



WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Wednesday, 12 March 1997

Legislative Council

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

PETITION - MINING, BEENUP

Expansion

Hon J.A. Scott presented a petition, by delivery to the Clerk, from one person opposing BHP's proposal to expand the approved Beenup minesite.

[See paper No 319.]

PETITION - CANNING HIGHWAY

Widening

Hon J.A. Scott presented a petition, by delivery to the Clerk, from one person opposing the proposal to gazette a widened road reserve on Canning Highway, East Fremantle.

[See paper No 320.]

PETITION - GUILDERTON REGIONAL PARK

Hon J.A. Scott presented a petition, by delivery to the Clerk, from 276 people requesting the establishment of a regional park to the south of Guilderton.

[See paper No 321.]

PETITION- LIVE SHEEP TRADE

Hon J.A. Scott presented two petitions bearing the signatures of 2 713 and 659 people respectively, as follows -

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

The People Against Cruelty in Animal Transport [PACAT] and the other undersigned residents of Western Australia are deeply concerned at the continuation of the live sheep trade for the following reasons:

- (i) Annually more than 100,000 sheep exported from Fremantle die traumatically during transhipments to the Middle East.
- (ii) Regulations covering road transportation and the loading are not being adequately policed.
- (iii) The live sheep trade is undermining the more lucrative, job creating processed meat trade.

Your petitioners therefore humbly pray that the Legislative Council will investigate and recommend a time frame in which this cruel, wasteful and uneconomic trade can be terminated and your petitioners, as in duty bound, will ever pray.

[See papers Nos 322 and 323.]

MOTION - COMMISSION ON GOVERNMENT

Implementation of Recommendations - Withdrawal

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.32 pm]: I seek leave of the House to withdraw Motion No 7 standing in my name. I do so with passing reference to the agreement between the Opposition and the Government in regard to this matter. The informal committee that will examine these questions of the upper House committees is about to reconvene. In those circumstances it is appropriate for me to withdraw this motion for the present.

Motion, by leave, withdrawn.

MOTION - RACIAL AND SOCIAL HARMONY

HON TOM STEPHENS (Mining and Pastoral - Leader of the Opposition) [2.35 pm]: I move -

That this House -

- (a) reaffirms its commitment to the right of all Australians to enjoy equal rights and be treated with equal respect regardless of race, colour, creed or origin;
- (b) supports the federal parliamentary commitment to maintaining an immigration policy wholly non-discriminatory on grounds of race, colour, creed or origin;
- (c) reaffirms its commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people, in the context of redressing their profound social and economic disadvantage;
- (d) asserts its commitment to maintain Australia as a culturally diverse, tolerant and open society, united by an over-riding commitment to our nation, and its democratic institutions and values; and
- (e) denounces racial intolerance in any form as incompatible with the kind of society we are and want to be.

I have moved motions in the past which I have deliberately made quite controversial.

The PRESIDENT: Order! An honourable member is using a telephone. That telephone is not for members to make telephone calls on. So that members do not inadvertently breach the rules, I remind all members that those telephones are provided for the sole use of the Whips and not for the purpose of even a Whip taking personal telephone calls. They are there for the Whips to do the job they have to do, which is to find out where members are, etc, and not for other calls.

Hon TOM STEPHENS: I thank you, Mr President. Some of us are more used to you grounding us than others. I am sure all of us will learn the rules over time. I am sure you will understand that the new member meant no offence.

The PRESIDENT: I mentioned it because he was drowning out the Leader of the Opposition.

Hon TOM STEPHENS: The motion before the House provides us with an opportunity of coming together on an issue on which there should be no divergence of view or need for great controversy. As I have said to the Leader of the House, I would like the motion to be passed in a bipartisan way and seconded by someone opposite. I can understand that the motion will have to be considered in the first instance by the party room for a considered response. If that were to happen, I would welcome a response which saw the motion carried.

The motion is in almost identical terms to one introduced in the House of Representatives and passed on 30 October last year. It was introduced by the Liberal Prime Minister, John Howard, and seconded by the current Leader of the Opposition, Kim Beazley. I think it was passed unanimously, although there might have been a difficulty with one or two members. I do not think we are in that situation here.

This motion deserves bipartisan support. The motion introduced into the Federal Parliament is worded in such a way that that Parliament can provide real leadership and direction to Australians in the ongoing debate on many difficult issues. Those issues include reference to immigration levels, racism, reconciliation and the maintenance of Australia's culturally diverse and tolerant society. I hope it is the view of all members that this Parliament should provide leadership in the debate in this State by indicating that this Parliament was and still is not afraid to participate in the debate which raged last year and continues to this day. It must be made clear to the Western Australian community that while debate on this issue is healthy there is a need for Australians to maintain a commitment to core Australian values.

Without leadership in the discussions, this debate runs the risk of becoming ugly and destructive. Parliamentarians have a responsibility to ensure that destructive debate does not occur. Effectively, this motion is the embodiment of many commitments and beliefs which I and other members in this House hold dear to our hearts. They are fundamental values to many people and the need for them to be reaffirmed is self-evident. The Parliament must provide the people of this State with a simple and unambiguous statement of its commitment to common values and principles. There is already a commitment of "fair go" ingrained in the Australian culture. We support the battler and the hard worker and promote equal rights. However, sometimes this commitment to equality does not extend to all people. The experience of the Australian community is one in which regrettably there are significant elements of inequality. All Australians must be given equal rights regardless of colour, country of origin and religious beliefs. This country owes an enormous debt to all Australia's people including the original inhabitants and those who have chosen to settle in this country. Today, 20 per cent of the entire Australian population was born in another country. More than half of those people have come from non-English speaking backgrounds. Combined with their Australian born children these people represent approximately 40 per cent of this country's population and they are the first generation of migrants.

It is clearly a myth that Australia is running a high immigration policy regardless of these statistics. In the past five years Australia's immigration has halved compared with post-war norms. The high immigration phase of Australia's postwar history has well and truly ended. It is understandable that there will be legitimate debates in the community on the appropriate level of future immigration. It is not an issue that should be put aside. However, it is important that the debate is guided by a real commitment to core principles which are enshrined in this motion.

It is vital that the people who have come to Australia's shores and who represent a large proportion of the population are treated with respect. It is important that this nation ensures that these people will be judged on their individual value and worth, as well as their character and behaviour and not on their colour, creed or country of origin. For this reason the Western Australian Parliament must support the commitment which has been expressed in the Federal Parliament in a bipartisan way to maintain an immigration policy that is wholly non-discriminatory on the grounds of colour, creed and country of origin.

The Australian Labor Party does not have a proud record in this area. It was almost the last group in Australia to be converted away from the white Australia policy. In the 1960s this issue was a source of division within the party and resulted in painful debate which finally led to the policy being overturned. It opened the opportunity for some people who had taken a different view to the official party line to be welcomed back into the ranks of the party. I am thinking of my good friend the Reverend Keith Dowding. He was one of the people who felt the wrath of the party by virtue of his opposition to this policy. His opposition led to his removal from the party and after Gough Whitlam was successful in getting the national conference to reverse its decision on this policy he was readmitted to the party.

Prior to federation, Australia had a restrictive immigration policy which was based primarily on fears of uncontrolled entry by Chinese workers and the erosion of wages and conditions of Australian workers. The entry to Australia by non-Europeans was effectively restricted from 1896. There was the infamous dictation test about which we learned from our history books which was designed to weed out the unwelcome non-European British subjects. That test remained in place until 1958. Australia cannot allow anything other than a non-discriminatory immigration policy and it is for that reason that I wholeheartedly support the Federal Government and Opposition for their commitment to maintaining that policy.

The third proposition contained within the motion is the reaffirmation of the House's commitment to the process of reconciliation with Aboriginal and Torres Strait Islander people. The members who were in this place when I moved a similar motion know that the House has already dealt with this question. However, this is a new Parliament and there are new members in it. Therefore, this is a legitimate opportunity for all members to again commit themselves to that process. Some issues can be dealt with only through a process of reconciliation. It is not possible to deal with those issues by maintaining an agenda of bigotry and discrimination. Issues such as the profound social and economic disadvantages facing Aboriginal and Torres Strait Islander people today must be tackled. Members are aware that Australia does not have a proud history of Aboriginal and non-Aboriginal relations in this country. The facts are well documented. The facts of the legacy which has been left by what has too often been a most unhappy relationship are horrifying. It was not until 1967 that Aboriginal people had the opportunity to be included in the nation's census. It was not until 1975 that Aborigines gained rights for equality before the law. Until 1963, Aborigines in the Northern Territory needed permission to marry or have a bank account. Until the early 1970s an Aboriginal person in Queensland required a passport to leave a reserve. Western Australia restricted citizenship rights for Aborigines, who were the most repressed section of this State and nation. Aboriginal people could apply for a certificate of citizenship only if they had dissolved their tribal and native associations. It is an extraordinary proposition that laws in this country, as a result of decisions in the High Court, make it essential for Aborigines to establish their tribal and native traditions to maintain their common law rights. However, it was obligatory for them to dissolve those associations before attaining citizenship. They also had to supply two written references and satisfy a magistrate that they had "adopted the manner and habits of civilised life". The Act that legitimised this dehumanising behaviour was not repealed until 1971 - 26 years ago. We must acknowledge the shame of what went so badly wrong for such a long time. We must learn from it and take action to ensure a new policy is developed and maintained in an appropriate manner. Clearly that includes maintaining a spirit of reconciliation in all we do in this area.

In Western Australia already a group of Aboriginal people has been created whose members are non-traditional, who have lost their country, and who are largely urbanised. They are condemned to a continuous cycle of poor education, poor housing and poverty. We must take immediate and unequivocal steps to rectify these problems. How can reconciliation between Aboriginal and non-Aboriginal people occur in any meaningful manner when Aborigines and Torres Strait Islanders are so profoundly disadvantaged? I have maintained a close relationship with Aboriginal people for the past 27 years. I am very conscious of the fact that to maintain friendships, there must be some equality. I am well and truly aware of how difficult it is to maintain friendships knowing that the people on the other side of that friendship are disadvantaged by virtue of their race and, in many ways, because of the problems they have faced

since the arrival of people of my race. Despite the best efforts to maintain friendships across that race divide, when it is combined with a sense of inequality in reality it is very hard to achieve. It is profoundly painful to recognise that Aboriginal people are regularly placed in a disadvantaged position and one cannot easily maintain friendships across that great gap. Reconciliation with Aboriginal people must occur in a meaningful manner.

The fourth point of this motion is a commitment to maintain Australia as a culturally diverse, tolerant and open society. Each new intake of migrants, regardless of their country of origin, has brought a new culture which has enriched and sustained the wider community. This can be a culturally diverse nation only if people treat each other with respect, and if they accept that each of us has an obligation to be tolerant. It is a fundamental aspect of the human condition that we must all be tolerant of each other across diversity whether we are building a State, a nation or something less grand. Unity of statehood and nationhood can be achieved only when it is based on respect for legitimate diversity. We must reaffirm as a nation and State the need for authentic unity. During the debate of this motion in Federal Parliament several members on both sides of the House said that unless the value of tolerance is preached and it is entrenched as a core value in our society, that society will not hold together. Quite clearly, we must not let that happen to the Western Australian community. The overwhelming purpose of this motion is to denounce racial intolerance in any form, whether it be directed at newly arrived immigrants, children of migrants, or Aborigines and Torres Strait Islanders.

It is interesting to note that a recent letter to the editor of a newspaper stated that almost the only legitimate form of bigotry allowed in the media currently is taking solid swipes at Catholics. It is almost politically correct to do so on the basis of their religious convictions. I touch on that because I am intrigued by that reference in the newspaper, which I think is accurate in part. It points to the need in our society not just to be done with intolerance across religions but, more importantly, to be done with intolerance. There are opportunities for barriers to be created when differences are evident among people within the community. We must make sure that no intolerance is directed to the citizens of our State and nation, no matter which group they come from.

There is no question that for many people, immigrants and Australians of Aboriginal heritage are the easiest scapegoats for many of the ills of Australian society. This myth must not be allowed to perpetuate. It is perpetuated by statements often made that Aboriginal people have easy access to monetary assistance from the Government and at a higher rate than non-Aboriginal recipients. I have pointed out on a number of occasions that the facts belie the myths. Less than 10 per cent of commonwealth assistance to Aborigines is in the form of payments to individuals. In 1993-94 the mainstream and specific health expenditure on indigenous people - who comprise 1.6 per cent of the population - was only 1.26 per cent of total commonwealth health expenditure.

It is also worthy to note that a third of all commonwealth spending on Aboriginal and Torres Strait Islander specific funding and nearly all ATSIC's funding are spent on substitutes for mainstream services, such as Abstudy for Austudy and Aboriginal Medical Services for Medicare supported services. The Medicare supported services are available to the rest of the community, particularly those in the remote and regional areas. In the Federal Parliament the shadow Minister for Aboriginal Affairs stated that depriving indigenous people of respect and a chance to overcome disadvantage will not make things any better for the average non-indigenous family on a low income. So often I have had the opportunity to take up this theme in my electorate. When people are operating under considerable disadvantage in rural and remote centres it impacts significantly on the majority non-Aboriginal population. In many ways the need to accelerate the movement of Aboriginal people from a state of disadvantage is important not just for its own sake, but also to improve the quality of life for the non-Aboriginal people in those regional and rural communities. Disadvantaged people often place others in the community under enormous pressure by virtue of the factors that come into play with disadvantage, such as alcohol abuse and, too often and regrettably, criminal activities. The interaction with the wider community can disturb the lives of the non-Aboriginal population as well as the Aboriginal population. That is not the only process that is continuing in our State. Many Aboriginal people are managing to move into opportunities for equity within our population. Regrettably, not enough of the Aboriginal population has achieved that level of parity as yet. We need to ensure that through tolerance and respect we overcome the myths that are too regularly a part of the approach that the wider community adopts towards these easily scapegoated sections of our population. Tolerance and respect would allow Australia, and particularly Western Australia, to maintain a culturally diverse and open society. Without racial tolerance and a commitment to the right of all Australians to enjoy equal rights, this open society will not grow. Australia needs to be united. We need authentic unity. This Parliament must show leadership and send the message to the Western Australian community to unite, to be tolerant and to allow people equal rights. Only then can we truly call ourselves a tolerant, multicultural society.

I feel strongly about these issues. Recognising that so many in this Chamber will share a commitment to the matters I have spoken about today, and knowing that this motion was moved successfully by the Prime Minister and seconded by the Leader of the Opposition in the Federal Parliament, this House should have no difficulty dealing with this motion quickly. This was the very first motion that the Opposition gave notice of on opening day. It was a statement

of important principle. The Opposition has deliberately not brought forward urgency motions that would prevent our dealing with this core issue at this time. Oppositions have regularly brought forward urgency motions, and other issues were delayed until they had got through those motions. This is not an urgent issue, but it is an important issue. It is of fundamental importance. Sometimes as a House, as a community, and as individuals we deal with the urgent rather than the important. This motion is an issue of fundamental importance, and, to be frank, is therefore also urgent.

Others members wish to speak on this issue, and I look forward to my motion being seconded by Hon Graham Edwards; however, I will refer to a number of issues before I take my seat. Today I have worn into the Chamber an orange ribbon. I had never previously understood its significance. We are getting dangerously close to St Patrick's Day, which is the only day I ever wear a green tie, and I will endeavour to produce that next week as a testimony to my Irish heritage, which is solid, despite my surname. I discovered the significance of an orange ribbon by virtue of the good example that was set around New Year by the Premier of this State, the Leader of the Opposition, and civic and business leaders, who joined forces. They appeared in a splendid photograph in a double liftout section of *The West Australian's* "Weekend" magazine.

Hon J.A. Scott interjected.

Hon TOM STEPHENS: I was deliberately making sure that my comments were conciliatory and bipartisan. I will stick to that general flavour, because we should agree on this motion.

I discovered from the "Weekend" magazine that an orange ribbon is an expression of a commitment to racial harmony and social tolerance within our society. I do not know its origins, and it may be that someone will be able to inform the House. It emerged as a symbol out of the heated racial debate in the Eastern States. I know that some members will have some funny, quick, amusing explanations for the colour; however, we should steer away from that because it could add an element of conflict to the debate that I do not want to introduce. The orange ribbon has become the symbol of a commitment to a racially harmonious and socially tolerant society. That is the reason that, when I moved this motion today, urged on by my colleague Hon Paul Sulc, I had pinned this coloured ribbon to my lapel. I am joining people like the Premier, the Leader of the Opposition and other community leaders in support of this principle.

Hon Paul Sulc cannot contribute to this debate, although he is busting to do so, until he makes his inaugural speech tonight. However, he mentioned that he is the result of the blending of the immigrant community that has come to this country with a mixture of Asia, the Middle East and Europe. That has produced a person who has joined us in this Parliament. Members will be amazed at his close connections to those countries through his heritage. In many ways, as a new member to this House he is the embodiment of that reality that the Australian nation is a mixture of so many peoples, yet is a unique nation by virtue of that diversity. That diversity should be reaffirmed and reasserted as a process that has been going on in this country. That process can be maintained so it will continue to ensure harmony.

HON GRAHAM EDWARDS (North Metropolitan) [3.09 pm]: I second the motion. Racism is never a thing of the past. It is always evident in our community to some degree or other. Now and again someone will light a fuse that sparks debate. Generally, that debate is uncontrolled; it is like a wildfire, doing damage to all sorts of people and certainly to the fabric of a community. It is unfortunate that the federal member for Oxley deliberately lit such a fuse in an endeavour to profess her own racism and play to the lowest denominator in our society. That is unfortunate. Although a bit late it was very important that this motion be moved by the Prime Minister in the House of Representatives and by the Leader of the Opposition in this House. As Hon Tom Stephens said, that showed some leadership on the issue. Since then the focus that was on the member for Oxley has diminished to some degree and she has been left standing in her own mud, so to speak.

Some years ago I determined that whenever the issue of racism arose I would endeavour to speak out against it. That came about when I made a return trip to Vietnam in 1989. With a group of other former soldiers we planned an Anzac service at a place call Long Tan. Some of the people in the small village of Long Tan did not want us there because they had not forgotten the bitterness generated during the war. One man, a Mr Tran Tan Huy, a former Vietcong platoon leader, stood up to the people he lived with and said, "We should set aside our differences and let these Australians celebrate their Anzac day and pay homage to the dead, and put behind us the bitterness and the differences that have been so much of our life. We should look to the future with these Australians as our friends." I think I said to the House when I related that story previously that that man represented to me a man of great courage standing up in the face of popular opinion and putting an unpopular point of view because he believed it to be the right thing to do. That is very much the role that members of Parliament have.

I, like many members, attend various local authority citizenship ceremonies where we have the opportunity of speaking. I was at a citizenship ceremony at the City of Stirling when the racism debate was raging within the

community. I said to the many people assembled waiting to take out their Australian citizenship that I did not care where they came from or what was their heritage or background, but I hoped they would use their culture and customs in a positive way to blend into the society in which they came to live and thereby make our community a richer and better place.

After the ceremony, I was having supper with a few of the councillors and one said to me, "You are wrong about that; Pauline Hanson is right." Many people in our community feel that Pauline Hanson is right. They may not have stopped to listen to what she said, but they have picked up the flavour of her comments. Unfortunately her view appeals to a number of people. I said to that councillor that I may be wrong and it may be politically unpopular to say the things I said; nonetheless, I believe they are the right things to say and that, as a member of Parliament, I have a role to play and leadership to set. I am quite pleased to do that. That councillor and I have not seen eye to eye since then. That is somewhat sad because I had some regard for that person.

Some leadership must be shown in these areas, and it is incumbent on members of Parliament to confront the likes of the member for Oxley and the attitudes she put forward generally in an endeavour to enhance her profile or to reach for that lowest common denominator.

It must be very difficult to leave one's country and live in another. We see at citizenship ceremonies and throughout our lives people who have been courageous enough to move from one country to another because they believe that a country like Australia and a State like Western Australia have something better to offer than where they came from. They often make that change in the belief that by immigrating to a country like Australia they are bringing their children to a better environment and offering them a more positive future. I take my hat off to those people; it must take great courage to do that. It is incumbent on all of us to meet these migrants and do what we can to ensure that they make the transition into a new country and society as freely and as easily as possible. If people come here to live we should be able to extend a hand to them.

If we had thought through more fully our initial involvement in Vietnam we would not have the number of problems we have today, such as boat people. Things would be different. Quite frankly, the fact that we involved ourselves in Vietnam is the reason we have so many refugees and boat people coming here. Had we minded our own business and stayed out of Asia we might not have the number of refugees and boat people.

Hon Kim Chance: Nor the moral responsibility.

Hon GRAHAM EDWARDS: Certainly. That is something that people like the member for Oxley should remember. In her maiden speech I think the member for Oxley called for conscription. To adopt that policy would set us back about 25 or 30 years. As I have said before in this place, I would hate to think that conscription was reintroduced because of the wishes of people like the member for Oxley. Once conscription took place people like her would be looking for somewhere to use the conscripts.

As I said, I made a commitment to myself some time ago that whenever I had the opportunity to speak against racism or in favour of racial tolerance, regardless of the circumstances, I would take that opportunity. I am pleased to second the motion moved by Hon Tom Stephens. I am also pleased in a country like Australia, although in a different House, a different Parliament and a different State, to talk supportively on a motion moved by the Prime Minister of this country and seconded by the Leader of the Opposition. I encourage other members in this place to do likewise.

HON KIM CHANCE (Agricultural) [3.20 pm]: I am pleased to support the motion moved by the Leader of the Opposition, if for no other reason than I perhaps bring a different perspective or basic point of view to the issue, albeit no less relevant and real. Unlike the Leader of the Opposition, whose upbringing was in Sydney, which is multicultural, or Hon Graham Edwards, who has had wide experience during and since the Vietnam war in South-East Asia and Vietnam in particular, my own background is an Anglo-Celtic-Aboriginal society in which there is still a very high percentage of Aboriginal Australians. In a sense I have missed out on much of the richness that has been made available to metropolitan Australians in terms of the variety of cultural mixes that occurs in Australia. I do not know why it is that immigrants have not tended to move beyond the littoral fringe of our country or, indeed, the coastal cities - and this is not simply a comment on Asian immigrants.

It is rather sad that we see so many of our immigrants in areas such as the southern Sydney suburbs. However, if one were to go to country New South Wales or, more particularly, the Western Australian wheatbelt, one would see that we have enjoyed very little benefit as a result of Australia's immigration. Of course, that is a matter of choice on the part of the people coming into Australia. However, Australia would benefit if new immigrants were to reconsider where they wish to live.

I have had the opportunity - and obviously I do every time I am in a city - to enjoy the rich social fabric that people from Asia, Europe, the Americas and Africa have woven into the cultural texture of our society. Whenever I can,

I enjoy the wealth that they have brought into this country. For that reason I am an enthusiastic supporter of the spirit and content of the motion. We are all made richer by the values that other people bring into this country.

It could be said that it should be unnecessary for the Federal and State Parliaments to reaffirm the fact that we embrace the concept of multiculturalism, of freedom of religion and expression and, indeed, of reconciliation. However, despite the fact that we have a good society, we fall short of what is an ideal society. I commented this morning in a private discussion that at least part of my electorate is racist. Perhaps had I been a little fairer I would have said that in parts of my electorate racial tensions exist, are very real and tremendously sad. Whichever of those two views is correct, there is no doubt in my mind that part of my electorate is poorer now than it could be if it were to embrace the spirit of this motion.

We need to consider this motion not because there is anything fundamentally wrong with our legislative structure; thankfully, because our laws have been changed over the years, that structure is not generally or fundamentally racist. However, racial intolerance is a real and personal issue in this country. It exists in parts of rural as well as urban Australia. Racism, rather like its handmaidens, fear and hatred, is the child of ignorance. It does not necessarily spring from any inherent ill-will - although ill-will finds its way into that little triumvirate.

As a rural worker of many years, I have sometimes been shocked by the attitudes of my friends and workmates, particularly towards Aborigines. I suspect that those attitudes were confined to Aborigines simply because there was an absence of other minorities to pick on. My former workmates were, as a rule, generous and friendly people; they certainly were not evil people. I was often bemused by the contrast in their attitudes towards minorities and their more general attitudes, which were enlightened. When I spoke to them in a non-challenging way about their attitudes I found that what lay behind that first layer of negativity, which was generally the result of a physical clash in the pub last week, was a towering ignorance about the people with whom they share their society.

As the Leader of the Opposition stated, it is an ignorance about the level of social security benefits that Aborigines are entitled to; an ignorance about the share of the society's resources that is allocated to Aborigines because of their aboriginality and denied to them as battling, working class, rural Australians. That is not an uncommon scenario. We will find that in any society on earth in which there is conflict, whether it be Bosnia-Herzegovina or Northern Ireland, the roots of the divisions lie in economics, job security, rights to education and a number of other factors that have little or nothing to do with the differences that finally express themselves as racial or religious clashes.

The ignorance that I have referred to is normally labelled the "rural backlash" against Aborigines generally. In the United States, the backlash has expressed itself as an anti-Federal Government feeling, and the ultra right wing has been able to seize the undercurrent of dissatisfaction. That is an extremely dangerous thing. I have seen elements of the loony right attempt to tap that mainstream of dissatisfaction and turn it to their own ends.

There are few things about people that I genuinely hate, but I hate populism like the plague. It is cowardice posing as heroism. Populism is saying to people in Australia: "Your problems are a result of all the money that goes to Aborigines." It is the same populism that, in the 1930s, enabled a well-known aspiring right-winger to convince the German people that their problems lay in the Jewish-owned banks in Zurich. That expressed itself in a horrific outcome.

It is no less real that the member for Oxley gained her seat in the Federal Parliament riding the same crest of rural disillusionment and tapping that well of ignorance which exists and which should concern us all.

Hon N.F. Moore: We might discuss some of the left-wingers who did the same thing. They promised the earth and committed mass destruction.

Hon KIM CHANCE: I did not think the Leader of the House would feel challenged by my use of a right-wing dictator!

Hon N.F. Moore: I do not feel challenged. I am just showing the other side.

Hon KIM CHANCE: Certainly, left-wingers were able to do the same thing.

Hon N.F. Moore: They caused mass destruction of humanity.

Hon KIM CHANCE: Indeed. I am the protector of no demagogue, I assure the Leader of the House. However, it is not left-wingers who are trying to tap this well of ignorance in Australia. I prefer to leave that matter aside as I am most concerned by the question of populism.

[Resolved, that debate be continued.]

Debate adjourned, on motion by Hon Muriel Patterson.

ADDRESS-IN-REPLY

Motion

Resumed from 11 March.

HON MARK NEVILL (Mining and Pastoral) [3.32 pm]: I support the motion moved by Hon Barbara Scott, and I take this opportunity to speak on a number of issues which affect my electorate.

First, a permanent police presence is needed in the Aboriginal communities south of Halls Creek in the Balgo area; second, I shall talk about the problem of juvenile justice, particularly among Aboriginal youth in those areas; and third, if time permits, as I will finish at 4.30 pm to allow Hon Ed Dermer to make his maiden speech, I will comment on the court system in Western Australia.

Back in June 1994 I drew members' attention to the problems in the Balgo community and the lack of a police presence. I had driven from Lake Mackay in June 1993 to Balgo and a police patrol was there on the day I arrived.

Hon Max Evans: That is why they were there!

Hon MARK NEVILL: Probably. I am not sure whether they knew that I was to be there on the day, but the police car was clearly marked. Two visits took place in the following year. On one visit the police went to the school and then left the community; so to a large extent police visited Balgo only once in the following 10 months.

Hon Max Evans: How many people live in Balgo?

Hon MARK NEVILL: It is not just a matter of the number of people who live in Balgo as a number of communities are in that area; namely, Balgo, Billiluna, Yagga Yagga, Mulan, and a few outstations. Ringers Soak is probably better accessed from Halls Creek. At least 2 000 people would be in the area, and it is an area with many problems and an inadequate police presence.

It took something like 10 years to establish a reasonable police service in the central desert area, the greatest resistance coming from the police. Once the holding cells and accommodation were built at Warburton and later at Warakurna, the police enjoyed going to the area. Continual patrols were provided to the 13 communities which make up the Ngaanyatjarra lands.

I am sure that many of the problems in the area will reduce dramatically when a permanent police establishment is set up at Balgo. No law and order is found there at the moment. The Argyle Diamond Mine has two permanent police officers, plus a hoard of security people, guarding a diamond mine, so why should a community as big as this not have a police service based 300 kilometres north in Halls Creek? When a serious offence occurs, such as rape, police often arrive the next day by air. That is inadequate.

I draw those issues to the attention of the House. I previously mentioned the national warden scheme announced with national publicity by the Commissioner of Police. The wardens were given the Russian Lada vehicle, which is difficult to repair. No follow up training was provided and the whole scheme collapsed. It was a lot of fanfare without substance. Balgo needs a permanent police presence to train and support people in the warden system in each community. Until law and order is achieved, those communities will not develop. In fact, stocks are so low at the moment that they do not even have the strength to sort out their own problems.

At the moment back-to-back patrols are supposed to be provided, but they are still intermittent and tend to respond to problems as they occur. Balgo has other problems. Its administration is in Kununurra, some 700 kilometres to the north. The administrator, Vic Kandiah, has resigned and moved to Perth. He did quite a good job, but that community cannot be run effectively from Perth. That administrator must get back on-site, like in every other Aboriginal community, to help sort out its problems.

Balgo receives virtually no help in respect of alcohol problems or substance abuse. Little is provided in the way of sport and recreation funding. It has really become a hell hole. We are wasting time spending money on a service until law and order is reinstated with a permanent police presence and an administrator based on-site, which will require upgrading of the currently damaged office.

Other than the need for a permanent police presence at Balgo, the whole issue of law and order must be addressed. Balgo has been plagued for a year or two by 10 to 15 young people aged 14 to 24 years. They are substance abusers, who from time to time are arrested by the police; they are taken to Halls Creek and the magistrate sends them back out to Balgo. It goes around in circles. These people were responsible for burning down the plumbing and electrical store two days before Christmas, resulting in \$600 000-worth of damage. Insurance premiums in every Aboriginal community will increase due to that damage.

Recently a rape was alleged. It was reported, but by the time the police arrived the next day, no-one was talking. Recently, a 14 year old girl was murdered at Balgo. These are all symptoms of the absolute breakdown of those communities in that area. On 15 August last year riots occurred at Halls Creek. The principal people involved in the riots were under the age of 22 years. The Aboriginal population in the Kimberley has exploded, and the number of young people under 20 years is staggering. The young people were involved in the riots at Halls Creek, not the more mature adults in the community. Subsequently, a riot has occurred at Rabbit Flat, just over the Northern Territory border near Tanami. I warned the House that those riots would occur unless we tackled some of the deep seated problems that exist out there. In fact, another incident has occurred in the Northern Territory. However, because it happened over the border, it is not of any interest to the Western Australian authorities.

A number of charges were laid following those riots in Halls Creek. One youth stole a vehicle and drove it into three police officers from behind. One of the police officers was thrown about 15 feet into the air. They sustained some very severe injuries. That juvenile was charged with three counts of attempted murder. He was brought to Perth where the Director of Public Prosecutions reduced those charges to three counts of assaulting police, theft of a motor vehicle, burglary and the illegal use of a motor vehicle. If I were one of those police officers, I would be angry about the DPP dropping those charges of three counts of attempted murder. The juvenile went before the head of the Children's Court, Justice Fenbury, and was sent back into the desert.

Obviously, there were some machinations before the judge gave what would be termed a juvenile court order. That makes very interesting reading. Court orders are confidential, of course. However, I have been told that the young lad concerned was ordered to spend 12 months at Kiwirrkurra, which is an Aboriginal community south of Lake Mackay on the Tropic of Capricorn, very close to the Northern Territory border. He was ordered to be kept under strict supervision.

What happened? On 28 November last year, three people from the Ministry of Justice appeared at Kiwirrkurra. They spoke to a small number of people in the community and the chairman. The two male visitors from the Ministry of Justice declined to talk to any of the other staff at the community. The Kiwirrkurra community has had these kids dumped on it on many occasions over the last couple of years because it is a remote community and is very convenient. Some arrangement was entered into whereby the chairman would be paid a certain amount of money per week - I think about \$150. Some of the problems caused by these juveniles who were dumped at Kiwirrkurra have caused great stress and expense to that community. There have been threats with a loaded rifle, assaults with rocks, verbal assaults, stoning of an ambulance, theft of a community ambulance, \$10 000 of school teachers' belongings stolen, theft of other money from a teacher, and breaking into the community store and the clinic. The list goes on and on. The people at the community are quite nervous about this. They were not consulted about when this lad was coming and what the supervision would entail. The administrator was told that the boy's father was resident in the community. The father arrived the night before but had not been a resident of that community for some 19 months. That was contrived to get the boy to stay there.

What is most interesting is that the boy landed there at 4.00 pm central standard time on the Thursday before 6 December last year. Within two hours he had left and had gone over the border to the Northern Territory. This is the boy who had run over three police officers. Did the Ministry of Justice care about that? He was out of sight, out of mind as far as it was concerned. I have not seen the juvenile court order. However, I am sure it was for 12 months at Kiwirrkurra under strict supervision. The Ministry of Justice people were informed that the person who would supervise this boy, Bobby West, the chairman, was going to Mulan for two months in about a week. Mulan is a community at Balgo where the boy came from and from which he was to be kept away.

Sitting suspended from 3.45 to 4.00 pm

Hon MARK NEVILL: I mentioned that the youth had arrived by plane chartered by the Ministry of Justice, which landed at Kiwirrkurra at 4.00 pm central standard time on the Thursday before 6 December. The lad was at Kiwirrkurra for only two hours before leaving to travel east across the border to Kintore in the Northern Territory. One could say that at least two hours of the juvenile court order was fulfilled.

Since the lad has been at Kintore he has stolen and damaged a vehicle, and caused many other problems. I understand that the Northern Territory police are also looking for him. The day he arrived in Kiwirrkurra, the adviser wrote to George Samuels, a regional manager of the juvenile justice branch in Western Australia, informing him that the lad was going to Kintore in the Northern Territory. It would be interesting to know what action was taken. Do these juvenile court orders mean anything? Are these young offenders given the intensive supervision that a court order requires? Is any account taken of the damage done by these youths? It would be an interesting practice if the Government was required to insure for any damages caused by young offenders when they return to the communities. Were that the case, the Government would stop sending some of them there very rapidly.

On 16 December Mr Samuels from the juvenile justice branch was advised that the chairman of the community had left Kiwirrkurra to return to Balgo, to a community called Mulan, on 13 December. Therefore, within a week of the boy's landing at Balgo the person who was supervising him and being paid to do so had returned to Mulan, about 400 kilometres away. It is a case of out of sight, out of mind. If young offenders are out in the community the people responsible for supervising them do not really worry unless they hear from someone that there is a problem. They are quite grateful when these young lads head over the border. It is fairly common practice according to the information provided to me.

One of the most disturbing aspects of the case is that the young lad is a hero among his peers in the desert area. He was the one who ran over three policemen, but what happened to him? He was flown around the countryside, down to Perth, back to Derby or Broome, and then on to Kiwirrkurra, and within two hours he had fled over the border. That situation is dangerous in desert areas because it is a bad example for juveniles. I am aware the Ministry of Justice has problems supervising these people. The ministry has two officers in Broome and one in Kununurra, which is 1 000 kilometres from Kiwirrkurra. Other juveniles are sent to communities to fulfill community service orders. In the majority of cases the orders are not fulfilled because the kids do not turn up for work and nothing is done about it.

The enforcement of court orders is inadequate. The orders are being breached with the knowledge of the people who are supposed to ensure that orders are complied with. There are no real resources to address the problem. The people in the communities want the core of troublemakers taken away. I had a meeting at Balgo about three weeks ago. I stayed in the area for three days and spoke to the community and to the council about the juvenile problem. People said they want the offenders taken away for one or two years. I said that would not happen. Under the Young Offenders Act, basically these young people cannot be sent to gaol. The Ministry of Justice does not want its statistics relating to the incarceration of indigenous youth to change, because currently their figures are second only to New South Wales, according to a recent report from the Australian Institute of Criminology. The Ministry of Justice will do everything it can to keep young people out of institutions and so will the magistrates. I said to the people at the meeting that if they want to isolate these kids it must be done within the community. At that point we started talking about possible solutions to the problems. However, I do not think solutions will be arrived at unless some support is given to the communities.

It would be interesting to know what Judge Fenbury thinks about the enforcement of the juvenile court order he issued for this young lad. I do not think that this young person should necessarily go to prison. However, we need to provide an alternative way to isolate young offenders, whether that be at a cattle station in the Kimberley dedicated to that purpose or some other area in the Kimberley. At the moment no such facility exists and we can only send these offenders to Perth -

Hon Derrick Tomlinson: Without supervision and a safe environment there will always be a problem. You are arguing against imprisonment. I have no problem with that, but with your alternative - not to have them absconding - there must be a secure environment.

Hon MARK NEVILL: There are plenty of places to which young people can go - and that was one of the solutions discussed at Balgo - where there is no prospect of their absconding; that is, some of the out-stations. There is no prospect of their escaping. I do not want to become too involved in that matter today. If we have a police presence in the area and some of the youth in the area are sent to an out-station, we will have a real prospect of ensuring that the offenders keep away from trouble, particularly petrol sniffing, which seems to be the main solvent abuse causing problems.

I turn now to another issue which has caused great concern to many people, including me. I refer to the changes made to the Sentencing Act last year. For many years in the central desert and the Balgo area the problem of petrol sniffing has, to a large degree, been kept under control. That is because under the Aboriginal Communities Act by-laws can be passed which allow each community to assert certain standards of behaviour. That Act provides for a fine of up to \$100 or imprisonment for three months. Clearly the fine is inadequate and should be increased. People can get \$100 for a flagon of wine that is brought into some of the dry communities. I have commented about the inadequacy of the fine before, especially when we were in government, and also when these by-laws were tabled in this House. The Government brought down a policy of prison as a last resort in the same week as it tabled by-laws that allowed for a fine of \$100 or three months' imprisonment. Clearly many of these offences require imprisonment with such a low maximum fine.

There are three possible ways of addressing petrol sniffing under the community by-laws. The first is the imposition of a fine, which is not really appropriate because we have a system of taking away a person's licence or seizing goods and chattels. As most of the people in these communities who get into this sort of trouble do not have a driver's licence or any goods and chattels, a fine is pretty pointless. The second penalty is a community service order under

which offenders are required to work in the community for six months and to behave themselves and desist from the behaviour they have been undertaking. However, it is pretty hard to keep kids in a community for six months and not have them sniffing petrol. The third option is an order for imprisonment. It is strange to see that that has been a significant deterrent.

Hon Peter Foss: It is not just a deterrent; they are locked up. As soon as they go back, they get locked up again.

Hon MARK NEVILL: Some of them probably are. Most of these people have a very short life. I know of 30 young men, and probably more, from the central desert who have died from petrol sniffing.

Hon Peter Foss: It is a serious health problem.

Hon MARK NEVILL: I agree. The problem now is that those young people know they cannot go to gaol. Within those communities over the past six months petrol sniffing has exploded to the levels it was in the 1970s, and the magistrate in Kalgoorlie has dealt with over 100 cases of it. In the past throughout the whole community 10 or 12 people may have been sent to gaol in Kalgoorlie for sniffing petrol. Now there are not a dozen people with major problems resulting from their substance abuse, but probably 50 or 100 who are sniffing petrol a lot more than would necessarily have been the case previously.

Hon Derrick Tomlinson: Are all of them juveniles?

Hon MARK NEVILL: The vast majority, but some are aged up to 24 years.

Hon Peter Foss: The Health Department is doing something about it as a health problem, as it should have been all along.

Hon MARK NEVILL: It is very hard to solve the problems of those who are afflicted because they have a mental age way below their biological age.

Hon Peter Foss: You don't lock people up because they are disabled. It is a cop-out.

Hon MARK NEVILL: I believe sentencing should be the last resort. In this case it has been a significant and demonstratively working deterrent. Another program should be put in place to assist those with the petrol sniffing problem. However, we now have not a small number of people sniffing petrol, but a large number, and many of these people will end up in coffins before they turn 23 or 24.

Hon Peter Foss: It is a significant health problem. The problem was not being addressed because the easy way out was to send them to Kalgoorlie and to lock them up for life.

Hon MARK NEVILL: All sorts of people have gone out to the central desert conducting programs addressing petrol sniffing. I have laughed when I have heard announcements on the radio that the problem had been beaten. I heard one public servant say that the problem of petrol sniffing had been beaten in the central desert. It will never be beaten; it will always be there. There are a number of ways of addressing that issue. The people out there wanted imprisonment, and that is what we gave them under the Aboriginal Communities Act by-laws.

Hon Peter Foss: It is a health problem.

Hon MARK NEVILL: These people do not live all that long to be in gaol for significant periods. At least it keeps them from sniffing petrol for a while.

I also want to address the issue of courts. Recently I sat through seven or eight days of a sitting in the District Court. It was a novel experience for me. I have been to one or two very short trials.

Hon Peter Foss: Civil or criminal?

Hon MARK NEVILL: It was a criminal case in the District Court. I observed the different goings on in the court and how different people operated. I was not comfortable with what I saw. The courts looked modern from the outside, but they are very austere inside. I felt awkward being outside the courtroom with witnesses who were sitting with other witnesses and interested spectators. Surely there should be a possibility for witnesses to be kept in a separate area. There were no drinking fountains. If people wanted a sandwich or a cup of coffee, they had to go down Hay Street to get it because there were no facilities in the building. The court was not user friendly, although the facilities for the disabled were good.

Hon Peter Foss: The things you mention are the least that are unfriendly. You should go to the Family Court to have a look.

Hon MARK NEVILL: I have not been to that one and hopefully I can stay away from it. Courts should not be sterile environments. I could see no child minding facilities. It was a little like Parliament House 10 years ago: There was not a plant in sight. If the court officials saw one, they probably would have arrested it!

I was watching the judge and the lawyers operating, and members of the Press. I decided to look at the background of the judges, given that we all bring our prejudices with us in whatever we do. I telephoned the Parliamentary Library from my office in Kalgoorlie and asked for a copy of the annual reports of the Supreme Court and the District Court. I was faxed two pages which were contained in the annual report of the Ministry of Justice.

Hon Derrick Tomlinson: It was riveting?

Hon MARK NEVILL: I thought it was demeaning for the whole court system to be stuck in the annual report of the Ministry of Justice. It is like placing Parliament in the annual report of the Ministry of the Premier and Cabinet, where we would really be consumed by the Executive, if we have not been already.

Hon Peter Foss: I think you misunderstand. The courts have always been part of executive power anyway. The courts are run by the ministry. The only part that is separate is the judicial function.

Hon MARK NEVILL: I will make my speech. I wanted the annual report of the Supreme and District Courts to find out how they operated. I could not get even a list of the judges. I obtained half of one column on the Supreme Court and half of one column on the District Court, both of which tell me nothing. The last paragraph on the District Court states -

Registry hours have been extended by two hours per day. The registry is now open from 9.00 am to 4.00 pm.

That is unsatisfactory. I tried to find a little more information. I wanted the list of judges. I scratched around.

Hon Peter Foss: The almanac.

Hon MARK NEVILL: There is a Law Society of WA almanac which I have not got hold of yet. I had to resort to *Who's Who* to find out who the judges were. I then had to go through the court columns in the newspaper to work out their names.

Hon Peter Foss: Why didn't you use the law almanac? It is a government publication.

Hon MARK NEVILL: Hon Peter Foss may know where that is, but many people do not. The other document I dug up after hard work - the library obtained a copy for me - was the Chief Justice's address at the closing of the 1996 legal year for the Supreme Court. It contains some excellent information. The Chief Justice states that the printed annual review, copies of which will be available in due course, will contain detailed information and statistics on the work of the Magistrate's Court. That will be interesting to read.

Hon Peter Foss: I tabled two reports yesterday.

Hon MARK NEVILL: I have only 10 minutes to go. I looked at the financial statements. It is difficult to see what the courts cost. Judges' pensions are mentioned in one area with judges' salaries and current liabilities. There is no way to determine from this report what the court services are costing. The workload indicators could show much better how the court system is handling case loads. That information does not appear. Nothing I have read shows even the structure of the Supreme Court.

Hon Peter Foss: I tabled two volumes yesterday.

Hon MARK NEVILL: I noticed them in the tabled papers. I have yet to get through those, but I am aware of them.

Hon Peter Foss: It is an innovation of mine: I decided that people needed to know more. I have done it once before.

Hon MARK NEVILL: I admit that I had not seen them before. I cannot see why the State does not adopt a system like the South Australian system which has a courts administration authority.

Hon Peter Foss: We will; we just pinched the bloke from there who set it up.

Hon MARK NEVILL: It would not cost extra money to do that. If a coherent assembly of the information on the courts existed, perhaps as a Parliament we could address some of the problems.

Hon Peter Foss: That is in our election policy.

Hon MARK NEVILL: It would be an excellent term of reference for the Standing Committee on Government Agencies. The Chief Justice states in his speech that he would like to see the criminal jurisdiction of the Supreme

and District Courts brought together. That makes good security sense. I do not know how the other States handle that.

I still have not seen any information on the structure of the Supreme Court. I know there is a probate division, but I do not know what else exists. That sort of information should be available to members. I would like to see a separate annual report for the courts in this State because a lot of information exists that could be made available.

Hon Peter Foss: I will take that up to ensure it happens.

Hon MARK NEVILL: That would be worthwhile.

I will touch on the backgrounds of the judges. I do not make any reference to particular judges. I do not know that we can be prescriptive as to where judges are drawn from, but many seem to come from the better private schools. There are a couple of exceptions: One judge is from Perth Modern Senior High School, which is a rather posh government school, and one of the judges from South Africa comes from Parktown Boys High School. That could be a private school.

Hon Peter Foss: That is elitist, too.

Hon MARK NEVILL: It could be. He then attended the University of Stellenbosch, which, from my knowledge of South Africa, is a great university. The rest of the judges come predominantly from well-heeled private schools. As the Attorney General said when he attacked the High Court -

The Melbourne and Sydney Bars do not expose you to much real life. Middle-aged, wealthy, privileged, small businessmen working between their clubs and the club-like atmosphere of barristers' chambers have not had much experience of anything.

Hon J.A. Cowdell: Not like our Attorney General!

Hon MARK NEVILL: To be fair to the Attorney General, he was referring to judges making political comments in the High Court; however, that still applies to their own psyche and make-up. They are prisoners of their upbringing. As a Catholic working class Labor supporter I would hate to be in front of one of them.

Hon Peter Foss: Some of them are Catholic working class, but they have done well.

Hon MARK NEVILL: I notice that there are a couple, but they come from fairly privileged backgrounds. Perhaps they won scholarships from government primary schools?

Hon Peter Foss: People often forget that judges are human.

Hon MARK NEVILL: I ask the Government to address the situation of a permanent police presence in Balgo. The Government will pay a helluva lot more money to fix up the problems that will continue if that does not occur. A complete overhaul of the juvenile justice system in remote areas must be conducted. The Ministry of Justice is presenting the impression that things are okay, but they are a mess. Finally, I would like the Government to address the issue of the courts in Western Australia and perhaps make them a separate independent authority - not part of the Ministry of Justice - with a consolidated form of reporting directly to the Parliament on the activities and performance of those courts.

HON E.R.J. DERMER (North Metropolitan) [4.30 pm]: I rise to support the motion moved by Hon Barbara Scott and to thank His Excellency the Governor for his presentation of his speech to this Parliament. Further, Mr President, I thank you for this opportunity to make my first contribution to the deliberations of this House.

In so doing my thoughts rest on the gravity of the responsibility we hold for the wellbeing of Western Australians. Our first responsibility is to provide real hope for Western Australians. Hope is the driving force for good in our community. Hope is essential to family life and the positive nurturing of children. Hope provides much of the motivation for work and enterprise, with the consequent material advance of individuals, families and the entire community. Confidence in our political institutions and the realised hope for enhanced accountability are essential to the future peace and coherence of our community. In these and other respects, we in this Parliament share a fundamental responsibility for the hopes and aspirations of our fellow Western Australians.

In thanking the people of the North Metropolitan Region for their confidence and my election to this place, I offer my best in the undertaking of this duty. I wish also to most especially thank Sylvia, my wife. Sylvia's extraordinary support and patience make my work possible.

Western Australia has every reason to be an exceptionally happy and hopeful place. Traditions of cooperation, hard work and tolerance are widespread in this State. Of course we are blessed with an exceptional wealth of natural

resources. We are further blessed with a climate and natural environment which is particularly conducive to good living. However, signs of despair are on the increase. High incidence of child abuse, crime in general, domestic strife, racial intolerance, unemployment, substance abuse and suicide are each indicative of diminishing hope in our community.

Of these manifestations of despair, the first I wish to address today is unemployment. Employment may be paid, voluntary or most importantly in support of a family in the home. Many Western Australians of course enjoy a combination of these forms of employment. Employment is central to human happiness and self-respect. Unemployment and the fear of unemployment is perhaps the most pernicious cancer to the hope of Western Australians. I hold the utmost admiration for those many who face unemployment with determination to find work. Maintaining such hope and determination, over what is all too often many months and longer, is a mark of real courage.

I was pleased to hear His Excellency speak of the Government's intention to ensure the large scale processing in Western Australia of our natural resources into steel and petrochemicals. The Government can be assured of my vigilance in demanding the realisation of this intention. Dr Geoff Gallop has taken the initiative in the other place to call for a major projects standing committee. I anticipate that this committee will contribute much to advance the domestic processing of our natural resources. Western Australians have every right to expect the most effective application of our immense natural resources to the generation of employment and wealth throughout our community.

Loyal and conscientious employees have every right to expect job security or, in the event of diminishing markets for their product, the decent provision of redundancy payment and opportunities for retraining.

Confidence in job security equates with confidence in consumption. The compounding effect of job insecurity on unemployment is obvious. The housing market provides perhaps the best example of this effect. The labour relations policy of the Government has devastated confidence in job security in Western Australia. An employee without the strength of collective bargaining is without job security and without confidence in decent pay and conditions.

The strength of the trade union movement is essential to the hope and prospects of working Western Australians and their families. The Shop Distributive and Allied Employees Association of Western Australia is a fine example of an effective trade union working to defend its members. I am proud of my association with this union over the past decade and more. The defence of working people was the founding purpose of the Australian Labor Party, and this purpose remains at its core. This purpose, along with the provision of real hope for all Australians and respectful assistance to those in need, is the basis of my commitment to my party as a great Australian institution. I wish to thank the members of those Labor Party local branches with whom I have worked closely in the pursuit of this great purpose.

The future strength of the Western Australian economy and subsequently the hope of Western Australians depends on quality of product and most often successful innovation. Sustained market viability is essential to long term job security. With this in mind, I look forward to the task of developing practical and effective communications and information technology policy on behalf of the Opposition. Quality of education is essential to our future strength and happiness, not least with regard to preparation for employment, as is the encouragement of hope and confidence in our youth.

In respect of work on behalf of youth, I wish to acknowledge the particularly effective contribution of my colleague in the representation of the people of the North Metropolitan Region, Hon Graham Edwards. Hon Graham Edwards' stated objective in his maiden speech was the provision of hope, encouragement and practical support for our youth. He has committed great service to this objective. His discharge of ministerial responsibilities for Youth, Sport and Recreation were highly effective. Working as a local member, he was instrumental in the establishment of the Northern Suburbs Youth Options community organisation. Northern Suburbs Youth Options continues its important work in finding employment or training placements for young people leaving 17 high schools throughout the northern suburbs. In these and other endeavours Hon Graham Edwards has achieved much for the hope and self-image of young Western Australians.

With regard to practical work dedicated to fostering hope and progress in his electorate, I wish to acknowledge Mr Ted Cunningham, the good and proud member for Girrawheen. The hope of youth, their education and preparation for employment always receive Ted's first attention. Ted is a man of special commonsense and wisdom, from whom I have learnt much and look forward to learning a great deal more.

Unemployment contributes directly to the other manifestation of despair I wish to address today; that is, racial intolerance. Increasing racial intolerance is symptomatic of diminished hope in our community. Prejudice against another on the basis of skin colour is fundamentally an evil instinct. Such instinct would not grow amongst the happy and hopeful.

I have been fortunate in making a number of good friends with people who have migrated to Western Australia from Asian nations. A large majority of the Asian immigrants whom I know have strong instincts of enterprise and of family and civic responsibility, and they reinforce in our community the very best of Australian traditions.

The hope and confidence of Western Australians depends on good governance. With respect to political constitution, Australia and Western Australia have inherited the best on offer from the two foundation nations of modern democracy. Those nations are the United Kingdom of Great Britain and the United States of America. The strength of these foundations is most clearly evident in the sincere flattery of imitation throughout the world. Mr President, this is a fact with which you would be very familiar from your work with the Commonwealth Parliamentary Association.

In matters constitutional it is my strong instinct to urge caution and I place a prudently heavy onus of proof on the merits of proposed change. However, this House is in desperate need of reform. The representative legitimacy of this Legislative Council is severely compromised by the simple fact that three-quarters of the electors of Western Australia are represented by half the members of this Council. This gross unfairness must undermine public respect for Parliament and the electoral process. Public consensus in accepting the fairness of electoral outcome is the cornerstone of democracy and the stability of democracy into the future.

This Legislative Council has the potential to restore the authority of the Parliament in relation to government and to establish effective accountability for government actions. I expect the results of the most recent election of members to this House to advance and reinforce this potential.

In May 1995 Dr Geoff Gallop submitted to the Commission on Government "A Proposal For Electoral and Parliamentary Reform in Western Australia". Dr Gallop's proposal explored the respective functions of the Legislative Assembly and the Legislative Council. This proposal entailed a Legislative Assembly functioning as the House of Government from which the entire Cabinet is derived and to which the Cabinet is responsible. This proposal further entailed a Legislative Council functioning as the House of Review and constituted on the basis of four standing committees, with each committee focused on scrutiny and the review of legislation within their respective parameters of legal and constitutional affairs; finance and administration; economic development; and health, education and community development. Dr Gallop's proposal envisaged each of these standing committees being resourced with a chairman having status and conditions similar to that of a Minister. Significant potential to enhance the review and public accountability functions of the Legislative Council and to reinforce the authority of the Parliament in relation to the Government is apparent in these aspects of Dr Gallop's proposal. This proposal certainly warrants further thought, discussion and consideration.

I have enjoyed 15 years of involvement with a small but dedicated band in the Electoral Reform Society of Western Australia. I particularly acknowledge the important contribution of the late Mr Roland Stephens, who provided much of the founding inspiration of the Electoral Reform Society.

Mr President, we must shoulder the responsibility to address the manifestations of despair in our community. We must act to foster hope in the community and, in so doing, attend to the most important underlying cause of these manifestations. We must offer practical assistance to those on whom these arising problems most impact.

We must consider the natural aspirations of Western Australians: Hope for the opportunity to nurture a family with the extension of its aspirations to children and grandchildren; hope for satisfying and productive employment; hope for quality education and effective preparation for employment; hope for democratic and accountable government; hope for confidence in the affordable availability of decent health care; hope for security from the ravages of crime; and hope for life without the sadness of racial intolerance. These are the aspirations of decent commonsense which are traditional to Western Australians. Effective support for these aspirations is exactly the constitutional responsibility of State Parliament and State Government. Mr President, the hope of Western Australians must be the focus of our work ahead.

[Applause.]

HON M.J. CRIDDLE (Agricultural) [4.46 pm]: I support the motion moved by Hon Barbara Scott and congratulate her on her contribution on opening day. I thank Governor Michael Jeffery for outlining the agenda set by this Government. I also congratulate Hon Ed Dermer on his contribution to this debate and welcome Hon Paul Sulc and Hon Alan Carstairs to this place.

I did not take the opportunity prior to the end of the last session of Parliament to reflect on those members who will leave this Chamber, and that includes you, Mr President. I have had the privilege of working with you in this Chamber and on trips overseas. I express my appreciation for the work you have done. I have become well and truly aware of the work you have done with the Commonwealth Parliamentary Association and the recognition you have gained through that medium for Western Australia. It was a pleasure to visit Sri Lanka, a country which obviously

has a lot of difficulties, to represent this State and put its point of view to the CPA. I am sure you, Mr President, will have a very good time in the United Kingdom as the replacement for Hon Bill Hassell. I was fortunate to meet him when I visited the UK last year and he has certainly done a great job. You will fill his shoes in a more than admirable way.

One of the members who will be departing this Chamber is Hon Graham Edwards. I was fortunate to be a member of a committee he chaired inquiring into Cape Range National Park and Ningaloo Reef. It was an enjoyable experience. He frightened the life out of me twice on the trip to gather information. The first occasion was when we met up with the whale sharks out in the ocean and the second was when I broke a bottle of his red. As a Minister, his contribution to the Government of the day and to the community of Western Australia was significant and I congratulate him on that.

I travelled with Hon Doug Wenn to Japan. I was fortunate to travel with him as part of the sister state relationship -

Hon John Halden: It must be good to be a government backbencher. Can I put my name down?

Hon M.J. CRIDDLE: Obviously this State needs good representation when parliamentary committees travel overseas. Hon Doug Wenn was very good company and he filled the chairman's role admirably. He has certainly represented his area very well.

Hon Sam Piantadosi was an interesting member. He and I had a fair bit in common because he also looked at water resources around the metropolitan area. We had something in common with the products that come from horticulture and we promoted those interests. I am sure he will continue to make a contribution to the community in the way he knows best.

Hon Reg Davies is known for his work on this House's police inquiry to obviously get the better of the crime influence in this city. He pursued that end with vigour as best he could to obtain an acceptable solution.

Hon Val Ferguson has been one of the quiet members of this House - much as I am - and it has been good working with her.

Hon N.D. Griffiths: She has not travelled as much.

Hon M.J. CRIDDLE: Perhaps I have that one up on her. I am sure she will look to the future and service her party very well in that regard. Hon Iain MacLean came to this House following the death of Hon Bob Pike, and was here for a short while. He made his contribution and worked hard enough to win the Joondalup seat in another place at the last election. His future will be watched with interest.

I have left Hon Phil Lockyer until last because he usually sits beside me, although he is absent on other business at the moment. He is one of the interesting characters of this House and has been a member for a long time. I have come to know him very well. He plans to join an occupation I know very well - the farming industry - and we have swapped advice on these benches. I do not know whether he will listen to what I have said but I hope he will put some of those things into practice. I worked with him in the Gascoyne in 1994 after five years of drought in that area. It was a terrible time for the people in that district. They are great people who are the heart and soul of this nation. Those members who visited the area, including Hon Cheryl Davenport, learned how tough life can be for those people. They are great people who welcomed us into their homes with open arms and were most hospitable. We must all acknowledge the contribution the people in those areas make. These remote areas must be inhabited and the people who live there do this State a great service. As tourism develops and people travel into those regions, I am sure the worth of those people will be recognised. No doubt when the wool and cattle industries revive, which they must, those pastoralists will be recognised for the work they do.

I refer to the death of Senator John Panizza and offer my condolences to his family. He worked for the agricultural community and people in the bush. He put his heart and soul into the industries he loved so much - the wool, beef and wheat industries. The wheat industry is possibly at the crossroads with regard to single desk seller status and the wheat industry fund. John Panizza constantly reminded us that the grower contributions needed protection. He followed that through for the agricultural community. I regret his passing and send my condolences to his family.

I pay tribute to my colleague in the other place, Hon Bob Wiese, who was Minister for Police and Emergency Services in the last Government. Unfortunately, he missed out on reappointment because of the ratios within the coalition. Those people who attended the briefing this morning by Minister Day will know that Bob Wiese's contribution in setting up the Delta program under Commissioner Bob Falconer resulted in great advancement in the regional areas. It devolved decision making to the country. There will be benefits when issues can be settled at the coal face, and local superintendents are able to make decisions on the spot.

The Western Australian fire brigade certainly has had its ups and downs, but Mr Wiese took on that issue. Many new services have been provided, including new trucks, and launches have been held from time to time in the country, some of which I attended. The people in the bush are very pleased with the improvement in those services. The Western Australian Bush Fires Board has been well and truly looked after, and more funds and services have been provided. In the State Emergency Service there are 42 permanent members under Russell Dyson, but the service revolves around its volunteers in the bush. I congratulate them.

Also under Bob Wiese I chaired a collocation committee put in place to enable a system whereby all emergency services in the country, including the St John Ambulance Association, come under one roof with one wet area. The savings in structures around country areas will be significant and there is much advantage in those emergency services sharing one facility from which to operate. In the country the same people often carry out voluntary services and this will streamline the whole operation and provide gains.

I now refer to the steel industry in the mid west area of my electorate, which is in the spotlight at the moment. I shall also refer to the dry on the south coast. That indicates the wide area covered by members such as Hon Kim Chance, Hon Eric Charlton, Hon Murray Nixon and Hon Bruce Donaldson. It is a vast region, which requires a great deal of effort and many kilometres of travel. Last year I travelled 70 000 kilometres by car and I do not know how many air miles. It is a significant number. At one time I could get a Holden Statesman car. Nowadays I must pay the tax on the executive cars which means going back to a Holden Acclaim. I am not sure it is in the best interests of those who travel long distances to use a car of that size because a heavier car is certainly much safer.

I will now refer to the restructure of the Australian Wheat Board, and the water in the Irwin River basin. There is a great deal of opportunity for the development of the air freight council, and industries such as aquaculture, horticulture and agriculture will be a spin off from that. It is exciting to think of the great opportunities in the Irwin River basin and other areas across the State.

In my maiden speech four years ago I reflected on the access roads to Geraldton, and the possibility of industrial sites with access from the east by rail and road to the Geraldton port, together with the extension of the port from Point Moore. I spoke about the planning and so forth that may go with it. At the moment industry has the opportunity to develop at Narngulu. It is a small area but with big industries, such as the Mid West Iron and Steel project and Mt Gibson Gold Pty Ltd, coming along it is necessary to expand the industrial sites. It also provides an opportunity to make sure the planning decisions in the Geraldton region are right. It is a very exciting prospect but it is still only an opportunity. Many things must happen in the meantime to get this project up and running. The present project from the Kingstream group is but one approach for which a public environmental review has been carried out for a million tonne plant at the Narngulu site. That application has been approved. More recently, a further application has been made for a 2.4 million tonne venture at Oakajee. This steel plant will provide major opportunities for the work force in the Geraldton region, regardless of where it is located. I am keen for the plant to be built somewhere in that region. I understand that a work force of 2 400 will be needed in the construction phase and 1 000 on an ongoing basis when construction ceases and the process starts.

[Questions without notice taken.]

Hon M.J. CRIDDLE: Before question time I was touching on the development of Mid West Iron and Steel in the mid west area. I pointed out that the plan is to produce 2.4 million tonnes of flat steel with a work force in the construction stage of 2 400 people and 1 000 people in the ongoing tasks to produce flat steel from iron ore. That process needs to be put in train over the next three and a half years. I understand that the spin off from this process across Australia is 28 000 jobs, so it is certainly a big project.

The idea of moving Mid West Iron and Steel and maybe Mt Gibson to the Oakajee area has a few ramifications for the State. It will require a state infrastructure contribution, particularly with the rail line to the industrial site together with a road upgrade. When the project starts, it is anticipated that for the first 10 months the steel must be trucked back to the original port in Geraldton. The movement will start at a steady pace, but by the end of that 10 month period 2 million tonnes will be produced. Therefore, a large movement of trucks will be involved and it will be necessary to get the port up and running.

The port is the crucial factor in the development of Oakajee. If there is no possibility of a port being developed at Oakajee, it will be pointless going ahead with the industrial site. The port building and cost of the port must be considered. We do not want infrastructure costs up there - I know a little about the business side of this matter - such that the operation is not viable. If one had infrastructure costs, as with Canning Vale, which were so great that the proponents could not afford to service the infrastructure, over time it would be difficult for the project to be viable. Such a port would necessitate 10 million tonnes of produce traffic.

The Geraldton Port is exporting three million tonnes of produce, so it has excess room by which to export product. I realise that the Geraldton Port in its present condition is not conducive to taking the bigger vessels. However, most of the steel could be exported from the present port; it is a matter of the size of the vessel. The other option is the extension of the port out at Point Moore and the development of the infrastructure in that area.

A survey must be done or a consultancy appointed to make a comparison with the expense of the port at Oakajee and an extension of the present facility at Geraldton. We need a clear understanding of the possible options. If the cost of the port in the Oakajee area blows out, the project could be placed in jeopardy. Alternatives need to be in place. The last thing I want to see is the project fall over because an alternative is not available. We have already heard that Narngulu is the fall back position, but serious consideration must be given to the other options and their costs. We hear that east of Narngulu is a possibility, along with the realignment of the airport. These possibilities need to be on the table in case the cost of the Oakajee area is prohibitive.

I urge the people making the consideration to bear in mind that business must be profitable. We must relate the infrastructure cost to the cost of the development itself. It is a simple arrangement which must be kept in mind.

The ramifications of this development for the grain industry with a grain installation shifted to another site in the Geraldton region is about \$500m. That aspect was brought to light by the chairman of Co-operative Bulk Handling Ltd. It is a big development. The development of a southern access corridor into Geraldton is necessary, and we must organise the new rail to go through the town. Something like two million tonnes of grain is exported out of Geraldton every year, and that figure will not decrease.

If the grain industry moves to the north, it becomes less viable to truck grain back to Geraldton; it will be more viable to put it through Kwinana which still has some available capacity. Some 500 000 tonnes of grain would come into that category. This development would make business less viable for the producer in the mid west.

Hon Derrick Tomlinson: Are you saying that Oakajee would not be suitable as a grain terminal?

Hon M.J. CRIDDLE: I am suggesting that shifting the grain terminal to Oakajee would be an expensive exercise, and doing so may result in a drop off in grain shipped through the area. In that circumstance, it would be more viable to send the grain from the Dalwallinu Shire south to Kwinana.

Hon Kim Chance: It moves the break even point further north.

Hon M.J. CRIDDLE: That is exactly right. As Hon Kim Chance said, it draws the line of the break even point further north. A considerable expense to growers is involved if one moves the emphasis of the project to different areas. I point out the ramifications in going through the different exercises.

Many representations have been made to me by the lobster industry regarding the port in the area. They tell me, and they are the people who catch the crayfish, that approximately \$30m-worth of crayfish have come out of that area. It is also a breeding area for crayfish. That is where the crayfish are coming from according to the crayfishermen. I am no expert. I have also heard from people involved in the environmental area that that is true. There is quite a deal of local activity from the environmentalists. Everybody knows that petitions have come out of that area. Local residents are concerned about the whole thing. The environmental impact statement or the public environmental review has been released for people to have a look at. Therefore, the people who are concerned should raise their concerns before this operation develops so that the Environmental Protection Authority and others involved in the exercise can consider them.

I will touch on the southern rail access again. There has been a lot of talk about this in the Geraldton area. It is obviously of concern to the residents in the Tarcoola region. Strategies have been put in place. Some of the key community issues that have been raised include pedestrian access to John Wilcock High School and Mt Tarcoola Primary School. The railway line is very close to those educational establishments and it has a visual impact in the vicinity of the existing rotary. People who go to Geraldton would be aware of the rotary as they enter the town and there is a spin-off for the town, the port and other places. Noise is obviously having an impact on the residential areas. There is a need to reduce the number of intersections through which the trucks travel. It is also the major entrance for road grain transport into the port. About 600 000 tonnes go into the port by road; that is a large amount. All this means that the people of the midwest should have this information available to them so that they can easily assess the situation.

It is a great opportunity for the mid west region to become involved in the steel making business. Places such as Talling Peak, Mt Weld and Koolanooka from which the steel will come have been mentioned. However, there is some doubt about the assay of the Koolanooka deposit. Some caution is required about that deposit. This is a great opportunity for the mid west to get involved in the steel operation. However, one should think about the financial burden which may be placed on the State for the supply of rail, road and water to that area. Obviously, a gas pipeline

is involved for which contracts have to be written. All of these issues must be given serious consideration before the State commits to the development. I meet with the people involved regularly. They are very optimistic and positive about the way they will handle things.

The Mullewa area should not be left out of the equation. The people in that area are looking forward to a lot of advancement in the town. My preference is for industry to be developed 100 kilometres from the coast in the agricultural region. The hinterland would benefit immensely from that. However, people seem to want to develop these industries on the coast. I have grave reservations about that, because I think the coastline of Western Australia is for the people and industry should be developed inland. People tell me they will not travel to Mullewa to work. However, shearers drive to my place from Geraldton every day and return.

Hon Graham Edwards: I did not think they could travel to your property in one day!

Hon M.J. CRIDDLE: They can just make it from Geraldton! I have to admit that I am very close to the black stump. I am right on the northern extremity of the agricultural region. Many of the reserves in that area are just over my back fence. There is no doubt that the work force will travel if the jobs are there.

I move now to the very serious situation on the south coast of the agricultural region; that is, the dry. The dry has developed over a number of years. The south coast area to which I am referring includes the areas of Wellstead, Gardner, Bremer Bay, the other side of the Fitzgerald River National Park to the Jerdacuttup region and Hopetoun. I have never seen a dry like it.

In June 1996, the Minister asked me to reconvene the seasonal risk management committee that was put in place for the Gascoyne and the Esperance regions. We had a look at the situation in June and I could not believe my eyes. All there was, was dust. The year 1991 was dry. There was a wet start to the season in 1992 so that the land became waterlogged. The effect of that on budgets was fairly horrific. There was a wet start to the 1993 season with very heavy winter rainfalls. The year 1994 was dry with a late break and very strong winds. There was a late start to the season in 1995 with abnormal rains during harvest. Of course, in 1995 cattle prices started to fall. Hon Murray Nixon would probably know something about that. The year 1996 was a very dry year. The season started well into June, but did not really ever get going. There is severe wind erosion and very bad water problems. The water shortages continued into 1997. That is a problem.

The estimates for the carry-on finance for the present year is something like \$45 000. The committee which I chair, which consists of farmers and people from the Rural Adjustment and Finance Corporation and Agriculture Western Australia put together a submission to the federal Minister through the Rural Adjustment Scheme Advisory Council for this area to be considered an exceptional circumstance so that consideration could be given to educational funding with regard to Austudy and also interest rates subsidies. That has gone to the federal Minister. We should bear in mind that, in this part of the world, in previous years about 80 per cent of incomes came from the wool and cattle industries. At present, the reverse is the case. About 70 per cent of income comes from cropping. There has been a very heavy switch to cropping which, in my view, is a little risky in an area that has a 400 to 600 millimetre annual rainfall. I referred earlier to waterlogging of farms in 1992 and 1993.

If there was a wetter than average year down there substantial funding would be necessary. If there was a dry year, the situation would be similar. The debt to income ratio is about 190 per cent across the area. There are about 184 landholders in the Gardner, Wellstead and Bremer area and 175 landholders in the Ravensthorpe area. Therefore, a substantial number of farmers are at risk. If exceptional circumstances application is allowed to be claimed, each farmer's submission will be taken on merit and will be considered individually. They will not get money unless they are in a dire situation.

We have visited that area on two occasions. The first time we had a meeting at Wellstead, which was attended by about 100 people. We then went to Jerramungup and met the local group. There are very strong and positive local groups in the area and they do a great job in supporting their communities. That will be borne out in a moment when I explain the initiatives.

Meetings were held in February in Jerdacuttup and Gardner, each attended by 50 or 60 people, to explain the meaning of "exceptional circumstances" and the position with the lack of water. A couple of days after I left that area there was heavy rain, which topped up some of the dams.

In order to prevent further erosion on the south coast, although it certainly will not be eliminated, the committee recommended that the Government fund an interest free loan to enable farmers to shift stock off the land. A total of 35 000 sheep and 420 cattle had been agisted by 24 farmers by February this year; the total freight cost was \$99 620; and \$92 710 had been advanced. It is a one way freight subsidy where the sheep are shifted and it is then up to the farmer to determine what to do with them. Many of the sheep have been sold off the farms to which they have been agisted. Some of the moves have worked and others have been difficult for the farmers because they cannot

control their stock when it is a long way away. Some of that stock went right up into the Morawa area. An agistment register was set up by Robyn House, the local coordinator from the Western Australian Farmers Federation, which has been very good in that area. She registered 75 000 sheep and 2 000 cattle which were in need of agistment and assisted with either the sale of stock or the agistment. These initiatives were taken to benefit the environment.

The water supply scheme which the Government has put in place has been used to the full, with the Shires of Ravensthorpe and Jerramungup and the eastern part of the Shire of Albany being declared water deficient, which means that the 40 kilometre radius can be used and the Government can supply water in that area. Part of the program was to make farms self-sufficient in water over the years. Between February 1995 and February 1997 farmers in those three shires committed \$4.5m to water supply improvement, comprising large farm dams and water tanks. The State Government committed \$1.48m, and I congratulate the Government for that significant commitment because it has done great things for those farms and is appreciated by the people in that area.

To demonstrate the wind erosion in that area, between 1993 and 1995 the average wind speed was 16.2 kilometres an hour and there were 90 hours of erosion. In July 1996, that increased to an average wind speed of 21 kmh and 183 days of wind erosion. The rainfall in two of the past three years has been at almost a record low.

That is part of the submission which has been sent to Canberra to see whether we can get some assistance. This is the second time I have been involved in this matter. The first time was in the Gascoyne area, and no assistance was provided on that occasion, but we hope that this time the wise people from the east will see the value of coming to the party for these people. As people pointed out, education is crucial and there is no doubt that the young people will suffer if they cannot access the better education opportunities in Perth.

Hon Kim Chance: When do you expect an answer?

Hon M.J. CRIDDLE: I expect an answer within a few weeks. The submission has been away for about three weeks, and from our experience with the Gascoyne submission, six weeks is more than ample. The people from the advisory council usually visit the area and develop it from there.

Hon Graham Edwards: How does it impact on towns like Jerramungup?

Hon M.J. CRIDDLE: It has had quite an impact on that town. The banks there tell me that apart from what I call the normal attrition of farmers, there will not be a mad rush to push farmers off the land, but there will need to be some belt tightening. Many of these farmers are talking about going into cropping, and that expense is in addition to their normal running costs.

I turn now to the Australian Wheat Board restructure, which is vital to Western Australian grain growers. If this country loses single desk seller status for the export of wheat, it will put at risk the export of not only wheat but also barley and lupins from Western Australia. I have grave concerns about that matter, and I believe from my travels and meetings that 80 to 85 per cent of wheat growers around Western Australia have the same concerns. A few people have other thoughts about this matter, but it is a big issue in the country.

Western Australia produced about \$1.5b worth of wheat this year, or about 40 per cent of the Australian wheat crop. That benefits Westrail and the ports. About eight million tonnes of wheat has been shifted already from Australia. I do not know whether members have seen the number of ships in the ports, but the Port of Geraldton had four or five ships the other day, and I am told that the Ports of Albany and Esperance also have a large number of ships. Wheat is currently being transported by road through Northam because of the need to ship out as much wheat as possible.

The review of the wheat industry has been brought about by the Federal Government's need to move away from underwriting the wheat crop. The restructure plans have been put up by several of the Eastern States. Recently just about all of the Eastern States joined in following up the Wheat Board's thoughts about issuing A class shares to give all wheat growers full voting rights to elect most of the members of the board, which is called Australian Grain Ltd. The B class shareholders will have the right to elect two people to the board. There will also be a transfer of capital to a share. The danger in that move is the threat to the single desk seller status. The transfer of capital to a share may be taxed at that time; the person who transfers the share may have to pay the tax from his or her funds.

Hon Kim Chance: Do you mean a transfer of the wheat industry fund equity to the shareholder?

Hon M.J. CRIDDLE: Yes. That share is not currently tradeable, but at the end of the day a farmer's bank could say, "We want part of that share", and at that point there could be pressure to list it on the Stock Exchange, and the moment it was listed on the Stock Exchange it would expose the industry to competition policy and the people who were involved in that competition policy might say, "It is not in the nation's interests to have single desk seller status." CONAGRA International and the other traders might also buy into those shares and we would have free traders in the market so that it was not in the interests of the nation but rather in the interests of those traders.

Hon Kim Chance: Is it not fair to say also that any Government in its right mind would not grant monopoly export status to a privately owned company as distinct from a statutory company?

Hon M.J. CRIDDLE: I will answer that after the dinner suspension.

Sitting suspended from 6.00 to 7.30 pm

Hon M.J. CRIDDLE: I have been discussing the implications of the loss of single desk seller status for the Australian Wheat Board and for the growers in Western Australia, as well as the impact that would have if we undertook an arrangement whereby B class shareholders chose to float on the Stock Exchange, and the unlimited access traders would have to the shares. The preferred option of the WA Farmers Federation now is a capital trust and previously it was to revolve the WAFF funds through a large capital base around \$500m in order to return funds to the growers. The base would remain the same regardless of the revolving of the funds, which would depend on the crop each year. The capital base for the Farmers Federation would be a majority of A class shareholders with a unit for each grower who attained a certain tonnage, and a B class shareholding with units. Therefore, the capital trust would operate under units which may not be tradeable. That is the preferred arrangement. It has also been said that A class shareholders may have a weighted vote, bearing in mind that the Western Australian growers produce a large amount of exportable grain. Although there are a large number of producers in the Eastern States, they do not produce anywhere near the amount of exportable grain produced in Western Australia. The thought is that a weighted voting on delivery to the Australian Wheat Board would be the preferred option.

Earlier I mentioned the tax implication and the guarantee from the Commissioner for Taxation, and that that tax should not be applicable with equity on conversion to shares. They are the two real issues for the Western Australian growers, apart from the option where they might lose their ownership of the operation through a float on the Stock Exchange, when we could be affected by the competition policy, which might erode the single desk seller status, the basis of the wheat marketing procedure.

In closing, I emphasise the subjects about which I have chosen to talk; that is, the Australian Wheat Board, the steel industry in the mid west region, and the producers on the south coast, the application in the Eastern States and the work done to try to give the south coast producers some opportunity to recover from the bad situation they have experienced.

Debate adjourned until a later stage of the sitting, on motion by Hon N.F. Moore (Leader of the House).

[Continued on p 160.]

TRUSTEES AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [7.38 pm]: I move -

That the Bill be now read a second time.

This Bill makes the most significant amendments made to the Trustees Act for many years. Minor amendments are made also to the Public Trustee Act and the Trustee Companies Act and consequential amendments are made to many other Acts which authorise organisations to invest surplus funds according to law.

Trustees have always been required to act prudently in making investments on behalf of a trust estate. However, boundaries have been placed on the range of those investments by what the Trustees Act describes as "authorised trustee investments". This has sometimes been described as the "designated list", a term that has led to misinterpretation of the effect of an investment being on or off that list. While it is true that many investments that are authorised are clearly very safe investments, it is possible for quite unsafe investments also to be contained within the definition. Furthermore, a trustee has a duty to invest in the best interests of an estate, and to place all investments in low-yielding cast iron investments may itself be a breach of that duty. Unfortunately, many trustees believe that there is some sort of assurance from government by inclusion within the definition and that no more inquiry need be made so long as an investment is "authorised". Neither proposition is correct.

This amendment removes the concept of "authorised trustee investment" and leaves behind the prudent person duty. This duty has been expressly stated in the amendments, but is not a new concept. In the light of the change, the amendments also re-enact various other measures in the Trustees Act relating to investment and clarify some of the

areas which have proved unsatisfactory over the years and which are usually corrected by any properly drawn trust deed.

Attempts have been made since 1990 to secure the agreement of the States and Territories to proposals for uniformity throughout Australia on authorised trustee investments. The Council of Australian Governments has noted a working group recommendation that the "prudent person" approach be adopted across Australia and effectively referred the matter back for individual States to adopt as they each see fit.

The Government, like the South Australian, Victorian and Northern Territory Governments, has determined that it is appropriate to adopt the "prudent person" approach to authorised trustee investments. The amendments are based on the changes made in the other States which are themselves modelled on legislation enacted in New Zealand seven years ago.

The investment powers of trustees are listed in the Trustees Act 1962. The Act lists the investments in which trustees are authorised to invest where no express powers of investment have been given by the court, a Statute or the instrument creating the trust. Authorised trustee investments listed in the Act are within power and thus permissible for trustees, although trustees must still consider whether a particular listed investment is suitable or prudent in the circumstances of the trust or of the current facts.

The designated list in practice has effectively diverted trustees from their responsibility for determining whether investment in a particular category - for example, government bonds, shares and so on - is prudent. The designated list approach has many shortcomings. It has the potential to mislead the inexperienced trustee and the public because it is read as implying a basic presumption that those investments included on the list are safe, but does not indicate which investments are suitable for which types of trusts.

In fact, some investments which have complied are, on examination, quite hazardous. Rothwells Ltd is a case in point. It met the test of capital and dividends, but prudent inquiry would have cast great doubt on its probity.

In addition to being a moral hazard for the Government, its inflexibility means that in a rapidly changing financial environment many new investment instruments likely to be just as sound by objective criteria are not authorised investments.

Examples of companies that do not meet the requirements because of the lack of dividend history are Qantas Airways Ltd, SGIO Insurance Ltd and BankWest. If Telstra Corporation Ltd is floated, it similarly would be out of power for Western Australian trustees.

The Bill repeals the designated list. This means a trustee can invest in any kind of investment as long as it is prudent, having regard to the circumstances of the trust. As already noted, a trustee must always act prudently, so the effect is to take away that boundary line over which trustees could not previously step.

This is the so-called prudent person approach to trustee investments. The prudent person rule requires the trustee to act prudently in determining the suitability of a particular investment as well as when considering actual proposals for investment.

I believe this change is similar to that effected when the ultra vires rule was effectively removed from corporations. The duty to act remains the same, but the artificial limitations and boundaries have been removed as to where the act can take place.

The flexibility and diversification that the prudent person approach brings to investment choices could be considered vital to the wellbeing of any trust fund in today's economy. Indeed the practice among professionals who draw trust instruments to confer wide investment powers on trustees has meant that, to that extent, those trustees have been operating under this regime.

Investments should be labelled as prudent or imprudent not because of their being on a list, but because of their appropriateness, taking into account the terms, purposes and circumstances of the trust.

The proposed amendments are based on the South Australian and Victorian Acts. They give trustees power to invest in any property, unless the instrument creating the trust otherwise provides. A trustee exercising any power of investment is required to exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of others.

A trustee whose profession, employment or business is or includes acting as a trustee or investing moneys on behalf of others is required to exercise the care, diligence and skill of a prudent person engaged in that profession, employment or business in managing the affairs of others. That means a higher standard is required for professional

trustees. An important feature of the provisions is the codification of factors which should be considered by trustees in making investment decisions.

The purposes of a trust and the needs and circumstances of the beneficiaries are important factors. Other matters include diversification and factors, such as value of the trust estate, duration of the trust, risks of capital losses or gains, costs, tax and marketability, which can all be critical depending on the circumstances of each individual trust. Further, the court may set off investment gains or losses.

The provisions recognise that in a managed portfolio of investments, trustees should be given protection against the claims for loss on individual investments if they can demonstrate that the investments were part of a diversified management strategy which was established and operated in a prudent manner.

Additionally, the Bill clarifies the ability of trustees to utilise the electronic processes of the Reserve Bank information transfer system. RITS is a system which provides a means of transferring and settling transactions in securities. RITS is destined to play an increasing role in the transfer of securities in the future, and it is essential that trustees should not be denied access to the system.

By an amendment to the Trustee Companies Act 1987 the Bill allows trustee companies to invest estate common trust funds and investment common trust funds in prudent person investments as authorised by the Trustees Act 1962.

The Government has decided to preserve the designated list in relation to two particular matters pending a review to be undertaken by Treasury in 1997. A number of statutory authorities which are largely taxpayer funded and the Public Trustee will continue to be bound by the current regime in the interim.

The passage of the Bill will demonstrate, once again, this Government's commitment to the Western Australian economy. With the repeal of the designated list of trustee investments there will no longer be emphasis on the securities of a body achieving trustee status to the point where achieving and maintaining such status becomes more important than achieving a record of good financial management. Competitive advantages will be removed from those institutions which, by explicit statutory authorisation, qualify for authorised trustee status.

Adoption of the flexibility and diversification encompassed in the prudent person approach to trustee investment will ensure investment decisions are based on market prices and returns and assessment of financial and other market information in Western Australia's rapidly changing financial environment, rather than an outdated approved list of investments. I commend the Bill to the House.

Debate adjourned, on motion by Hon Muriel Patterson.

RESTRAINING ORDERS BILL

Introduction and First Reading

Bill introduced, on motion by Hon Peter Foss (Attorney General), and read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Attorney General) [7.46 pm]: I move -

That the Bill be now read a second time.

I refer members to a similar speech I made in this House on Wednesday, 30 October 1996 regarding the Restraining Orders Bill 1996.

Western Australian legislation for restraining orders was introduced in 1982 as an amendment to the Justices Act 1902. The 1982 amendment replaced the provisions relating to recognisances to keep the peace, which had been in the Act since 1902. Those amendments provided for the court to impose an order to "keep the peace" to deal with matters to afford protection for individuals against threats of or actual violence. The legislation also gave the police power to take action for breaches, and it prescribed penalties for the criminal offence of breach of a restraining order.

The 1982 legislation was intended as an interim measure until more comprehensive legislation could be framed. Subsequently, the Criminal Law Amendment Act 1994 increased penalties for breach of a restraining order and classified the offence of breach of a restraining order as a serious offence under schedule 2 to the Bail Act 1982. The Criminal Law Amendment Act also created the offence of unlawful stalking and appropriate penalties for that type of offence.

Recent amendments to the Justices Act 1902 provided for the registration of restraining orders made in another State or Territory. Most recently, the Sentencing Act 1995 includes provision for a court, in addition to passing sentence, to make a restraining order in respect of an offender even though a complaint has not been laid.

Despite these various important changes, the fundamental basis of the restraining order provisions has remained unchanged since 1982. Importantly numerous reviews have commented on deficiencies of the present statutory arrangements and administrative response which have affected the value of restraining orders as a protective measure.

This is a matter of particular concern as restraining orders play a central role in the legal response to domestic violence by affording what is intended to be ready access to legal protection for victims. In addition, this legislation will introduce improved protection to children from paedophile activity.

Family or domestic violence is rightly a matter of increasing community concern. Statistics such as those reported in May 1995 by the Crime Research Centre at the University of Western Australia confirm that the incidents of domestic violence are not confined to isolated cases. The problem is very serious and very widespread and demands a multifaceted response. Elements of prevention, legal intervention by the police and courts, advocacy, counselling and health care for victims, treatment of perpetrators, provision of crisis accommodation and other support of victims are involved.

No single agency has a mandate in all of these areas. This complexity demands a whole of government response in collaboration with non-government agencies. There is a need for the development of clearly defined policies and procedures both within and between agencies. These and other matters were addressed in the Report of the Family and Domestic Violence Task Force, and subsequently in the Family and Domestic Violence Task Force Action Plan which was launched in November 1995. The Bill is a further development in support of these important initiatives.

In February 1995 the then Attorney General announced a review to examine all aspects of legislation and procedures relating to restraining orders and to make appropriate recommendations. The review set out to examine current legislative provisions and procedures, relevant inter-state legislation and procedures, and the findings and recommendations of previous reviews. The review was conducted by an interagency reference committee chaired by the Ministry of Justice, and it reported to the Attorney General in September 1995. An agenda of legislative and procedural reforms was identified to streamline the process of applying for restraining orders and to increase their effectiveness.

This Bill gives effect to recommendations arising from that review. Importantly, the procedural changes will be implemented as part of the Government's response to the family and domestic violence action plan.

In overview, the Restraining Orders Bill -

- distinguishes between violence restraining orders which relate to protection from personal violence, and misconduct restraining orders which relate to such matters as damage to property and disorderly conduct;

- provides for a restraining order to be made to prevent a person loitering near schools or places frequented by children if that loitering causes either the children to fear for their safety or the parents to fear for the safety of their children;

- includes a non-exclusive list of conditions to assist the courts and to promote consistency;

- requires that firearms be surrendered or seized when a violence restraining order is made, and allows the court to order firearms to be surrendered when a misconduct restraining order is made;

- provides for applications for violence restraining orders to be made by telephone in urgent cases;

- allows for the clerk to authorise oral service of a restraining order if reasonable efforts to effect personal service have been unsuccessful, and allows for the court to authorise any alternative method of service if the court is satisfied that the respondent is deliberately avoiding service in order to defeat the restraining order;

- makes new arrangements for hearings and for variation or cancellation of orders;

- requires the involvement of a "responsible adult" in restraining order proceedings involving juveniles, but prohibits the making of a restraining order against children under the age of 10;

- provides for the court to be informed of any family order or application for such an order under the commonwealth Family Law Act 1975, or the Western Australian Family Court Act 1975; and

- prescribes penalties for breaches of orders.

I will comment on each of these matters in turn.

Distinction between violence and misconduct restraining orders: Under current law the grounds for making a restraining order reflect a mixture of public interest and personal protection concerns. In order to more clearly reflect

the purpose of the order and to ensure priority when an order is sought for protection against personal violence, the Bill distinguishes between violence restraining orders and misconduct restraining orders.

A violence restraining order is intended to provide protection for a person from a respondent who, unless restrained, is likely to either commit a violent personal offence against the protected person, or behave in a way which would cause the protected person or another person, such as the parent making application on behalf of the protected person, to fear that the respondent will commit such an offence.

The grounds for a misconduct restraining order are different and include the respondent being likely to, unless restrained, behave in a way that is intimidating or offensive to the applicant; cause damage to the property of the applicant; or behave in a way that is, or is likely to lead to, a breach of the peace.

Applications: An application for either kind of restraining order may be made by a police officer or other authorised person - a police officer or a person who is, or who is in a class of persons that is prescribed for the purposes of this definition - the person to be protected or, in the case of a child, by a parent or guardian of the child, or, in the case of a person for whom a guardian has been appointed, by the guardian.

In the interests of consistency the Bill requires the court to have regard to a range of matters in considering whether to make an order and the terms of the order. These include matters relevant to the applicant, to the respondent and to others who may be affected, such as children of the parties concerned.

To enable the restraint of a person who unless restrained may loiter in the vicinity of a school, game arcade or other place where children may congregate, the Bill provides that the court, in addition to other matters, is to have regard to any criminal record of the person and any similar previous behaviour of the person. This provision is based on similar provisions in South Australia relating to paedophile restraining orders. However, the provision in this Bill is broader than its South Australian counterpart in that it also provides a remedy relating to loitering behaviour.

Applications may be made in person, or, in the case of violence restraining orders, by telephone where the circumstances or urgency of the situation are such that an application in person would not be practical. An application in person may be made to a Court of Petty Sessions or, if the respondent is a child, to the Children's Court. A telephone application may be made only to an authorised magistrate by an authorised person such as a police officer or by a person appointed as an authorised person. If necessary, in order to facilitate service of any order which may be made a police order may detain a respondent during a telephone hearing for a maximum period of two hours.

Hearings: If the application is for a violence restraining order the applicant may choose to have an ex parte or initial hearing in the absence of the defendant. At a hearing in the absence of the respondent, the court may make a violence restraining order, dismiss the application or adjourn the matter to a mention hearing. If the order is for more than 72 hours the respondent may object to a final order being made, in which case the matter would proceed to a defended hearing.

If the application is for a misconduct restraining order the matter can proceed only by way of summons of the defendant to court, and thereafter to an order or defended hearing depending on the applicant and on the objection or otherwise of the respondent.

Restraints on the respondent: To assist the courts and to promote consistency the Bill includes a non-exclusive list of the sorts of restraints that may be imposed on the respondent. The Bill will allow the court to impose such restraints as the court considers necessary on the otherwise lawful activities of the respondent to prevent the respondent from engaging in the conduct which caused the application to be made. In the case of a violence restraining order these include restraints necessary to prevent the respondent committing a violent personal offence against the applicant, or behaving in a manner which could reasonably be expected to cause the applicant - or the person making application on behalf of the applicant - to fear that the respondent will commit such an offence.

A respondent may be restrained from being on or near premises where the applicant lives or works; being on or near specified premises or in a specified locality or place; approaching within a specified distance of the applicant; communicating, or attempting to communicate with the applicant; and preventing the applicant from using personal property reasonably needed by the applicant, and causing or allowing another person to engage in such conduct.

If the court makes a violence restraining order it must impose a firearms order. The court may also impose a firearms order in making a misconduct restraining order. A firearms order prohibits the restrained person from being in possession of a firearm or obtaining a firearms licence except where the court determines otherwise.

Where a firearms order is made against a person who has access to a firearm in the course of his or her usual occupation, the Commissioner of Police is required to promptly notify the person's employer of the order and that

it is an offence for the employer to allow the restrained person to use or have access to a firearm in contravention of the order.

Duration: When a violence restraining order is made at an ex parte hearing or by telephone it will generally remain in force until the matter goes to a defended hearing or the respondent indicates that he or she does not wish to defend the order. It will then be made a final order which will remain in force for the period specified in it, or, if no period is specified, for two years.

A violence restraining order obtained over the telephone has a maximum duration of three months. A misconduct restraining order remains in force for the period specified in it, or, if no period is specified, for one year. As a response to situations of short term violence special provision has been made in relation to violence restraining orders the duration of which is 72 hours or less. Such orders will lapse automatically if not served within 24 hours and, having been served, are not subject to the defended hearing procedure. They will remain in force only for the period specified in the order.

Variation or cancellation: Application may be made to a Court of Petty Sessions, or to the Children's Court where a child is bound by the order, for variation or cancellation of a final order. Such an application may be made by either the person protected by the order, a parent or guardian on behalf of the protected person, a police officer, or a person bound by the order.

If an application is made for variation or revocation by a restrained person, the court must first hold a hearing to determine whether to grant leave for the application to proceed. The court may grant such leave only if it is satisfied that there has been a significant change in circumstances since the order was made. At a hearing to consider variation or cancellation the court may dismiss the application; make a new restraining order in addition to the original restraining order; cancel the original restraining order and make a new one; or cancel the original restraining order.

Service: A summons relating to a restraining order may be served personally or by prepaid registered post. Personal service of restraining orders is required, except in certain circumstances specified in the Act where the order may be served by registered post. Oral service may be authorised where reasonable efforts have been made to serve the order personally. Where the court is satisfied that a person is deliberately avoiding being served with a document, the person serving the document may take such steps as the court directs to bring the document to the attention of the person being served.

Penalties: A person bound by a restraining order who breaches that order commits an offence. The Bill proposes that a graduated range of penalties should apply as follows: For breach of a violence restraining order - \$6 000 or imprisonment for 18 months; for breach of a violence restraining order of 72 hours or less - \$2 000 or imprisonment for six months; and for breach of a misconduct restraining order - \$1 000.

In certain circumstances, it is a defence to a charge of breaching a restraining order for the person bound by the order to satisfy the court that the person acted with the consent, as defined in section 319(2)(a) of the Criminal Code, of the person protected by the order. However, this defence is not applicable if the protected person is a child or someone for whom a guardian has been appointed.

The Bill sets penalties also for a restrained person who fails to answer or who gives false information when asked whether he or she has access to firearms in the course of his or her usual occupation - \$2 000 or imprisonment for six months; and an employer who has been notified that a restrained person is not to have access to a firearm and who permits that person to have such access is liable to a fine of \$4 000.

Other important reforms in the Bill are as follows. Where the respondent or person bound by the order is a child, a responsible adult is required to attend proceedings. A person aggrieved by the decision of a court may appeal against that decision to the Supreme Court in accordance with part VIII of the Justices Act 1902 or the Children's Court of Western Australia Act 1988, or the commonwealth Family Law Act. To avoid conflict with certain family orders made under the Western Australia Family Court Act the applicant is required to notify the court of any family order or pending application for such an order, and the court cannot make a restraining order that conflicts with a family order if the court does not have jurisdiction under those Acts to modify the family order. The court is not to order the applicant for a violence restraining order to pay costs to the respondent unless it considers the application was frivolous or vexatious. As a further means of protecting a person protected by a restraining order the Bill requires the court to ensure that the protected person's whereabouts are not generally revealed. Finally, provision for the registration and recognition of restraining orders made in another State or Territory is transferred to this Bill from part VIIA of the Justices Act.

In conclusion, the Bill provides effective means to address the range of circumstances where a restraining order is an appropriate response to situations confronting individuals in our community. In particular, by creating a form of

restraining order relating specifically to violence the Bill is an important part of the Government's response to family and domestic violence and paedophile activity. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Stephens (Leader of the Opposition).

ADDRESS-IN-REPLY

Motion

Resumed from an earlier stage of the sitting.

HON P. SULC (East Metropolitan) [8.00 pm]: Firstly, I am grateful for the welcome that has been extended to me, not only by members on this side of the House but also by all other members from both this and the other place. I hope that, notwithstanding our adversarial parliamentary system, this goodwill survives beyond the conclusion of my maiden speech. I would also like to add my voice to that of my comrade Hon Tom Stephens in expressing my gratitude to the staff of Parliament House. All the staff have extended every possible courtesy to me as I have learnt my way around this place, and are making my short stay here as comfortable as possible. To my electorate officer, Nellie Anderton, and all other electorate officers, I express my appreciation. I have seen the amount of work they do and how it has increased over many years. The hours are now much longer and more arduous. I would like to place on record my support for their reclassification to level 5 PSA.

I should also mention the assistance of Hon Tom Stephens in taking the time to ease me into my duties as a member of the Legislative Council. As he mentioned yesterday, he considers it the Opposition's role to help the President maintain the orderly operation of this House. He went so far as to counsel me that he would frown upon any behaviour that mirrored some of the - I am sure exaggerated - stories of his early days in this House.

While preparing for this speech, I read the maiden speeches of many members of this place, both past and present. I did this for a better understanding of convention and form and I hoped for some inspiration. I noted with interest some of the comments made by Hon Alannah MacTiernan, who has since relocated to the other place. To paraphrase Hon Alannah MacTiernan, she expressed a belief that this place is an anachronism which falsely suggests that important checks and balances, so necessary to the parliamentary process, are in place. Further, she suggested that its membership and functions be incorporated into an expanded Legislative Assembly. It was interesting for me to read those comments while considering this Chamber's history, but more importantly thinking of its future. I must say that where once I may have had some sympathy for her position, I am a believer of evolution not abolition. I am proud to have entered this House on the eve of a great step in its evolutionary process, that of a non-conservative balance of power! At last, this place could become a dynamic House of Review, which will consider all that comes before it by its own standard and not that of the executive arm of government or a reactionary conservatism. My main regret is that I shall not serve past the birth of this new era but I do hope to return some time in the future.

The last 30 years have seen a struggle for all members of our society to be seen as equal. We have equal rights legislation in all States and Territories that ensure this, with few exceptions. However, the difference between having a right and exercising it is still a seemingly insurmountable obstacle. The idea that anyone is judged by race, religion or sexual orientation is repugnant to me. The human family is one of diversity and through that diversity we find our strength and maturity. The flames of bigotry are threatening to engulf us, and yet we are told that it is a bigot's right to free speech. However, to spread inaccuracies and perpetuate wrong myth does not equate to freedom of speech, because any healthy debate on immigration or the rights and privileges of our citizens that degenerates into an attack on another's race, colour, descent, national or ethnic origin or sexuality is so patently an injustice and evil that it must be repudiated.

Much comment has been made by this Government and others about the enlightened Mabo and Wik High Court decisions, how they will endanger our mining and pastoral industries, and make land tenure and administration impossible to manage; and how the High Court has taken on the role of law maker. I would like to state that our entire common law system came into being because of judicial interpretation of our fundamental rights and responsibilities and it has evolved over many hundreds of years. To say the High Court has overstepped its mark is to ignore the history of our nation and its common law heritage, as inherited from the British Isles. The Mabo High Court decisions, both No 1 in 1988 and No 2 in 1992, did not invent native title. The High Court said that the concept of terra nullius, or that no-one inhabited Australia prior to white settlement, was wrong all along and that the indigenous peoples of Australia have always had rights to their lands. It also stated that land held under freehold title had extinguished native title.

The Native Title Act 1993 set up a framework to resolve native title issues over crown lands and left the issue of pastoral leases to the courts. In 1993 the Wik people in North Queensland started proceedings in the Federal Court. They argued that pastoral leases and native title coexisted because a pastoral lease conferred only limited rights of access to the leaseholder and the land was still a crown possession. In January 1996, a Federal Court Judge ruled

that leases conferred exclusive possession and therefore extinguished native title. The Wik people then appealed to the High Court. In December 1996, the Full Bench of the High Court upheld their appeal in part. It said that mining leases did extinguish native title rights but because of the variety and differing types of pastoral lease this type of lease did not necessarily extinguish native title. I quote from Justice Toohey's judgment at pages 75 and 76 -

The legal representatives of the Wik and the Tayorre people argued for co-existence of native title with the pastoral lessees' interests. They conceded that if there was any inconsistency between rights exercised by a lessee and rights exercised by holders of native title, the rights of the lessee would prevail.

Native title rights that are capable of being established on a lease may be no more than the right to carry out traditional ceremonies. Other native title rights may be hunting, fishing and gathering.

Further , at page 80 -

It is too simplistic to regard the grant by the Crown of a limited interest in land as necessarily extinguishing native title rights. It is a large step indeed to conclude that, because there has been a grant of a 'lease' of many square miles for pastoral purposes, all rights and interests of indigenous people in regard to the land were intended thereby to be brought to an end.

We already have a situation where pastoral leases coexist with others having access to their land. At present a parcel of land may have a pastoral lease, mining or prospecting lease, sandalwood collectors' right of access and a professional shooters' right of access. Each of these in no way restricts the economic activity of the other. Native title would form only one component of land use, at present exercised by many upon the same area of crown land, each mutually exclusive and in no way should one conflict with the other. If any conflict does arise, then the rights of the pastoralist have precedence. Again I quote Justice Toohey at pages 82 and 83 -

So far as the extinguishment of native title rights is concerned, the answer given is that there was no necessary extinguishment of these rights by reason of the grant of pastoral leases under the Acts in question. Whether there was extinguishment can only be determined by reference to such particular rights and interests as may be asserted and established. If inconsistency is held to exist between the rights and interests conferred by native title and the rights conferred under the statutory grants, those rights and interests must yield, to that extent, to the rights of the grantees.

I should add that any attempt to remove native title rights from Australia's original inhabitants without compensation would require an amendment to the Racial Discrimination Act 1975. As soon as an amendment is made to exclude one racial group from legitimate land title, how do we logically say no to the next exclusion - be it Australian-Japanese ownership in Queensland, Australian-Vietnamese corner store ownership or even Mediterranean Australians with their market gardens? Even with the Racial Discrimination Act, indigenous Australians encounter much discrimination and inequality. The reconciliation process was established to recognise this situation, to acknowledge and grieve our past and to achieve a process of understanding and harmony between the many peoples of Australia. This process of reconciliation is not happening in a vacuum. The United States' Department of State noted in its report on human rights practices in 1996 to the United States Congress that even with the Racial Discrimination Act much structural discrimination exists. I quote -

The Racial Discrimination Act of 1975 prohibits discrimination on grounds of race, colour, descent, or national or ethnic origin. The Ministry of Aboriginal Affairs, in conjunction with the Aboriginal and Torres Strait Islander Commission (ATSIC), has the main responsibility for initiating, coordinating, and monitoring all governmental efforts to improve the quality of life of indigenous people. A wide variety of government initiatives and programs seeks to improve all aspects of Aboriginal and Torres Strait Islander life.

In practice, however, indigenous Australians continue to experience significantly higher rates of imprisonment, inferior access to medical and educational infrastructures, greatly reduced life expectancy rates, elevated levels of unemployment and general discrimination which contribute to an overwhelming fear of disenfranchisement.

It is my hope that the process of reconciliation will lead to a true understanding of the cultural mores, spiritual beliefs, societal expectations, etc, that affect members of each group, and how they are reflected in our behaviour; also, how our - by "our" I mean both Aboriginal and white Australians - expectations of each other's behaviour are reflected during any inevitable cultural clash. It is my opinion that this requires a shift in our perceptions of each other, primarily through education but with a legislative and administrative framework to give it the authority it deserves. Mostly, it requires that white society changes some of its perceptions and value judgments of indigenous Australians. All too often indigenous Australians have had to adapt to white society and this has led to problems often relating to confused cultural signals that have caused many societal problems often associated with indigenous Australians. This process is not about apportioning blame, but working out a functional framework to resolve future problems and

disputes and to acknowledge our combined past. While acknowledging a combined past, I would like to refer to our multicultural past. Many think, and wrongly I might add, that multiculturalism is something that has happened in Australia only in the past 20 to 50 years.

The next section of my speech was to be in Mandarin Chinese, but I have been alerted by you, Mr President, that standing orders prevent my doing that. I will continue my speech in English.

I would like to bring to the Government's attention the achievements of the ethnic communities, especially the Chinese community. I wholeheartedly reject recent comments about the Chinese and other Asian communities which have been made by ignorant members of other Parliaments and their supporters. These people have done their best to denigrate and minimise the contribution that the Chinese and other migrants have made to this country. The history of Asians in Australia precedes European discovery by several centuries. They have collected the treasure of the seas and land and have traded with indigenous Australians. They have come to Australia throughout its European settled history and suffered the ignominy of racism, prejudice and misunderstanding. Without their labour and enterprise, many people in this country would be worse off. These people were the backbone of this country's market gardening and farming industries and they started many of the fishing industries, tended the flocks and worked the land. Without their resourcefulness in making the mining industry in the Northern Territory profitable last century, the then South Australian colony may have sold it. It was considered a drain on the public purse, much in the same way as Russia considered Alaska before it sold that country to the United States.

Those people who continue to malign the Asian citizens in this country would have people believe that continued multiculturalism would weaken the Australian identity and culture. Any person who thinks that people in Australia cannot exist peacefully with their diversity of ideas, culture and philosophies would have Australia remain in a state of homogeneous and moribund stagnation that would eventually kill any ideals of Australian ideas and culture that exist. Culture is a living and evolving entity that requires continual reinvigoration to prevent morbidity and this is the only way forward.

Australia is at a turning point. Those people who would have it return to its history of bigotry, racism and intolerance of diversity are becoming louder. After 30 years of trying to be a tolerant and just society, the forces of this evil prejudice would have people believe that all the ills of society are caused by anything different. I reject this notion and know it to be the source of great evil.

Should anyone listening to my speech wish to understand more about the Chinese involvement in Australia, I commend to them *Sojourners* and *Citizens* by Eric Rolls. Both books extensively chronicle the Chinese involvement in Australia both pre and post European settlement.

It is with equality in mind that I would like also to extend my support to my homosexual brothers and sisters in the community for their struggle for equality before the law, which this Government still resists. As a teenager I was subject to beatings and verbal abuse because it was wrongly believed I was gay. This homophobic violence in no way gives me an understanding of the confusion an adolescent goes through when coming to terms with his or her homosexuality in this country's culture of overt and often oppressive heterosexuality. I do think that it has given me an understanding of the unacceptable intolerance and violence that society still inflicts on others. It has coloured much of the way I approach prejudice and hatred and the need to treat all as equals before the law and the opportunity and hope that society can deliver, if it has the will.

Whereas I have spoken at length on social equality, there is a form of inequality that is much unconsidered. Homo sapiens are excellent exploiters of and adaptors to the environment. However, they often forget the other species with which they must share the planet. I am not opposed to development, but I believe in balance and equality - with this equality that of interspecies and intergeneration equality.

Structures should be in place to maintain an inventory of natural resources and to understand the true level of consumption as total recycling and reuse are introduced. It is only through excellence of management that we can ensure that not only do future generations have access to the resources that we will leave to them, but that all species have a safe and prosperous environment in which to live. While managing the environment, we must assume a worst case scenario and have in place mechanisms to cope with problems before they arise. We must constantly monitor both what and how we do things that may affect the environment. There must also be individual case management of all projects that exploit this country's natural resources. This is how people should form the basis of their thinking as they approach the twenty-first century of the common era. It is only through independent monitoring, constant research and the openness of these processes that we can ensure this is done properly to maintain longevity and trust in the system. Yes, government has a very important role in this. It is the grease on which all these wheels run, as we move towards a society and planet that is inclusive of all species.

I draw to the Parliament's attention a CSIRO report called "For Our Children's Children" by Michael Young. It is a practical guide to intergenerational equality, precautionary principle and the maintenance of natural capital. I would like to table it once I have a copy less used than the copy I am presently holding.

I take this opportunity to acknowledge my guests in the gallery. Today is the fiftieth birthday of one guest, Bob Prins; I express my respect and admiration for him and wish him a happy birthday. We are both members of an organisation called the Men's Health and Wellbeing Association. Other men here tonight are also members of that association. The Men's Health and Wellbeing Association is a world first in the growing men's movement. The men's movement is not a reaction against the feminist movement. It is a complementary ideal. We have seen the women's movement break down the stereotypes and structures that have bound women in a paternalistic society. They have forged new identities, stereotypes and archetypes to free themselves and to allow choice in the roles they wish to pursue.

Men, however, are maintaining the stereotypes and conditioning that have bound them for centuries in a paternalistic nightmare. As we approach the end of this century, men and boys die younger and from more preventable diseases, and have a higher rate of suicide, learning difficulties, and alcohol and drug abuse. I have personal experience in this latter area as I work as a volunteer group facilitator at Holyoake - the Australian Institute on Alcohol and Addictions.

The Men's Health and Wellbeing Association was set up to coordinate the effort of many men's groups that were trying to understand the problems surrounding manhood. The need to break down the restrictive paternalistic stereotypes, both the John Wayne type and its antithesis the SNAG - the sensitive new age guy - is increasing in urgency. Greater potential exists within us to be tapped for men's growth beyond the boundaries set by restrictive and isolationist concepts of manhood. As previously stated, the Men's Health and Wellbeing Association is a world first. Groups around Australia are forming along its model, and around the world it is being studied as a role model for other fledgling organisations.

I also thank my parents for their support and for instilling in me the belief that politics is not a job or vocation, but is an altruistic calling which people enter not for personal gain but for the advancement of all, regardless of race, religion, sexuality, location or even species. To the electors of the East Metropolitan Region go my thanks for their support in 1993, and to the members of the Australian Labor Party my gratitude for their assistance and hard work. Working as a volunteer in a political party is a long and often thankless task that can be continued only because of the belief and dedication of those people whose only reward is to know that they work for a greater cause and that their work will eventually lead to a truly democratic society.

Finally, I acknowledge, honour and express the love I have for my partner in life, Cynthia, and my daughter Cassandra. Without the unstinting love and support of these two people I would find it very difficult to pursue my ideals. It is for them, my daughter in particular as she will inherit the society we leave her, that I am in this place.

[Applause.]

HON J.A. COWDELL (South West) [8.24 pm]: It is my pleasure to address a few remarks to the Governor's speech and to start by welcoming your return, Mr President. I know that you threatened to return. Some of us did not think it would be quite so soon, but, nevertheless, we welcome your return. It was very wise of you, Mr President, not to travel to northern climes during the winter months. It would be correct for you to travel in June or July. I am sure a range of your former parliamentary colleagues will feel impelled to ensure you have a safe passage to the northern hemisphere.

Hon Peter Foss: Hear, hear!

Hon J.A. COWDELL: I note that the Attorney General, the author of the famous 17 page around the world via Brazil report of last year, commends my remarks.

Hon Peter Foss: I bet you did not read the report, but only counted the number of pages.

Hon J.A. COWDELL: I did read the report and chose the highlights to feature in my publication "The Southern Legislator". I commend that wonderful publication to everyone, particularly the article on the highlights of the Attorney General's trip.

Hon Peter Foss: I never knew you would speak of my publication so effusively.

Hon J.A. COWDELL: Of course, and we were all struck during the break to see that that the Attorney General was converted to the cause of democracy, particularly as it applied to the judiciary. Some of us were surprised by the conversion, but, nevertheless, we welcome it and look forward to his embracing the previous principle which applied in this Parliament; that is, Ministers of the Crown should submit themselves to re-election once they are chosen as Ministers. In that way people may indicate whether it is their wish that these very worthy members of Parliament

should serve in a ministerial capacity. The Opposition welcomes the Attorney General's conversion to democracy and to the elective process.

Hon Peter Foss: You never could represent people properly.

Hon John Halden: Vote weighting for the judiciary!

Hon J.A. COWDELL: I am sure we are all aware from the previous address by the Attorney General that as a House of knights and burgesses we can rise to the occasion. I am sure you, Mr President, will be assisted in your move to the northern hemisphere by a number of committees. I note that it looks as though committees will be chaired by former Ministers Wiese, Minson and Nicholls. There may be an opportunity for their appropriate installation in London, not to mention members of the Opposition who will sacrifice themselves to ensure that the proper protocols are accorded to you on your arrival in London. Of course, those members may be delayed on the way at various necessary ports of call on parliamentary business.

Hon Derrick Tomlinson interjected.

Hon J.A. COWDELL: I note that the chairman of the travelling police committee has found voice yet again. No doubt he will find an airline ticket soon.

Hon Murray Montgomery: Perhaps you would like to share the ticket?

Hon J.A. COWDELL: I had the misfortune of serving on Hon Derrick Tomlinson's other, non-travelling, committee which only dealt with legislation.

Hon Peter Foss: You picked the wrong committee.

Hon J.A. COWDELL: No, the committee just elected the wrong Chair. As I always said to the erstwhile senator, Hon Ross Lightfoot, we would have done far better to elect him to the Chair of the committee and it could have led to a range of insights.

Hon Bob Thomas: Why do you call him erstwhile? Don't you think he will get it?

Hon J.A. COWDELL: I am sure that the Liberal Party in conclave will do the right thing. There might be a conflict of opinion on what the right thing will be.

Hon Derrick Tomlinson: We certainly will not do the left thing.

Hon J.A. COWDELL: We looked to the Governor's speech for a statement of vision to take us into the next century and millennium. Unfortunately, and this is no reflection on His Excellency, the statement of vision was rather heavy on rhetoric and light on concrete programs. There is always hope. His Excellency concluded by noting that with the assistance of good government, a wise Parliament and God's help there was no limit to a prosperous and contented future. Perhaps the general public should adjourn to some chapel and begin praying now, as the other two pillars of the Government's recovery are somewhat in doubt.

Hon Peter Foss: Gosh, the member is shallow.

Hon J.A. COWDELL: All right, Minister, church not chapel, in recognition of the established church.

The Government stated its commitment to good government in the following terms -

The coalition established the Commission on Government and staunchly supports open and accountable government. This was typified by the implementation of the Freedom of Information Act and the setting-up of the Anti-Corruption Commission.

Members will be reminded of those two wonderful examples of the Government's commitment to good government and reform. The first was the FOI Act. It is unfortunate that in its reforms the Government gave permanent effect to the secrecy provisions that in recommendation 6 COG wanted lifted. The Government rejected the call for more prompt processing of applications - recommendation 8; it did not review fees - recommendation 9; it rejected regular review of the FOI Act - recommendation 10; and it rejected full commercial disclosure - recommendation 11. However, the Government managed to instance this as one of the salient examples of its commitment to good government and reform proposed by the Commission on Government. When the Government appointed the Anti-Corruption Commission it managed not to implement recommendations 68, 69 and 70, in particular, which would have made the commission far more effective. The Government's commitment to good government is typified by the FOI Act and the setting up of the Anti-Corruption Commission.

Now we look forward to the Government's reform program for the four years of this term. I know Mr Deputy President (Hon Barry House), that as a member of the relevant joint standing committee you would be particularly interested in the Government's comprehensive reform program. The Government made a commitment along the following lines -

During this term, the Government will begin the process for a people's convention to review both the state and the Australian Constitutions.

It does not say that the Government will get around to holding a people's convention within four years - heaven forbid; it says that the process will begin for a review of both the State and the Australian Constitutions. No doubt the Government wishes to indicate here its absolute abhorrence of the policy of the Federal Government in providing only nine representatives from Western Australia to the Australian Constitutional Convention. Nevertheless, without a definite time scale and without any terms of reference this promise is very limited.

The Government's second undertaking was that it would consider the issue of electoral reform. We have had an unhappy saga with electoral reform from the coalition parties, although I must say that the National Party has been more progressive than the Liberal Party in the past. Last year the Premier promised reform of the Legislative Assembly. I was never sure whether he was referring to the pact with the National Party that I understand has been repudiated by the lay organisation of the National Party, although entered into evidently by its parliamentary representatives, that there should be equality of numbers with a plus or minus 20 per cent variance for Legislative Assembly seats. It seemed at the end of last year that the Premier was hinting that this would be a 15 per cent variance rather than a 20 per cent variance.

Nevertheless, earlier this year the new Minister for Parliamentary and Electoral Affairs, Mr Shave, referred to the Government's intent. In *The West Australian* of 11 February Mr Shave said that the Government would introduce an electoral amendment Bill this year to bring in a form of one-vote-one-value for the Legislative Assembly that would recognise the interests of country voters. That was the promise. Between 11 February and the Governor's speech on 6 March that promise was altered to a commitment to consider the issue of electoral reform. We are not quite sure what happened! I note that the Minister for Parliamentary and Electoral Affairs did issue a warning in the popular Press. He stated that electoral reform would be shelved if the Court Government's move to one-vote-one-value met with unreasonable opposition in the Legislative Council. This was the pretext that unnamed forces who may enter this Parliament could be unreasonable in Opposition. We need only refer to the popular Press to find what may have been the unreasonable opposition. An article in *The West Australian* of 17 February states -

National Party State president, Mr Dexter Davies, told *The Australian* yesterday his party's State council had last week unanimously resolved to support the retention of the existing vote weighting for rural and regional Western Australia.

"It's (vote weighting) nearly the holy grail of the National Party in the Parliament.", he said. "It's very close to why we're there - to provide representation for country people."

Unreasonable opposition may prevent the passage of this legislation. We look forward to seeing whether the lay National Party or the parliamentary pact initialised by the parliamentary representatives of the National Party will prevail and whether any of this will affect the Legislative Council.

Hon Murray Montgomery: Obviously you have made a very subjective assessment of what may have gone on.

Hon J.A. COWDELL: On the contrary, I was pointing out the effectiveness of the minor parties and their impact on electoral reform.

However, there are more electoral reforms in this comprehensive program to grip a populace ready for good government on the basis of the Commission on Government outline! A government records Bill will be introduced and the oath of allegiance for Ministers will be toughened. I understand they have trouble reading the oath at the moment, let alone when it is toughened. Nonetheless, these two impressive reforms will be enacted. We may have a people's convention some time in the next four years, but no promise has been made. We will consider electoral reform, have a government records Bill and toughen up the oath of office.

The only unfortunate aspect of this comprehensive program is that it leaves a few items unaddressed as you, Mr Deputy President, will be aware, having served on the Commission on Government Joint Standing Committee. They include: The enhancement of the operation of the Freedom of Information Act under recommendations 5 to 10 and 17; the introduction of privacy legislation, recommendation 4; improving accessibility of Cabinet records, recommendations 13, 14, 15 and 16; increasing ministerial and departmental accountability to Parliament, heaven forbid, recommendations 23 to 27, 30 and 31; the enactment of an Auditor General Act, anathema to and specifically rejected by the Government, recommendations 32 to 37; and the introduction of electoral reform of the Legislative

Assembly and the Legislative Council, as I said, now in doubt according to the Governor's Speech. Certainly no commitment has been made.

The Government has never made a commitment to reform of the Legislative Council except with respect to staggered terms. I notice that the Minister put that on the agenda. Other recommendations not addressed are the defining of parliamentary privilege and establishing a right of public redress, recommendations 60 to 65; strengthening the Anti-Corruption Commission, which would involve the implementation of recommendations 68 to 70 and 83; and the enactment of a public interest disclosure Act to protect whistleblowers, recommendations 72 to 82. Recommendations 190 to 192 on enhancement of parliamentary scrutiny of the Executive were not considered relevant.

Further regulation of political donations and finances according to recommendations 128, 134, 142 and 145 has been conveniently overlooked. No mention is made of the enhancement of the role of the Ombudsman. We are aware of the comments of the Ombudsman on his departure over the Government's failure in this area with respect to recommendations 151 to 154 and 158.

The list goes on: The development of a parliamentary and local government code of conduct, recommendations 159, 160, 163 and 166 to 169; and ensuring the financial independence of Parliament. The Government in its formal response said that this was a matter for Parliament. Parliament appropriates the money; it is nothing to do with the Government! Therefore the financial independence of Parliament is dependent on Parliament doing something, not the Executive Government. Therefore recommendations 170 to 172 were dismissed.

The list continues: Have Parliament endorse the caretaker convention. The caretaker convention may be a problem. We were told in the dying days of the Lawrence Government how terrible it was that the caretaker conventions were not enshrined in any legislative form. Only a memorandum from the then Premier, Dr Carmen Lawrence, was distributed indicating an appropriate code of conduct. The Government has adopted that memorandum as more than adequate and sees no need for Parliament to endorse caretaker conventions.

Other unaddressed recommendations are: Regulation of government advertising and travel, recommendation 183. There is no need to impinge upon the free flow of ideas into the community marketplace, particularly as backed by the State Treasury to the tune of, I think, \$22m a year in government advertising. The proposal that the Government media service be regulated, recommendations 193, 194, 198 and 200, was not addressed by the Government; nor was the establishment of an administrative review tribunal, recommendations 204 to 214. The proposal to make public ministerial directions in the *Government Gazette*, recommendation 218, was not addressed. Tightening financial disclosure provisions for members of Parliament under recommendations 222, 224 and 225 was not addressed. The proposal to prevent ministerial conflicts of interest was once again not addressed.

Another recommendation not addressed is the introduction of civics education. Hon Derrick Tomlinson will be well satisfied with the Government's response to this. Advice that the old Hale School building across the way was being renovated as a constitutional history museum was the response to recommendation 253, and was seen as more than adequate.

An official review of the implementation of COG recommendations - an official review of the score sheet - was dismissed out of hand.

Regarding consolidation of the WA Constitution, we would not want to show the electorate what is in the WA Constitution! I think the Government is correct in the light of the current Constitution. Recommendations 245, 257 to 263 were not acted upon. Vague reference is made to the summoning of a people's convention. No assurance is given with respect to any submission of clauses to the people at a referendum.

We can all be satisfied with the comprehensive manner in which the Government has addressed the issue of good government on which it so proudly went to the people in 1993 and averred again with the "guilty party" advertisements in the more recent state poll.

As I say, the recommendations of the Commission on Government are, according to the Government, more than adequately addressed by the government records Bill and a toughening up of the oath for Ministers! As the Governor said in his address, these Bills illustrate the coalition's commitment to an ongoing interaction with the people.

So, we have the promissory note. Of course, other electoral reforms are necessary, and I will bring them to the attention of the House later in the session.

Answers to questions in this place in the past couple of days indicate that 5 986 provisional votes were issued in the recent state election, but only 490 were counted as valid. This compares with commonwealth figures for Western Australia of 19 889 provisional ballot papers having been issued and 12 936 being counted as valid. This suggests

that there is cause for concern about the operation of the WA system for provisional votes. Obviously, one provides a facility and one does not.

The Minister said that the Government would not increase the candidate nomination fee to \$500; it would be generous and increase it from \$100 to \$250 to keep the nutters away. The Minister told us that there was no need to emulate the Commonwealth in relation to refund provisions. As I recall that section of the commonwealth Act, if a candidate attracts four per cent of the vote for the lower House or the upper House, the deposit is refunded. Of course, in Western Australia the candidate must attract 10 per cent or more of the votes for the Legislative Assembly or five per cent or more for the Legislative Council. The Minister told us not to worry about that. I drafted an amendment and was told that I could not move it because the Committee was not dealing with the clause to which it referred, but I did not need to worry because no-one would be caught.

However, the figures are rather instructive when one looks at the number of people who were caught. One finds that the Government reaped about \$30 000 from unsuccessful candidates; that is, over 120 candidates lost \$250. It was less important when the amount was \$100. One also finds that 63 candidates attracted more than four per cent of the vote. Under the commonwealth legislation, they would have been entitled to a refund. There were 26 Australian Democrats candidates, 19 Greens candidates, two National Party candidates, one Australia First candidate, two Citizens' Electoral Council candidates, one Australian Marijuana Party candidate and 12 independent candidates.

Hon Derrick Tomlinson: What, no Liberals?

Hon J.A. COWDELL: The Government told us that we would not need to worry about it. Obviously, in government parlance, it did not affect anyone who counted.

We must reform the Electoral Act. Our legislation should have the same provision as that in the commonwealth legislation vis-a-vis assistance to disabled or illiterate electors. It is confusing that we have one rule in the commonwealth legislation and another in the state legislation. The commonwealth provision is more than adequate. It provides that an illiterate or disabled elector may take someone of their own choice to assist them in casting their vote. If no-one in that category is available, the presiding officer at the polling centre may complete the ballot paper according to the instructions of the elector. It has always seemed sensible that we have the same provision as that in the commonwealth legislation in that regard.

I draw members' attention to the fiscal situation. The Governor's speech refers to the poor deal the Government is getting from the Commonwealth. I trust the Government will display a similar amount of energy and enthusiasm in mounting a campaign on this matter as it did in relation to road funding from the previous Federal Government. The Government managed to find over \$600 000 to mount a campaign against the Federal Labor Government's allocation for the Fix Australia: Fix the Roads program. The coalition Government in Canberra has a much harsher policy, but suddenly there is no need to allocate anywhere near \$600 000 to undertake a campaign - it is no longer in the State's interests. The State is getting less but it is now no longer in the State's interests to protest - certainly not using taxpayers' funds.

The Governor's speech refers to the excellence in management of our fisheries. The Government should take a closer look at the Fisheries Department and some of its practices before it makes such a sweeping statement.

Reference was also made to Aboriginal affairs. We will have a full time chairperson for the Aboriginal Justice Council - this is the major initiative in this area. The State will continue to press the Federal Government for fair and workable native title legislation, which in state parlance means rights to visitation provided one does not intrude too much on a pastoral property.

The speech also contains the promise of a school education Bill - after reference to the Government's magic late start scheme and all the advantages it will confer. The Government must address school education in greater detail, particularly in light of the change in federal funding under Dr Kemp and the effect that will have on state schools. While attending school speech nights and prize presentations, members will have seen the state of some of our schools, particularly our state high schools. Some are haemorrhaging in a major way when compared with private schools. They cannot provide anywhere near a full range of TEE subjects. Of course, this is causing a domino effect: The best students go to private schools and the state schools are being left with reduced numbers and a smaller range of subjects. The State should look closely at the ACT and Tasmanian systems, where lower secondary school is separated from upper secondary school. We should consider the college system. It may be the only way to save our state high schools.

Hon Derrick Tomlinson: That has been done at Ballajura.

Hon J.A. COWDELL: It is being done in a few areas. I tried last year to get a comprehensive statement of the Government's policy, because I observed the operation of North Lake, Canning and Tuart colleges. Excellent work is being done, but I could not get a statement of the Government's approach to other areas. For example, it is

suggested in Mandurah that instead of providing another high school, the two existing high schools become effectively junior high schools and the college deal with all year 11 and 12 students in Mandurah to provide a comprehensive range of subjects. This could compete effectively with the private schools. I would hope to hear some statement from the Government in this regard.

Hon Derrick Tomlinson: I hope you're talking about quality of education.

Hon J.A. COWDELL: I am talking about the deterioration and haemorrhaging of the state system as there is a changeover to the private sector.

Hon Derrick Tomlinson: Are you saying that the state schools are not good enough?

Hon J.A. COWDELL: I say they are in danger of being second class schools. With the recent federal funding cuts, we need innovation to make public schools as attractive to parents as they were in the past. If we do not come up with some policy initiatives in this regard, they will continue to haemorrhage and be seen as a second class system. The State must address that problem with some innovative policy.

The Governor's speech mentions the environment. A little padding is placed under the environmental heading by stating that the Water Legislation Amendment Bill will be reintroduced to curb water theft, which is estimated to cost the State \$2m a year. It is an important environmental initiative, and no doubt a singularly important one under this Government.

I am not aware that legislation for the National Environmental Protection Council has passed. Certainly, areas of concern have arisen relating to the adequacy of our parks and reserves and the creation of new ones. Other areas require initiatives. The Government has committed itself to addressing the problem of contaminated sites, as it did three or four years ago; however, we are still waiting for that legislation.

The Governor's speech has a general heading of "Other Initiatives". All the great raft of assistance to small business on which the Government prides itself comes under "other initiatives" - only one initiative is listed for small business.

Another petroleum health and safety Bill is to be introduced, and one wonders why we had a debate last year about putting safety before health at the Government's insistence as the new Bill will revert to the old form.

The Government's overview and outline of its program for the next four years is very limited, particularly with proposals for accountability and good government, the Fisheries Department, Aboriginal affairs and education. Also, the whole health system is mentioned in only one line. I have mentioned the inadequacies of the Government's environmental policy.

I conclude by referring to some matters of concern to my constituency. The natural environment in the Peel region, and Mandurah in particular, is under threat. This environment will deteriorate greatly under this Government. We have the new Peel regional structure plan. The Government, to give it credit, has made some initiatives with the Peel regional park, but it is still on the drawing board five years after the first promise was made. We still hope for the Peel regional park.

A stark contrast is evident between the policy of the Labor Party and the coalition Government on the Creery wetlands. The Government is on a collision course with the City of Mandurah on this issue. The City of Mandurah, under the town planning scheme, has zoned the wetlands as a rural area and not for future urban development. The Government with its regional plan, on the other hand, has indicated at the highest level that it supports most of the wetlands being converted to urban use. This is in direct opposition to the will of the citizens of the City of Mandurah as expressed in the last referendum on this matter. The Government is using the regional plan to override the City of Mandurah and the will of the ratepayers as indicated at referendum.

Of course, this is not the only example of concern for the natural environment in the Mandurah area. If one looks at the regional plan, one asks why a buffer zone is not found between the City of Mandurah and the City of Rockingham. The planner's answer is, "We did not get around to it in time and urban infill took place, so we wiped it off the plan. Therefore, there is no buffer zone."

What is going on in the middle of the Yalgorup National Park, where one finds Lake Clifton, recently of bikie fame. This is the location of the unique thrombolites or stromatolites. A major development is taking place with no protection at all. We have a national park which the Government is almost completely neglecting. It is riddled with housing and commercial developments and will be the scene of a major catastrophe because of absolute neglect by the Government. This is neglect, whereas the Creery wetlands matter was a willful arrangement between the Government and the developer.

We also have the proposal for the development of Point Grey and industrial areas in Erskine, courtesy of Minister Lewis, next to housing estates. All these matters are of concern to electors and residents in the Peel region.

I cannot conclude without mentioning local government boundaries. We have an inquiry at the moment into some of the boundaries, particularly in the south west region. To date the Government has produced no initiatives for viable local government units. I am not referring here to the Shire of Peppermint Grove. When one looks at Mandurah-Murray, as one example, it is ludicrous that the suburbs of Mandurah which are in the Shire of Murray are not under the jurisdiction of the City of Mandurah. In fact, we have a similar problem to that faced by the Shire of Harvey, which discovers that, through Australind, it is being run by the suburbs of Bunbury, and the people of the shire do not like it. Of course, that immediately leads some people to argue that Australind should be jettisoned and it should gobble up the Shire of Waroona. The Shire of Waroona views that with horror and suggests that it would rather be gobbled up by the Shire of Murray than the Shire of Harvey. There is certainly a need to adjust boundaries in that instance and I believe the correct course would be to adjust the Mandurah-Murray boundary perhaps as far as the new proposed freeway route and combine the Shire of Waroona with the Shire of Murray. A week ago I was in Albany where once again the favourite show in town, the shire versus the town, was off and running. On this occasion they were squabbling over the contribution each would make towards SBS Radio and Television coverage. The shire was complaining that only 38 per cent of its population would be covered and so it should not have to contribute 50 per cent.

In many of these regional centres the local government entity does not have sufficient size or critical mass to perform key local government functions. That must be addressed. We passed the Local Government Amendment Bill, which included many worthwhile changes. However, the Government now needs to address, as the Kennett Government has addressed, viable local government boundaries. I hope that this Government addresses that situation in order to set up viable local government units, particularly with regard to the added responsibilities relating to environmental planning and so on.

I can only express sympathy for the Shire of Kojonup's letter. I do not want to intrude into Hon Bruce Donaldson's electorate or the electorates of others. However, it seems with its loss due to nonrecoverable debt from an abattoir, it would be generous of the Government to make up that amount.

Hon B.K. Donaldson: If the previous Government had done its job properly that would not have happened.

Hon J.A. COWDELL: Hon Bruce Donaldson seems to be churlish about local government on this occasion and it ill suits him to deny justice to the Shire of Kojonup in his electorate.

Hon B.K. Donaldson: The previous Government dragged its feet.

Hon J.A. COWDELL: I am sure Hon Murray Criddle would not be so parsimonious to his constituents in the Shire of Kojonup!

Hon B.K. Donaldson: I have great sympathy for them. I blame the previous Government.

Hon J.A. COWDELL: I assure Hon Bruce Donaldson that they are due much sympathy for a number of reasons. I hope representation is not one of the reasons.

I conclude by referring to the Mandurah and the Peel region transport situation. I know you, Mr Deputy President (Hon Barry House), were involved to some degree in controversy by wanting to name the Bunbury road the Forrest highway or something like that, ignoring completely the Peel region in preference to Bunbury yet again. However, the Government at this election - I am not criticising it in this regard - made pledges for freeway and railway extensions to the north and completely ignored the outer southern metropolitan region and the regional centre of Mandurah. During the election campaign the Government did not address the rail extension and made no promises. The freeway extension has been a hot topic of debate with the Government promising it will reach Folly Road, about halfway to Pinjarra Road, by 2005. We were told recently by the Parliamentary Secretary, Arthur Marshall, that only the most despicable people would play the north-south card in order to get a freeway or rail system to Mandurah. It is fortunate that Hon Roger Nicholls, the Chairman of the Peel Development Commission and a number of eminent conservative identities embraced this argument as the last argument they could use to try to persuade the Government to address the rail and road transport needs of the southern corridor.

Having addressed a number of relevant items pertaining to the Governor's speech on electoral initiatives and the deficiencies of the Government's program in a number of key areas, I bring to the Government's attention initiatives that need to be carried out in the Peel region. These include securing the natural environment of that region, particularly the Creary wetlands and the Yalgourup National Park, the rationalisation of local government boundaries, and the rail and road transport needs of the area. The road to Bunbury is progressing well, although there is a gap when one gets anywhere near Mandurah.

The constituents of the area look forward to seeing what course the Government will take on the Peel region structure plan. Mr Deputy President, you are aware of the interest in this regard as you with due elucidation managed to convey to the electors prior to the poll the Government's vision for the region, particularly for some of the property holders at Pinjarra. They continue to be keenly interested in what will happen to their properties although not interested enough to change their vote other than to go to the Australia First candidate before coming back to the officially endorsed Liberal candidate for the area. Nevertheless, there are people who are in urban areas essentially who are adversely affected and it would be remiss of the Government to permit housing developments on bush areas such as the Creary wetlands while compulsorily resuming at considerable cost small five acre farmlets on areas that have been degraded environmentally. The Government needs to use the Peel region structure plan in a constructive way, not to throw people off their farms but to conserve existing bushland which the electors have indicated they are far more interested in having as part of a regional park. With these few comments I commend these matters of concern to the Government.

Debate adjourned, on motion by Hon Bob Thomas.

WESTERN AUSTRALIAN SPORTS CENTRE TRUST AMENDMENT BILL

Second Reading

HON N.F. MOORE (Mining and Pastoral - Minister for Sport and Recreation)[9.20 pm]: I move -

That the Bill be now read a second time.

The Western Australian Sports Centre Trust, which has management responsibility for Challenge Stadium - formerly the Superdrome - has for many years experienced traffic problems at the venue caused by patrons parking on roadways, in the internal drop off-pick up area at the front entrance, and in various hazardous positions in the car park areas. Such parking causes hazardous and potentially dangerous traffic situations, particularly during peak periods when many children are being picked up or dropped off by parents.

Various solutions have been tried, including signage, the application of notices to vehicles, and personal confrontation. However, these have all been ineffective because it is commonly well known that Challenge Stadium does not have the power to issue infringement notices or remove vehicles. The Western Australian Sports Centre Trust wishes to amend the Western Australian Sports Centre Trust Act to provide it with the necessary power to adequately control parking at Challenge Stadium.

Generally, the amendments to the Act will provide the trust with the power to issue parking infringement notices by an authorised officer, impose a financial penalty for parking offences, and remove a vehicle by an authorised officer. The imposition of parking fines is intended not as a revenue opportunity but as a deterrent to assist in the control of parking to eliminate the potentially dangerous traffic situations at Challenge Stadium. Any net revenue from the imposition of parking fines will be returned to consolidated revenue.

With the staging of the Eighth World Swimming Championships at Challenge Stadium in January 1998 there is an even greater necessity to resolve this matter now. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

House adjourned at 9.22 pm

QUESTIONS WITHOUT NOTICE

Ms PATTI MOSTYN - CONTRACTUAL ARRANGEMENT

35. Hon TOM STEPHENS to the Minister for Tourism:

Does the Minister now have an answer to question 30 asked yesterday regarding Patti Mostyn?

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

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) Yes. The Western Australian Tourism Commission is paying for the services of Ms Patti Mostyn in connection with the filming of the television commercials involving Elle Macpherson.
- (2) The Western Australian Tourism Commission.
- (3) The period of her contract is 29 January to 28 February 1997.
- (4) The terms and conditions are -
 - (a) Period of contract: 29 January to 28 February 1997.
 - (b) Schedule of payments: Signing of agreement, \$10 000; Arrival in Perth, 16 February 1997, \$5 000; Conclusion of contract, \$5 000. In addition, Ms Mostyn was reimbursed for expenses such as meals, telephone, etc in the performance of her duties and the WATC paid for all airfares associated with her performing her duties.
 - (c) Duties: To act as the personal publicity consultant to Elle Macpherson for the production of the Elle Macpherson tourism commercials.

Ms Mostyn secured national exposure for WA with *A Current Affair*, estimated value of \$34 200, and News Ltd. She has negotiated a feature story in the international Australian Magazine "Australian Style" featuring WA and the production of the commercials. In addition, she has secured various other international publicity for WA using the film shoot as a catalyst.

Ms Mostyn's primary role was to add considerable publicity value to the State's tourism promotion. She was also responsible for looking after the personal publicity issues of Ms Macpherson.

When the *New York Times* became aware that Ms Macpherson was promoting Western Australia, it sought information about Western Australia which resulted in a four page supplement in its travel section with full colour photographs of Western Australia. It is impossible to buy that sort of publicity. It was valued at \$150 000. That sort of publicity became available to us free of charge by virtue of Ms Macpherson's involvement. Ms Mostyn was not involved in that promotion, but I use that as an example of why a publicist is important on these occasions.

Hon Tom Stephens: I wonder whether the *New York Times* covered the bashing of that journalist.

Hon N.F. MOORE: Hon Tom Stephens should not make comments about that because neither he nor I know the truth about the matter. It will be investigated by the police and when they make a decision, we will all know the truth. The member and I both know that one should never believe everything that one reads in the newspaper.

Hon Tom Stephens: I have begun to notice that.

Hon N.F. MOORE: Good. Having a publicist is important in the context of additional publicity surrounding the activities of the person making the commercial.

- (5) It is an additional payment.
- (6) The Western Australian Tourism Commission's budget.

HEROIN - AVAILABILITY

Government Action

36. Hon J.A. SCOTT to the Attorney General:

I refer the Attorney General to the current large amount of high grade, low price heroin available on Perth's streets, and the deaths of a number of young people from heroin overdose, and ask what steps have been taken to -

- (1) apprehend the importers of heroin and their financial backers;
- (2) prevent the distribution of heroin;
- (3) prevent the distribution of heroin in prisons;
- (4) improve access to the methadone program and counselling services; and
- (5) provide rehabilitation programs in prisons?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

I must preface the answer by saying that it is not as long as it could be. The questions raised by Hon Jim Scott could take up one hour of debate. I will keep the answer brief.

Hon John Halden: That will be novel.

Hon PETER FOSS: Yes, it will be. I warn members that the response is a cursory covering of some of the points, because it is such a broad question.

- (1) The importation of drugs into Australia falls within the jurisdiction of the Australian Federal Police. In Western Australia drug squad operations target upper echelon drug dealers who distribute all manner of drugs, including heroin. Where intelligence or inquiries identify persons or offenders involved in the importation of drugs, strategic partnerships are formed with the Australian Federal Police, Australian Customs Service and other relevant law enforcement agencies as required. The conduct of operations in pursuit of these offenders is ongoing.
- (2) The Western Australian Police Service has been concerned for some 12 months about an apparent increase in the quantity and quality/strength of heroin available at street level. Initiatives undertaken to combat this situation include -
 - (a) Commenced testing the strength of heroin and other drugs seized and where higher than usual purity is detected, disseminate that information as a warning to user groups.
 - (b) Frequently provide media releases for electronic and print media to warn illicit drug users to be cautious of the purity of drugs or impurity of additives to drugs which may be supplied at street level.
 - (c) The drug squad has received a substantial increase in resources to address this issue and has commenced numerous operational initiatives.
- (3) The ministry employs a range of strategic and operational measures to identify and reduce drugs entering prisons including -
 - Active participation in the national drug strategy.
 - Seeking best practice measures from other jurisdictions.
 - Random and targeted strip searches of visitors and refusal of admission to the prison if the visitor refuses to submit to a search.
 - Random and targeted strip searches of prisoners.

Strip searches of all prisoners on admission.

Surveillance cameras in major secure prisons and staff observation in visits areas and other locations to monitor movements and contacts.

Use of information gathering/intelligence processes.

Random searches of staff and checking of all staff bags on entering and exiting prison.

Restriction in the movement of goods into and out of prisons.

Use of drug dogs in cell, workshop and general prison area searches.

Cell, workshop and general area searches by prison officers.

Random and targeted urinalysis testing of prisoners.

Installation of a controlled telephone system for prisoners.

There has been some suggestion in the newspaper that everybody should be strip searched when visiting prisoners. The results of urinalysis have shown that about 6 per cent of prisoners use opiates. That means that 94 per cent of prisoners are not using opiates. Most of the people who attend prisons on visitors' days are the same sorts of people one would see if one visited a hospital. They are the families of prisoners. To be effective we would require not only a strip search but also oral, vaginal and rectal searches. I do not think it is appropriate to submit prison visitors to those sorts of searches in order to discover drugs. Similarly, large quantities of goods are taken into prisons each day and if a person has access to those goods, especially packaged goods, it is possible to smuggle drugs into prisons in that way. The practicalities of searching visitors are significant.

- (4) The Director of Health Services advises that the current access arrangements are considered appropriate. The results of several studies into methadone programs, over a period of several years, do not indicate success in breaking the cycle of criminal activity associated with drug use.

In particular, the New South Wales Prison Service has the methadone program. Over the past nine years 11 studies have been conducted which have shown no benefit whatever from one program. The problem with methadone is that it is more addictive than heroin. Western Australia provides methadone in prisons to three classes of prisoner: Pregnant women, so they do not go through withdrawal symptoms during the course of the pregnancy; HIV positive prisoners, so there is less of a possibility of the spread of HIV; and short-term prisoners who are already on the program outside the prison. We will keep the program under review; however I do not believe that the methadone program is a suitable alternative, or that it will solve the problem.

As the Acting Director General of the Department of Corrective Services, Dr Michael McCall started an extensive change in drug programs in prisons that, in the long term, will be effective. It is a mixture of incentives and disincentives, and also a matter of listening to the prisoners and what they believe will assist them. It seems a very simple concept, and, believe it or not, it has produced some ideas about how we can help. We have some chance of helping the many prisoners who wish to stop their dependency. We are wasting our time on those who do not want to stop their dependency. It is like trying to give up cigarettes, where many people cannot give them up. However, if someone does not want to give them up he will not achieve anything.

- (5) Drug use rehabilitation programs are currently provided in most prisons throughout the State and it is anticipated they will be extended to all prisons in the near future. Programs include relapse prevention, identifying high risk situations and the provision of coping skills. Prison-based programs also provide through care to offenders on parole.

PRISONS - MAXIMUM SECURITY

Overcrowding

37. Hon N.D. GRIFFITHS to the Minister for Justice:

Is it true the State's maximum security prisons - Casuarina and Canning Vale - are operating at full capacity and holding more prisoners than is operationally prudent?

Hon PETER FOSS replied:

No, I do not think they carry more than is operationally prudent, although they would contain more than they were designed for. Western Australian prisons allow what is called double bunking. In many circumstances double

bunking is considered to be a possible security factor. However, Western Australia has a high Aboriginal population and double bunking in prison cells is seen as beneficial by Aboriginal prisoners. They are not keen on being locked in single cells. It is always a little difficult to estimate exactly what is the security effect of overcrowding in a prison. That applies to not only the cells but also the rest of the prison. To the extent it results in double bunking by Aboriginal prisoners it is often quite beneficial because of their desire to double bunk. Qualitatively I do not agree with overcrowding but would not be at all surprised if most prisons housed more than their designed capacity.

FISHERIES DEPARTMENT - PINK SNAPPER

38. Hon KIM CHANCE to the Leader of the House representing the Minister for Fisheries:

- (1) Is it the intention of the Fisheries Department to stop all taking of pink snapper in the Shark Bay area between Cape Peron and Carnarvon?
- (2) If so, have discussions been held with management at the Monkey Mia resort on the impact of the closure on their business? If not, why not?
- (3) Have concerns been received by other people about closure regarding this species?
- (4) In what other areas of the Western Australian coastline is the taking of pink snapper to be banned or reduced?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(3) Management options are being considered for two inner Shark Bay snapper stocks about which a range of discussions have been held and a number of submissions received.
- (4) No further management of pink snapper stocks is under consideration.

WOMEN'S SUFFRAGE CENTENARY 1999 - PLANNING

39. Hon CHERYL DAVENPORT to the Minister representing the Minister for Women's Interests:

Further to my question without notice of 18 September last year, as it is now less than two years away -

- (1) Has the preliminary planning for the women's suffrage centenary in 1999 concluded?
- (2) Has the Minister appointed a formal committee drawn from bureaucracy and community representatives?
- (3) If so, will the Minister table the names of the committee members together with their expertise?
- (4) What status does the committee have?
- (5) Does the Minister intend to provide funding to enable the preparation of the historical record of women's participation in the political process during the hundred years since suffrage was granted?
- (6) If so, what amount of funding will be available?
- (7) If not, why not?
- (8) What other events or research are being considered that will enable active participation for Western Australian women?
- (9) What private sponsorship has been identified for suffrage events?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Yes.
- (3) Yes. I seek leave to table the attached list of members.
Leave granted. [See paper No 324.]
- (4) Appointed by the Minister for Women's Interests and endorsed by Cabinet.
- (5)-(7) Funding is now being determined by the budgetary processes.

- (8) Preliminary planning is still in progress.
- (9) Private sponsorship is still to be considered by the suffrage committee.

WESTERN AUSTRALIAN INDUSTRIAL RELATIONS COMMISSION - UNFAIR DISMISSAL APPLICATIONS

40. Hon CHERYL DAVENPORT to the Minister representing the Minister for Labour Relations:

How many unfair dismissal applications were lodged in the Western Australian Industrial Relations Commission in January 1996 and January 1997?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

January 1996 71.

January 1997 162.

ELECTORAL ROLL - REMOVAL OF NAMES

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

- (1) How many electors were removed from the Western Australian electoral roll as a consequence of their failure to enroll to vote and to respond to official correspondence following the 1996 federal election?
- (2) On what date were those names removed from the roll?
- (3) Were the names of these electors cross-checked with the attendance roll of the state election on 14 December 1996 prior to removal? If not, why not?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. As it will take a considerable time to research and collate the answer I ask the member to place his question on notice.

CONSERVATION AND LAND MANAGEMENT ACT AMENDMENT - MARINE PARKS

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

Can the Minister confirm that the Government intends to introduce and pass legislation through this House before 22 May 1997 which will seek to amend the Department of Conservation and Land Management Act to curtail access by professional fishermen to some areas of marine parks, but which will also seek to free up access by mineral and petroleum explorers into these same parks?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

The Government intends to introduce an Acts Amendment (Marine Reserves) Bill into the Parliament as a matter of priority. The principal objectives of the Bill are to establish a marine parks and reserves authority as a vesting and advisory body for marine reserves; provide for a new reserve category to be known as a marine management area; and introduce an exclusion and permissible zoning scheme for marine parks to provide clear arrangements for conservation, fishing, petroleum, mining, tourism and recreational interests.

Consistent with the Government's environment platform, these amendments will enable a major marine conservation reserve system to be established for Western Australia.

EDUCATION - YEAR 10 STUDENTS

Standard of Reading

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

- (1) Will the Minister confirm that the standard of reading of year 10 students declined in government schools during 1992 to 1995 in all categories assessed; that is, female, male, Aboriginal and non-English speaking background?
- (2) With Education receiving more than \$1.2b a year, how does the Government justify this enormous outlay when the outcome for this expenditure has been deteriorating in this vital area?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No; it cannot be confirmed that the standard of reading of year 10 students has declined.

Hon John Halden: The annual report refers to it. You may want to read it.

Hon N.F. MOORE: The statistical variation in these figures is insignificant when allowing for inherent margins for error in the data collection process. This statistical variation does not indicate a real decline in literacy standards. In fact, monitoring standards in education data collected in 1995 shows that overall 90 per cent of Western Australian students are performing at or above expected literacy standards. Some of the statistics are as follows -

	Girls	Boys	NESB	ATSI students
1992	541	513	435	500
1995	535	501	441	498

- (2) The Government does not consider that reading standards of school children are declining, although it acknowledges that there is room for greater improvement and is implementing strategies to ensure this occurs, both at the state level and on a collaborative basis with other States and Territories and the Commonwealth.

These strategies include programs such as First Steps, the early literacy project and the early childhood education program, which is ensuring early identification of literacy difficulties in young children and subsequent intervention. In addition, the Government will provide an extra \$2.6m for a Literacy Net program using strategies such as reading recovery to target those children who for whatever reason are having difficulties grasping the fundamentals of literacy.

A national strategy for improving literacy standards across Australia with Education Ministers from all States and Territories and the Commonwealth will be discussed on Friday. Western Australia is totally committed to the national priority of improving the literacy standards of our young students.

ALCOHOL AND DRUG AUTHORITY - DETOXIFICATION COSTS

44. Hon KIM CHANCE to the Minister representing the Minister for Health:

I refer the Minister to the performance indicators in the Western Australian Alcohol and Drug Authority Annual Report of 1996.

- (1) What savings or efficiencies have been implemented to allow the residential detoxification cost per occupied bed per day to fall from \$314 a day in 1993-94 to \$272 a day in 1995-96?
- (2) What savings and efficiencies have been implemented to allow the methadone program cost per client per day to fall from \$4.30 in 1993-94 to \$4.21 in 1995-96?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) Residential detoxification efficiencies implemented are: Reduced length of stay, established specialist out-patient service for clients after discharge, and reduction in the number of staff required on duty to manage changes in the treatment program. Client satisfaction and the quality of service continues to be monitored and results demonstrate a positive outcome.
- (2) Methadone program efficiencies implemented are a result of introducing procedural and structural changes in the delivery of services.

PORT KENNEDY - LAND SALES

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

With regard to the Minister's answer to my question without notice of 11 March 1996 in relation to Port Kennedy and the sale of land -

- (1) Is the Minister obliged to inform the Minister for Lands when he is made aware of a breach of the Sale of Land Act 1970 - clause 13?

- (2) Who is responsible for ensuring that the Sale of Land Act 1970 is complied with?
- (3) Who is the current proprietor of the land which has been sold at Port Kennedy?
- (4) Does the Port Kennedy Development Agreement Act 1992 allow the developer to sell land before it is granted freehold title?
- (5) Will the Minister for Planning take all reasonable steps to ensure that the intent of the Act is complied with; in particular I refer to the use of the land for residential housing?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

- (1) Yes.
- (2) The Minister for Lands and the Department of Land Administration.
- (3) The Crown is currently the proprietor of the land for which Port Kennedy Resorts Pty Ltd has advised that conditional contracts for sale of house and land packages have been entered into.
- (4) The Port Kennedy Development Agreement Act 1992 is silent on the matter of land sales.
- (5) Yes.

LAND - CROWN RESERVES

Income

46. Hon JOHN HALDEN to the Minister representing the Minister for Lands:

- (1) How many crown reserves were sold in 1995-96 and what was the revenue received by the Government from the sale of those reserves?
- (2) How many crown reserves were earmarked for sale in this period and what was their estimated value?
- (3) Were all crown reserves sold in the above period the subject of consultation with the relevant local government authority and the local community, offered back to the original owners in the case of previous resumption orders, and/or considered for possible amalgamation with actual dedicated parks or recreational reserves?

Hon MAX EVANS replied:

I thank the member for some notice of this question. As it will take considerable time to research and collate the answer, I ask him to place it on notice.

ENVIRONMENT - BROOME

Elle Promotion, Sand Dune Damage

47. Hon TOM STEPHENS to the Minister for Tourism:

Some notice of this question has been given. Regarding the film shoot recently held in the sand dunes at the northern end of Cable Beach for the Elle campaign -

- (1) Who was notified about the use of this site for the film shoot?
- (2) What precautions were taken to ensure the dunes would not be damaged?
- (3) Did the crew seek permission to use the site?
- (4) Did the crew notify relevant authorities that a marquee would be used during the shoot?
- (5) Has any assessment of the damage caused during this shoot been made by the Government?
- (6) If yes, what steps have been taken to repair the damage to the dunes?

Hon Max Evans: He wants to know why he didn't get an invitation.

Hon Tom Stephens interjected.

Hon N.F. MOORE replied:

The member may spoil the environment. I find the tone of this question unusual, to say the least. I have never seen or heard such a negative response to anything. Here we have people making a film on a beach and we have problems with the sand dunes. Has the member ever been swimming at Cable Beach?

Hon Tom Stephens: I enjoy swimming at Cable Beach very much.

Hon Kim Chance: Next he will be objecting to mining there!

Hon N.F. MOORE: No, he will be saying that making a film is the same as mining.

- (1)-(6) The chief executive officer of the Shire of Broome, Mr George Irving, and the Aboriginal Rubibi working group were both informed prior to filming. Access to the northern end of Cable Beach adjacent to Willie Creek was along the beach due to the extremely high tide that would be encountered that day and they knew all motor vehicle tracks would be wiped away by sea action. After dropping off the film crew, the vehicles were returned to a safe location to avoid the high tide.

With regard to exiting the location, the film crew and all camera equipment were ferried by helicopter back to the vehicles. Access to the road was achieved by driving along an existing and well used track identified and indicated to the group by Mr Graeme Macarthur, a local resident and tour operator, with a letter of permission given by the Rubibi working group to drive in this area. All vehicles followed one behind the other to reduce damage and eliminate any possibility of becoming bogged.

The crew sought permission from both the Shire of Broome and the Rubibi working group. The location was considered to be outside any legal jurisdiction of either party and permission was therefore sought as a courtesy.

A five metre by five metre tent was erected and no permission was sought specifically for the tent as the organisers had been advised that this was outside the jurisdiction of the Shire of Broome by-laws.

On completion of the shoot, all rubbish and materials were cleared away. The beach area was left unaffected. No fires had been lit, no rubbish had been left and no toilets had been dug.

Hon Tom Stephens: What about the damage to the dunes?

Hon N.F. MOORE: The Shire of Broome had no concerns that the beach was in any way denigrated. The high tide that followed washed away all vehicle tracks on the beach area.

Hon Tom Stephens: I asked about the dunes.

Hon N.F. MOORE: The dunes were never used as a camping site. The tent was erected on a spit of sand above the high water mark close to Willie Creek. The only time the crew came in contact with the dunes was when exiting the area on a well-used fishing track. Unfortunately, vehicles could not return along the beach as the water had totally covered any access. There was no damage to dunes and the Shire of Broome has no outstanding concerns in this regard.

HEALTH - MEAT INSPECTIONS

Regulations

48. Hon KIM CHANCE to the Minister representing the Minister for Health:

- (1) Has the Minister tabled regulations which will allow meat inspections to be carried out by persons who have a commercial interest in the abattoir in which the inspection takes place to the extent that they are employees of that abattoir?
- (2) If such regulations have not been tabled, does the Minister still intend to proceed with this policy?
- (3) If so, when can we expect to see the regulations tabled?
- (4) Is it correct that the Western Australian Health Department has already permitted an abattoir or abattoirs to employ their own inspectors even though this is not currently permitted by the Health Act?
- (5) If so, which abattoirs have been permitted to employ their own inspectors and for what reason?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

- (1) No.
- (2) Yes, regulations are being prepared which will adopt the Australian standards relating to meat processing. Under the standards there is an option available to companies to employ their own meat inspectors. However, this option can proceed only under a quality assurance program approved by the Health Department. The Health Department, in approving such arrangements, has developed a policy in conjunction with the Meat Safety Strategy Group, which requires a Health Department or local government meat inspector to be present at an abattoir during processing. I seek leave to table the policy.

Leave granted. [See paper No 325.]

Hon MAX EVANS: The Australian standards relating to red meat processing establishments were approved by the Commonwealth, State, Territory and New Zealand agriculture Ministers for implementation on 1 January 1996. All States have actively pursued amendments to their legislation to adopt these standards. The Health Department has been working to finalise these regulations to give effect to the standards and it is anticipated that these regulations will be promulgated in the near future.

- (3) When the regulations are promulgated they will be tabled in Parliament.
- (4) Yes. The Health Department has permitted Watsons to employ its own meat inspectors as it is not considered in contravention of the current regulations.
- (5) It is intended to permit Watsons Foods to employ its own inspectors. This is likely to come into effect in early April. It has submitted a quality assurance program that is in accordance with the relevant Australian standards. Furthermore, while Watsons will employ its own inspectors, there will be always be one Health Department inspector on the premises who will oversee the operations for compliance with the regulations.

GLOBAL DANCE FOUNDATION - FUNDING

49. Hon TOM STEPHENS to the Minister for Tourism:

Some notice of this question has been given.

- (1) On what basis was the decision made to provide government funding to the Global Dance Foundation?
- (2) Was the decision to provide funding made by Cabinet, the Minister, the Tourism Commission or some other body?

Hon N.F. MOORE replied:

As I have already indicated, I do not have an answer at this time and I suggest that the member place the question on notice.

ADOPTIONS - PRIVATE ADOPTION AGENCIES

50. Hon CHERYL DAVENPORT to the Leader of the House representing the Minister for Family and Childrens Services:

Noting the article "Private adoptions move" in *The West Australian* on 1 January 1997 -

- (1) Has the Minister approved an application for Western Australia's first private adoption agency?
- (2) If so, will the Minister advise under what section of the Act can approval be granted and will she table the guidelines under which such an agency can operate?
- (3) Will the Minister advise the name of the agency, its location and its principal or director?
- (4) On what basis has the Government decided that Western Australia requires private sector assistance in adoptions?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1) No.
- (3)-(4) Not applicable.

LOCAL GOVERNMENT - MANJIMUP SHIRE COUNCIL

*Release of Confidential Documents***51. Hon BOB THOMAS to the Minister representing the Minister for Local Government:**

On 1 November 1996, Mr Stan Stoiche of Manjimup formally wrote to the Minister at his ministerial office requesting he investigate an incident in which Manjimup Shire Councillor Ted Thompson was alleged to have breached section 593 of the 1995 Local Government Act when he improperly released confidential documents containing a legal opinion and advice acquired by the shire in relation to legal action by the shire. To date Mr Stoiche has received no written reply from the Minister who has however verbally informed him that an opinion was tabled at a council meeting and apparently no action is contemplated.

- (1) Can the Minister inform the House on what date the documents were tabled and identify the documents tabled?
- (2) Did Councillor Thompson or any other person provide a copy of the opinion to the defendant, the subject of the legal action?
- (3) Does the Minister agree that the provision of this legal opinion to a person subject to the prosecution by the shire is detrimental to the shire?
- (4) Does the Minister agree that the acquisition of this information would be an advantage to the defendant?
- (5) Is the penalty for a breach of section 5.93 of the Act, \$10 000 or imprisonment for two years?
- (6) Is it the Minister's normal practice to respond in writing to letters alleging a serious breach of the Local Government Act?
- (7) If so, why has the Minister not so responded to Mr Stoiche?
- (8) When will the Minister respond to him?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. As the information requested will take some time to collate, I ask that it be placed on notice.

COMET BAY TRAWL FISHERY - FISHERIES ADJUSTMENT SCHEME

52. Hon KIM CHANCE to the Leader of the House representing the Minister for Transport representing the Minister for Fisheries:

- (1) Are holders of licences and endorsements in the Mandurah Comet Bay Trawl Fishery to be considered in negotiations to buy out existing licences under the fisheries adjustment scheme?
- (2) If so, in the event of negotiations proceeding with the holder of the licence attached to the vessel *Silvery Wave*, Mr Boocock, is it possible that Mr Boocock may receive public money for a licence which has already been sold but not transferred to a third party?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

- (1)-(2) Commercial and recreational fishing bodies are working with the Fisheries Department to prepare operational guidelines for the scheme and to prioritise fisheries for adjustment under the scheme.
-