press Gallery to the various Media organisations will be at the discretion of the respective Presiding Officers.

Implementation of a pass system using passport photos was also implemented at that time. The Presiding Officers have a discretion to consult with or be consulted by the parliamentary press corps to establish the maximum number of passes available at any one time. In March 1987 *The West Australian* applied for 26 passes. The then Speaker, Mike Barnett, expressed his concern that that was too many. In April 1987 a meeting was held between the president of the press corps and the Speaker to discuss the high number of accreditation applications submitted for each media organisation. In April 1988 the Speaker gave a direction that Mr Paul Murray of the *The West Australian* not be issued with a pass until he saw the Speaker and apologised for his statement that "the Speaker is the most biased Speaker he has seen".

In May 1988 a non-accredited reporter, Mr John Bartley of the *Daily News*, breached the rules, despite his being reminded that he was not an accredited reporter. He left the Public Gallery via the Press Gallery, causing the police officer to leave his station to pursue him. In March 1989 polaroid security identification tags were implemented for the Press. In March 1989 when Diana Callander was president of the Press Gallery she was advised of changes to the rules, which included new press passes being issued for each Parliament, which was then four years. In April 1989 the Speaker rejected an application from *The West Australian* for 21 passes in addition to passes already issued to photographic staff. In July 1989 an independent reporter was refused accreditation because of the large number of representatives already accredited to the Press Gallery. In August 1989 both Presiding Officers informed Channel 10 that passes could not be issued to cameramen because of the limited facilities and accommodation available to the accredited press media, and the need to restrain the number of passes issued so as to avoid inconveniencing those accredited representatives who regularly attended parliamentary sittings. The system already allowed accredited reporters to identify and vouch for the credentials of their cameramen. In November 1990 the then Speaker drew the President's attention to an application by 6PR for six passes, which he believed to be a prime example of the abuse of the system by the media, and hence the overcrowding of accommodation. The Speaker felt that 150 accredited press representatives was excessive when considering the available space, and he recommended a review of the rules relating to numbers. This was agreed to by the President of the Legislative Council and was implemented before the 1991 session.

As I understand it, in 1990 a meeting was held by the Presiding Officers, and the president of the Press Gallery agreed to a maximum of four passes to be issued to accredited media representatives. That is the position at the moment. If the press corps wants an increase in the number of accredited passes - not just for one organisation - that matter should be taken up with the Presiding Officers. However, I do not believe that a decision to increase the number of passes for accredited media representatives necessarily rests alone with the facilities, as inadequate as they are in Parliament House. That is a matter which the parliamentary press corps must consider.

Hon Tom Helm raised the question of the physical facilities in Parliament House. I am glad he did so because he was right in predicting that every member of this House, and I am sure every member in the other place, would agree that the facilities in Parliament House are totally inadequate - in fact, they are pathetic. That is the case not only for the media, members of Parliament, and the staff, including Hansard; the public facilities are also very ordinary. Parliament House is a public building and is open to the public. I

hope that in due course we can do something about it. I am not in the business of apportioning blame; I was in Opposition for enough years to know what it was like and to know that inadequate facilities are provided for Opposition members and, equally, for Government members. It cuts both ways, and Hon Tom Helm was a member of the Government for long enough to know that neither fear nor favour is exercised when it comes to the accommodation for Opposition and Government backbenchers in this place. In some situations Government and non-government members are sharing facilities. It is very difficult in some offices, when all occupants are in the office at the same time, for a member to conduct an interview or discussion with a constituent visiting Parliament House. Two or three other members sharing that office may be on the telephone talking to constituents in their electorates. It is a hopeless position which must cause constituents some anguish because they never get the full, undivided attention of the member to whom they are talking, as a result of the three other conversations that might be taking place in the background.

My statement about the parliamentary press corps is made to ensure that it considers any propositions that might be advanced for increasing the number of passes available to any outlet, so that some consistency is achieved. For instance, one Government member of this House invited some cadet journalists from Curtin University to visit Parliament House as part of their journalism course. I understand they were refused access to the Press Gallery by the parliamentary press corps on the ground of insufficient room. If that is the case, it seems to me the parliamentary press corps itself is signalling that it does not want any more people accredited.

Hon Doug Wenn: How many were involved?

Hon GEORGE CASH: Four or five students and a lecturer. It was certainly a limited number, and was not a class of 30 students. That would certainly have created some difficulty. I was disappointed to hear that those cadet journalists were knocked back, because they genuinely wanted to visit this place as part of their course to learn on the job about the workings of the Parliament. It clearly highlights a difference of opinion in the parliamentary press corps about who should be admitted to the Press Gallery. If the parliamentary press corps wants to change the rules and increase the number of passes to accredited organisations, its representatives should talk to the Presiding Officers. It would be quite unreasonable to wait for the provision of new facilities in this place before providing any more passes because of the history of money not being allocated to that necessary function in recent times. I understand the Presiding Officers will meet with the president of the press corps tomorrow to discuss increasing the number of passes to media organisations. Obviously I will not be party to that meeting. I can only say I hope the decision is made without fear or favour, as I would expect it to be. We are not talking about one organisation but about the media across the State, and that aspect clearly needs to be acknowledged.

Hon John Halden: As a matter of clarification, we are talking about one organisation. I understand it is a general issue but there is also a specific issue. Surely the point of controversy is one further accreditation?

Hon GEORGE CASH: One organisation is talking about one organisation; as Hon Tom Helm pointed out, *The West Australian* is a monopoly newspaper in Western Australia. That newspaper is suggesting it should enjoy an increase in the number of passes provided to it. I do not know whether *The West Australian* is also prepared to support the view that other media outlets should be entitled to an increase in the number of passes or accreditations to their organisations. I do not know because I have not read about that in the newspaper. However, I agree with Hon Tom Helm that monopoly organisations are unhealthy and, over time, breed contempt. Clearly, balanced reporting can go out the window in those circumstances. I also would like more newspapers to be published in Western Australia. History will record whether that occurs.

Hon Reg Davies: We have *The Australian*.

Hon GEORGE CASH: Yes, and it is a good newspaper but it does not appear to enjoy the same number of subscriptions that *The West Australian* does.

Hon P.H. Lockyer: I hope you read page 2 of that newspaper tomorrow.

Hon GEORGE CASH: It will be interesting to know what is reported. *The Australian Financial Review* is circulated in Western Australia and it, too, is a good paper but has limited coverage across the State.

We agree entirely with Hon Tom Helm that there is a desperate need to upgrade facilities in Parliament House, not just for the media but across the board. Hon Tom Helm's example of the Hansard facilities is enough to shame anyone into doing something. He also said that some years ago under the former Labor Government, an amount of \$11m was allocated - I thought it was \$10m -

Hon John Halden: Split the difference.

Hon GEORGE CASH: Approximately \$10m was set aside in the Budget papers for capital works at Parliament House. For reasons not known to me, that \$10m disappeared down a big hole and was never spent in Parliament House. That is regrettable because if a significant amount of money had been applied each year, we would have been able to upgrade and refurbish this place which is, after all, a public institution and public facility. We should all be proud of Parliament House rather than be battling to find space in which to talk to constituents. It certainly is not a place to which one would readily invite guests, for fear of not being able to find a chair on which they could sit.

We understand the reasoning of the motion; however, I do not believe in its present form it necessarily sets out the true position as it is today. The bottom line is that, if the parliamentary press corps wants to increase the number of passes available to media organisations, it must first make a decision and then convey that decision to the Presiding Officers. Those Presiding Officers, be they Liberal, Labor or National Party, have always exercised their duties and functions without fear or favour, and I am sure they will continue to do so on this issue. *The West Australian* can, if it wishes, continue to write the stories but in the end the parliamentary press corps, on which *The West Australian* has representation, will make the final decision.

Hon John Halden: Does that work? I thought the number of passes was controlled by regulations of the Parliament.

Hon GEORGE CASH: I am informed that the parliamentary press corps determines the maximum number of passes for any news organisation. Currently, that number is set at four, although I understand that *The West Australian* has five and wants to increase that number to six. If the parliamentary press corps wants to increase the maximum number of passes for news organisations - and its members agree by majority - the sooner that is indicated to the Presiding Officers the better.

Hon John Halden: Has not that happened?

Hon GEORGE CASH: If it has, it has yet to be conveyed to the Presiding Officers. I understand that the Presiding Officers are working on a system which was previously agreed to; that is, that the status quo of a maximum of four passes for each news organisation should be the prevailing number. If the parliamentary press corps wants to change that number it should tell the Presiding Officers. The facilities will be the same, because we do not have any more to offer at Parliament House at this stage. However, it could hardly be argued that the Presiding Officers have not made a decision to increase the numbers, because the press corps has not conveyed any changes that it might have decided - and one could hardly blame the Presiding Officers for that.

Hon Tom Helm suggested that the President might care to make a statement on this matter, acknowledging that it was not usual for the President to enter into debate on the floor of the House. If the President or the Speaker made a statement, would it be reported in its entirety or would an edited version appear in the newspapers?

Hon Doug Wenn: Why ask us?

Hon GEORGE CASH: I am just posing the question.

Hon N.D. Griffiths: It is a rhetorical question.

Hon GEORGE CASH: I do not know whether we would see a full, unedited version if the Presiding Officers chose to make a statement.

An Opposition member: We will get the full comment.

Hon GEORGE CASH: Yes, but *Hansard* is not the most widely read manuscript around town - and for very good reason. The Presiding Officers do not need to make a statement but they should sit down with the president of the press corps and work out whether there should be an increase in the number of press passes. As a member of the House I could not care if the Press had 5 000 passes, as long as its representatives understand there is not much hope of any additional space.

Hon Bob Thomas: A journalist-led recovery!

Hon GEORGE CASH: So long as they understand we have only the facilities as they exist today, and that is not about to change in the next week or month.

Hon Tom Helm encouraged Ministers in this House to take this matter on board and to see whether money to correct it might be allocated in the Budget. I assure Hon Tom Helm I will be taking the matter on board. I cannot guarantee any great success but I have served in Opposition in this place and I know what it is like. I share an office with four other Ministers. I am not complaining, because my facilities are better than most other members' facilities. Hon Tom Helm happens to be an office holder; he has a single office. I do not decry that situation. That is the rule. Good luck to him.

We need to have money set aside to provide better facilities for everyone who either works in or visits Parliament House. That is a challenge for the future. When the Government decides to allocate that money, I hope that the Opposition will support strongly the notion of the need to spend money on Parliament House. However, during my time in this place, every time we have reached the fence and someone has decided we will spend more money on Parliament House, members of Parliament end up white-anting the proposition, and the Government of the day has backed off at 100 miles an hour.

Hon A.J.G. MacTiernan: Is that what you did in Opposition?

Hon GEORGE CASH: I was talking in general terms. As members of Parliament, we are often our own worst enemies when it comes to spending money on this facility.

Hon A.J.G. MacTiernan: I was not a member of the previous Parliament; that is why I asked the question.

Hon GEORGE CASH: Positive ideas and recommendations have been made from time to time. Although the motion cuts across a number of areas, it certainly enjoys Government support for the notion that a desperate need exists to upgrade facilities in Parliament House.

HON REG DAVIES (North Metropolitan) [4.26 pm]: Bearing in mind that *Hansard* is not a widely read document, I will not take up too much time of the House.

Hon George Cash: We will be happy to extend time, so do not cut yourself short.

Hon REG DAVIES: I thank Hon Tom Helm for giving us the opportunity to discuss the accommodation problems at Parliament House, as well as the accommodation and facilities at electorate offices. He also expressed concern about the extra accreditation that *The West Australian* wants in order to report on the Parliament. One of the basic tenets of an open and democratic system is that the Parliament be open to the free Press and to the public to allow them to fairly criticise the proceedings of Parliament, to question those proceedings, to support debate and give credit where it is due. We owe that to the public of Western Australia; we should allow them free access to their Parliament. It is not our Parliament. We are here by their good grace over four years. No-one has a right to be here and no-one has a right to hold a position in this place. It is at the will of the people who elect us, in the first instance, and it is at the will of members of Parliament that some members hold certain positions. It is at the will of the Government that Ministers hold their positions. We should always bear that in mind. This is not our cosy little old men's home - with apologies to certain people.

Several members interjected.

Hon REG DAVIES: I was referring to the other gender. It is our responsibility to ensure that this Parliament remains open and democratic; to ensure that we allow the free Press to report the proceedings of this place. I am sure that members are aware that only two media outlets report the proceedings in this place; that is, our one and only daily newspaper, *The West Australian*, and the Federal Government media outlet, the Australian Broadcasting Corporation. It is only fair that if *The West Australian* wants another media accreditation, it should be allowed to have it. I do not know why we are making such a big thing about it. If they are prepared to suffer the cramped quarters, so be it.

Hon Peter Foss: That area is for all members of the Press.

Hon REG DAVIES: If they are prepared to share the quarters, so be it. They would not expect their staff to work the same hours as members of Parliament work from time to time - regardless of whether Parliament ceases at 11.00 pm, 12.00 am or 1.00 pm the next day. I am sure Press staff work in shifts, and the work would be shared so there would be no need to have five journalists in attendance at one time. All they are asking is for accreditation for five journalists to allow some freedom in working out their roster. That would be fair not only to *The West Australian* but also to the readers of that newspaper so that they can read stories written not by very tired journalists but by fresh journalists working on a roster system. I know that 6NR also has difficulties with its accommodation. I am sure it would also make that known to the press corps. There seems to be some confusion about who allocates these passes.

[Resolved, that the motion be continued.]

Hon REG DAVIES: Even if the press corps allocates the passes and hands that on to the Presiding Officers, are the Presiding Officers obliged to agree or do they have the final say on how many media, and from which outlet, will be accommodated and report on the proceedings?

Hon George Cash: The press corps comprises most of the organisations and makes certain recommendations to the Presiding Officers.

Hon REG DAVIES: Are the Presiding Officers obliged to agree with the recommendations?

Hon George Cash: They are not bound at all; it is only a recommendation.

Hon REG DAVIES: Perhaps that needs to be looked at.

Hon Peter Foss interjected.

Hon REG DAVIES: There seems to be a fairly simple answer to the media problem. If it is as simple as that, let us hope it can be done in the next couple of days. On very few occasions have I noticed the gallery of this Chamber filled, and I can see no real drama in allocating a couple of seats near the Press Gallery where excess reporters can sit and take notes when something really exciting is occurring in this place.

Hon Peter Foss interjected.

Hon REG DAVIES: That will overcome the problem where citizens in the gallery are not able to take notes. Instead of making a big deal out of it, I am sure that it can be easily resolved with some lateral thinking.

As for the accommodation and facilities within the Parliament, I agree with members that we need to bite the bullet; we need to spend funds here. We need to upgrade facilities not only for the benefit of members but also certainly for support staff. To do their job properly they need proper accommodation and equipment. That takes money. It was only a few years ago that members of Parliament had very limited facilities and equipment. In fact, they were not allowed to have electric typewriters but had to have manual typewriters, and one secretary was shared by several members. Things have changed over the past few years. At least we have a substantial electorate office, equipment, a stationery allowance and limited furnishings within those offices.

However, we do not seem to pay any attention to the security of those offices. The female electorate officer at my Balcatta office is there a good deal on her own dealing on my behalf with constituents. She would find it very difficult if she were confronted with a dangerous, life threatening situation. On two occasions in the past year my office has been broken into and valuable equipment stolen. On both occasions the CIB reported to the Government on the need to upgrade security. The last letter I received from the Ministry of the Premier and Cabinet said it did not agree with the CIB assessment of security but as a matter of urgency it would install a new lock and bell to let my electorate officer know someone was entering the office. I received that letter about a month ago and no bell or new lock has been fitted as yet. I am concerned not for myself but for my electorate officer who is often there on her own. She deals with many contentious issues and with people who are often in a distressed state as they feel they have been dealt with unfairly by the Government or Government departments.

In addition to looking at the security of our staff in electorate offices, particularly in remote areas, we need more support staff within our local electorate offices. I have given up writing to the tribunal and Presiding Officers about the need for an extra research assistant for upper House members. Because our constituencies are so large and have so many people in them it is very difficult for two people to do justice to the job. Unfortunately, an upper House member is seen as a reflection of an Assembly member and is expected to do the normal daily electorate type work. My constituency covers 14 lower House seats and as an Independent it is difficult to use the facilities and expertise of other members in my area. The other Independent in my area is Dr Constable and we work as closely as we can.

Hon John Halden: One problem is that we do not apply to the tribunal; we must apply to the Ministry of the Premier and Cabinet.

Hon REG DAVIES: I have done that.

Hon John Halden: I hope you are more successful than we have been.

Hon N.F. Moore: You were as successful as we were when we were in Opposition.

Hon REG DAVIES: Unfortunately, I must give a lesser service to my constituents. More often than not they are talking to an answering machine rather than to my electorate officer or myself. These areas need consideration when we are talking about spending dollars on upgrading Parliament House and members' facilities. I support spending funds on upgrading our Parliament. I know that many people are critical of the money spent on the Federal Parliament, but that is a very fitting monument to democracy in this country. It is money well spent. As a fitting monument to democracy in this State money spent on this Parliament would be worthwhile. Therefore, I support that aspect of the motion before the House.

HON TOM HELM (Mining and Pastoral) [4.38 pm]: I thank the members for their contributions, particularly the Independent member, and the Leader of the House, although one must take some of the things the Leader of the House says with a pinch of salt. His first comment was that we are masters of our own destiny.

Hon John Halden: We can be the minority for at least 104 years.

Hon TOM HELM: There has never been a time when this side has been master of its own destiny in this place.

Hon George Cash: The House is master of its own destiny.

Hon Peter Foss: Hon Tom Helm has a very shallow attitude.

Hon TOM HELM: Although the Leader of the House indicated support in the strongest possible terms for the need to improve conditions in this place, he did not give us any indication of the Government's thinking on this matter. He suggested that there had always been a need for money to be spent on this place, but he did not give the Government's view on how much would be spent or how it would be spent.

The Independent member, Hon Reg Davies, spoke about the use of the Public Gallery.

We must look at the ban on the use of notebooks in the Public Gallery. If that ban were lifted, there would be no reason why the Public Gallery could not be used by members of the Press. The Leader of the House said that there could be a meeting between the press corps representative and the Presiding Officers. However, it does not matter how long they discuss the matter if the Presiding Officers are not able to give the Press what they need to do their job properly.

Hon George Cash: All I want is the president of the press corps to indicate that they want a change to the status quo. If that is what they want, they should put that view to the Presiding Officers, who will no doubt consider the proposition and come back with an answer.

Hon TOM HELM: That may not be the case. The press corps as a group may not want to change the status quo. *The West Australian* tells us that it is prepared to work out any procedures that will accommodate the concerns of the Presiding Officers. They will not have six people here at all times, or three people in this gallery and three people in the gallery in another place.

Hon Peter Foss: They would let 10 more people come in and share their room.

Hon TOM HELM: The Presiding Officers have limited ability to make those decisions on our behalf. Whether we are masters of our own destiny or not, we collectively have a responsibility to ensure that adequate accommodation is provided so that, when the Presiding Officers make a decision after consulting the representative of the press corps, they can carry it out. Even if the Presiding Officers wanted to agree with changes to the status quo, as they have said, the facilities preclude that from taking place.

Hon Peter Foss: You are not suggesting we should have an open ended commitment to provide as many facilities for as many people as the Press may at any time choose to send along?

Hon TOM HELM: I agree with the Leader of the House, who suggested that the more Press representatives here, the better. The ability to obtain a wider view of what this place is about is far better for democracy than having a limited, monopolistic position.

Hon Peter Foss: Without any limitation whatsoever?

Hon TOM HELM: Yes. We will not have 3 000 people looking for Press accreditation. If *The West Australian*, the ABC, the *Karratha Guardian*, *The North West Telegraph* or all the newspapers in this State could afford 3 000 journalists, we would be in a very fortunate position. That would not occur. The Parliament spends a considerable sum to educate people on our role. If more people report on it, there is more chance of that information getting out, and not necessarily from the point of view of a librarian or a politician.

Hon Peter Foss: Would you support someone from the Mundaring Liberal Party newsletter being able to come along?

Hon TOM HELM: The Liberal Party already has enough journalists who report matters from its point of view.

Hon Peter Foss: You would not extend it to anyone like that?

Hon John Halden: It is not an accredited media outlet.

Hon TOM HELM: We should extend accreditation to the Mundaring Liberal Party newsletter. Those involved would not understand what was going on, anyway. Perhaps the Minister would assist them in reporting matters. Although, as he does not understand what is going on, it would not make much difference if we extended accreditation to that group. Ministers are fortunate that the Press do not have a chance to report on their activities in this place. I could imagine their preselection coming under threat.

Hon Peter Foss: You do support that newspaper's being available for general publication?

Hon TOM HELM: Of course. *The West Australian* has said that it will accommodate the

lack of facilities by using a roster system or by having a runner instead of a reporter. It is not necessary to have a meeting with the Presiding Officers. There is an old saying that if one wants to do nothing one should form a committee or have a meeting. We might be going down that track, when we should be making a decision on the matter.

Hon Peter Foss: *The Leader* is another newspaper to which we should provide accreditation.

Hon TOM HELM: Hon Sam Piantadosi, who is the Labor Party's representative on the Joint House Committee, has informed me that a subcommittee of that committee has been set up to consider accommodation in this place. We should support that move so that, through consultation with the press corps representative, we will be able to accommodate the change, as long as there is preparedness to give and take on both sides.

Hon Peter Foss: It is also an important heritage building, which is something that you should not ignore.

Hon TOM HELM: I agree. I do not see why the two things are mutually exclusive. We should be proud of the heritage value of this building. It does not mean that, just because it is a heritage building, we should convert it to a beehive and ensure that people work in inadequate working conditions.

Hon Peter Foss: I agree entirely.

Hon John Halden: Look at the New South Wales Parliament - a superb heritage building.

Hon TOM HELM: It would not do any harm to look at the New South Wales Parliament. They have maintained the heritage value of their building and provided accommodation facilities in keeping with the twentieth century. The facilities of this Parliament remain in the seventeenth or eighteenth century.

Hon A.J.G. MacTiernan: I hope you do better than the New South Wales Parliament. That is an extraordinarily ugly building.

Hon TOM HELM: Beauty is in the eye of the beholder.

Hon A.J.G. MacTiernan: I am referring to the adjunct.

Hon TOM HELM: I thank members for their contributions. I hope the President will take up my invitation to make a statement on the matter so that the position is clear. In future, when journalists or editors report on matters that annoy them, I hope they make the role of the Presiding Officer clear. Journalists and reporters have a responsibility to educate people. They should try to temper their reporting of events in the House. They should explain our role to the general public. If they did that, we would have a better relationship with members of the Press as a group than we have now. Journalists and editors should temper their remarks and obtain advice on matters which they report.

Motion, by leave, withdrawn.

INTERPRETATION AMENDMENT (AUSTRALIA ACTS) BILL

Second Reading

Debate resumed from 30 March.

HON N.D. GRIFFITHS (East Metropolitan) [4.51 pm]: This Bill is short and has the support of the Australian Labor Party. In the second reading speech the Minister stated -

The Australia Acts were enacted in 1986 by the Commonwealth and the United Kingdom Parliaments following requests by all the Australian States. Prior to their enactment, residual constitutional links with the United Kingdom prevented the States from passing legislation repugnant to United Kingdom Statute and may have limited the power of States to legislate extra-territorially. The Australia Acts removed these fetters such that the possibility of constitutional invalidity on these bases does not exist for laws enacted after the enactment of the Australia Acts.

Some legislation passed prior to the enactment of the Australia Acts may be invalid. This piece of legislation seeks to meet that concern, as the Minister stated, and to remove any such uncertainty by amendments to the Interpretation Act 1984, which declares that any legislation passed before the Australia Acts has the same effect and is as valid as it would have been if it had been passed after the Australia Acts came into force. This is part of the process of Australians working together. It involves cooperation between Australians in varying parts of the Commonwealth. The Minister stated in his second reading speech -

The Bill is the result of work done by the Standing Committee of Attorneys General, the Special Committee of Solicitors General and Parliamentary Counsel's Committee . . .

The legislation is retrospective. However, it is fundamental legislation. It is part of the evolution of Australian independence and should be supported by every member in this Chamber.

HON A.J.G. MacTIERNAN (East Metropolitan) [4.54 pm]: I want to comment on this legislation because concerns have been raised with the Opposition. The Bill originated from concern over the State's capacity to enforce the Crimes (Offences at Sea) Act in areas that came under the State's jurisdiction regarding the offshore settlement made with the Commonwealth and the operation of laws within extra-territorial waters. The Opposition understands that, on the balance of opinion of the Special Committee of Solicitors General, this piece of legislation was not necessary and that the Australia Acts, as they stand, did the job. It was agreed to support the concern as expressed by Western Australia's Solicitor General to obviate any likelihood of a challenge to the enforcement of the crimes at sea provision. Pre-emptive action was taken because of the existence of the argument that the Australia Acts might not work, although it was thought the legislation could do the job.

As Hon Nick Griffiths stated, the Opposition does not have any problem with the legislation. The second reading speech notes that the Bill re-enacts all legislation existing before the Australia Acts as from the commencement of those Acts. The concern is that the Bill might retrospectively revive legislation that was procedurally deficient, legislation that failed because it did not comply with the procedural requirements specified in the Imperial legislation at that time. The Opposition draws a contrast between Western Australian legislation that would have been invalid because it was repugnant in substance with the various Imperial laws. It is proper that these pieces of legislation be re-enacted, as it were, so that the previous inconsistency which existed with the Imperial legislation no longer invalidates them. The Opposition contrasts that with the situation where pieces of legislation have failed to meet the procedural requirements specified by the Imperial Legislature.

This is not a dry academic argument; this is one that has real live consequences for a constitutional action that is before the Supreme Court. In the Supreme Court of Western Australia a group of Aboriginal people are challenging the 1905 repeal of section 70 of the Constitution. Section 70 concerns the one per cent of consolidated revenue that was to be directed for Aboriginal purposes. This provision was included in the Constitution as a result of the Imperial Government's concern about the treatment of Aboriginal people by Western Australians. It was made a precondition to self-government that one per cent of consolidated revenue should be directed towards Aboriginal people. To gain self-government Western Australians agreed to allow that provision to be included in the Constitution and then immediately upon self-government sought to have this provision repealed. A series of unsuccessful attempts were made to repeal this section - they were unsuccessful because they contained various procedural deficiencies. Finally, action was taken again in 1905 to repeal section 70 of the Constitution.

It was thought that that was the end of the matter, but it was kept alive in the minds of many Aboriginal people who from time to time sought advice on it. Some years ago advice was received that the 1905 repeal enactment may also have contained procedural defects in that it was not properly laid before the Houses of Parliament in the United

Kingdom as was required at that time before a Bill could receive Royal assent. This was the class of Bill, being an item that affected the Constitution, that required Royal assent, not merely the assent of the King's representative as it then was. So this concerns a real live constitutional issue being litigated in the courts at this moment. That is the reason the Opposition earlier asked for debate on this piece of legislation to be deferred. The position is not unequivocal, but the Opposition has now received legal advice from sources in the Eastern States that it is their view this legislation will not operate to correct such procedural deficiencies, and the Opposition is supporting the legislation on this basis. Our advice is that the Bill which was improperly passed and which did not comply with the procedures as specified at that time will not be corrected simply by virtue of this Bill before the House. It has been said that in addition the High Court has indicated in constitutional cases legislation such as this will be tightly construed to ensure that the maximum protection is given towards the Constitution and constitutional procedures are properly adhered to.

[Questions without notice taken.]

Hon A.J.G. MacTIERNAN: Essentially, this Bill should not be interpreted in such a way that it would amount to a re-enactment of legislation, in particular constitutional legislation, which has been improperly enacted in the first instance. Where the defect in the legislation is that it is not simply in conflict with the same imperial legislation but rather that it fails to satisfy procedural requirements at that stage necessarily set down by the Imperial Parliament, that legislation should remain invalid. If the Government wishes such legislation to be corrected, that must be done by way of further enactment in this House. They are our concerns. We support this legislation on the basis that we understand from our advice that it is unlikely that it will operate to correct the procedural defects of the nature that we have discussed. Perhaps the Minister who has the conduct of this Bill could confirm our understanding in that regard.

HON PETER FOSS (East Metropolitan - Minister for Health) [5.31 pm]: I find it hard to follow the argument that this legislation will operate to correct procedural defects. That is not how it is drafted. My concern is the opposite - it might apply procedural defects that did not previously exist. I want to put clearly on the record that there is no intention to put new procedural hurdles in the way which did not exist previously. The wording is to make the legislation as valid as it would have been, not as invalid as it would have been. The Australia Acts quite plainly make manner and form provisions important. I would not like it to be thought that the manner and form provisions of the Australia Acts would have any form of retrospective effect whatsoever on legislation prior to its becoming operational. All this legislation seeks to do is to validate - not invalidate - any previous legislation. I certainly do not see legislation as having any capacity to overcome any defects.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon Barry House) in the Chair; Hon Peter Foss (Minister for Health) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Section 76A inserted -

Hon N.D. GRIFFITHS: I wish to know whether the Government has been advised of any Acts which may be at risk if this legislation is not enacted.

Hon PETER FOSS: No. We are not aware of any that we are advised would be at risk.

Hon A.J.G. MacTIERNAN: I will use this opportunity to raise with the Minister the procedural defects that may arguably be corrected by this legislation. I am pleased to have on the record that the Minister does not believe this legislation will operate to remedy procedural defects. However, a view has been expressed among the legal fraternity in Western Australia that it may conceivably have that effect. I would just like

to clarify for the Minister that in section 70 action, the defect that is being alleged relates to a requirement set down in the Imperial legislation. Before Royal assent could be obtained for a piece of legislation it must sit for a certain number of days before the English Parliament.

Under the Constitution Act in Western Australia changes to the Constitution, including in this instance the repeal of section 70, require Royal assent. The argument goes something like this: If the Australia Acts had been in operation at the time, it would not have been necessary for such legislation to receive Royal assent or for legislation to be placed before the United Kingdom Parliament. On that basis, the argument is that the procedural defect would not have existed if the Australia Acts had been passed. Hence, the 1905 legislation, notwithstanding this defect, would then be made retrospectively valid. We believe that was not intended by this legislation and we just seek clarification of that. We understand that that was not the intention of the special committee of Solicitors General who advocated this piece of legislation. This is not simply an academic issue. Currently an action by a group of five Aboriginal people which centres on this question is before the Supreme Court. It is important that this matter be very clear in our minds.

Hon PETER FOSS: The point is an interesting one and raises the question of whether the Australia Acts themselves are also retrospective. If one looks at section 9, it states -

- (1) No law or instrument shall be of any force or effect so far as it purports to require the Governor of a State to withhold assent from any Bill for an Act of the State that has been passed in such manner and form as may from time to time be required by a law made by the Parliament of the State.
- (2) No law or instrument shall be of any force or effect in so far as it purports to require the reservation of any Bill for an Act of a State for the signification of Her Majesty's pleasure thereon.

It would be interesting to know whether that itself speaks for all time, because it appears to be a general statement on laws for reservation. One has to read that with section 6, which states -

Notwithstanding sections 2 and 3(2) above, a law made after the commencement of this Act by the Parliament of a State respecting the constitution, powers or procedure of the Parliament of the State shall be of no force or effect unless it is made in such manner and form as may from time to time be required by a law made by that Parliament, whether made before or after the commencement of this Act.

Interestingly enough that says specifically "after the commencement of the Act" and preserves manner and form prospectively, whereas section 9 does not seem to have any such prospective effect to it. For instance, it is in marked contrast with section 8, which states -

An Act of the Parliament of a State that has been assented to by the Governor of the State shall not, after the commencement of this Act, be subject to disallowance by Her Majesty nor shall its operation be suspended pending the signification of Her Majesty's pleasure thereon.

Both sections 6 and 8 specifically provide that they are dealing with a situation after the coming into operation of the Act. Section 9 appears to be of an all time effect already, and any law which supposedly required that has gone by virtue of section 9 and appears to have gone for all time. It would be interesting to know whether that is something which has already occurred.

Hon A.J.G. MacTIERNAN: We did look at section 6, which does not appear to be relevant to the case in hand. I am not quite sure as to the other issues raised, but the procedural deficiencies are not a manner and form requirement of the WA Statute but a manner and form requirement of an Imperial Statute, so it would not be effected by clause 6. Perhaps the Minister could enlighten us as to what is his understanding of clause 9? Is he saying, as suggested in the second reading debate, that the Australia Acts might already do the range of things set out in the amendment Bill or is he saying that he

believes it has the effect of correcting those procedural defects in the repeal of section 70?

Hon PETER FOSS: In respect of section 9, which is the only one of the three we have been looking at which does not have the "after the commencement of this Act" provision, it appears to be for all time. The interesting thing about sections 6 and 8 is that it could be argued the new section 76A will interpret the Western Australian Acts as if the Interpretation Act applied to them. Of course, the Interpretation Act has only limited application to the Constitution because, being an ordinary Act of Parliament, unlike the Australia Acts it does not have the capacity to amend it except in accordance with the provisions of the Constitution. I cannot see how an amendment to the Interpretation Act could effect an amendment to the Constitution. The Australia Acts could certainly amend the Constitution. The only way the Interpretation Act can operate is as a re-enactment. It cannot amend the law as it was previously and it must itself comply with the Australia Acts. When one looks at the whole thing section 9 may well have sunk that particular argument. However, to the extent that section 9 has not sunk it, I cannot see how an amendment to the Interpretation Act could effect an amendment to the Constitution.

Hon A.J.G. MacTIERNAN: A number of people have raised the point of how it might be thought this Bill before us, which is essentially an amendment to the Interpretation Act, could effect an extension of the Australia Acts. The competing argument for this is that as the United Kingdom Parliament has no longer any authority over any Australian Legislature, the Western Australian Legislature no longer has to obtain an amendment of the United Kingdom Parliament as was necessary with the original Australia Acts. One of the questions, bearing in mind that the majority of Solicitors General did not believe it necessary because the Australia Acts already did the job, is whether this piece of legislation is designed as an extension of the Australia Acts, as seems to be suggested by the second reading speech, or is an exercise of power pursuant to the Australia Acts? That is, does it extend the Australia Acts' operation or is it an Act pursuant to its powers?

Hon PETER FOSS: It is certainly using the powers under section 2 of the Australia Acts because using those powers it can make laws which previously it could not make. It does that not by an enactment with a retrospective effect but by an ordinary enactment by this Parliament with extended powers and not an amendment to the Australia Acts. We do not have the capacity to amend the Australia Acts. It is not a constitutional amendment. There are three bases on which an Act of this Parliament can stand: As an original enactment; with the added effect of the Australia Acts themselves, whatever that may be; and as a new Act of Parliament retrospectively operating and made pursuant to the powers conferred by section 2 of the Australia Acts.

Hon A.J.G. MacTIERNAN: Although the second reading speech refers to the fact that it has the effect of re-enactment, that is not the wording within the legislation. I suppose this brings us back to the question of rectifying pieces of legislation that had procedural difficulties and that had therefore failed at that time. Does the Minister support what is said in the second reading speech; that is, that the Bill operates to re-enact all that legislation existing before the Australia Acts? Putting to one side the effects section 9 of the Australia Acts may already have, does this exercise in power pursuant to the Australia Acts have the effect of re-enacting that 1905 repeal legislation and avoiding the procedural requirements made at that time?

Hon PETER FOSS: I expressed it previously in the correct way. If the Act is a valid Act it has its effect because of that.

Hon A.J.G. MacTIERNAN: Which Act?

Hon PETER FOSS: Any Act; but, for example, if the 1905 Act is a validly passed Act it operates of its own force. If there is any area of doubt or any element in that which is needed, it could very well be that section 9 of the Australia Acts overcomes it. Thirdly, if despite all that, there is any element that remains invalid, using the powers of section 2, this Act, by itself, says it is a valid Act. That would then have enactment because this Act says its valid. If it must rely on this that would be the basis of its validity. If it does

not have to rely on this legislation for its validity, to that extent it does not constitute an enactment because it is not touching it. It has effect only when it touches it. There are three ways it can be valid: Because it is valid; because the Australia Acts section 9 says it is; and because this Act, using the powers under section 2 of the Australia Acts, says it is valid. It may never be necessary to get to the third hurdle if legislation survives on the first or the second hurdle. It is only legislation which does not survive on the first or second hurdle that this Bill touches, because it has no need then to touch it if it is already valid.

Hon A.J.G. MacTIERNAN: I am having trouble following the Minister there. We are clearly talking about a piece of legislation which it is currently being argued is invalid. Therefore, there is no point talking about Acts which are valid.

Hon Peter Foss: We are not repealing or re-enacting it if it is valid.

Hon A.J.G. MacTIERNAN: The Minister is saying that those Acts which need to be re-enacted to be validated will be re-enacted by virtue of this extension to the operation of the Australia Acts made pursuant to the powers vested by it in this Parliament.

Hon Peter Foss: That conclusion is a matter of analysis rather than declaration.

Hon A.J.G. MacTIERNAN: I wanted to check whether the Minister saw this amounting to a re-enactment.

Hon Peter Foss: Only to the extent necessary. If it was never valid it was never an Act.

Hon A.J.G. MacTIERNAN: Will it go through the process of enactment at this time?

Hon Peter Foss: Purporting is the important word there. If it is valid, it is not purporting.

Hon A.J.G. MacTIERNAN: There is no issue about that. We are not concerned about pieces of legislation the validity of which is not contested. We are concerned about the validity of a piece of legislation and the consequences this Bill will have for that piece of legislation.

The CHAIRMAN: If the member has posed a question will she leave it for the Minister to answer?

Hon A.J.G. MacTIERNAN: As I said, we are concerned with legislation such as the 1905 Act which arguably - obviously this is to be determined by the court - did not comply with the procedural requirements of an Imperial Statute.

I understood the Minister to respond to a question in the second reading debate that this legislation would not operate to correct such a procedural deficiency. Now I am getting the distinct impression the Minister is taking a different view and arguing indeed there would be a re-enactment or, to be technical, an enactment because the other enactment had been only a purported enactment, an enactment de novo of that legislation and that it would thereby become valid by virtue of this legislation. Has the Minister now changed his position on that?

Hon PETER FOSS: I said three things; I maintain them and I do not think I have changed my position. I believe that Act was valid anyway, therefore it will remain an Act and it will not need this Bill in any way.

Hon A.J.G. MacTiernan: We are not worried about that scenario.

Hon PETER FOSS: Secondly, I believe section 9 of the Australia Acts puts beyond all doubt - if there were any doubt about that - that it is valid.

Hon A.J.G. MacTiernan interjected.

Hon PETER FOSS: Yes, there is because section 9 deals with only one thing: The main concern with this Bill is the offshore power, rather than the reservations. Section 9 does not deal with the offshore power. To the extent that section 9 is relevant, I believe it deals with the matter. Even if the 1905 Act were not valid, section 9 of the Australia Acts makes it valid. Finally, there are all sorts of reasons why the 1905 Act may have been invalid in its entirety or in any part. That part is not a re-enactment, to the extent that it was not an enactment, but was a purported enactment. Where there is a purported

enactment - something which is not an enactment - this Act operates to pass that into law and give it retrospective effect. It does not operate as an amendment to the Act or to the Constitution; nor can any subsequent Act avoid the provisions of section 6 of the Australia Acts.

Sitting suspended from 6.00 pm to 7.30 pm

Hon PETER FOSS: The question relates to proposed section 76A of the Interpretation Act and the effect this amendment will have when read with the Australia Acts of the United Kingdom. If this place passed the provision contained in proposed section 76A, would it operate to validate an Act that was passed properly through this Parliament in the manner and form provided for it to do so, but when it arrived in the United Kingdom did not observe the forms dictated by the United Kingdom Parliament for the giving of Royal assent where an Act such as that was reserved for assent?

If such a Bill existed and one relied upon the provisions of the Australia Acts to validate it, section 6 of the Acts would specifically require the same manner and form to be observed after the coming into effect of the Act as was required previously. There could not be a valid law without observing it. That is needed because of section 2 of the Australia Acts which very much broadens the powers of the State Parliaments to pass laws for the peace, order and good government of a State. If it were not for section 6, one could argue that the manner and form of the provision would cease to be of effect because the State Parliaments would have the same power as the United Kingdom Parliament, to pass an Act changing anything. Section 6 was probably considered necessary for that purpose.

If the original Act to which Hon Alannah MacTiernan referred was invalid, in order to validate it this Bill would have to be an amendment to the Constitution. The argument would be that if the Act was not properly passed in 1905 amending the Constitution, and the Constitution was not amended, this Act would then be a constitutional amendment. In order to be a valid constitutional amendment it would have to comply with section 6 of the Australia Acts. Under that argument one could say that this amendment could not in any way affect the case before the court. However, Hon Alannah MacTiernan spoke about another possibility; that is, section 2 of the Australia Acts, in particular subsection (2) which states -

It is hereby further declared and enacted that the legislative powers of the Parliament of each State include all legislative powers that the Parliament of the United Kingdom might have exercised before the commencement of this Act for the peace, order and good government of that State . . .

That could mean that we as a State Parliament could pass retrospective legislation which would have the effect of validating the Bill which was previously before this Parliament, and that the other provision relating to the reservation had either been got rid of by section 9 of the Australia Acts, or else was got rid of because of this Act using that power under section 2 which had the effect of making the Australia Acts apply. One of the arguments we have always wondered about is whether this Parliament has the power to amend the Australia Acts. It is quite possible that section 2(2) of the United Kingdom Act gives this Parliament power to amend the Australia Acts. It is almost an opportunity of dragging ourselves up by our boot straps. If that argument were raised one may even be able to say that this Parliament now has the power to give retrospective effect to the Australia Acts not merely to use the powers conferred by it, but to go further and expand its own powers, except to the extent that the Australia Acts prevent it from doing so. It would be appropriate at this stage, because the Bill has the capacity to have the undesirable effect to which Hon Alannah MacTiernan referred, for me to take further advice from the Attorney General, whose Bill this is, and accordingly I move to report progress.

Progress

Progress reported and leave given to sit again, on motion by Hon Peter Foss (Minister for Health).

ADOPTION BILL (No 2)*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon the Australia Acts. Charlton (Minister for Transport), read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [7.41 pm]: I move -

That the Bill be now read a second time.

The concept of adoption is almost as old as that of the family itself. The practice of I adoption is known to have occurred in ancient societies with the motive often being related to inheritance and religion. For example, in Roman times adoption was regarded as an honour and often meant entrance into a family of privilege and influence. In China and India, families without sons would adopt a male relative as their heir. A common characteristic of early adoptions was that they were open transactions. The formal process of legal adoption is a relatively new occurrence in modern western society. The first modern adoption laws were passed in Massachusetts in 1851 and in New Zealand in 1881. Western Australia was the first Australian State to introduce adoption legislation. In 1896, the Adoption of Children Act was passed by our Western Australian legislators. The Act was intended to protect children of destitute mothers from exploitation and to provide for minimum standards of care. It has been estimated that over 20 000 adoptions have occurred in Western Australia since that time. In the past 90 years, there have been many changes in social attitudes and conditions.

The move towards secrecy in adoptions did not begin until after the First World War. In the following decades, people came to believe that secrecy in adoption was for the best. They believed it was better for the child to grow up believing its adoptive family was its birth family; that it was better for the adoptive family to pretend the child was its own; and that it was better for the birth mother to forget about her child and to concentrate on making a new life for herself. While these beliefs were true for some people, they were not true for others.

Since the 1970s, people involved in adoptions have begun to speak out about their experiences, and numerous findings from research studies on adoption have been published. We have learnt that many adopted people want to know about their original family background, even when they share a close and loving relationship with their adoptive families; we have learnt that many birth mothers have not forgotten about their relinquished child and have continued to grieve, wondering, yet never knowing, what happened; we have learnt of the strains felt by adoptive families in maintaining secrecy about the adoption; and we have learnt that when everything is brought out into the open and new relationships are established, the bonds within adoptive families are usually strengthened, not weakened. The result of this experience has been a significant worldwide trend towards the release of previously closed records and a return to the openness and truthfulness of early adoptions. The Adoption Bill before the House today brings Western Australian law into line with this experience. In doing so, it repeals the Adoption of Children Act 1896.

Today's Adoption Bill began with the 1983 amendment Bill and the select committee of this House which was established to inquire into the provisions of that Bill. The select committee reported in October 1984 and its work led to the amendments of 1985 which gave adopted persons from the age of 18 years access to their original birth certificate subject to mandatory counselling and the absence of an information veto by the birth parent. In its deliberations, the select committee became concerned about the rights and desires of relinquishing parents and concluded that although these concerns were outside its terms of reference, they should be addressed in a further review. A review of the adoption Act commenced in November 1988 with the appointment of an adoption legislative review committee. The committee's recommendations led to the Adoption Bill 1992 which was introduced into the Legislative Assembly in September 1992. Members will no doubt recall that the Bill was adjourned on the last sitting day of the

session at the beginning of the Committee stage. When the Government was in Opposition, it indicated support for the broad thrust of that legislation. However, there were a number of clauses within the 1992 Bill with which it did not agree and these were reflected in the amendments which were tabled in 1992.

This Adoption Bill before the House today is based on the 1992 Bill. Many clauses have remained unchanged. However, in some areas, the Government has made substantial alterations to incorporate the intentions of the 1992 amendments. It is important to recognise that adoption involves three parties and often three different perspectives. Each of these perspectives is itself multifaceted. Relinquishing mothers, for example, may have an almost overwhelming desire to know about the existence of their child, or an equally powerful desire not to have anyone know about the existence of their child. Adoptees may have a powerful desire to know their birth parents or they may regard such information as an unwelcome intrusion on their lives. Adoptive parents want the security of knowing that they can raise their children without interference, but they may have strong and differing beliefs about whether it is better or worse for their children ever to know about their original background. These many points of view are often mutually exclusive and therefore cannot be defined strictly in terms of rights. The task of legislation is to find the correct balance of these relationships. The Government's new Adoption Bill adjusts the balance that was presented in the 1992 Bill. The 1993 Bill gives greater recognition to the real dilemmas that confront adoption parties when, as in this case, some aspects of adoption legislation are made retrospective. While providing adoption parties with better access to identifying information about each other, the Bill also provides protection for an individual's privacy when privacy is desired.

I now propose to outline some of the major features of the Bill. One of the important aspects is the mechanism designed to protect the rights of relinquishing birth parents at the time they are considering adoption. Experience shows that in the past relinquishing mothers were often unaware of their right to revoke their consent up to a month after it was given, and that they were given little or no opportunity and support to explore alternatives to adoption. The Bill addresses this issue by listing the duties of the Director General of the Department for Community Development in the counselling of birth parents who are thinking about relinquishing their children for adoption. Consistent with the amendments of last year, this Bill requires the director general to commence the provision of these services within seven days of being requested. This legislation determines a balance between the birth parents' need for information, counselling and adequate time to reach a decision, and the child's need to be placed in a permanent adoptive family as quickly as possible.

The Bill introduces the concept of an "effective consent". Birth parents will not be able to sign adoption consents until at least 28 days after they have received appropriate information as outlined in schedule 1. It is a further requirement of the Bill that no adoption consents can be signed until the child is at least 28 days old. It must be stressed that these periods are minimum requirements only and, if required, birth parents will be able to take longer to make their decision.

This Bill contains a new clause which requires the parent or guardian of a relinquishing parent under the age of 18 years to support, by affidavit, the proposed adoption. Another new clause in the Bill, consistent with the amendments of last year, covers the guardianship of children awaiting adoption when not all consents have been signed. In circumstances where a child is harmed by a birth parent persistently consenting to adoption and then revoking that consent, the Government's 1993 Bill provides for the director general to apply to the Children's Court for a declaration that the child is in need of "care and protection" according to the Child Welfare Act.

The Bill allows the court to dispense with adoption consents under specified circumstances. As in existing legislation, the Bill requires children who are over 12 years of age to consent to their own adoption. For the last 30 years, consenting to the adoption of a child has generally involved a decision by the birth mother alone. This was because, in the majority of cases, mothers who have relinquished their children for adoption have been unmarried women. Since 1964 the law has not required the father of a child born to

an unmarried woman to consent to his child's adoption. In recent years the role of fathers in the adoption process has been given more attention, and an adoptee's need for information about both parents has been acknowledged. Recognition of the role of fathers is an important advance in this Bill. The definition of "father" within the Bill ensures that confirmation of a man's status as the child's father is not dependent on the man being married to the mother. When a man is recognised as the father of a child, his consent must be obtained, or dispensed with by the court, before the child can be placed for adoption. A man who is suspected of being a father, but cannot be clearly identified as such, will have the opportunity to pursue proof of parentage or to seek custody of the child. Special provisions in the Bill will allow the court to dispense with a father's consent when the child's conception resulted from an offence against the mother such as rape or incest.

One of the important functions of any adoption legislation is to define the process for the selection of the best possible adoptive parents for each child available for adoption. The process must be thorough and equitable for all applicants. It must also be sensitive to the special issues which confront many couples seeking to become parents through adoption. Officers involved in the selection process must be objective and accountable for their actions in any inquiry. The Bill considers adoptive parenthood under three categories: The largest category is where applicants are applying to adopt a child through the department. Following assessment and approval, the applicants enter the department's list of approved applicants waiting for a child to be placed for adoption. A second category refers to applicants who are applying to adopt a child who has been in their care for a continuous period of three or more years and an established parent-child relationship has developed. The Bill refers to this category as "carer adoptions". A third category is applicants who are applying for a step-parent adoption. The provisions of the Bill are consistent with the Commonwealth Family Law Act in protecting existing rights of biological parents. Members may be interested to note that step-parent adoptions represent the majority of adoption orders granted by the Family Court each year. In 1992-93, 86 adoption orders were granted in Western Australia, and, of these, 52 were for step-parent adoptions.

Unlike the 1992 Adoption Bill, the Bill before the House makes it compulsory for the director general to provide persons contemplating adoptive parenthood with information and counselling in relation to adoption. In the case of applicants applying to adopt a stepchild or a child who has been in their care for at least three years, information and counselling will be provided upon request. The Bill sets out the criteria for adoptive applicants and requires the director general to appoint a suitably qualified person to assess each applicant's suitability for adoptive parenthood. Each assessment report will be considered by an adoption applications committee, which will be required to approve applicants as prospective adoptive parents. This type of committee has operated successfully with the Department for Community Development for a number of years. The Bill formalises the existence of the committee and expands on the 1992 Bill by defining the committee's membership as comprising at least four members, all of whom are to be appointed by the director general. At least one of these members must be independent of the department. The committee's constitution, procedures and other related matters will be prescribed in regulations.

Adoption applicants who are dissatisfied with the adoption applications committee's processes may use part 5 of the Bill to appeal to the Family Court. The decision by the Family Court can be appealed, with leave, to the Full Court of the Supreme Court on the grounds of an error of law. When the committee has made a decision approving applicants as suitable adoptive parents and a child is placed with the applicants, it is in the best interests of the child for the placement not to be disrupted. Therefore, there is no right of appeal against a decision to place a child for adoption if the child has already been placed with the adoptive family.

I now mention a number of issues relating to the selection of adoptive parents. Consistent with the changing trends in adoption practice, the Bill reinforces the principle that adoption is primarily a service for children who need families. Criteria for adoption

must be based on the ability of couples and individuals to meet the needs of children. Current criteria for adoptive applicants are prescribed in regulations, which were formulated after community consultation and following the 1985 amendments. The essential features of the current criteria remain unchanged, but will be incorporated in the new Act.

One change to the criteria is a revision of the age requirements; that is, the Bill states that the age difference between adoptees and their adoptive parents be no more than 40 years. This provision reflects the aim of placing the adoptive child in a family that is not markedly different from the rest of the community. It is also consistent with the emerging trend for Australian couples to have their first child at a later age than several decades ago.

As part of the assessment process, the 1992 Bill required adoptive applicants to provide evidence that they had not been found guilty, in the two years before the assessment, of an offence punishable at the time of the finding by imprisonment. The two year period was considered too short, and this Bill extends the period to five years. An important feature of this Bill is the provision for the director general to place a child with parents who may not satisfy the criteria specified in the legislation. This provision is most likely to be used where it has been difficult to place a child with special needs.

Members may recall that one of the difficulties of the 1992 Adoption Bill was the extreme restriction on the placement of ethnic and Aboriginal children outside their own ethnic group. The Bill before the House today addresses this issue by excluding ethnic preference clauses. The Government recognises the appropriateness of placing children in their own ethnic group. However, to enshrine such policies in legislation establishes a rigid system which may not have the flexibility to respond to the individual needs of a particular child. Wherever possible it will be the Government's intention to support the placement of children in their own ethnic group; however, recognising that this may not always be possible, and may sometimes conflict with the stated views of relinquishing parents, this adoption legislation seeks to provide greater flexibility for practitioners to place children with the best possible family available.

This Bill ensures that the widest range of options is available for children. When placing children with families of ethnic or Aboriginal backgrounds, the guiding principle will always be placement based on the best interests of the child. With regard to international adoptions, guidelines established by the State and Territory social welfare Ministers have been followed. These guidelines ensure that all children coming into Australia for adoption have the same access to a professional service as do Australian born children and that persons domiciled in Western Australia who wish to adopt an overseas child must meet the requirements for prospective adoptive parents before bringing a child into the country.

This Bill provides for recognition of adoption orders made overseas. One of its most innovative aspects is its approach to future adoptions. For some time, many have questioned the relevance of traditional adoption with its emphasis on secrecy and the severance of biological ties. It is clear that a more open and flexible approach to adoption is required if adoption is to continue as a viable option for children needing permanent care outside their natural families. Emerging adoption practice, both in Australia and overseas, is towards greater openness in the adoption process. The Bill promotes the notion that adoption should not be a secret process. It requires potential adoptive parents to recognise the reality that the adopted child has two sets of parents and that the birth parents do not forget about their relinquished child. It acknowledges that adoptive parents have the right to raise their child without fear of interference and to have their family privacy respected, but it expects them always to be conscious of the truth about their child's total family background.

The Bill requires adoptive parents and birth parents to negotiate an adoption plan prior to the placement of the child. The aim is for parties to reach agreement in relation to sharing information about the child's development and significant events in the child's life. The director general will be required to provide assistance and mediation services to

persons who are negotiating an adoption plan. This is a change from the 1992 Bill which required assistance to be given only if requested. The flexibility of this legislation will mean that the terms of the adoption plan can range from no contact and no exchange of information through to regular contact between parties.

Schedule 2 of the Bill provides clear guidelines concerning the rights and responsibilities to be balanced in determining an adoption plan. It is important to emphasise that this Bill is not advocating compulsory open adoption or shared parenting. Rather, it proposes a mechanism to allow adoption parties to choose from a range of options and reach an agreement which best suits all those concerned. When an adoption order is granted, all parental rights and responsibilities are legally transferred to the adoptive parents. The Family Court will be required to approve the adoption plan and decide on any areas of dispute. The court will be able to prescribe penalties for a breach in the terms of an adoption plan. This Bill also provides for the court to dispense with the requirement for an adoption plan when the birth parent is unwilling or unable to participate or cannot be found. This Bill also ensures that agreements between adoptive parents and birth parents do not affect the right of adoptive parents to move freely with their adoptive child within and out of Australia.

When reviewing the adoption plan concept in the 1992 Bill, the Government was concerned about the possibility that adoption parties could continually apply to the court for a variation of the adoption plan. To rectify this problem a new clause has been inserted which requires parties wishing to vary an adoption plan agreement to first engage in a mediation process before they apply to the court for a variation of their plan. For adoptions other than step-parent or carer adoptions, it will not be possible to lodge an application for a variation until the department has certified that the mediation process has been completed.

It may well be that one of the outcomes of the greater openness for future adoptions is that adoption may be perceived by the community as a more viable option to alternatives such as abortion. Prospective parents who are unable to raise their child within their own family structure may well consider adoption as a suitable alternative when they are guaranteed by this legislation of their rights to information and possible contact with their relinquished child.

In keeping with the more open approach to future adoptions, only one birth certificate will be issued for the adoptee. The certificate will record details of both adoptive parents and birth parents, the date of the adoption and the adoptee's name. Situations will arise when the adoptee's full birth certificate will be required, but where the adoptee and adoptive parents wish to control whether the adoption details are displayed. To accommodate these circumstances, the Bill allows for the issuing of a certified copy of the portion of the birth certificate that does not disclose adoptive status. This will be recognised as a full birth certificate for all legal purposes.

Members will recall that the 1992 Bill proposed to prevent relative adoptions. This Bill rejects that view and confirms the existing right to adopt relatives. The 1992 Bill did not permit adoption of adults. This Bill allows for persons over 18 years to be adopted by a prospective adoptive parent who has been a carer or a step-parent of the adoptee immediately prior to the adoptee attaining the age of 18 years. This Bill has been drafted from a position that the adoption of persons over the age of 18 years requires less judicial and departmental involvement than the adoption of children.

A number of special provisions have been incorporated in the Bill in relation to the adoption of adults. Firstly, the consent of birth parents will not be required when the adoptee is over 18 years of age. This is consistent with the current Adoption of Children Act. Secondly, the director general is to provide information and, if requested, counselling to applicants prior to any court application for an adult adoption. Thirdly, if requested by the court the director general is to provide a report to the judge at the time of the application for an adoption order.

The 1985 amendments to the Adoption of Children Act allowed private adoption agencies to be established and licensed. To date, no applications for a private adoption

agency have been received. The new legislation will continue to allow for private adoption agencies to be established and licensed. However, regulations will prescribe other matters such as qualifications and requirements of agencies, procedures for licensing and renewal, appeal procedures and provision of information to the director general. The current legislation does not provide for a formal appeal mechanism on administrative matters. As mentioned earlier, this Bill establishes a system for the review of decisions and appeals. An aggrieved person may apply to the director general for a review of his case. If still dissatisfied, the person has a right of appeal to the Family Court on a question of law and/or fact. There is a further right of appeal, with leave, to the Full Court of the Supreme Court on the grounds that the Family Court made an error of law. Using the provisions of the Family Court Act 1975, decisions made by the Family Court may also be appealed to the Full Court of the Supreme Court.

I now come to a most sensitive aspect of this legislation; that is, the provisions relating to access of information. Adoption is an area which evokes strong emotions. Some parties often have an intense desire for access to adoption information, competing with the strong need of others for protection of individual and family privacy. People affected by adoption are anxious for their views to be considered. Each member of the adoption triangle has his or her own particular perspective, sometimes with the expectation that legislation should enshrine their interest as a right in preference to the interest of other parties. As legislators, it is our task to determine the correct balance in people's relationships in these complex situations. This legislation accommodates as many opposing views as possible. It provides increased access to information for adoption parties. At the same time, because the legislation is retrospective, it provides parties with the option of preserving their privacy. It also creates a secure message box system which will allow people to communicate without having to disclose their identity.

Part 4 of the Bill deals with access to adoption information. It begins by defining a list of services which the director general must establish and maintain in relation to adoption information. These services include counselling, mediation, outreach and the facilitation of information exchange between adoption parties and their relatives. For all future adoptions under the new Act, adoption parties, following adoption, will be able to access court records and birth certificates. This access will be subject to the director general's authorising the release of information and subject to the normal rules of practice relating to the inspection and release of records from the Family Court and the registrar general. The same authorising process will apply when information is accessed under past adoptions. Unlike the 1992 Adoption Bill, there will be no legislated access to the department's adoption files. Persons who wish to access these files will need to refer to the provisions of the Freedom of Information Act 1992. There is a safety clause in the Bill which allows adoption parties to apply to the court for an order preventing a person from accessing court records and birth certificates when the release of such information is likely to place the applicant or the applicant's family at serious risk. This clause will apply to both past and future adoptions.

A new clause in the Bill, which relates only to future adoptions, will allow adoptive parents to place an information veto when three circumstances are satisfied: One, the court has dispensed with the birth parents' consents; two, the court has dispensed with an adoption plan; and, three, the adoptive parents had an expectation that the birth parents would not seek access to information before the adoptee attained the age of 18 years. The effect of the veto will be to prevent the birth parents from accessing court records and birth certificates. The information veto will apply until the adoptee turns 18 years unless the adoptive parents cancel the veto sooner or the adoptee dies before the age of 18. It will be possible to extend the veto by court order when it can be established that the adoptive family would be placed at serious risk by the release of identifying information. It must be emphasised that this is a very limited information veto and it will not apply to the great majority of future adoptions.

Clauses covering access to information relating to past adoptions are in schedule 3 of the Bill. Adoption parties will be able to access court records and birth certificates when the adoptee turns 18 years or sooner with the consent of relevant parties. As mentioned

earlier, persons who are seeking access to departmental adoption files will need to refer to the Freedom of Information Act 1992. Unlike the 1992 Bill, adoption parties will have the right to veto the release of birth certificates and court records in order to maintain their privacy. Adoptive parents are to act on behalf of the adoptee until the adoptee reaches the age of 18 years, but the adoptee does have a right of appeal to the director general in cases where information is unreasonably withheld. Adoptees, 18 years of age or more, are to represent their own wishes in relation to an information veto. An information veto for past adoptions lasts until the death of the person lodging the veto unless cancelled sooner or specified for a shorter period. Before adoption parties can lodge an information veto they must have received counselling on the effect of information vetoes and the possible benefits of information exchange. The Bill contains special provisions to ensure where possible that adoptees who now may not be aware of their adoption are given the chance to apply an information veto. Some general provisions in the Bill will apply to both past and future adoptions. Adoption parties and their relatives will be able to lodge a contact veto which registers their wish not to be contacted. The duration of a contact veto is until the death of the person lodging the veto unless cancelled sooner or specified for a shorter period.

A new provision in this Bill establishes a message box system. The director general is to provide the means for parties to adoption to leave messages for each other, subject to any relevant information or contact veto. It is envisaged that this provision will be used by parties who have placed a veto to pass on information of a non-identifying nature with perhaps an explanation of the reasons for placing a veto. It will also enable parties who are the subject of a veto to pass on information about their reasons for seeking information or contact. The Government believes that the message box system will assist in easing the anxieties of adoption parties who may be affected by a veto. It will provide a non-threatening method of communication between adoption parties and may well lead to a reduction in the number of vetoes. Individuals or organisations wishing to act as contact or mediation agencies in relation to adoption will need to be licensed.

Hon Reg Davies: Hear, hear!

Hon E.J. CHARLTON: Protective mechanisms are another feature of this Bill. There are penalty provisions for harassment and breach of confidentiality, and contact veto clauses. It will also be an offence to arrange adoptions except under the provisions of the Act.

In conclusion, I mention one very important clause which has been added to the Bill; that is the clause which requires a review of the new Act two years from the date that the Act comes into operation. This clause will ensure that sensitive and contentious areas will be re-examined in the light of experience. Feedback from the adoption community will be important and their experiences with the new Act will be widely sought. It is the Government's belief that the review is a good safety mechanism. It will ensure that unintended consequences of the Act can be identified and addressed. It will also provide the opportunity to extend some provisions if considered appropriate. Of particular interest will be the sections relating to the adoption plan and access to information. This Bill is of great importance to the community as a whole. It is the culmination of many years of work by many sections of the community who have campaigned long and hard for change to the State's adoption laws.

Mr President, in commending the Bill to the House, I urge members who may have doubts or uncertainties about aspects of the Bill to resolve those personal doubts in favour of the Bill so that our community can be given a new, more open law with the assurance of a review within two years.

Debate adjourned, on motion by Hon Cheryl Davenport.

BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL 1994

Second Reading

Debate resumed from 29 March.

HON MARK NEVILL (Mining and Pastoral) [8.10 pm]: The Opposition supports the Bill, which reverses two of the three measures contained in the Business Franchise (Tobacco) Amendment Bill (No 3) 1993 that went through this House last December. That Bill contained measures to minimise the potential loss to State revenue in the event of an adverse ruling by the High Court on the constitutional validity of State franchise fees in the Capital Duplicators case. The High Court ruled that the franchise fees were constitutionally valid. That precluded the need for some of the measures in that Bill. The Opposition supported the Bill that passed through the House last December.

Last year's Bill brought forward from the 15th day of the month to the sixth day of the month the date on which the licence fees were payable. Last year's High Court decision was brought down on 7 December and the State wanted to ensure that the money was in before and not after that decision. That has created administrative difficulties for the tobacco companies because on the sixth day of the month the licence fees are payable for the previous month's sales. Those companies have six days in which to get the figures from all around Australia, collate them and pay the fee. This month is a classic example. The first day of the month was Friday and there was a holiday on Monday. The companies have three working days to collate the information from last month. The Easter and Christmas periods are particularly difficult times to get the money in on time. It seems sensible to the Opposition to reverse that process now that the High Court decision has passed and to return to the 15th day of the month the date for the payment of the tobacco licence fees.

The Bill reverses the increase in penalties for not having a licence to sell tobacco from four times back to two times the fee evaded. Last year, the measure was considered necessary in case people considered selling tobacco without a valid licence. The measures in last year's Bill which will still continue are the provision which introduces into the Act for the first time a penalty for the late payment of licence fees and the provision which increases the frequency of payments from every two months to every month, which means that the tobacco companies do not have the licence fee in their possession for a long period. The State has done quite well out of those two amendments, and they are to continue.

I will make a general comment about the tobacco franchise legislation which relates to the Industry Commission inquiry report which was referred in today's *The Australian Financial Review*. An article under the heading "Changes to tobacco excise system tipped" states -

An Industry Commission inquiry into Australia's tobacco industry is expected to recommend sweeping changes to the way State and Federal Governments collect nearly \$3 billion a year in tobacco excises and licence fees.

It goes on to say that there is a recommendation that Australia's tobacco excise be imposed on a value of product basis, as opposed to the existing volume of product system. I do not know who wrote the article, but the system in Western Australia is already based on the value of the product and not on the volume of the product. The article continues -

Australia is one of the last countries to impose its tobacco excise on a weight basis . . .

It continues further -

For smokers, a side effect of the weight-based system is that many Australian cigarettes have a far lower tobacco content than cigarettes in other countries because local manufacturers try to make cigarettes as "light" as possible.

The article goes on to say -

At present, Australia's tobacco companies must use a minimum of 57 per cent Australian grown tobacco in their products but this scheme is due to end by July 1 1995.

It is at that date that, under the local leaf content scheme, tariff assistance to local growers will end. As with many other rationalist economics based Industry Commission

reports, what we will end up with is more tobacco by weight in cigarettes and we will probably see the tobacco industry in Australia wiped out. Instead of having 57 per cent of our tobacco Australian grown - which most people know is grown on the Atherton Tableland - we will import it all. We will have fewer jobs and more tobacco in people's cigarettes. It seems of little benefit in terms of collections of State excise, because they are already on a value basis. Perhaps there are good arguments for collecting the Federal excise on a weight basis, but I would like to look closer at the Industry Commission report. As with most of them, the consequences are usually the loss of jobs and other unfortunate side effects. With those few comments, I indicate that the Opposition supports the Bill.

HON MAX EVANS (North Metropolitan - Minister for Finance) [8.18 pm]: I thank the Opposition for its support of the legislation. The Government is pleased to have this Bill passed through the House.

When the legislation was introduced, Philip Morris was worried that it would not be able to pay its fees by 6 December. I spoke with a senior executive of Philip Morris in Sydney and was quite alarmed at how little he knew about his business. He did not know how much the total payment was. It turned out that it was only \$2.4m of the \$30m that we had to collect. He said, "Minister, you take our word for it. We will pay you." I said, "If the High Court says that it is not payable, there is no way that we can make you pay and you will not pay us." He said, "You would have to take our word for that." Eventually, the senior executive had to ask someone in his own office how much was owing, and it was \$2.4m. I said to him, "I know the tobacco industry very well. Most of your companies pay cash on delivery. All small delicatessens receive no credit; bigger stores get seven days to pay; and hardly anybody gets 30 days - Coles and Woolworths being the only ones." On checking again, he discovered that 90 per cent of the money would be collected by the sixth of the month.

Because cigarettes are a disposable product, delicatessens were made to pay the money up-front. My local delicatessen operator said to me that the extra tax had put an additional \$1 000 onto his stock of cigarettes, which made it very difficult for him because it took up that much more of his working capital. In the old days the interest on the money was returned monthly rather than two-monthly. The Government will stay with that and most of the other States are doing the same thing.

Ten or 15 years ago when this was introduced sales were on a 12-monthly basis for the next year. By the next year inflation had caught up, so the tax was placed on a higher priced cigarette. The wholesalers were making nearly as much money out of this margin on the licence fee as on the cigarettes themselves, which had a very small margin. The one risk they had was losing a major client such as a big supermarket store; they had to pay the licence fee the next year, and they weren't making those sales. An arrangement was entered into to avoid problems with that because it could have wiped them out of business. The penalties were 400 per cent because they were worried about the huge benefit if companies did not pay the taxes. The Government is reversing it to 200 per cent.

I thank the Opposition for its support. This is simple legislation. We would like to get it through the upper House as quickly as possible so that the status quo can be returned to the companies.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and transmitted to the Assembly.

METROPOLITAN REGION SCHEME (FREMANTLE) BILL*Second Reading*

Debate resumed from 25 November 1993.

HON A.J.G. MacTIERNAN (East Metropolitan) [8.23 pm]: The Opposition strenuously opposes this Bill. This legislation seeks to reinstate in the metropolitan region scheme an old plan for a highway through the centre of Fremantle. We oppose it because it is wrong in substance, because there are better solutions to the traffic problems within Fremantle, and because due planning processes have been disregarded in bringing this Bill before the House.

I will focus on the planning disaster that will follow the reinstatement of this highway, remembering that the Government does not intend to proceed with the construction of the road in the foreseeable future. With this combination of the reinstatement and the failure to act upon that reinstatement we have the worst of all possible worlds. It is clear from the conduct and statements of the Minister for Planning that no intention exists to proceed with the construction of the highway in the foreseeable future.

Areas of White Gum Valley, Beaconsfield and Fremantle which adjoin the freeway and areas adjoining those areas will fall victim to planning blight. Planning blight is not one of those radical notions purveyed by left wing radical academics from Murdoch - a group which seems to be so despised by the Minister for Planning. Planning blight is a well known negative consequence of a planning decision - usually involving a road or freeway reservation - which quarantines part of an urban landscape, effectively precluding the area and its surrounds from development and maintenance. What happens under such circumstances? No money is spent on renovation and maintenance; buildings deteriorate; residents and businesses move out, leading to a downward spiral on property prices. The area becomes unoccupied, derelict and run down. This is a phenomenon -

Hon Peter Foss: Is that what the situation is now?

Hon A.J.G. MacTIERNAN: It is a situation that we believe -

Hon Peter Foss: But it is already like that, because it has been like that for 12 years.

Hon A.J.G. MacTIERNAN: We think that this has happened to some extent.

Hon Peter Foss: It didn't happen in the past 12 years; why should it happen now?

Hon A.J.G. MacTIERNAN: We think the area would have been more adequately developed. If this road reservation had not been there, money would be directed into that area and it would have developed in the same way as the rest of Fremantle and its inner suburban areas have been developing. This area will again languish in limbo. We say this is a phenomenon that we should all be aware of. This has operated in East Perth and Northbridge. The road reservation that was put through for the city northern bypass had very deleterious consequences. Over 20 years we saw a very vibrant area fall into massive decay. That was part of the Stephenson plan. In the mid 1980s the Labor Government recognised the consequences of that planning blight and gave some impetus to what it saw at the time as short term development of that area. Capital was injected into the area by way of Homeswest funds and the Government encouraged the properties which it held throughout that area to be leased and renovated pending the future construction.

The second negative consequence which the Opposition believes will flow from this combination of reinstating the reservation into the scheme while not proceeding with its construction is that it will affect the local people who live on Hampton Road, whom the highway is supposedly to benefit. This reinstatement will not relieve some of the heavy and excess traffic which is on that road now. When the road reservation was lifted, the residents and businesses of Hampton Road had a legitimate claim for traffic control measures. The local people had a claim to attract funds to manage the traffic that was streaming through that area, to take trucks from that area and to limit the sheer volume of traffic using that route. In a situation where the highway is back on the metropolitan region scheme, it is most unlikely that the residents of Hampton Road will be able to

attract sufficient funds to put in place the sorts of traffic management proposals that will be required. It is also most unlikely that the solution that is needed - that is, a rerouting of traffic to what the member for Fremantle quite rightly calls the existing Fremantle eastern bypass of Leach Highway and Stock Road - will be taken to redirect traffic down those routes. Therefore, the people in Hampton Road will suffer more from this reinstatement of the highway because of the clear intention not to proceed to construct it. Putting aside the deferral of the construction of the highway, the Opposition believes that this reinstatement into the scheme was a bad decision because effectively it is not needed. Other solutions would be more cost effective and would take into account the economic and social needs of the people of Fremantle, White Gum Valley and Beaconsfield.

The Opposition's position is that a major north-south highway which was built some years ago exists some three to four kilometres to the east of Fremantle. I refer to Stock Road, which currently connects to the end of Stirling Highway by way of Leach Highway. Clearly, one can travel south along Stirling Highway, across the Fremantle traffic bridge, and turn left into Leach Highway and right into Stock Road. A number of variations or modifications have been outlined on various occasions by the member for Cockburn which have addressed the concerns raised by truck drivers about the grades on the proposed route.

The Opposition's assessment, which has been supported by a number of studies taken in respect of the traffic routes in Fremantle and which is certainly the position adopted by the Fremantle City Council and the East Fremantle Town Council, is that the existing bypass route which is three to four kilometres to the east of the proposed road construction is capable of taking all the traffic that will be generated for at least the next 20 years. No doubt Hon Jim Scott will give an analysis of why in 20 years' time the whole profile and needs of transport within the metropolitan area could well be changed. I have not discussed this with him but this has been the subject of his addresses on similar topics on previous occasions.

Unfortunately, the Minister for Planning's response to the Opposition's strongly expressed view and the view expressed by the vast majority of people in Fremantle that there is already an existing bypass which needs to be utilised - it would take an extra four or more kilometres to travel via that route as opposed to the proposed highway through Fremantle - is that it is one of the seditious views held by the aforesaid lefty academics at Murdoch University. The Opposition is well aware of the economic imperatives for the efficient movement of goods and persons from north to south of the river in that region and around the Fremantle area. It is also vitally interested in the economic future of the port. It could safely be said that the people of Fremantle believe the Labor Party understands their needs because the party has been very successful in elections, both Federal and State, in Fremantle.

The Government is firmly imprisoned in the rhetoric and limited perspective of the Charles Court era in this regard and it has certainly failed to take into account the sound economic reasons for preserving the fabric of the thriving commercial and residential areas in and around Fremantle. The same problem is arising in Northbridge. Perhaps the Government is now listening to the people of Northbridge because it has some misguided hope that it will win the seat of Perth. It realises that Fremantle will not come within its purview. The Opposition would certainly like to think that the Government is attempting to exercise its power for the benefit of all citizens of Western Australia and not only for those who vote for it.

In addition to the economic reasons for preserving the fabric and the thriving commercial and residential areas of Fremantle there are sound and major social imperatives which include the impact on the people of Fremantle, White Gum Valley and Beaconsfield. This will be outlined more extensively by other members of the Opposition and Hon Jim Scott, who represent that area. Unfortunately the Government is adopting a very primitive approach. It is simply looking at one part of the economic equation and not the broader picture. It has totally discounted the social factors and the impact on the social values within those areas. No-one is saying that this is not a difficult decision, but Governments of all persuasions have faced these sorts of issues where there are

competing demands. It is very important that we balance up those competing demands and do not give in to the most powerful lobby group which, on this occasion, is the West Australian Road Transport Association and, if one were cynical, the people residing in the non-Labor electorates to the north of Fremantle. However, one needs to counterbalance all these factors to arrive at a balanced decision. The Opposition does not believe that the proposed highway is a balanced solution, for the reasons I have outlined.

The Opposition argues that this legislation is not an appropriate mechanism to effect the change. Established planning procedures are contained in the metropolitan region scheme and they centre around public consultation. By introducing the legislation in this form the Government has cast aside the established planning procedures. The Minister for Planning claimed that the Opposition did not abide by the procedures that he would have liked adopted in removing this reservation. The Opposition contests that. The important principle is public consultation. The Opposition put this matter out for extensive public consultation. I understand that even the Minister for Planning acknowledged that 1 054 submissions were received by the then Government. The Opposition did engage in a consultative procedure, and if the Government thinks otherwise it must remember that it was elected partially on the basis that it would address issues of public consultation. Therefore, it should abide by the planning procedures that have been established and which form part of the metropolitan region scheme. We do not believe the Government has given an adequate account of why it has decided to cast those aside. The only attempt at a defence is a statement that the Minister looked through the prior submissions or there had been public consultation previously. These occurred a few years ago now. If there is to be a radical amendment of this nature, the Government is beholden to take into account proper planning procedures and to engage in the sort of conduct that it told the electors at the last election it would engage in.

Various aspects of this Bill will be expanded upon by Labor members who represent the Fremantle, Beaconsfield and White Gum Valley areas. This is bad legislation. We do not need this proposed bypass. There is already in place a road that can effectively serve that purpose, provided there is the will and preparedness to put into place the proper management techniques to redirect onto the existing bypass route the traffic which streams through Fremantle on Hampton Road. We believe also that, the Government having put this reservation aside, it is even worse not to proceed to develop the new highway. That will impact not only on those areas that the reservation will shadow, but also on the people in Hampton Road, because it will put them in an invidious position where they have no capacity to argue for any other solution. They must simply wait for who knows how long until the Government decides to act, if it ever intends to act, on the reinstatement of the reservation.

HON CHERYL DAVENPORT (South Metropolitan) [8.42 pm]: As Hon Alannah MacTiernan has outlined, the Opposition opposes this Bill. This Bill is quite superfluous because it is simply the Minister for Planning, who represents an electorate in the general area - that is, in the Melville Council area, which is adjacent to the East Fremantle Council area - exercising his ministerial powers to implement the Liberal Party's policy position in that area, which was enunciated first at the Fremantle by-election in 1990 and subsequently at the 1993 general election. It is probably pertinent to note that the Labor Party won the seat of Fremantle on both occasions.

Fremantle already has a bypass road - Stock Road. Stock Road is the major north-south highway, which is not three to four kilometres but two to three kilometres east of Fremantle. That north-south route is currently underutilised and will continue to be for the next 30-odd years. It currently meets the end of Stirling Highway at Leach Highway. Therefore, people can travel from the northern suburbs of the metropolitan area, over the Fremantle traffic bridge, turn left into Leach Highway and then right into Stock Road, thus avoiding the need to go anywhere near the city of Fremantle. This route is more than adequate, and I fail to see the need to spend more taxpayers' money to create a totally unnecessary access highway. Also, no-one has given us any idea of when that highway might be created. That money could be employed more usefully to provide other more socially relevant infrastructure for the people of Fremantle.

During 1991, two major traffic studies were commissioned to survey the needs of the general Fremantle area and also to ascertain the long term needs of the south west region. You, Mr President, as one of the representatives of South Metropolitan Region, would be well aware of the fact that those studies were conducted and that the general Fremantle study concluded that the Fremantle eastern bypass was not necessary. However, I think it is fair to say that the south west region study was not as emphatic in its conclusion but foresaw that changes in the transport and land use patterns in the south west metropolitan region would in the medium term mean that the Fremantle eastern bypass road was not necessary. It seems to me that the Government places no credibility on those two studies. Once again, this legislation demonstrates the Government's contempt for the local community consultation processes. This is an arbitrary planning decision made by the Minister, with no consultation with the local community. That seems to be the normal practice of this Government in all ministerial areas these days. The Minister has not followed established planning practices in this instance and is creating an undesirable precedent by allowing such practices to be overridden. I cannot find any explanation in the second reading speech of why this legislation is necessary and why the Minister has sought to negate established planning practices.

Members should also understand that there is nothing concrete in this legislation, because it merely reinstates a proposal within the metropolitan region planning scheme. All this legislation will do is create uncertainty, because the Minister obviously does not intend to move to a construction phase. It probably will not happen until some time in the next century, and that will create planning uncertainty not only along the proposed route of the highway through White Gum Valley and Beaconsfield but also in the neighbouring streets. Were the Minister really serious about the construction of a Fremantle eastern bypass, it should be commenced immediately, thereby allaying uncertainty within the local community.

It is quite clear that the reinstatement of this planning legislation will further delay a solution to the traffic problems on Hampton Road. I can do no better than quote the remarks of my colleague the member for Fremantle in the other place, at page 8010 of *Hansard* of 24 November 1993 -

If the Minister is serious about this plan, he should construct it and give people a measure of certainty in their lives. There is nothing worse than having something that may or may not be built in the distant future, most probably not this century; most probably, if it is to be considered, at some time in the distant future. Hundreds of families are having their lives and their interests in the land detrimentally affected by this proposal which is nothing more than to reinstate something on the planning books without any clear statement of intention to build the road in an acceptable time frame. It is a planning blight on the City of Fremantle and will have an adverse effect on literally hundreds of families.

The pressure for this road, in terms of the local community in Fremantle, has come from the people who live on Hampton Road and who are currently putting up with the excesses of the traffic and, particularly, the heavy trucks that use that road and cause the noise and the traffic problems, and the dangers to those people living on that road. Most importantly, this plan will do absolutely nothing for the people who live on Hampton Road. Those people will still be subjected to the late night thumpings and smells of sheep trucks as they speed along Hampton Road and to the excessive speeds, noises, smells and emissions from the excessive amount of traffic currently using Hampton Road. There is nothing in this proposal which offers those people, within any reasonable time frame, any hope of relief from the problem which they are currently suffering.

My suggestion to the Minister is that he do something about the traffic problem on Hampton Road by addressing that issue, by looking at the suggestion I have put forward in this debate about the relocation of the port related traffic onto the existing Fremantle eastern bypass of Leach Highway and Stock Road. Then the people on Hampton Road will say, "Something is being done about our problem." All that the Minister is offering them is no joy in the foreseeable future. The

mere reinstatement of this possible road on the planning books is seen by the people of Fremantle as the worst possible option. Its deletion imposed a requirement on the responsible people to meet the problem on Hampton Road. So long as the option of building the Fremantle eastern bypass at some time in the future remained on the planning books as a strong possibility, no Government in its right mind would spend a cent to meet the problems on Hampton Road. With the deletion in 1992 of the Fremantle eastern bypass from the metropolitan region scheme, the people of Hampton Road felt for the first time that there now was sufficient pressure for immediate relief to their problem. Now that the Minister is proposing to re-insert the Fremantle eastern bypass onto the planning books, those people return to a situation where their problem is back on the never never: Maybe something will be done at some time in the future. However, it is abundantly clear that nothing will be done for the people on Hampton Road in the next few years and, undoubtedly, until at least the turn of the century.

I am concerned also that the construction of the eastern bypass will create a division in what is known as a very cohesive local community. Those of us who live in other parts of the metropolitan area are aware, even envious, of the sense of community in Fremantle. The placing of a monolithic concrete structure, a trench of sorts, or a highway, whatever is finally decided, will impact on the unique sense of community maintained in Fremantle. As a member representing South Metropolitan Region I do not want to see the lower income suburbs of White Gum Valley and Beaconsfield divided from the more wealthy ocean side suburbs. The construction of a major highway between the beach side and inner suburbs of Fremantle is potentially divisive.

I now quote another section from the member for Fremantle's contribution in another place which deals with the area of White Gum Valley. He said that another reason that the Bill was bad was that -

... it will adversely affect 115 properties along that short path which is just over one kilometre long running through the suburbs of the Whitegum Valley and Beaconsfield. Of those 115 properties, 53 are privately owned. Each will require demolition and the rights of the residents concerned will be significantly interfered with. The other very important factor associated with this is that right in the path of this proposed freeway is the Whitegum Valley School. We are talking about destroying not only the houses of the residents who live there and the amenity of the people who live in the immediate vicinity, but also the Whitegum Valley School. The road will run right through the playground; consequently there will be no playground left at the Whitegum Valley School.

I remember that the White Gum Valley Primary School was on the Education Department's school closure list, and this was the subject of a campaign by the local community to keep the school open. I quote from the *Hansard* of 24 November, and I wonder whether those comments and this proposal are why the White Gum Valley school appeared on the list of schools to be closed.

Hon N.F. Moore: You need not worry; that wasn't the case.

Hon CHERYL DAVENPORT: The Minister sent out a letter indicating that the school would remain open.

Hon N.F. Moore: I sent out a letter indicating that parents would make the decision. It has nothing to do with this legislation.

Hon Bob Thomas: Parents do not believe you.

Hon N.F. Moore: I don't care. They will know the truth in due course.

Hon CHERYL DAVENPORT: I am advised that the construction of this bypass in the immediate future would involve 1.5 kilometres of modern freeway. The Main Roads Department's figures, outlined at a briefing given to the member for Fremantle at the end of last year, indicate it will cost approximately \$25m. However, that outlay will encourage the use of the motor vehicle. Responsible legislators should encourage people not to drive in their local areas but to use other means of transport within inner

Fremantle, in this instance. If not, we will be contributing to the pollution of the atmosphere and treating the environment shabbily. I will be interested to hear what the Minister has to say on this point. It is not responsible government to spend that sort of money encouraging more use of motor vehicles in inner Fremantle.

Finally, the Town of East Fremantle and the City of Fremantle are totally opposed to this proposal. Perhaps I am particularly cynical, but I find it interesting that the City of Melville, a local authority adjacent to the Town of East Fremantle, is in favour of the reinstatement of the Fremantle eastern bypass access. Interestingly, the Minister for Planning, Hon Richard Lewis, represents the area of Applecross, and I wonder whether that is one of the reasons that he has supported this reinstatement of the eastern bypass.

Hon Sam Piantadosi: No way! Richard wouldn't do that!

Hon CHERYL DAVENPORT: It may be the case.

Hon W.N. Stretch: It is unworthy of you.

Hon Sam Piantadosi: I think it is the upper House members representing that area who have a vested interest.

Hon CHERYL DAVENPORT: The facts speak for themselves. I was invited as a member representing the area to participate in a road traffic and safety committee, by the City of Melville. That City of Melville committee discussed at length whether the bypass should be reinstated. It decided it should. I have always disagreed with this proposal, for the reasons I have enunciated; therefore, I oppose the Bill.

HON J.A. SCOTT (South Metropolitan) [8.58 pm]: I totally object to this Bill.

Hon P.R. Lightfoot: Solidarity.

Hon J.A. SCOTT: The Bill results from probably the most backward thinking I have seen in this House -

Hon P.R. Lightfoot: If you think that, it must be a good Bill.

Hon J.A. SCOTT: Even though we have members like Hon Ross Lightfoot who would like to see hanging reintroduced, we have had no more backward thinking than that involved with this legislation.

Before we discuss the eastern bypass we should clarify just what it is. The history of this matter goes back to the western suburbs highway, of which the eastern bypass is a part. A case study into the western suburbs highway reads -

The formal introduction of the Western Suburbs Highway into the MRS in 1982 completed the change in long range regional strategy for a second north-south primary route. The original plans for a north-south -

The PRESIDENT: Order! Half a dozen conversations are taking place in the Chamber. Only one voice should be heard and I am terribly interested in what the honourable member has to say, so let him say it.

Hon J.A. SCOTT: As I was saying, the case study reads -

The original plans for a north-south route west of the Kwinana/Mitchell Freeway were based on an alignment starting with Stephenson Highway in the north then proceeding down Davies Road, Claremont across the Point Resolution/Point Walter bridge and then down Stock Road to Naval Base. With the declaration of the WSH reserve the route changed to a realigned Stephenson Highway then down Servetus Street, Curtin Avenue/Railway Reserve, Stirling Highway, Stirling Bridge and the Fremantle Eastern Bypass.

Here we have a change of plan by a Government which did not want this highway to go through Dalkeith. I will not need to tell members which Government proposed these changes. This is the same Government which wanted to reroute this highway down a railway reserve which would be made vacant after the railway line was closed. What a wonderful piece of forward thinking! There is already a major highway going through Fremantle, and at that point. At that point there was also a railway line, even though it

was intended to be closed. Through a narrow isthmus of land, we would have had - and under this Government we will have - a railway line, and two separate four lane highways each within a stone's throw of the other.

Hon T.G. Butler: Then they blame the Federal Government for not supplying money for roads. They get it right occasionally.

Hon J.A. SCOTT: The report continues -

The WSH reserve has a complex and controversial planning history involving a number of planning and technical studies, Government publicity brochures, and a 20 minute film explaining the decision to declare the reserve . . .

The Government of the day did not accept the recommendations of the West Coast Highway-Swanbourne Area Study . . .

As we know, that Government was thrown out largely on the decision that it would get rid of the railway.

Hon Sam Piantadosi: Which Government?

Hon J.A. SCOTT: I think it was the Court Government. The case study continues -

The Government of the day did not accept the recommendations of the West Coast Highway-Swanbourne Area Study on the basis that they did not solve the long-range regional transport issue of providing a link to the Mitchell Freeway.

At the request of the Government the MRPA then set up a Steering Committee in 1978 to oversee a Western Suburbs Study with terms of reference:

"To develop a regional transport strategy for the study area, including use of the Fremantle-Perth railway reserve."

The study area was the same as that defined in the 1975 Swanbourne Area Study.

Following this study which favoured the use of the railway reserve for a primary road link, a decision was made to remove the passenger rail service from the Fremantle line in 1979 for a trial period of three years.

Let us look at the effects of that decision. The further studies that were done found a number of key effects. Initially on urban development the report states -

The other important impact of the WSH reserve is the forgone development opportunities. Since the reinstatement of the Perth to Fremantle railway line and the decision to electrify the suburban railway system there has been a growing interest on the part of developers in the vacant land areas associated with the railway reserve. This has heightened with the need to find more land for housing in the area.

What does this Government think about that? It will have a bit of a dash at it with the studies that it is putting in place. The Government will propagate a road system at the expense of a rail system. It wants to extend the eastern bypass as part of the old western suburbs highway. What will be the effect of this highway on Fremantle? We keep hearing about how this so-called bypass to Fremantle will reduce the traffic flow into Fremantle. This idea comes from people who see plans in bits, as is the case with the eastern bypass. To look at the issue properly, it has to be considered in the context of the whole plan. That plan has been changed many times. At the moment the Government is considering putting the fast transit route down the freeway to Rockingham and beyond.

Recently plans were put forward by the Labor Party to put a railway line closer to the coast, serving the region immediately south of Fremantle. Now, in the area just below Fremantle to Rockingham, we will get an extra 100 000 people who will have no other reasonable mode of transport except private motor vehicles. How will those people travel to Fremantle? They will have no alternative than to use cars. The Fremantle eastern bypass will flood Fremantle with a lot of new car traffic. It will be a disaster.

In addition to this, these plans are extremely isolating because they provide little in the way of facilities or work in the regions south of Fremantle. They do very little to provide

the people with a reason to stay in the region. Those people will have to travel to work and to use facilities. This will be fairly difficult for women - and men in this day and age - who might be left at home, if they are in a one-car family. They will only be able to get around by car. Once again, there is a promotion of car traffic. It is a hopeless plan with little thought of the social impacts. The immediate area of Fremantle, where the plan is supposed to free up that city from too many cars, is actually being linked to the north and south with substantial populations of people, not by public transport but by private motor vehicles. People can only get to and through Fremantle by car. Many more cars will be used. There is no other possibility.

Let us look at some of the solutions that the Government has put forward. I spoke to some of the Liberal Party spokespeople prior to the State election and heard how the effect of the eastern bypass would be minimised. Phil Storey had looked at the proposal and saw how the new road could be located in a trench and thereby stop the pollution.

Hon Cheryl Davenport: Like the Northbridge development.

Hon J.A. SCOTT: I do not know where the information came from. Obviously those people were not aware that pollution travels. It does not stay in a gully. It would merely impact further on the motorists who travelled on the proposed road and who would produce even more pollution. Further, the new road would divide Fremantle in two: A city which has the lowest car use of any city in Australia and which is in the greater Perth city which has the highest car use of any city in Australia. We might be able to understand this logic if we were giving this bypass to the people in Dalkeith, who only use cars. In Fremantle people do not use their cars as much.

Hon T.G. Butler: It might be an idea to cut Fremantle through Dalkeith.

Hon W.N. Stretch: He said that earlier when you were asleep.

Hon J.A. SCOTT: The new road is proposed to be located in a trench. The people who go for mobility and not access ability and who do not understand the principles of planning will make sure that people without cars - children, elderly people who cannot drive, people who cannot afford a car - will not be able to walk to the other side of the city; they will have to travel over a few bridges, if any pedestrian crossings are provided.

Once again we have a stupid bit of planning, divisive for a community and totally alienating the people who live there. When we look further into the sort of impact it has we realise that there must be some reason for the Liberal Party to put up this plan. The only reason is that it was one of those promises it put up in a vain hope to win seats in Fremantle. The Liberals did not do their research very well, because it meant the member elected in the Fremantle by-election needed preferences to get in, and he enhanced his majority by a substantial amount when the State election was fought on that basis. I can vouch for that because I know very well what the feelings are about cutting the city in half with major roads. We went through the battle of that road in East Fremantle. The same Government wanted to put above the present bridge a major six lane bridge over the Swan, knocking down the George Hotel. This would have been so destructive to the community that people got up in arms and protested vociferously and the plan was downgraded.

I am not one of those people who say that it is worse to leave this whole project in limbo. It is worse to allow this plan to go ahead any further, and the best solution is to get rid of it altogether. This plan is a symbol of the old style of thinking which gave us wonderful people-friendly cities like Los Angeles, where they are waking up at last, bulldozing their freeways and replacing them with light rail systems. They have learnt, to their cost, what mistakes they have made. Why would people go ahead with such a silly plan? There is a great history to this, which is based on a lot of myths. I have been lent a book by some people who call themselves CART. The full name of the group, formed in Brisbane, is Citizens Against Route 20, and that route is a similar sort of situation to this plan. The Queensland Government even had to change the name from the Western Highway to the Ash Grove sub-arterial road, because it realised that people do not like freeways running through their communities. This group during 1987 and 1988 was faced with having a

freeway pushed through its residential suburbs - as are the people in White Gum Valley, Beaconsfield and Fremantle - and had a series of public meetings at which up to 1 000 attended at any one time. At those public meetings community action groups were formed in Bardon and Ash Grove. In 1987 those community groups combined and became known as CART, and its mandate to stop the upgrade was confirmed by an independent survey in 1988, which indicated that 86 per cent of the residents in the Gap and Penington wards did not support the upgrading of route 20. It recognised early in the campaign that unless there was a basic change in the planning attitudes in both State and local government, any win on route 20 would ultimately be a hollow victory. This Government would also find this if it pushed this Bill through, because it is such a short-sighted approach and lacks the sort of consultation that should happen in these cases.

In the Queensland case there were 21 public meetings and workshops and consultations with a group called Sinclair Knight Buchanan. During those workshops the people wanted not only to stop the road going through but also to reverse the traffic increases that had already happened. They were told by the consultant that it was a utopian point of view, but they insisted and eventually came up with a number of requirements as a mandate. They wanted to reduce noise, reduce pollution levels, have less heavy traffic through residential areas, less rat running of traffic, greater safety for children and motorists, the enhancement and preservation of the unique character of the area, no new corridors through established residential areas and the scheme to be part of a regional plan for the whole of Brisbane.

During their research in which they spent many hundreds of hours in libraries, making phone calls around Australia, writing letters around the world and poring over research documents, they uncovered a whole series of myths which are apparent in our planning processes. I will run through a few of these myths. Myth one is that traffic projections are important in deciding what roads are needed. Such an approach looks eminently sensible and forward thinking until one realises that it makes the prior assumption that the present ideal and our traffic habits are worth projecting into the future. The myth that traffic projections are important in deciding what roads are needed is closely related to myth two, that planners are not responsible for how much people want to use their cars, and myth three, that traffic growth must be provided for. Myth two says that planners are not responsible for how much people want to use their cars, and they say that present travel habits are not formed in a vacuum, nor are they inevitable; they are the result of choices and policy decisions by past and present Governments and councillors. Other cities have developed in an entirely different way. In every city of the world the volume of traffic is limited intentionally or unintentionally by measures adopted by Government. If these measures were relaxed there would be more traffic and if they were stretched there would be less. In other words, the volume of traffic in a city is not something that, like rainfall, must be accepted.

What is the approach of this Government? It does not look to any sort of vision whatsoever. It looks to the status quo and goes straight on to myth three, that projected traffic growth must be provided for. Traditional planners claim that it is irresponsible not to build roads to cater for the forecasted traffic growth, but it is universally acknowledged that new or upgraded roads generate new traffic for the following reasons: New trip destinations are made possible; the frequency of some trips increases because access is now easier; people take jobs further from their homes; some people shift from public transport to private cars owing to the trip times of private cars being reduced; as patronage for public transport decreases public transport becomes less viable and service deteriorates, encouraging even more people to use their cars; new or upgraded roads displace people, spreading the city and therefore requiring more people to travel longer distances, thus again reducing the viability of public transport. Most studies show that providing more roads provides more traffic.

Myth four says that bigger roads are safer roads. The studies in this document indicate this is not the case. Accident rates per trip or per hour spent on the road remain much the same. According to German researchers, from 1960 to 1980 the number killed increased in relation to the number of cars by 72 per cent; in relation to the number of trips by 71

per cent; and in relation to the number of pedestrian trips, pedestrian deaths rose by 49 per cent. Secondly, straighter, wider roads encourage greater speed, and accidents are more severe, resulting in more injuries with greater likelihood of death. The survey provides many other reasons.

Myth five says that bigger roads increase people's mobility. It is widely accepted that the more roads a city has, the greater level of mobility the residents enjoy. One researcher claims that since 1950 the average number of trips made by each person has hardly increased. It sounds unbelievable until one thinks about it. Building bigger roads has a number of consequences which have been already mentioned. The city is encouraged to spread out; the result is that people must travel further to reach facilities. Compact functioning communities are destroyed by the new roads. Rather than a five minute walk to the local shop, there is a 20 minute drive to the large regional shopping complex. Larger roads encourage a decline in public transport; this puts more cars on the roads. Each new car requires 30 times more road space to move each person than the bus or tram it replaces. The result is that the new road quickly becomes just as clogged or even worse. In spite of all the new roads in Brisbane over the past 10 years, average speeds have largely remained the same. In many cities the average speed has reduced as the road space has increased. Anybody who examines the situation in Perth will realise that to continue running our traffic into the centre of Perth on the same size road as we now have will cause severe clogging of our main arterial roads close to the city.

Myth six says that bigger roads advantage more people than they disadvantage. Planners are firmly convinced that bigger roads benefit society overall; otherwise they would stop building them tomorrow. Groups who do not benefit from bigger roads are those usually ignored by traffic plans. In other words, those without cars, the poor, the elderly, the handicapped, the disadvantaged and children do not benefit. Residents living alongside major roads do not benefit because, as the survey indicates, the landmark Liverpool street studied by Appleyard demonstrated the dramatic effect traffic has on the quality of life in the neighbourhood. It showed, for example, people living on a light traffic street carrying 2 000 vehicles a day had an average of three friends and 6.3 acquaintances in their street. On moderate traffic streets carrying 8 000 vehicles a day this dropped to 1.3 friends and 4.1 acquaintances. On heavy traffic streets carrying 16 000 vehicles a day it dropped even further to 0.9 friends and 3.1 acquaintances.

Hon Peter Foss interjected.

Hon J.A. SCOTT: This is why people in Hon Peter Foss' heavily traffic favoured area do not talk to each other. They cannot hear each other because of the cars.

Hon Peter Foss: It is delightfully quiet.

Hon J.A. SCOTT: I forgot that this Government always diverts traffic through someone else's electorate!

Members will be interested to hear that the small business person also loses. Larger road developments carve up compact local communities; the viability of small businesses which rely on local trade - for example, small corner stores - is seriously eroded. Some close, and local employment opportunities decrease, further affecting the viability of remaining businesses. Hon Norman Moore will know how the push of people into the outer urban areas, because of the urban blight caused by the present planning process, has affected schools.

Hon N.F. Moore: Are you saying because the land in inner suburbs increases in value, people must move out?

Hon J.A. SCOTT: The car takes up one third of the total space of the city; therefore, as roads increase more people are forced into the outer urban areas.

Hon Peter Foss: There must always be a road in front of a person's house. Are you suggesting higher density housing?

Hon J.A. SCOTT: I do suggest higher density housing and it should be along major public transport routes such as the railways.

Hon Peter Foss interjected.

Hon J.A. SCOTT: One of the people who suffer from major roads is the motorist. We have already shown how motorists are worse off in real terms once a road network develops past a certain size. This is not to mention the problem of the rising road toll and increasing congestion.

Hon Peter Foss interjected.

Hon J.A. SCOTT: A spread out city is much more expensive to service with water, sewerage, roads and electricity. Surely members realise that the further the city spreads the greater will be the cost of putting in sewerage mains?

Hon Peter Foss: You are saying you want higher density housing.

Hon J.A. SCOTT: I do think that should happen in certain places.

Hon Peter Foss: You are saying we should have higher density housing. Your argument is not logical.

Hon J.A. SCOTT: I am saying we do not need the eastern bypass and roads like that.

Hon Peter Foss: If your argument has any logic you want people living in apartments rather than in a house on a quarter acre block.

Hon J.A. SCOTT: Hon Peter Foss does not understand that, unless there are areas of high density, we cannot have quarter acre blocks.

Hon Peter Foss interjected.

Hon J.A. SCOTT: Hon Peter Foss is interrupting because he lacks a bit of logic.

The DEPUTY PRESIDENT (Hon Barry House): Order! If the member makes his comments through the Chair there will be no need for interjections.

Hon J.A. SCOTT: The city also loses in many areas; the cost of water, sewerage and electricity increases. It loses the natural features which give the city its distinctiveness and this reduces the attractiveness to both tourists and business.

Myth seven says it is not the job of traffic planners to look at the wider social, political and environmental trends. I know this Government believes that. We no longer have social impact study groups to examine the social and environmental effects caused by decisions such as this. The study goes on to say that although we cannot predict the future, we can map out a range of possible scenarios based on current trends and knowledge. In the words of Frenden Jessop "We can then design robust planning solutions that leave the widest possible set of full solutions still available by providing flexibility in the face of uncertainty."

As a recent Commonwealth Scientific and Industrial Research Organisation publication "Greenhouse Planning for Climate Change" indicated, to continue to plan on the basis of perpetuating the current profligate use of the private car can no longer be justified.

Or, as the USA Senate hearing on the environment was told, "We cannot negotiate with climates, instead the nations of the world must make choices unilaterally and collectively to adapt our behaviour in order to have the stable climate on which so much human endeavour depends. Motor vehicles are responsible for 50 per cent of all carbon dioxide released into the atmosphere in this country by human activities. That is a segment of the problem which cannot be ignored." A recent conference on world climate change convened in Toronto by the Canadian Government called for a 20 per cent cut in global emissions of carbon dioxide by the year 2005, with the ultimate goal of reducing emissions by 50 per cent - the cut needed to stabilise the amount of gas in the atmosphere. What do we have in Western Australia? In the past five years carbon dioxide gases have increased by 30 per cent. We have a long way to go to reduce them by the 50 per cent that is needed.

Myth eight says planning should be left to the experts. People who have put up with the sort of planning that has blighted cities such as Los Angeles know that is the biggest myth of all. We cannot continue planning on the basis of these eight myths. To do so

would create a sterile city in which quality of life has been strangled by an ever increasing road network. There is an obvious need for a new approach. That new approach is not coming from this Government.

If we try to work out who wants this road, there can be only one answer - the people who build roads themselves, propagating their own bureaucracy. We know full well that there is a strong push on the Minister for Transport, who complained during question time about the lack of money from petrol taxes and the like, from motor vehicle use. When one analyses the matter a little further it is clear that the Minister does not want to go so far as to say that the motor car or truck should pay all the costs it puts upon the city or country areas. I recently attended a workshop conducted by Hon John Halden and was able to look at a paper by Felix Laube from Murdoch University. He had examined the true costs of using road trains in the metropolitan area. One of the interesting factors from his study is that most of the true costs are not put upon the road transport method of moving around goods. A conservative estimate based on country figures is that in Western Australia trucks cost \$5m in accidents. That \$5m includes casualties only. Other associated costs are likely to be in the same range. They are borne by the health and insurance systems. We pay for them through increased insurance premiums. Noise costs \$14m, paid for mainly by home owners along arterial roads. Air pollution costs \$150 000. The cost appears in the health system, which Hon Peter Foss would be glad to know, and in decreased revenue to the farming industry. The cost of greenhouse gases is \$42m. The calculations show that the total contribution to costs in global warming will occur in 2020. The road costs are \$175m. In all there is a hidden cost of \$236m, as a conservative estimate. If Hon Eric Charlton would like to give that amount to the health system -

Point of Order

Hon W.N. STRETCH: I ask that the member identify that document with a view to tabling it at the end of his speech.

Hon J.A. SCOTT: It is a document produced at a workshop conducted by Hon John Halden. Many people submitted papers on this subject. This paper was written by Felix Laube from Murdoch University. A wide range of opinions were put forward at that workshop by Mrs Pat Morris, from the Local Government Association; Mr Howard Croxon, representing the WA Road Transport Association; Mr R.W. Sargent, representing the WA Fire Brigade Board; Messrs S. Kimpton and T. Kosovich from the Blocktruck Drivers Association; and the Public Transport Union.

Debate Resumed

Hon J.A. SCOTT: Hon Cheryl Davenport referred to the south west area transit study report, which offers some interesting propositions. It looks at creating a vision. The Government's planning aims for the Perth metropolitan region have been changed to the Metroplan 3 and in summary are that it should be urban, green, sustainable, healthy, prosperous, economically efficient, socially just and culturally strong. The only thing I can say about this plan is that it is urban. It fails miserably in all the other objectives. This plan is supposed to make our lives better; however, it will make them a darned sight worse. This is backed up by studies by the Town of Cottesloe which imported its own expert to look at some of the Main Roads Department figures. The council was very much opposed to the widening at the north of the eastern bypass of Stirling Highway. Now the Government has come up with a wonderful solution to prevent that widening and will put a highway along the edge of the beach so that it can place a housing area in the middle of the two busy highways.

Hon Max Evans: Where did you get that idea from?

Hon J.A. SCOTT: I got it from the Fremantle regional strategy. The study was conducted for the Town of Cottesloe by Transport and Environment Studies. The research was done by Dr John Roberts from TEST. In the report he states -

The 1980s have shown an unprecedented acceptance of the need to change transport policies, and it is very likely these trends will continue for the

foreseeable future. Their origins can be traced to a series of concerns, starting with energy scarcities and the increasing life risk of being killed or injured when driving, cycling or walking on urban roads. These were followed by a realisation that the living and working urban environment was deteriorating as a result of increasing dependence on road transport, an obsession with mobility rather than accessibility, and the continuing demolition of the urban fabric to make way for more roadspace. Finally, and of at least equal importance, we are witnessing in the 1990s a profound concern with global environmental deterioration, to which road vehicles contribute in a range from substantial (carbon dioxide, nitrogen oxides, hydrocarbons) to near-total (lead, carbon monoxide).

Dr Roberts considered the figures used by the Main Roads Department. He said that the roads in the study area appeared to be operating at much less than capacity. In fact, he said that the further south one travelled, the lower the capacity. He provided the figures. I am happy to table these documents so that any interested members can see that this is a crazy scheme when one considers the facts. He said that the Main Roads' findings from an extrapolation of the figures verged on the irresponsible. I very much agree with him. Another area should also be considered. As we plan these roads, we completely ignore the limited supply of oil in the world, despite the fact that the price recently went down because one of the countries in the Organisation of Petroleum Exporting Countries placed large quantities on the market. A paper prepared for me by B.J. Fleay, who has been doing research in this area for the Greens (WA), stated -

New oil discoveries are being made at about one third of the annual consumption rate.

Massive expenditure is now needed to find and develop new oil fields and to sustain declining output from existing fields. Much of the oil from new discoveries will be expensive, being from small fields with a short life. e.g. NW Shelf in WA.

Currently oil prices are too low to justify all the investments needed and to provide cash flow to finance the outlay. An investment backlog is developing. An increase in global oil prices is inevitable. If this does not happen soon a shortage of production capacity will occur later in the 1990's due to lack of investment.

An increasing proportion of total global investment funds will be needed to produce remaining oil, both from new fields and to sustain declining production levels from old ones.

This outlay can only be at the expense of investment in the rest of the economy that needs the oil to sustain it, let alone grow.

He continued -

At current production levels the peak production rate will be reached between 1998 (reasonable chance) and 2005 (small chance).

... Australian self-sufficiency (currently about 75%) will decline post 2000 at a time when global production will be approaching its peak. It will then be a sellers market dominated by the Middle East Big Six.

Reducing dependence on petroleum is urgent. This requires a rapid shift away from dependence on the motor car as the prime urban transport mode; abandonment of the Burswood Bridge and Road Project.

He also stated that -

The Australian Bureau of Agricultural and Resource Economics (ABARE) in 1993 predicted that by 2004/5 Australian petroleum product demand would increase by 20% to 50 Giga litres (GL) per year (business-as-usual). Indigenous production would remain at about the present level of 32 GL per year. ABARE predicted that international oil prices would increase in the same period by 25 per cent.

Australia's petroleum product import bill was forecast by ABARE to increase from \$A291m. in 1991/92 to \$A2370m. in 2004/5.

A later 1993 report has shown that has been halved. In fact, we shall import approximately \$5 670m worth of oil by 2004-05, and this Government is still adopting policies that will increase the use of energy. At the same time it is ruining the possible development of Fremantle in a proper and sustainable way. That is highly irresponsible. I oppose this Bill because it is a dead loss to everybody in every respect. I seek leave to table the papers.

Leave granted. [See paper No 1234.]

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [9.44 pm]: I oppose the amendment proposed by the Government with regard to the eastern bypass. There can be no more cynical exercise in politics, or the retribution involved in politics, than the amendment proposed to the town planning scheme. This amendment does not envisage the original proposal of a freeway running along the coast from Bold Park in the north to the southern suburbs of Fremantle. It envisages simply that the freeway will connect with Stirling Highway and go through the suburbs of Beaconsfield and East Fremantle. If one wanted to observe how a road can divide a community, one need go no further than the small portion of the eastern bypass that exists today. It has effectively divided the town of East Fremantle into two, with a six lane freeway through the town and considerable portions of land in the middle and on the side, which are a barrier not easily overcome or circumvented in any natural way. Having witnessed the effects of the construction of that road, no Government in any sensible frame of mind would want to perpetrate that on any other community. However, this Government wants to do that for no other reason than its bloody-minded attitude to this issue.

The Government tried in the Fremantle by-election to promote this issue to win the seat. It tried again in the State election to win the seat by promoting this issue. It has tried in a succession of Federal elections to win the seat by using this as an issue, and it even tried to use it in the local government elections for the City of Fremantle and the Town of East Fremantle. It has tried to have its endorsed cronies elected on this issue, but on every occasion it has been defeated at the polls. Has it learnt a lesson and decided to take on board the will of the people? The answer is a categorical no. The Government has ignored the wishes of the people and has decided to go on with this deviation although, as I said earlier, it has no intention of extending the original freeway south from Cottesloe and Wembley Downs into the suburb of Scarborough. To do so would have a significant impact on the leafy suburbs which Government members represent.

The Government knows full well what the community reaction would be if this proposal were put to the electorate of Cottesloe or even to the seat held by the Independent member for Floreat. There would be a hue and cry that the proposal did not make sense, that it would divide communities and be a blight upon the communities. The Government accepts that in the seats it holds, but does not accept it in Labor electorates. It feels it is only fair and reasonable to foist this blight on Labor electorates. No one has been more vociferous and committed to this proposal, in spite of its unpopularity electorally, than the Minister for Planning. Hon Jim Scott very clearly articulated why this proposal should not proceed for planning and conservation of energy reasons. Basically, this is an antiquated proposal, more current in the thinking of politics in the 1960s than those of the 1990s. It has little relevance to today's planning. Planning in a city such as Fremantle should as much as possible try to restrict the encroachment of motor vehicles and heavy vehicles into the city, if they are not going into the city for some of the functions of the port. Of course we would not see this highway extended northwards because although I am sure the Minister for Transport would be delighted to consider running road trains through Fremantle they would not be acceptable in the leafy suburbs of Cottesloe or Floreat. They might not be acceptable in those areas but of course under this proposal heavy vehicle traffic is perfectly acceptable to the constituents of a Labor electorate!

It is not as though the problem was unforeseen historically. The eastern bypass has

existed in the regional town planning scheme for a number of years but has not been acted upon. The planners recognised a need for both an eastern and a southern deviation around Fremantle. The planners had developed a proposal that the deviation be along Stock Road, Leach Highway, and then as Roe Highway extended further east and west it would include Roe Highway as well. So the justification in a planning sense for this proposal to go close to the urban environs of Fremantle had already been put aside by planning decisions since the original decision to include an eastern bypass in the regional town planning scheme. It is one thing to consider whether people should have a say regarding the continuation of the proposal; if this were an arrogant Government, a flamboyant Government, a little bereft of delivery, it could be excused for dispensing with the views of the people; but one would think the Government should consider the advice of the experts in this regard.

In 1991, two major traffic studies were undertaken in the Fremantle area to ascertain the needs of the City of Fremantle and its surrounds and, more generally, the needs of the south west metropolitan region. The first study, the "Port Access and Traffic Calming Study", clearly and categorically stated there was no need for an eastern bypass. The second study by the south west metropolitan region transport group, although not as flamboyant in its opposition to the proposal, was clear in its recommendation that the eastern bypass was not necessary. The experts contracted by the State and Federal Governments and local government said that the bypass is not necessary. This Government called for further submissions from people living in the vicinity of the proposed bypass. Many submissions were received, the vast majority of which were against the proposal. In many cases the submissions were not in petition form but were well documented, well thought out, and well substantiated arguments about why the eastern bypass should not follow the proposed route.

Who supports the Government in regard to this matter? I can only presume here, because I was occupied with another matter earlier in this debate, but support may have come from the small number of residents of Hampton Road in Fremantle, where the current heavy traffic transgresses, who oppose the eastern bypass.

Hon J.A. Scott: They were promised traffic calming but it has not happened.

Hon JOHN HALDEN: The member is correct. They were promised traffic calming, but I suggest traffic calming is a far more reasonable solution to the problem of Fremantle traffic than to build an eastern bypass. I accept that people in Hampton Road have a particular problem. It is a legitimate problem and it should be addressed. The way to address the problem is not to go backwards to the 1960s, to increase traffic flow through suburban Fremantle. We should address the problems confronted by the people of Hampton Road, not attempt to shift the problem in its smaller version from Hampton Road to the far more significant and invasive solution proposed by the eastern bypass. Other than that group and the Liberal Party, I do not think any group supports the proposal. I think it was the Liberal Party at the time of the by-election in 1989 that proposed its inevitable solution to have a trench -

Hon Bob Thomas: It was 1993.

Hon JOHN HALDEN: I thank the member. Phil Storey proposed - as did the Liberal Party and its coalition partner, the National Party - to have a trench. The trench proposal for the eastern bypass or for Northbridge is not one which in any way limits the intrusiveness of these sorts of roads. It may minimise the impact on the eye, but in relation to the community and the associated pollution problems, it is exactly the same. I am sorry the Minister for Transport is not here. I recall that a document was leaked to me regarding the bypass some time ago. It was a Main Roads Department document about when the eastern bypass might be built. One imagines that if one is proposing to build such an extension, one would plan when to do it. Such a proposal would need to be costed, and one would need to set down a time schedule and be prepared to act on the amendment to the regional planning scheme.

Hon A.J.G. MacTiernan: That is only if you are dinkum.

Hon JOHN HALDEN: That is correct. But the document is clear. It states that no planning has been done; the department has no idea when the project might commence or when it might end. This proposal is not one that the Government sees as being a necessary initiative to solve short term problems. This is part of the Government's vindictiveness towards people of a Labor electorate. The Government will not listen to these people nor to the expert opinions that the State and Federal Governments and local government provided. The Government will not talk commonsense in any meaningful way about the submissions on the matter. At the end of the day the Government will seek revenge because no town planning provisions exist; there are no environmental, traffic management or transport management provisions to necessitate this step. This step is an indication that the Minister has decided he will seek revenge upon the constituents of a Labor electorate. That may be all very well when one whiles away time in Opposition, but we should all remember that a Minister of the Crown has responsibility to represent all people in this State, not just those who happen to vote Liberal or National Party in the majority.

I noticed when I read through debates in the other place that the Minister was continually asked to explain why it was necessary to reinstitute this town planning measure within the scheme and to override the established planning procedures. At the end of the day, if one reads the speeches, the Minister and his explanations are bereft of substance. The Minister talks about the need to hold on to the integrity of a town planning scheme that is in essence more than 30 years old, a town planning scheme that the Government is not prepared to extend northward, but is delighted to extend southward. Even more hypocritical than anything else is that while this Government will not extend the proposal northward it says to the people at the southern extremities of the electorate of Fremantle, in those perhaps not leafy but definitely affluent suburbs like Cockburn Water, "If you accept our eastern bypass proposal you will find we will not need to bring the Roe Highway to your boundary. We will not need to interrupt your reasonably high lifestyle." Instead, the Government will interrupt and disturb the lifestyle of those people who in the majority vote for the Australian Labor Party. The Liberal Party even went so far as to produce a pamphlet on this matter: "The Fremantle Bypass You Need to Know the Full Story", by Phil Storey. Members might recall that not even the member for Melville thought Mr Storey a good story. The pamphlet explained the trench that I referred to earlier and the benefits that would accrue to people at the southern extremities of the electorates of Fremantle and Cockburn and how it was necessary for the people of Fremantle to have this planning disaster foisted upon them. The Government has been particularly deceptive in its portrayal of this town planning matter.

The other thing with having an eastern bypass going through the suburbs of East Fremantle and Beaconsfield is that very little consideration has been given to the impact of such a freeway, not only on the environment but also on the local road system surrounding this bypass. The roads in that area were not designed to be off roads, on roads or feeder roads to a six lane highway. The impact of a six lane highway on those roads and the people who reside along those roads would be catastrophic. One need only drive through a number of those streets to realise they are not suitable for that purpose. They are narrow streets, and many houses have frontages close to the street. A significant increase in traffic usage on those streets could be described as an absolute abuse of any town planning scheme. My colleague Hon Cheryl Davenport stated how divisive this road would be in the community. One has only to look at the existing eastern bypass to realise what a barrier it is within the community. One cannot be anything but overtaken by the sense of division that the existing small portion of the eastern bypass has caused within the suburb of East Fremantle.

One thing I failed to mention when I talked about opposition to the bypass is that the Town of East Fremantle, which has the current bypass within its parameters, has vehemently opposed the extension of this bypass. It knows full well what the existing bypass has done within its community and what will happen further south as this bypass heads in that direction. The City of Fremantle has likewise opposed this extension.

Hon A.J.G. MacTiernan: The Minister has expressed interest in the urban blight that has

affected this area to date. He seems to be a bit disbelieving that there is urban blight where the reserve has been.

Hon Peter Foss: I wish to see how, as a result of this, in 20 years that would happen.

The DEPUTY PRESIDENT (Hon Barry House): Order! The Leader of the Opposition has the floor. One member has already made a speech and the Minister has the chance to respond later.

Hon JOHN HALDEN: Although I know that interjections are out of order, Hon Alannah MacTiernan has raised an interesting point, and one which I was going to address. The reality is that 112 houses are located in the affected area.

Hon Peter Foss: There are 115.

Hon JOHN HALDEN: I thank the Minister for correcting me. I knew he would.

Hon Peter Foss: Around 55 are owned by the Government.

Hon JOHN HALDEN: The rest then are privately owned and occupied. Whatever the figure, I will not be incorrect if I say that roughly half are privately owned and occupied. If one drives down the existing extension off Stirling Highway, down the little portion of the eastern bypass adjacent to the old Richmond trotting course, one can see quite clearly a marked difference in the houses in terms of people's preparedness to invest in those properties. There is no question that people have realised, up until recently, that there was uncertainty in regard to this area, and they have made quite reasonable and sound judgments about how much they should invest in their properties on that basis.

That leads to another point. Surely one of the responsibilities that either State or local government has in town planning is to offer people some security and permanency in the future of their locality and their investment. The reality is that for a long period people have lived under a cloud whenever they have purchased or made decisions about renovating or upgrading their properties in this proposed belt. The situation was changed by the Lawrence Government and there was seemingly some certainty based on the fact that there was an amendment to the regional planning scheme, that clearly it had been an electoral issue that had been fought time and time again.

Hon Cheryl Davenport: Over five years.

Hon JOHN HALDEN: Yes. Experts had been called in to give their opinions and local government authorities had also given their opinions on the matter. At the end of the day, this Government comes to power and decides that it will turn back the clock to the 1960s, because it really liked the 1960s. They were the halcyon days of the Liberal Government.

Hon Peter Foss interjected.

Hon JOHN HALDEN: No, not in the minds of some of the people on the Minister's side of Parliament. I do not include the Minister. I can be complimentary to him. He is a refreshing progressive when compared with his colleagues.

Hon Peter Foss: You will do me political harm if you continue like that.

Hon JOHN HALDEN: I understand that, and I would not want to do that. At the end of the day, we would like to deal with the Minister just as we would with the rest of his colleagues. However, when one makes a comparison between the Minister and his colleagues, one has to say that troglodyte is the word that springs to mind - in respect not of the Minister but of some of his colleagues. I am sure that the Minister for Education is about to enter into the debate to show that he is just that - a troglodyte.

Hon N.F. Moore: I thought you were saying that Hon Peter Foss was a troglodyte.

Hon JOHN HALDEN: I am not saying that Hon Peter Foss is a troglodyte.

Hon A.J.G. MacTiernan interjected.

Hon JOHN HALDEN: The reality is in talking to the people. They will tell the member, as they have told me in my electorate office, of their own personal circumstances and

decision making as a result of the imposition of a particular belt that is proposed to be used as the eastern bypass. It is clear. Members opposite can talk to people about it.

Hon Cheryl Davenport: Don't do that.

Hon JOHN HALDEN: That seemingly is the case in this matter. It is an obvious remark to make. One can see the difference. Even some of the Minister's troglodyte colleagues could probably visit the area and perceive the difference between portions of surrounding suburbs and those houses within the belt in question.

Hon A.J.G. MacTiernan: They may be all Labor electorates.

Hon JOHN HALDEN: They have only one problem - they vote Labor.

Hon Peter Foss: At the by-election, it wasn't quite that way. Didn't Mr McGinty have to rely on preferences?

Hon Cheryl Davenport: He got up, though.

Hon JOHN HALDEN: Yes, he did.

Hon Peter Foss: Pretty unusual thing in a seat like Fremantle to go to preferences, isn't it?

Hon A.J.G. MacTiernan: Perhaps you could talk about the most recent election in Fremantle?

Hon JOHN HALDEN: I could talk about that one, but I will refer to the previous election for the moment. There were eight candidates, many of them supporting the position of the Opposition, the then Government, that the bypass should be deleted. We did not get an absolute majority but, at the end of the day, Fremantle came to us fairly comfortably. And it came to us more in the next election, particularly on primary votes. Our primary vote at the next general election was as high as our two party preferred vote at the by-election, within a very small number of votes.

Hon Peter Foss: You would hope so in a place like Fremantle.

Hon JOHN HALDEN: Fremantle is becoming gentrified; the Minister knows that. He might even want to run for it one day. We would love to entertain him down there. However, I point out that a colleague on our side of the House supported the stance of members opposite on the eastern bypass. I remind members that my colleague then, and that of Hon Cheryl Davenport, is now not amongst us.

Hon N.F. Moore: You don't mess around, do you?

Hon JOHN HALDEN: The realities are that in that vulnerable political position people make choices about who to support and which way they should jump. Our colleague in that vulnerable political position decided to support the reintroduction of the eastern bypass. I point out that Hon Jim Scott did not do that. Who sits here today? It is not our colleague but Hon Jim Scott.

Hon Cheryl Davenport: It was preferences from the time before.

Hon JOHN HALDEN: It may be more the pity.

Hon Peter Foss interjected.

Hon JOHN HALDEN: I would be delighted if my colleague were here at this moment.

Hon N.F. Moore: You would have had a draw with Mr Nevill.

Hon JOHN HALDEN: We could have, but I would have had to work a bit harder under those circumstances. It would have been interesting in that ballot, but the realities are that one person supports it and one opposes it; who sits here and who does not? From their own political experiences, members opposite know what happens when they have chosen to support this proposal. They have not won. Their greatest chance of winning the seat of Fremantle was in that by-election. They had a high profile candidate. The Liberal Party ran a good campaign, spent well and did well. But it chose one wrong issue - this one. Bearing in mind the margin, if it had not chosen that issue, the result may have been considerably closer than it was.

Hon Peter Foss: Alternatively, it could have been quite the opposite.

Hon JOHN HALDEN: I do not believe that is the case. When one considers the number of people who have put in submissions on this matter, who have signed petitions and perpetually supported people at the polls at the three tiers of government who oppose this proposition, the balance of evidence does not support -

Hon Peter Foss: You never had that sort of run in Fremantle before, such an incredibly close run. It was unbelievable that you even got to that stage.

Hon JOHN HALDEN: That is true, but let us not get sidetracked on the electoral history of the seat of Fremantle. I am sure that we could entertain each other with our respective theories about that.

I wish to return to the issue of Stock Road-Leach Highway, and the existing deviation of significant traffic movement and heavy vehicle movement. Why does the Government not want to use Stock Road-Leach Highway?

Hon Peter Foss: It is going to be full of vehicles because it has been built.

Hon JOHN HALDEN: The Minister should talk to the Minister for Transport and he will impose a metropolitan based fuel tax which will resolve the problem.

Hon Peter Foss interjected.

Hon JOHN HALDEN: That would be the same problem. As the Minister knows, it is the old prison and hospital syndrome. If we build a prison, it will be filled; if we make a highway, it will be filled.

Hon Peter Foss: It was underutilised for 20 years.

Hon JOHN HALDEN: There is no doubt about that. Let us not get sidetracked. Why would we not want to use Stock Road-Leach Highway? Bearing in mind the issues that I have discussed today, it becomes obvious, particularly when one considers the electoral boundaries into which Stock Road falls. Of course, it is a Liberal electorate. We would not want them having road trains, heavy vehicles and more cars. The Government would move that into a far more densely populated area and into a Labor held electorate because it is appropriate to do that. The Government punishes people as much as is possible for wanting to vote Labor.

Hon Reg Davies: I have never met a person who voted Labor.

Hon JOHN HALDEN: I can say to the member in all honesty that I have never met anyone who has voted for him.

Hon Peter Foss: According to this paper, we are up to 58 per cent. Funny you should mention that.

Hon JOHN HALDEN: I inform Hon Peter Foss that no-one is admitting to voting for his lot at the moment. I am pleased to see that the Minister has been scanning the polls.

Hon Peter Foss: You are down to 33 per cent.

Hon JOHN HALDEN: On the polling we would have lost the Federal seat of Fremantle by a mile. The Minister knows the results. He believes the polling at his peril.

Hon N.F. Moore: You know the reason.

Hon JOHN HALDEN: The Liberal Party ran the campaign and picked a dummy.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon JOHN HALDEN: I return to the issue of Stock Road. Stock Road was originally part of a proposal to move traffic north-south through the city. An extension of Stock Road through Attadale was planned, then a bridge over the Swan River into Dalkeith and Nedlands. That proposal had to bite the dust very quickly. We would not want any of that; it might even run past the Premier's house or within some proximity, or worse still near dad's house, and we would not have any of that sort of interference in the leafy suburbs of Dalkeith, Nedlands and Attadale! We can proceed with the other old plan, but

we are not going to have this old plan because at the end of the day this is a decision based on political malice. People have told me that the proposal to move people up and down Stock Road, through Attadale and over the river into Dalkeith is not such a silly proposal. It would decongest a number of very congested roads - Stirling Highway, Canning Highway and the area around Fremantle which is often used as a bypass system.

Hon J.A. Scott: That is where the heaviest traffic is, from Eric Street into the city.

Hon JOHN HALDEN: That is what I have been told too. We have probably been talking to the same people. That old proposal still has some currency but it has no political currency. It is a bit like Tresillian or Sunset; members opposite do not want that in the electorates represented by the Liberal Party. They would not want the inconvenience of a freeway running through and affecting the property values of those beloved citizens of Dalkeith represented by the Premier. I have found in my notes that there are 53 privately owned properties within that belt.

Hon Peter Foss: That adds up to only 108.

Hon JOHN HALDEN: Perhaps some are owned by the Main Roads Department. Not only does this proposal impact on those 115 properties but also it will be in the way of White Gum Valley Primary School. The Minister for Education will like that.

Hon N.F. Moore: A very telling comment.

Hon JOHN HALDEN: That would save him having to put that one on the hit list and having to explain why he is going to close that school.

Hon Peter Foss: That was raised in the 1989 by-election.

Hon JOHN HALDEN: As the member knows, no list was produced by me.

Hon N.F. Moore: Was that on your list?

Hon JOHN HALDEN: No list was ever produced by me.

Hon N.F. Moore: You are much smarter than Dr Lawrence and others. You are quite right because you did not have the nerve.

Hon JOHN HALDEN: No, it was not that I did not have the nerve.

Hon N.F. Moore: You produced a good report but left it sitting on the shelf.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: Not only does this proposal take out the White Gum Valley Primary School, but right in the path of the proposed road interchange is Clontarf Hill. Clontarf Hill is one of the few remaining native vegetation areas in the City of Fremantle, but that must go because we need this somewhat antiquated town planning scheme reactivated to suit this Government's whims. I do not think there has been a great deal of logic on the part of the Government as to why the eastern freeway is needed. It is not wanted. It is not popular. More importantly, it is not funded by our colleague, the Minister for Transport, nor proposed to be funded by him in the foreseeable future. Why must we do it? Why do we not want to extend it north or south? It simply must go in this area, which happens to be in a Labor electorate.

Hon Cheryl Davenport: One and a half kilometres.

Hon JOHN HALDEN: One and a half kilometres. One could be cynical or paranoid, but the facts point increasingly to the inescapable conclusion that this is political malice at its worst. Hon Jim Scott did a far better job than I -

Hon Peter Foss: Very true.

Hon JOHN HALDEN: I accept that, and no doubt he did a better job than Mr Foss could do.

There is very little support for this proposal and it does not stand up in current town planning thinking. Hon Jim Scott stated that the environmental consequences of this proposal were based on the thinking of the 1960s, when the car predominated and was

seen as a good thing. In those days we had to accommodate cars and vehicles on every occasion because that was to be the primary mode of transport. As in Los Angeles, that was going to be encouraged for the use of the people of the Perth metropolitan and greater metropolitan areas. The folly of those transport and environmental policies can be seen clearly - and I am sure Hon Jim Scott will refer to the example of Los Angeles. We can see what happens when we base our transport system on six lane highways, whether or not they be in trenches. This is not appropriate.

Neither is it an economical solution to the problem of road transport. Hon Jim Scott and I may differ on this point, but I have raised the issue of the existing way to meet this problem; that is, the widening and extension of Stock Road. I will not go that far. It is a less intrusive and far more reasonable approach to take, and much less expensive. Environmentally it does not have the same impact on my electorate as it does further west in the areas of East Fremantle and Beaconsfield.

Hon Peter Foss: The member seems to be indulging in -

Hon JOHN HALDEN: I am not suggesting there is in any way a sense of political malice. What I am suggesting -

Hon Peter Foss: Opportunism.

Hon JOHN HALDEN: I am not suggesting opportunism. I am suggesting -

The DEPUTY PRESIDENT: Order!

[Leave granted for member's time to be extended.]

Hon JOHN HALDEN: An investigation of the existing road system clearly indicates that Stock Road is a far better alternative than the eastern bypass. Provision has already been made for an additional two lanes of traffic. Housing has been constructed to accommodate these lanes and there is no need to demolish any residences. The density of population is far less in that area. As one passes Leach Highway one goes through an industrial area on which there will be less impact. Further south there is an existing four lane highway which can rapidly move traffic of any description. Currently, the Stock Road route is well used.

Hon Peter Foss: Hon Cheryl Davenport said it is underutilised and will be for 20 years.

Hon JOHN HALDEN: I do not know the figures but it is a far better and cheaper option than the Government's proposal. Anything that involves the acquisition of land will cost the Government far more than if it owned the land and could proceed with the construction of roads at some time in the future. The Minister is well aware of that. A solution has been in existence for a number of years. The Government's proposal is not supported by the broader community.

I have previously outlined my major concern about this proposal and I will stress it again; that is, the Government's proposal has its genesis in the thinking of the 1950s and 1960s. It is not a contemporary proposal designed to improve the quality of life of the people who reside and recreate within the vicinity of the proposed eastern bypass. If Stock Road were used the impact on those considerations would be far less. It is not a political consideration; I have tried to make the point that it is far less intrusive.

If the Government is to provide sensible town planning in areas of moderate density it cannot continue with the revisionist town planning policies which go back to the 1960s. If that is allowed to happen we will have a city divided and the main priority will be accredited to cars and heavy motor vehicles and not to people. If that is the sort of town planning this Government will establish as its hallmark it will be to its detriment because it will not meet the requirements of the people in the city. If members opposite believe I am not right, I suggest they talk to the people affected by this proposal. It is not warmly greeted within the environs of the eastern bypass; it is not a proposal that is in any way contemporary; and it is not a proposal that will cater for the lifestyle people will require into the twenty-first century. This Government should not be about going back to what Sir David Brand did in the 1960s or what the Premier's father did in the 1960s and 1970s.

Hon J.A. Scott: It will be a white elephant.

Hon JOHN HALDEN: My great fear is it will not be a white elephant. Roads are like prisons and hospitals. If prisons provide more cells, hospitals provide more beds and roads provide more lanes and easy access to motor vehicles they will all remain full.

Hon Peter Foss: Are you suggesting that if we close beds fewer people will get sick?

Hon JOHN HALDEN: I am not suggesting that; the Minister has been doing enough of that.

Hon Peter Foss: You could give it your support.

Hon JOHN HALDEN: The Government does not have it. I will not compare roads with hospitals because the Minister for Health will try to misrepresent me. When Hon Joe Berinson was the Minister for Corrective Services he decided to open half of the Roebourne prison. He did that because he believed that the moment the entire prison was opened it would be full. That is what happens and it happens with roads as well. The eastern bypass will not be a white elephant; it will be significant and it will have a very direct impact on the people who reside within its vicinity.

Hon Peter Foss: It does not work with schools because they have half empty classrooms.

Several members interjected.

Hon JOHN HALDEN: The great difficulty is that the school population is larger. The numbers in terms of hospitals and prisons are smaller and easier to control. The Minister is right, it does not apply to school classrooms.

Several members interjected.

Hon Peter Foss: What about hospitals?

Hon JOHN HALDEN: It is not compulsory. The Minister wants to entertain a debate on another issue.

One cannot suggest that this proposal is designed to meet community needs into the twenty-first century. The greatest problem with the proposal is that its genesis is in political malice. If the Government were serious about this proposal there is no other reason that it would not extend it south and, more importantly, it would not extend it north. It knows that this proposal would be totally unacceptable in electorates held by its members, but it is prepared to foist it on an electorate held by the Labor Party.

The Minister for Planning may think this is a smart political move to seek revenge, be it on the Australian Labor Party, the electorate of Fremantle or the member for Fremantle. The Government will rue its decision because at the next and subsequent election campaigns the ALP will promise to delete the eastern bypass from the metropolitan town planning scheme where it should not be and should not have been for the last decade. The Opposition opposes this Bill.

Debate adjourned, on motion by Hon Bob Thomas.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [10.38 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Karratha, Woodside House Rentals, Unfair Trading Allegation

HON TOM HELM (Mining and Pastoral) [10.39 pm]: The House should not adjourn until I explain the reason I asked a question without notice of the Minister for Fair Trading this afternoon. The House will recall that the question was about the allegation of collusion between real estate agents in Karratha in regard to maintaining high rent levels in vacant Woodside houses. I asked the Minister whether he was aware of the allegations and, if he was not, whether he would investigate the matter and ensure that rent levels are not kept artificially high. I asked the question because if the allegation

were correct it would be a matter of great concern to the Government. Consideration has been given to establishing a task force in Karratha to minimise the effect on that town of the recent redundancies at Woodside. Members may recall that 140 redundancies took place and at least 140 families left the town of Karratha, which left probably 140 houses vacant. The reduction in the Hamersley Iron work force has been devastating to that town. Therefore, I would have expected a better answer from the Minister. The Minister replied, in part -

No specific allegations or complaints have been lodged with the Ministry of Fair Trading in relation to this matter. The ministry's Karratha office has been advised that rumours are circulating . . .

The Minister stated also that -

As no specific complaints have been received, the Ministry of Fair Trading is not in a position to investigate the matter.

That seems to be a cop out. That flies in the face of the assurances given by this Government that the task force set up by the Deputy Premier, Hendy Cowan, would look at alleviating the problems associated with the reduction in the Hamersley Iron work force and in the population of Karratha.

Hon Peter Foss: Then why not ask him? Are you asking what the Ministry of Fair Trading is doing or what the task force is doing?

Hon TOM HELM: The Minister is not paying attention. It must be getting late. I repeat that I asked the Minister for Fair Trading because if there is an attempt anywhere to keep rent levels artificially high, that is unfair.

Hon Peter Foss: Too right, but unfortunately that is not against the law at the moment.

Hon TOM HELM: I did not ask the Minister whether it was against the law. I asked him whether he would investigate, and his answer was that he was aware of rumours.

Hon Peter Foss: I did not say I was aware. I said the ministry's office in Karratha is aware.

Hon TOM HELM: The Minister stated that "The ministry's Karratha office has been advised that rumours are circulating".

Hon Peter Foss: I have not heard a rumour here. Strangely enough, I do not know all of the rumours that are circulating in Western Australia. That one had not reached me.

Hon TOM HELM: I understand. The Minister is not alone. Many Ministers in that Administration do not know what is going on. It is pretty difficult to know whether Ministers do not want to know what is going on or are just too ignorant to find out what is going on. If some of those Ministers do not want the job, it is about time they gave it away. If it is all too hard, forget it; we will do it. We did it successfully for 10 years. We can carry on doing it.

Hon E.J. Charlton interjected.

Hon TOM HELM: The Minister for Transport, "Mr Giggle", is another one! The Minister said that he knew that rumours were circulating.

Hon Peter Foss: Rumours, Mr Helm.

Hon TOM HELM: That is all I asked. The question was about allegations, rumours, whatever. All the Minister said is that he cannot investigate because they are rumours.

Hon Peter Foss: What is there to investigate?

Hon TOM HELM: Before the Government spends taxpayers' money to try to alleviate the problems in Karratha because of the redundancies at Woodside, it would be a good idea to see whether any of those problems have been caused by someone acting unfairly, because the Minister happens to be the Minister for Fair Trading.

Hon Peter Foss: You have not even got a complaint!

Hon TOM HELM: The Minister then said that although he has been advised that there are rumours, he does not want to do anything because "under the Commonwealth Trade Practices Act, responsibility for investigating the actions of corporations involved in restrictive trade practices currently rests with the Trade Practices Commission". Therefore, even if the Minister does find that there is some truth in the allegations, it really is not his responsibility anyway. It is the responsibility of the Commonwealth Trade Practices Commission.

Hon Peter Foss: You are very smart.

Hon TOM HELM: If there was an allegation of an unfair trading practice, which flew in the face of Cabinet's commitment that a task force would be put in place to alleviate the damage done in Karratha by those redundancies, one would have thought the Minister would do something to determine whether that allegation was true.

Hon Peter Foss: It is not even an allegation; it is a rumour.

Hon TOM HELM: All right - to see whether the rumour was true.

Hon Peter Foss: No-one has given any facts.

Hon TOM HELM: If the rumour was the truth, then the Minister could do something about it; but no, we are advised in the answer to the question that even if the rumour was true, more than likely it would be a breach of Commonwealth law and, therefore, it would be the Commonwealth's responsibility. I cannot understand why a Minister would want to talk about a rumour that he heard through an arm of his ministry and choose not to do anything about it. The second part of the question was will the Minister investigate the matter? The Minister does not say that he will, although he does say that if there were any specific complaints, it would be up to the Commonwealth Trade Practices Commission to investigate. The point of putting together the task force was to alleviate the damage done by those redundancies. What is the point of having a Minister for Fair Trading if he has no responsibility and no Acts of Parliament to support him, or if he really does not want to find out? Karratha is a small town. It would not be difficult to find out whether the rumours were true. It would be a lot easier for the Minister with his resources to find out whether the rumours were true than it would be for the local member or any member of Parliament or of the public. I would have thought that the Minister would accept some responsibility to see whether the allegations were correct, and assure the House.

HON PETER FOSS (East Metropolitan - Minister for Fair Trading) [10.48 pm]: I have heard a series of stupid speeches from Hon Tom Helm, but that speech probably takes the cake because he has excelled himself in his illogicality. The member asked whether I am aware of any rumours in Karratha. Karratha happens to be a small town, and it just so happens that the Ministry of Fair Trading's Karratha office has heard some rumours. There has not been one complaint or allegation and there has not been one shred of evidence that there is any basis to those rumours. All we have is Hon Tom Helm, who having made his speech seems to indicate that he has reached the first stage of proving that something exists. There has not been a complaint and there has not been the slightest suggestion that any rent levels have been fixed, other than the good old gossips, including Hon Tom Helm, who have said that rumours are going around.

Hon Tom Helm then proceeds in his speech to assume that because he has said there are rumours, there is some basis for them. How many other rumours are going around? How many other odds and sods of gossip are going around? Is the role of a Government department to send members of the ministry to the local pub to listen just in case they pick up some good rumours that are going around, or at least to get an opportunity to hear what Hon Tom Helm has to say about them? Obviously Hon Tom Helm used that as his method of gathering evidence. I suppose that is what we are supposed to do too. Should I tell the people of Karratha to go to the local pub and put their ears to the ground to find out as many rumours as they possibly can, and not worry about the fact that no-one has complained about it? Hon Tom Helm has obviously discussed it over a beer or two; therefore, there is something to have a look at. If Hon Tom Helm has nothing better than

that to go on, no wonder his people in Karratha go along to the pub and talk, because that is about the only way that they can get the member's ear! If there happened to be the slightest shred of evidence and if the member could indicate that some places in Karratha were being offered for rent at a rate that seems unreasonable, and if there was anything to go on other than what has been discussed in the cups, of course we would be interested to have a look.

As it happens, we cannot prosecute: When members opposite were in Government, they introduced the Fair Trading Act but left out part 4. I am pleased to indicate that this Government is busily putting part 4 of the Trade Practices Act into the Fair Trading Act, and this will give the ministry an opportunity to prosecute. In the meantime, if the member produces the slightest iota of evidence, we can at least publicise the matter. I can publicise facts, but I cannot publicise gossip. Government has an important requirement to act on proper information. It is not the process of government to slander people on the basis of gossip, which is all that this is; rumour is a nice word for gossip, and that is all that the member is relying upon.

Hon Tom Helm: It is not just me.

Hon PETER FOSS: If the member can tell me that the basis of his evidence is anything other than what someone he met in a pub told him, it may be useful.

Hon Tom Helm: What would convince you?

Hon PETER FOSS: I would like evidence - a complaint from someone.

Hon Tom Helm: What complaint? Somebody complained about the rent in Karratha.

Hon PETER FOSS: Let me see. Perhaps the member could give me a complaint about restrictive trade practices in, say, Cunderdin; I have not had any complaints or evidence from there! Why not Cunderdin? Nobody has started a rumour there yet, so maybe somebody on this side of the House or Hon Kim Chance - it is in his electorate - could start one and we could investigate it.

Hon E.J. Charlton: What about Doodlakine, Mr Foss?

Hon PETER FOSS: Okay; we will investigate Doodlakine immediately!

Hon Kim Chance: Don't do that.

Hon PETER FOSS: Why not? We have as much evidence for Doodlakine as we have for Karratha. The only difference is that they talk about it more in the pub in Karratha.

Several members interjected.

The DEPUTY PRESIDENT: Order! I ask Hon Tom Helm to come to order.

Hon PETER FOSS: The extraordinary argument made by Hon Tom Helm is that a Government department should spend its time going around from pub to pub trying to obtain more information on a bit of gossip. If one person considers that a complaint and some evidence in that situation, I can imagine the department's workload. Also, I would have an enormous bill put to me for the vast quantity of beer consumed in the course of that research! That is the type of proposal the member is making. He suggests that we should not sit in our office occasionally hearing a rumour passing the front door; he claims we should get out there actively searching for these rumours, especially in the pubs and on the highways and byways. This is the most wobbly argument the member has ever produced.

Adjournment Debate - Westrail, Deregulation of Major Bulks Transportation Report

HON E.J. CHARLTON (Agricultural - Minister for Transport) [10.53 pm]: I would like to have concluded my contribution earlier today. Hon Peter Foss has just referred to rumour. Not only Hon Tom Helm is responsible for rumour and innuendo, and it does not finish up being related only in this Chamber. Members can read about such rumours in tomorrow's *The West Australian*.

Hon Doug Wenn: That is *Hansard*.

Hon E.J. CHARLTON: This is tomorrow's *The West Australian* that I hold. I can understand the member's having trouble working out the difference between *The West Australian* and *Hansard*; sometimes there is little difference.

Earlier today Hon John Halden asked me a question regarding a report, which he said I had, regarding changes to Westrail regulations regarding major bulks transportation. He cited the figures contained in that report. He then went on to ask a number of questions regarding the number of people to lose jobs, the proposal's financial impact and so forth. I have done some preliminary research on this report, and it seems that the only report around is the one Hon John Halden has. Either someone is having a go at Mr Halden to set him up to make him look a fool, or that person has miscalculated and placed into last year's report some notes developed to bring forward the issue into this year. I have not seen Mr Halden's copy, but I understand that the name of the Director of Transport, Mr Stuart Hicks, is on the front of the report.

Hon John Halden: It is not.

Hon E.J. CHARLTON: His name appears on whatever page. However, I have had an opportunity to view some of the contents of the report.

Hon John Halden: I gave it to your press secretary.

Hon E.J. CHARLTON: The so-called report, from which the member claimed the figures and recommendations, was for last year; it is 12 months old.

Hon John Halden: There is a difference?

Hon E.J. CHARLTON: The difference is that -

Hon John Halden: You are about to make a decision. You know what the first three pages say.

Hon E.J. CHARLTON: Mr Halden should listen to the facts. I realise that they never interest him much and have no bearing on what he says, but for this example it will do him good to listen to the facts. The recommendation within that report was for deregulating over three years. I did not accept that recommendation last year, and as a Government we left the regulations in place for a further 12 months instead of implementing the recommendation.

Hon John Halden: Very good, Minister.

Hon E.J. CHARLTON: The member had last year's report. Hon John Halden's second question contained the figures regarding the reduction in employees. The member referred to 340 fewer rail jobs, including 140 from Westrail head office. The fact is that those figures represent about half of those who have already left Westrail and were budgeted for last year.

Hon John Halden: When you are deregulating major bulks, you will do that.

Hon E.J. CHARLTON: Hon John Halden claims that he wants to know what will be done about major bulks. I told him that this afternoon, but he was not interested. He ran around the Press Gallery with last year's report, onto which someone attached a couple of pages of this year's notes. The member put two and two together and came up with a 1994 report, which was last year's report.

Hon John Halden: Mr Hicks did it for you.

Hon E.J. CHARLTON: Hon John Halden again made a dill of himself; that will not stop him as it does not worry him. He is interested in getting a headline, which *The West Australian* always prints. An article appears in tomorrow's *The West Australian* under the heading "Ore transport plan puts jobs on line". The member is interested in destabilising -

Hon John Halden: That is what you will do in deregulating major bulks, and you know it.

Hon E.J. CHARLTON: Mr Halden is a dill! The 500 people we budgeted for have already gone, plus another 600.

Several members interjected.

Hon E.J. CHARLTON: The member should listen to these points as he might learn something. When we deregulate major bulks, no job losses will occur.

Hon John Halden: No-one will be left.

Hon E.J. CHARLTON: The member is reported in the newspaper as saying that 500 people will be sacked, yet he claims that no-one will be left. The member is flexible with his numbers, as he was when in Government. Importantly, Mr Halden gleefully indicated he had a copy of this report, which he claimed I did not have - which caused me some interest - yet no such report exists.

Hon John Halden: Did Mr Hicks not send you a report on 22 March? Are you saying that he didn't send you that report on 22 March?

Hon E.J. CHARLTON: I am saying there was no report on 22 March.

Hon John Halden: He will be here tomorrow when I table it in the House.

Hon E.J. CHARLTON: There were notes for 22 March. Whoever gave Hon John Halden his information got hold of the two pages of notes and attached them to the last year's report. Hon John Halden "came in sucker". He ran around Western Australia and told everybody that last year's report was the one for this year.

Hon John Halden: We will see tomorrow.

Hon E.J. CHARLTON: We will, and it will be very interesting to see whether Hon John Halden and his mates from *The West Australian* under a headline as big as the one over this article will say, "I am very sorry; I apologise; I got it wrong; I also apologise to all of the employees at Westrail." It will be a new experience for Hon John Halden to apologise and to say that he actually got it wrong.

Adjournment Debate - Collie Power Station, Unsigned Contract

HON DOUG WENN (South West) [11.00 pm]: With due respect to the Minister for Transport, I do know the difference between *The West Australian* and *Hansard*. From where I am sitting, it appears that the Minister has broken the rules in that he has quoted from a newspaper, which he is not allowed to do.

Hon Peter Foss: Yes he is.

Hon DOUG WENN: Members are not allowed to quote from newspapers; they can quote from a photocopy of a newspaper article.

Hon E.J. Charlton: It is a very good photocopy which looks like the original.

Hon DOUG WENN: Is that what it is? I would like Hon Eric Charlton one day to look like an original Minister, not a photocopy.

Last week we had a major debate about the Collie power station. During the speech by Hon Bill Stretch, I asked by way of interjection whether the contract had been signed. He said that he was not sure and would check. He said that he believed it was in the bag. An article by Malcolm Quekett in today's *The West Australian*, of which I have taken a photocopy, states -

The final contract for the proposed Collie power station remains unsigned two weeks after Energy Minister Colin Barnett said it would be done in a few days.

Hon E.J. Charlton: We will have to get the Labor Party in to sort it out for us.

Hon DOUG WENN: The only mistake we made about this deal was that we lost -

Hon Max Evans: The plot.

Hon DOUG WENN: - the last election.

Hon E.J. Charlton: Lost the money to build it.

Hon DOUG WENN: The Minister for Transport is a fool. Perhaps he has been sniffing too much wool from his sheep.

Hon E.J. Charlton: I certainly didn't sniff the ones that you were going to shear, you didn't turn up.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: The offer is still there. Hon Eric Charlton talks about Hon John Halden being a dill; but I think the Minister is a bigger dill.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: The fact is that we heard from the mob sitting on the Government side all of this you-beaut information that this deal had been signed. We have gone for a contract for a toy 300 MW power station when we could have had a 600 MW power station.

Hon W.N. Stretch: Nobody would give you the money.

Hon DOUG WENN: The Minister stated that the contracts would be signed within a few days. Two weeks down the track we read that the deal is still being negotiated. The Minister for Energy says that the contract must be redrafted.

Hon E.J. Charlton: Do you think it will happen?

Hon DOUG WENN: It is not up to me to think so; it is up to the Government to believe it will happen.

Hon E.J. Charlton: Do you want to have a few dollars on it?

Hon DOUG WENN: I doubt very much that it will happen. Even today, the Minister for Energy is still saying that the contract will be signed this week or next week. Where is the Government going with this project? When will it sign the contract? The real point is - I am still willing to shear Hon Eric Charlton's sheep -

Hon W.N. Stretch: The RSPCA would have him.

Hon DOUG WENN: The Minister for Transport can have all of his mates from the newspapers write the story in the *Sunday Slimes*. I would still be happy to turn up to fulfil my bet. It is unfortunate that the Government members are not willing to fulfil their commitment.

Hon E.J. Charlton: Can I ask Hon Kim Chance whether he will help you?

Hon DOUG WENN: I do not think I have to read out of *Hansard* the statements Hon Bill Stretch made to this House. He believed the contract would be signed. On the night he made his speech on this matter, he believed the contract had been signed.

Hon W.N. Stretch: No, I didn't. Read it carefully. Thank you for the compliment.

Hon DOUG WENN: The contract still does not appear to have been signed. Hon Bill Stretch should pledge here and now that if the contract is not in the bag, he will kneel on the floor at the next sitting of the House - I suppose that could be in May - and apologise to me. He should say, "I am happy to give that commitment; I believe the contracts are now signed." How much further do I have to go? I wrote a letter to the *Collie Mail* a week ago and I expressed -

Hon E.J. Charlton: What was that for?

Hon DOUG WENN: I will put on the record that I said that I have heard it all before.

Hon E.J. Charlton: Five years ago, in fact.

Hon DOUG WENN: No, it was two years ago. Our biggest mistake was that we lost Government. This would never have happened under a Labor Government. The Government said that the contract would be signed within a few days.

Hon E.J. Charlton: Will you go to the opening?

Hon DOUG WENN: Two weeks down the track, the contract has not been signed. When will it be signed? When will Government members turn up in Collie with a signed contract? The Government is rushing into a commitment to build this project. It gave a commitment to Western Collieries to do away with underground mining. Two hundred

and thirty jobs have been lost. That is what this matter is all about. The former Labor Government gave a commitment to underground mining. We said that we would phase it out three years down the track. Within a year of being in Government, those opposite have done away with 230 jobs. The Minister for Transport can nod and wink because all he is doing is saving his leader's backside as well as that of the member for Collie. Because the Government is frightened of being taken to court over this matter, it has made a decision to save those jobs. But it is the wrong decision. Those people are not trained to work in a power station. There is no way that Asea Brown Boveri Pty Ltd will accept the coal miners who have just lost their jobs as employees. It will bring in trained employees.

Hon E.J. Charlton: Are you being trained for something else?

Hon DOUG WENN: I will shear the Minister's sheep, and I will probably make a lot of money.

Hon W.N. Stretch: Do you have a union ticket?

Hon DOUG WENN: I could get one if I had a bit of retraining. I am asking that lot on the other side when the contract will be signed. When will the Government be honest with the people of Collie and the surrounding areas?

Hon W.N. Stretch: You are using my speech.

Hon Bob Thomas: Mr Stretch still trusts his Ministers.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: The best thing that Hon Bill Stretch can do is go down town and buy some knee pads.

Hon Bob Thomas: As soon as possible.

Hon DOUG WENN: He has been caught out by his own words. He has been shafted by his Ministers and, in particular, the Minister for Energy, when two weeks ago that Minister stated that the contract for the power station would be signed within a few days.

Hon Peter Foss: Those blooming lawyers again!

Hon DOUG WENN: Yes. Is that a rumour or is it fact? Hon Peter Foss must have got that information in a pub. I suggest that if Hon Peter Foss walked into a pub, he would walk out because only men go into pubs and I do not think that he would feel comfortable in a pub.

The Government stands to be condemned for the lack of activity which is reported in the article in *The West Australian*. It is quite understandable why the Government does not want more people in the Press Gallery. It would get caught out more often. Government members will not get away with this. The people of Collie have already started to see through them. The Government is in deep trouble.

Question put and passed.

House adjourned at 11.10 pm

QUESTIONS ON NOTICE

CASTLEDARE JUNIOR ORPHANAGE - INSPECTION

1476. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Community Development:

- (1) Was Castledare Junior Orphanage visited on 5 July 1948 by the Secretary of the Child Welfare Department, the State Migration Officer, and two inspectors of the Child Welfare Department?
- (2) Was a report on that inspection visit prepared on 9 July 1948?
- (3) If so, will the Minister table that report?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following reply -

(1)-(3) Yes.

[See paper No 1239.]

CHILD WELFARE DEPARTMENT - MIGRANT CHILDREN IN CLONTARF AND CHILD CARE INSTITUTIONS, REPORTS 2 OCTOBER 1947

1556. Hon JOHN HALDEN to the Minister for Transport representing the Minister for Community Development:

- (1) Did the Secretary for the Child Welfare Department instruct the Welfare Officer of the Child Welfare Department on 2 October 1947 that the migrant children placed at Clontarf, Castledare, St Joseph's Bindoon, Tardun, and Nazareth House were to be visited and reported on every two months, and that particular attention was to be paid to the condition of their health, their accommodation and their attendance at school?
- (2) Did the Secretary for the Child Welfare Department indicate to the Welfare Officer of the Child Welfare Department on 2 October 1947 that the reports of child migrants would be forwarded to the Minister for Immigration, and would also be forwarded to Canberra?
- (3) Did the Secretary for the Child Welfare Department indicate to the Welfare Officer of the Child Welfare Department on 2 October 1947 that the indentures entered into by the religious authorities in respect of the welfare of the child migrants in child care institutions be rigidly adhered to?
- (4) Did the Director of the Child Welfare Department indicate to the Superintendent of the Welfare Branch of the Department on 10 October 1958 that the Clontarf institution had not been inspected since 4 August 1955?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following reply -

It would take extensive research into a number of official files currently held at State Archives to address the questions raised. If the member can be more specific in respect of an individual or individuals I will endeavour to provide him with the information requested.

BOARDS AND COMMITTEES - CHAIRMAN; MEMBERSHIP

1602. Hon JOHN HALDEN to the Minister for Health representing the Minister for Labour Relations:

- (1) Who is the Chairman of the Mining Industry Advisory Council?

- (2) What is the term of the appointment of the chairman?
- (3) Who are the committee members of the Mining Industry Advisory Council?
- (4) What are the terms of the appointment of each member?
- (5) By whom was each person nominated?
- (6) What remuneration is paid to each member and the chairman?
- (7) When was each member first appointed?

Hon PETER FOSS replied:

There is no such body as the Mining Industry Advisory Council. If the honourable member is referring to the Mining Industry Advisory Committee, this body was disbanded in November 1993.

DUCK SHOOTING - RESTRICTED OPEN SEASON

1617. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

- (1) Why has the Minister for the Environment gazetted a notice for a restricted open season for shooting wild ducks which are causing damage?
- (2) What ducks are scheduled for shooting by this notice?
- (3) Why were these ducks selected?
- (4) How many ducks have been shot in the first two months of this year under these new regulations?
- (5) Have any protected species been shot accidentally by duck shooters?
- (6) If so, how many?
- (7) Were the shooters prosecuted for shooting protected species?
- (8) Are farmers entitled to charge shooters a fee for the pleasure of duck shooting on their properties?
- (9) Do any bag limits apply to these new duck shooting regulations?
- (10) If not, why not?
- (11) Does the Minister for the Environment or his department have records of where duck shooting has occurred and how many ducks have been shot?
- (12) Are recreational duck shooters now allowed to enter a farmer's property, with his permission, to shoot wild ducks if the farmer considers they are causing damage to his crops?
- (13) Is this a breach of the coalition's promise that recreational duck shooting would not be reintroduced?
- (14) If not, why not?
- (15) Did the Minister for the Environment consult with conservation groups or animal welfare groups before gazetting these new rules?
- (16) If yes, which groups did the Minister for the Environment consult with?
- (17) If not, why not?
- (18) Did the Minister consult with farming groups or shooting groups before gazetting these new rules?
- (19) If yes, which groups did he consult with?
- (20) If not, why did he change the rules?
- (21) Will the Minister for the Environment review these rules and listen to objections raised by conservation and animal welfare groups?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) The Minister for the Environment has declared by notice a restricted open season in accordance with the Wildlife Conservation Act 1950 to enable landholders to effectively mitigate damage caused to their property by two species of wild duck. On 25 January 1994 the Wildlife Conservation (Restricted Open Season for Wild Ducks Causing Damage) Notice 1994 was published in the *Government Gazette*.
- (2) Only two species of wild duck may be taken under the provisions of the notice. They are the Australian shelduck, also known as the, mountain duck - *Tadorna tadornoides* - and the maned duck, also known as the maned goose or wood Duck - *Chenonetta jubata*.
- (3) Australian shelduck and maned duck are causing significant damage to property such as dams and other water storage facilities, with subsequent poisoning of livestock, and to crops.
- (4) There is no requirement under the provisions of the notice to record the numbers of Australian shelduck and maned duck taken.
- (5) The Minister has been advised that no reports of protected species being accidentally taken have been received.
- (6)-(7) Not applicable.
- (8) Commercialisation of the taking of wild ducks is not enabled by the restricted open season notice. See also answer (12) below.
- (9) No bag limits apply under the notice.
- (10) Bag limits would reduce the effectiveness of the intent of the notice.
- (11) See answers (4) and (9) above.
- (12) Apart from affected landholders and their neighbours when acting as a nominated agent, the only other persons who can take the two species of wild duck subject to the notice are nominated shooters. Before a person can become a nominated shooter, the relevant landholder has to provide the shooter with a nomination in writing and that nomination is not valid until approved by a wildlife officer.
- (13) No. The restricted open season has only been declared for the purpose of damage mitigation.
- (14) Not applicable.
- (15) No.
- (16) Not applicable.
- (17) See answers (1), (3) and (13) above.
- (18) The Minister met with a deputation of farmers.
- (19) See answer (18) above.
- (20) Not applicable.
- (21) The Minister is always prepared to listen to conservation and animal welfare groups. Review of the provisions applying to the restricted open season will be made as necessary in consideration of its effectiveness in meeting the objective of damage mitigation.

**DEVELOPMENT PROJECTS - MINISTERIAL CONDITIONS,
IMPLEMENTATION RESPONSIBILITY; PROSECUTIONS**

1618. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

- (1) Who is responsible for ensuring that ministerial conditions on development projects are implemented?
- (2) How many staff are assigned to this task?
- (3) What action is taken if developers ignore ministerial conditions?
- (4) On how many occasions has such action been taken?
- (5) Have any prosecutions been launched for non-compliance with ministerial conditions in accordance with section 47 of the Environmental Protection Act?
- (6) Is the Minister aware of any cases of non-compliance with conditions on projects?
- (7) If yes, what action was taken?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1)-(2) The proponent is responsible for ensuring the environmental conditions on development projects are implemented. Under section 48 of the Environmental Protection Act, decision making authorities "may monitor or cause to be monitored the implementation" of conditions which specify that implementation is to be subject to the requirements of those decision making authorities.

Further, the Chief Executive Officer of the Department of Environmental Protection "may monitor or cause to be monitored the implementation" of conditions which do not specify that implementation is to be subject to the requirements of a decision making authority. Thus, there is a provision for a power but not a responsibility. The number of staff assigned by proponents and other decision making authorities to the task of ensuring condition compliance is not known. Within the Department of Environmental Protection the task is shared among most staff of the agency. A small team manages the audit record-keeping system, assessment officers follow up on the compliance with conditions with inquiries and field visits, and inspectors visiting premises for other purposes also check for condition compliance.

- (3)-(7) If officers become aware of the possible non-compliance with conditions, the proponent is notified, reminded of the requirement and requested to comply within a reasonable period. If there is an ongoing problem, the Minister has several powers under section 48(4), most of which have been used from time to time. Records of the number of occasions on which proponents have been reminded of conditions and on which these powers have been used are not kept. To date these powers have been adequate to gain the cooperation of proponents, and it has not been necessary to initiate prosecutions under section 47 or section 48.

NATURE CONSERVATION - DRAFT STRATEGY

1619. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

- (1) Did the State Government release a draft nature conservation strategy for Western Australia early in 1992?

- (2) When did the public comment period close for this strategy?
- (3) Has the nature conservation strategy been completed?
- (4) If not, why not?
- (5) If the answer to (3) above is no, when will it be completed?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) Official closure of public comment was 6 July 1992, although submissions continued and were accepted until September 1992.
- (3) No.
- (4) Long service leave, and other work of higher priority for officers involved in the completion of the strategy.
- (5) It is proposed that the strategy will be completed later this year.

WETLANDS CONSERVATION - DRAFT STRATEGY

1620. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

- (1) Did the State Government release a draft wetlands conservation strategy for Western Australia late in 1992?
- (2) When did the public comment period close for the draft wetlands conservation strategy?
- (3) Has the wetlands conservation strategy been finalised?
- (4) If not, why not?
- (5) If the answer to (3) above is no, when will it be completed?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) 26 March 1993.
- (3) No. However CALM has completed a review of the public submissions and has drafted proposed amendments to the strategy document in the light of those submissions.
- (4) CALM is awaiting comments from the other lead agencies on the review and proposed amendments prior to finalising the strategy.
- (5) It is proposed that the strategy be completed later this year following consideration by the Minister for the Environment and State Cabinet.

GNANGARA MOUND - (PRIVATE LAND) ENVIRONMENTAL PROTECTION POLICY, IMPLEMENTATION

1621. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

- (1) Has the Gnangara mound (private land) environmental protection policy been implemented yet?
- (2) If not, why not?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) No, it has not yet been implemented.

- (2) The Environmental Protection Policy is still in the process of formulation as prescribed in part III of the Environmental Protection Act, which is a lengthy process. A draft Environmental Protection Policy was released for a period of public review in late 1993 and submissions are now being assessed.

CHILD ABUSE - MANDATORY REPORTING, LEGISLATION CHANGES

1626. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Community Development:

- (1) What consideration has the Government given to mandatory reporting of child abuse?
- (2) Is the Government proposing to change the law with respect to the reporting of child abuse?
- (3) If so, what is being proposed and when is it likely that legislation will be presented?
- (4) If not, why not?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following reply -

- (1) The available evidence on the effectiveness of mandatory reporting has been considered and will continue to be reviewed.
- (2) Not at this time.
- (3) Not applicable.
- (4) There is no clear evidence that mandatory reporting will prevent or reduce the incidence of child abuse. Reporting protocols have been developed with the Education Department, Health Department, Police Child Abuse Unit, Corrective Services Division of the Ministry of Justice, Disability Services Commission, Princess Margaret Hospital, Sexual Assault Referral Centre, King Edward Memorial Hospital, and all child care centres. Protocols are being developed with the Alcohol and Drug Authority and Mofflyn Child and Family Care Services. Discussion has also occurred with the Australian Medical Association about a protocol to cover general practitioners. Sixty-six per cent of child abuse reports are made by people generally not covered by mandatory reporting; that is, friends, neighbours, parents and other relatives.

"WORKPLACE FOCUS" - PRINTING DETAILS

1629. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Labour Relations:

- (1) Who printed the magazine "Workplace Focus", issue No 5, March/April 1994?
- (2) What was the cost?
- (3) If State Print was not used, why was it not used?
- (4) If it was not used, was it asked to tender?
- (5) If it was asked to tender, what price did it tender?
- (6) What price was tendered by the printer?

Hon PETER FOSS replied:

- (1) Issue No 5 of "Workplace Focus" was printed by Pilpil Printing Company.

- (2) \$2 360.
- (3) State Print was not used because it was uncompetitive on price.
- (4) Yes.
- (5) \$3 020.
- (6) See answer to question (2).

"WORKPLACE FOCUS" - PRINTING DETAILS

1649. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Labour Relations:

- (1) Who printed the magazine "Workplace Focus", Issue No 4, November-December?
- (2) What was the cost?
- (3) If State Print was not used, why was it not used?
- (4) If it was not used, was it asked to tender?
- (5) If it was asked to tender, what price did it tender?
- (6) What price was tendered by the printer?

Hon PETER FOSS replied:

- (1) Issue No 4 of "Workplace Focus" was printed by Vanguard Press.
- (2) \$1 830.
- (3) It is a practice of the Department of Productivity and Labour Relations to use State Print when it is price and quality competitive. However, State Print had been asked to tender for previous issues of the magazine and was found to be considerably more expensive than private sector competitors.
- (4) No.
- (5) Not applicable.
- (6) See answer to question (2).

**YOUNG, RAY - CHAIRPERSON OF DISABILITY SERVICES COMMISSION
BOARD, REMUNERATION**

1650. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Disability Services:

- (1) What remuneration is Hon Ray Young being paid for his role as Chairperson of the Board of the Disability Services Commission?
- (2) What remuneration is each other member of the Board of Management of the Disability Services Commission being paid for their respective roles?

Hon PETER FOSS replied:

The Minister for Disability Services has provided the following reply -

- (1) The remuneration paid to the chairperson of the board of the Disability Services Commission is \$48 000 per annum, in accordance with the rate recommended by the Public Service Commission.
- (2) Remuneration of \$4 800 per annum is paid to each of the members of the board of management of the Disability Services Commission who are eligible to receive sitting fees. The chairman of the Advisory Council for Disability Services who also sits as a member of the board of the Disability Services Commission is remunerated for the combined duties of both bodies at the rate of \$11 281 per annum, in accordance with a recommendation of the Public Service Commission.

**DESCHAMP, DR PHILIP - CHAIR OF ADVISORY COUNCIL FOR
DISABILITY SERVICES, REMUNERATION**

1653. Hon N.D. GRIFFITHS to the Minister for Health representing the Minister for Disability Services:

- (1) What remuneration is Dr Philip Deschamp being paid for his role as Chair of the Advisory Council for Disability Services?
- (2) What remuneration is being paid to each member of the Advisory Council for Disability Services for their role as members?

Hon PETER FOSS replied:

The Minister for Disability Services has provided the following reply -

- (1) The remuneration paid to the chairperson of the Advisory Council for Disability Services is \$11 281 per annum, in accordance with the rate recommended by the Public Service Commission. The chairperson also sits as a member of the board of the Disability Services Commission and remuneration is for the combined duties.
- (2) Remuneration in the form of sitting fees of \$73 per half day and \$108 per full day meeting is paid to each of the members of the Advisory Council for Disability Services who are eligible to receive payment.

**EDUCATION DEPARTMENT - FLINDERS PARK PRIMARY SCHOOL, OFF-
STREET PARKING PROJECT**

1714. Hon BOB THOMAS to the Minister for Education:

In December 1993 I was advised that the Building Management Authority and the Facilities Operations Branch of the Department of Education had commenced the planning stage of a project to improve off-street parking at the Flinders Park Primary School and that a tender for the work would be called early in the new year.

- (1) What work was to be undertaken at the school?
- (2) Why was the tender not called?
- (3) Why was the BMA given such a short time in which to submit its report on the project?
- (4) What amount was allocated to this project in 1993-94?
- (5) Has that money now been allocated to another project?
- (6) If yes, which project/s was it reallocated to?
- (7) The Education Department acquired land 118 metres by 20 metres for parking on the eastern boundary of the school. Now that this land has been purchased, what does the Education Department plan to do with it?

Hon N.F. MOORE replied:

- (1) Construction of the proposed car park, dependent upon availability of funding.
- (2) Funding was not available for the work to be undertaken.
- (3) The BMA has been involved with this project since inception on 7 March 1990.
- (4) \$1 800 for the acquisition of the land and \$1 475 for survey and associated costs.
- (5) No.
- (6) Not applicable.

- (7) The construction of the proposed car park will be considered with other priorities, dependent upon funding availability.

**LAND - LOT 401 LA PEROUSE COURT, FRENCHMANS BAY, ALBANY,
REZONING APPLICATION**

1721. Hon BOB THOMAS to the Minister for Education representing the Minister for the Environment:

- (1) How was the Minister for the Environment able to issue a ministerial statement of conditions relating to lot 401 La Perouse Court, Frenchmans Bay on 8 August 1993 when at that stage no coastal impact statement had been undertaken?
- (2) Is the Minister satisfied that adequate environment assessment procedures have been followed in the case of the application to rezone lot 401?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) I am not aware of a requirement under any approval process for the preparation of a coastal impact statement. The environmental assessment of this proposal addressed all significant issues within the Environment portfolio. Some environmental issues like coastal development are usually handled under the Planning portfolio when the potential impacts are relatively small, of local significance, and easily managed.
- (2) Yes.

BOARDS AND COMMITTEES - CHAIRMAN; MEMBERSHIP

1833. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

- (1) Who is the Chairman of the Electrical Licensing Board?
- (2) What is the term of the appointment of the chairman?
- (3) Who are the committee members of the Electrical Licensing Board?
- (4) What are the terms of the appointment of each member?
- (5) By whom was each person nominated?
- (6) What remuneration is paid to each member and the chairman?
- (7) When was each member first appointed?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following reply -

- (1) Mr Roderick Downey, a professional electrical engineer, is the chairman of the Electrical Licensing Board.
- (2) The term of the appointment of the chairman is three years, the current term being from 1 November 1991 to 31 October 1994.

(3)-(5), (7)

Board Members	Appointment Date	Term of Appointment	Nominated By
T. Lyons	28.5.92	31.10.94	CEO, Department of Employment, Vocational Education and Training
J. Wynn	1.11.91	31.10.94	Confederation of WA Industry and Chamber of Mines and Energy

- | | | | |
|----------------|---------|----------|---|
| J. Sweeting | 1.11.91 | 31.10.94 | Electrical Contractors Association |
| G. Haynes | 1.11.91 | 31.10.94 | Australian Electrical, Electronics, Foundry & Engineering Union |
| M. Golesworthy | 1.11.91 | 31.10.94 | Metals & Engineering Workers' Union |
| Robert Briggs | 1.11.94 | 31.10.94 | SECWA |
- (6) The chairman is paid \$145 for a full day and \$97 for a half day. The members are paid \$108 for a full day and \$73 for a half day.

SCHOOLS - YALE PRIMARY
Teachers Reduction

1877. Hon JOHN HALDEN to the Minister for Education:

- (1) Can the Minister explain why teacher numbers at Yale Primary School were cut?
- (2) Was there consultation with parents?
- (3) How is the loss of 1.25 teachers to be implemented?

Hon N.F. MOORE replied:

- (1) The enrolment at Yale Primary School declined. As the Primary Staffing Table is enrolment driven it was necessary to reduce the allocation of staff to the school.
- (2) This is not a requirement, as staff adjustments are usual where enrolments decline in accordance with the Primary Staffing Table.
- (3) The loss of 1.25 FTE was managed through the process of establishment adjustment - unders and overs. This process involves input from the school, through the principal; the District Education Office, through the District Superintendent of Education; and central office through the personnel consultant responsible for the Thornlie District.

QUESTIONS WITHOUT NOTICE

NEWTON, MARK - CONSULTANCY BRIEF, TABLING

1127. Hon JOHN HALDEN to the Minister for Transport:

In response to question 1096 the Minister said he would make public the consultancy brief given to Mr Mark Newton. Some seven days have now elapsed and the document has not been made public.

- (1) Will the Minister now table this consultancy brief?
- (2) If not, why not?

Hon E.J. CHARLTON replied:

(1)-(2)

I have procured a copy of the consultancy brief and I will check to see whether it is in my file. If it is I will table it forthwith and if it is not I will table it as soon as I get it.

**STATESHIPS - EXPRESSIONS OF INTEREST AND ADVERTISEMENT
INVITING PROPOSALS FROM PRIVATE SECTOR**

1128. Hon KIM CHANCE to the Minister for Transport:

- (1) With regard to the Minister's answer given to question 1104 why does he refer to "expressions of interest" when the advertisement placed by him reads -

The Hon Eric Charlton Minister for Transport, invites proposals from the private sector to take over and/or operate part or all of the services currently maintained by Stateships.

- (2) It is quite clear that the Government has called for and received proposals from the private sector. To refresh the Minister's memory the definition of "proposal" is an offer proposing something to be accepted or adopted as a scheme or plan. Is the Minister confused or is he seeking to interfere with the terms?

Hon E.J. CHARLTON replied:

(1)-(2)

The Minister is neither confused nor intending to interfere. Obviously the companies involved thought that the advertisement was calling for expressions of interest because that is evident from their responses. They did not put forward a proposal to take over the operations of Stateships; they put up a proposal in principle and that is the reason we have gone back to them to obtain more specific details. We will then be in the position to develop a whole range of options that these organisations may be involved in. The member is correct in saying that the word used in the advertisement was "proposal" - a proposal is a proposal. I said the other day my advice is that the proposals which have come forward include a range of expressions of interest, from taking over to a managing role without any financial specifications. The department must obtain more details so that it is in a position to go back to them and say that it will require a tender or a response to the Government in the form of a specific contract offer.

NEWTON, MARK - CONFLICT OF INTEREST IN RELATION TO SHIPPING CONTRACT

1129. Hon MARK NEVILL to the Minister for Transport:

In his answer to question 1107 concerning a conflict of interest between Mr Newton and Stateships in relation to a shipping contract from Subic Bay to Fremantle, the Minister undertook to check it out and respond accordingly.

(1) Has the Minister done that?

(2) If yes, what is the Minister's response to the original question?

Hon E.J. CHARLTON replied:

(1)-(2)

I had discussions with Mr Newton today on this whole issue. As a matter of fact, he gave me his response in writing, which I will table. It is answering not only this specific question, but the whole issue encompassed in the Leader of the Opposition's question last week. At a later date he may ask me to provide the information he was seeking so I will table it now for his information. The information I have reads -

Mr Mark Newton, Consultant to myself on matters related to Stateships, denies emphatically having made any recommendation to the State Government concerning the establishment of a 'consortium' to run Stateships, or, having made other comments attributed to him in the media and Parliament last week.

Mr Newton is conducting wide ranging interviews with all manner of individuals and organisations and soliciting their views on how Stateships might be more effectively run. So far, he has had over 100 such interviews in the past two months and expects to have many more before his study is finalised.

During the course of these interviews, hypothetical models are discussed and individual views on specific matters expressed. However, it is plain mischievous to take the contents of any discussions and present them as Mr Newton's position on Stateships' future.

Mr Newton remains open minded and willing to consider all possible future scenarios before he completes his report to myself as Minister for Transport.

Until that time any opinions purported to be Mr Newton's are purely speculative.

Regarding any possible conflict of interest involving Mr Newton, he has been at pains to avoid any compromising situation since he values highly the very good reputation he has within the commercial shipping industry.

Mr Newton expects to complete his research this month and report to me in May.

I took up the issue to which the member referred in his question. Mr Newton says he has absolutely no idea why that accusation was made. He went into some detail on why he thinks whoever purported that either does not know the facts or is totally mischievous. He emphatically denies that there was a conflict of interest in regard to the contract to which the member referred.

[See paper No 1233.]

BOA FORCE (TUGBOAT) - SALVAGE OPERATION

1130. Hon P.R. LIGHTFOOT to the Minister for Transport:

Is the Minister able to report on the progress, if any, of the salvage operations on the tug *Boa Force*?

Hon E.J. CHARLTON replied:

I thank the member for notice of his question. I am happy to report to the House that the salvage operation on the *Boa Force* which sank off Thevenard Island on 24 February after striking a disused wellhead in the Saladin field has been completed successfully. The vessel has been lifted clear of the well head, patched and refloated with the use of a sheerlegs barge brought in from Singapore. Over the Easter long weekend 176 000 litres of fuel was pumped from the vessel's tanks onto a barge without incident.

I congratulate the salvagers on a job well done and the field operator, West Australian Petroleum Pty Ltd, for its assistance. Throughout the salvage operation the Department of Transport supplied a liaison officer on site to represent all relevant Government agencies. I am sure members opposite will be pleased to hear this information because they inquired about it some time ago.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL - AMENDMENTS, DISCUSSIONS WITH STUDENTS

1131. Hon REG DAVIES to the Minister for Education:

Does the Minister intend to notify the student guilds of any intended amendments to the Acts Amendment (Student Guilds and Associations) Bill to allow them to comment prior to debate on the amendments in this House?

Hon N.F. MOORE replied:

I have had several meetings with the presidents of the guilds. The last

meeting was this morning when they arrived at my office unannounced to talk about the Bill. I was happy to talk to them about what is happening. I have indicated to them that any amendments to the legislation will be discussed with them first and the Committee stage of the Bill will not progress until the amendments have been drafted. Last week I referred to the unintended consequences of the wording of the current Bill which had been brought to my attention and they referred to that as well. I understand that as the House is moving along rapidly with its business, there may be an opportunity this week to commence debate on the second reading of the Bill. I state clearly that any amendments that may be made at the Committee stage will not relate to the basic principle of the Bill; namely, that membership of guilds should not be compulsory. Any amendments will relate to some of the consequences of implementing that principle and to the unintended consequences to which I referred last week.

PORT KENNEDY DEVELOPMENT - FLEURIS PTY LTD
Holiday Units Provided Free of Charge, Advice

1132. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:-

In regard to the development at Port Kennedy by Fleuris Pty Ltd -

- (1) Will the developers "provide free of charge" the 285 holiday units as outlined by the member for Rockingham, Mike Barnett, in a speech on 30 March 1994?
- (2) Does the Act provide for this?
- (3) Will the State receive these units prior to transferring to Fleuris Pty Ltd either freehold or leasehold land?

Hon PETER FOSS replied:

The Minister for Planning has provided the following reply -

- (1)-(3) The Government and the proponents of the Port Kennedy development are bound by the terms and conditions laid down in the Port Kennedy Development Agreement Act 1992. These terms and conditions are so complex that the Act and accompanying schedules run to some 83 pages. It is, therefore, not practicable for them to be detailed in this forum. Rather than draw upon statements made by Mike Barnett on 30 March 1994, the member is advised to refer to the legislation and, in particular, those sections of schedule 1 which relate to development on leasehold land and the covenants by lessee.

GRAFFITI PROGRAM - PAMPHLETS DISTRIBUTION

1133. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

In regard to the Premier's graffiti program -

- (1) How many pamphlets entitled "Graffiti - How to Prevent It", "Graffiti - Community Action to Combat It" and "Graffiti - How to Remove It" were printed?
- (2) Who printed the pamphlets?
- (3) To whom were they distributed and in what numbers?
- (4) How were they distributed?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

- (1) Twenty thousand copies were printed of each of the pamphlets: "Graffiti - How to Prevent It", "Graffiti - Community Action to Combat It" and "Graffiti - How to Remove It".
- (2) The pamphlets were produced by the Building Management Authority for the graffiti program.
- (3) The pamphlets have been distributed to the general public, property owners affected by graffiti and a wide range of community groups. Approximately 12 000 have been provided to various distribution points, and it is estimated that around half of these have been dispersed.
- (4) The pamphlets have been distributed through the Graffiti Hotline, public displays, by the graffiti program's office, and through local government authorities.

POLICE - OPERATION SWEEP

Legality Advice

1134. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

- (1) When did the Minister ask for advice on the legality of Operation Sweep?
- (2) Has the advice now been received?
- (3) When was it received?
- (4) What is it?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

- (1) Operation Sweep was raised in discussions with the Commissioner of Police. Legal advice on Operation Sweep was subsequently sought by the commissioner from the Crown Solicitor's Office on 22 March 1994.
- (2)-(3) Yes, by the Commissioner of Police on 31 March 1994.
- (4) The Commissioner of Police has received a legal opinion on aspects of Operation Sweep and advises that, in summary, the advice of Crown Counsel is that where it is impracticable, and only where it is impracticable, to deliver an apprehended child to its usual place of residence or school immediately, police officers are probably not in breach of the Child Welfare Act by detaining the child at the police station so long as it is for the sole purpose of making arrangements to have the child transported back to its usual place of residence or school.

**HOUSING - KARRATHA, WOODSIDE OFFSHORE PETROLEUM PTY LTD
RENTALS KEPT AT HIGH LEVELS**

1135. Hon TOM HELM to the Minister for Fair Trading:

- (1) Is the Minister aware of the allegation of collusion between real estate agents in Karratha in regard to maintaining high rent levels in the vacant Woodside Offshore Petroleum Pty Ltd houses?
- (2) If the Minister is not aware, will he investigate the matter and ensure that rent levels are not kept artificially high?

Hon PETER FOSS replied:

- (1) No specific allegations or complaints have been lodged with the Ministry of Fair Trading about this matter. The ministry's Karratha office has been advised that rumours are circulating to the effect that rental levels have not been adjusted to reflect a relatively high level of rental vacancies.

As no specific complaints have been received, the ministry is not in a position to investigate this matter. If details are provided, the ministry will determine whether it appears that any breaches of legislation administered within the Fair Trading portfolio have occurred. Any such alleged breaches would be investigated. However, under the Commonwealth Trade Practices Act, responsibility for investigating the actions of corporations involved in restrictive trade practices rests with the Trade Practices Commission.

SITTINGS OF THE HOUSE - 12, 13, 14 APRIL, AT NORMAL TIMES

1136. Hon B.K. DONALDSON to the Leader of the House:

Can he advise whether the House will sit next week; and, if it is to do so, on what days and times?

Hon GEORGE CASH replied:

Yes; on Tuesday, Wednesday and Thursday, at the normal times that the Legislative Council meets. The need to sit next week has been occasioned by the slow progress that we have made to date with certain legislation. Members will now be able to adjust their diaries accordingly.

WESTRAIL - WORK FORCE REDUCTIONS RECOMMENDATION, MAJOR BULKS TRANSPORTATION REVIEW

1137. Hon JOHN HALDEN to the Minister for Transport:

Has the Minister recently received a submission from the Department of Transport recommending that Westrail should offset revenue reductions by further reducing its work force by 340 rail positions, 140 of which would be from head office?

Hon E.J. CHARLTON replied:

I do not know what the Leader of the Opposition is referring to. Does he have a date?

Hon John Halden: It involves the review of major bulk handling by Westrail.

Hon E.J. CHARLTON: No. I am not aware of that report. The Government has agreed that major bulks will stay regulated for a further 12 months. That decision was made almost 12 months ago. There has been no discussion with me about any report on the future of major bulks at this stage, bearing in mind that Westrail has recently gone through a range of changes, of which I am sure the member is aware, and that this is on the agenda, and the Government must make a decision about the future of major bulks.

ROAD FUNDING - REVENUE \$165m ALLOCATED TO CONSOLIDATED REVENUE FUND

1138. Hon JOHN HALDEN to the Minister for Transport:

Will the Minister confirm that over \$165m taken from Western Australian motorists by way of vehicle licences, vehicle registrations, licence recording fees, driver's licence fees and Police Department imposts, goes to the consolidated revenue fund and not road funding? How does the Minister reconcile this \$165m of road-related revenue which goes to CRF with his Government's campaign against the Federal Government's road funding policies?

Hon E.J. CHARLTON replied:

The first thing our Government did was ensure that the \$43m a year collected by the former Government, which was part of licences and the fuel levy, which are the two components that comprise road funding from the State, came back to roads. Since 1986, the former Government had taken \$300m from road funding and used it to subsidise the public transport system, which in the same period lost patronage. In regard to the other charges to which the Leader of the Opposition referred, obviously the Government collects money through a range of taxes to spend it on a number of initiatives, in the same way as any other Government. Therefore, if the member is supportive of the Government using that money on road funding, I will be interested to hear his comments.

Hon John Halden: It is just that you are inconsistent.

Hon E.J. CHARLTON: Obviously, the member's colleague in another place does not think so, because he does not want us to try to achieve a greater return of Western Australian taxpayers' money spent on Federal excise, which is now 31¢ a litre, from which only 6¢ or 7¢ a litre is returned to the State. During the past 10 years the Commonwealth's collection has increased from \$1b to \$9b, and that \$8b increase has been allocated by the Federal Government, for political reasons, to areas other than roads. I will be interested to hear whether the Leader of the Opposition and his party would like to see some of those specific taxes allocated to road funding. If members opposite have any positive suggestions, I will be pleased to hear them. During the past 12 months or so I have heard nothing but negative comments from the Opposition.

WESTRAIL - MAJOR BULKS TRANSPORTATION REVIEW
Deregulation, Cost Reduction for Individual Tasks

1139. Hon JOHN HALDEN to the Minister for Transport:

In reference to the review of major bulks transport conducted by the Department of Transport -

- (1) How does the Minister justify claims by his department that the cost reduction for individual tasks, after the deregulation of major bulks, will be in the order of three per cent to 153 per cent?
- (2) Is this a new enlightened policy of the Government, meaning that it will pay people to use the services of Westrail?

Hon E.J. CHARLTON replied:

(1)-(2)

No, it does not mean that at all. One day we will get some pictures and I will come along with a whiteboard to explain it to the member. A former Premier showed me on a whiteboard how the petrochemical plant was going to work. Mr Dowding said, "Eric, you probably won't understand because you're only a farmer." I said, "The difference between you and me, Mr Dowding, is that everything I have bought in my life I have paid for."

If major bulks are deregulated, Westrail will do what every other commercial operation does; namely, instead of negotiating a price on the basis of the operation being regulated - namely, the customer being forced to use Westrail - it will negotiate from the viewpoint of competition.

Hon John Halden: It is impossible to have more than a 100 per cent reduction.

Hon E.J. CHARLTON: Why?

Hon John Halden: A 100 per cent reduction will result in no cost.

The PRESIDENT: Order! Question time will be facilitated much more successfully if the Minister concentrates on answering the question and not arguing the point with the Leader of the Opposition. The Minister should stop asking questions -

Hon John Halden: My answers are better!

The PRESIDENT: Order! I do not want to hear the Minister asking questions when he is supposed to be answering them.

Hon E.J. CHARLTON: I am sure that Hon John Halden and I have a very good understanding of each other.

The PRESIDENT: Order! I do not mind members having a good understanding provided that it occurs outside this place. While in here, we will stick to our rules.

Hon E.J. CHARLTON: Yes, Mr President. The figures cited by the Leader of the Opposition regarding a 153 per cent reduction must be taken in context with the question asked. I have already answered the question by indicating that I have not seen the recommendations; therefore, I am not in a position to comment on them.

Hon John Halden: The report is addressed to you.

Hon E.J. CHARLTON: However, in general principle, the price of commodities is expected to be reduced, although others may increase. However, this Government wants to ensure - as did Mr Halden, when in Government - that Westrail and industry will have the best balance to achieve the best results for the State as a whole. I am sure the member will agree that we should not deregulate overnight, as this would not enable Westrail to meet the challenge. If it were to happen overnight, more bulk commodities would move to road. When the review comes along and the recommendations are made, I will look at them. I am sure that the member will know about it in good time.

Hon John Halden: I seem to know more about it than you do.

Hon E.J. CHARLTON: The member does not know the facts.

Hon John Halden: It is your report. I have a copy and you haven't read it.

WESTRAIL - MAJOR BULKS TRANSPORTATION REVIEW *Loss of \$9m per Annum*

1140. Hon JOHN HALDEN to the Minister for Transport:

Again referring to the major bulks transport report -

- (1) Although producers will have transport costs reduced by \$13m, is it correct that the Department of Transport indicates that Westrail is likely to suffer a loss of \$9m per annum?
- (2) If so, will this cost be borne by the taxpayer?
- (3) Will this mean increased rates paid by some other users?
- (4) Will this reduce even further the services and extent of the Westrail network in Western Australia?

Hon E.J. CHARLTON replied:

(1)-(4) It does not mean any of those things. The Leader of the Opposition should ask his colleague these questions. It makes no sense for the member to put the question in the context he has - he is on a loss to nothing. The Department of Transport is officially required to respond to me regarding the recommendations for the future. In the final analysis, this will be all to do with Westrail. I will be negotiating with Westrail on a final decision upon which the Government will make its determination.

PAYROLL TAX - ABOLITION COMMITMENT

1141. Hon MARK NEVILL to the Minister for Finance:

- (1) With the Western Australian economy booming, is the Government still committed to abolishing payroll tax over two terms in office?
- (2) What target has the Government set for payroll tax collection at the end of its first term in office?

Hon MAX EVANS replied:

- (1)-(2) As a result of increasing employment, and without any changes in the rate of payroll tax, the revenue collection must increase; therefore, we cannot ascertain how much we will receive in our first term in office.

Hon Mark Nevill: All the more reason that you do not need it.

Hon MAX EVANS: Last year we arranged a threshold of \$100 000, which excluded a lot of small businesses from this tax. The Government intends to stop borrowing. The last three years of the previous Government resulted in \$3b in borrowings; we want to reach the stage of conducting capital works and recurrent expenditure without borrowing further money. We are close to our target, and we hope to achieve it next year. At that stage we will consider our priorities and see whether we can accelerate some capital expenditure, repay debt or work on payroll tax. They cannot all be done at once. Payroll tax will be considered, but problems arise with fringe benefits tax. We can follow the lead of other States and give relief to mining companies; the member may be aware of this. Over two years, \$550m is involved with payroll tax, and if we gave up the collection of payroll tax for one year, 40 per cent would go to Federal coffers through private and company tax. This would involve a \$220m advantage to the Federal Government, from which we would receive nothing.

Hon Mark Nevill: It is your policy.

Hon MAX EVANS: I am telling the member the facts of life. The Government's policy was made in the context of the Fightback package, in which the Commonwealth would pay compensation to the States on that factor. With the Government we have in Canberra - as illustrated by Hon Eric Charlton's problems with road funding - if we gave up payroll tax, we would receive nothing in return. The Commonwealth's collection from fringe benefit taxes in the State has increased from \$6m to \$12m, yet WA has received nothing from that. We want quid pro quo on payroll tax. Giving it all away to the Federal Government would have no advantage. We are looking closely at how to bring payroll tax down. The main thing is that we want to balance the books at the end of this year and next year so that we are not increasing debt. Once that is done, we can work out where we are going.

**ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL -
INCORPORATION STATUS DENIAL**

1142. Hon REG DAVIES to the Minister for Education:

- (1) Does the Minister intend to deny student guilds the status of incorporation?
- (2) If so, why?

Hon N.F. MOORE replied:

- (1)-(2) That is not the intention of the Acts Amendment (Student Guilds and Associations) Bill, although it may be one of its unintended consequences being considered by the Crown Law Department.
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