Legislative Council

Thursday, 24 November 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

TRANSPORT: BUSES

School: Urgency Motion

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

> Dear Mr President,
>
> In accordance with the provisions of Standing Order 63, I wish to advise of my desire to move for the adjournment of the House until Monday, 19th December, 1983, at 4.30 p.m. because this House—
>
> (1) Expresses its deep concern over the state of negotiations between the school bus contractors of Western Australia and the Education Department.
>
> (2) Expresses its concern at the dislocation, consequent unemployment, and loss of industry to W.A. that is likely to follow the Government's proposed changes to the tendering and payment systems.
>
> Yours faithfully,
> W. N. Stretch, M.L.C.
> Member for Lower Central Province

Honourable members, for this motion to be moved, it will be necessary for four members to rise in their places indicating their support.

Four members having risen in their places,

HON. W. N. STRETCH (Lower Central) [2.23 p.m.]: I move—

> That the House do now adjourn until Monday, 19 December 1983 at 4.30 p.m.

I beg the forbearance of this Chamber to introduce and discuss this matter, because there is much misunderstanding, not only in this House but also throughout the community, about this topic. It is a matter of some urgency because, as honourable members would know, moves are afoot to have it settled soon so that action can take place with regard to the setting up of contracts for the coming year. The start of the next school year is much closer than we think.

I have no intention of playing politics with this motion. It is far too important and we are playing with the safety of Western Australian children. The matter is vital because it affects so many children and their families.

The Minister is, I believe, considering submitting the case to Cabinet next week, and therefore it is urgent that I put some points to this Chamber for the sake of some people who may not be fully aware of the difficulties involved in running this very large enterprise. I draw the attention of members on the Government side to these facts, and ask them to make them known to their colleagues in Cabinet. Unfortunately, the matter has bogged down, through no great fault on either side. As members would understand, it is a very emotive issue, and that is why I raise it on this occasion.

I remind the House that the industry deals with the safe carriage of nearly 25 000 young Western Australians every day, and therefore we cannot contemplate short cuts for the sake of saving a bit of money. It is not one in which petty savings can be entertained. I do not deny any Government the right to review the costs of any department. In fact, I applaud it and suggest that all too often not enough reviewing is done. However, I ask members to pass on to the Cabinet that we should bear at the front of our minds the long history of the Western Australian school bus industry and its superb performance in terms of safety and efficiency over many years.

For those who are not aware of it, I will give some idea of the size and state of the industry. Members know the size of the State, so I will refer to some statistics to illustrate my point. The number of children carried each day is 24 682. The buses, while filled, travel 18 million kilometres during the year, plus about 9 million kilometres of empty running. The estimated capital investment in school buses is about $26 million, so it is a matter of some importance. In an effort to give a little more impact to the size of the industry, I multiply the number of children by the number of kilometres travelled, which gives a total of 444 billion children-kilometres per year. Sir, if you had to drive each of those children individually to school each day—

Hon. J. M. Berinson: You would be going around the equator how often?

Hon. W. N. STRETCH: No, it would not be around the equator; it would be to the sun. A person who had to drive each individual child each day would make seven trips to the sun and back each school day. That is quite an amazing statement, whichever way one looks at it. I quote that frivolous statistic to give some idea of the amount of travelling involved. I hope it gives perspective to the matter.

The industry has come in for much flak recently. We have been told that it is a capitalist in-

dustry and that it rips money out of the taxpayers' pocket and puts it into the pockets of greedy taxpayers.

Hon. J. M. Brown: Who said that? You said you have been told, so who said it?

Hon. W. N. STRETCH: I will give the honourable member the details later. I am probably wasting too much time in the opinion of some members, anyway.

It has been said that many operators are regarded as greedy and taking too much money out of the public purse and putting it in their own pockets. That has been said.

Hon. Mark Nevill: Not by the Government.

Hon. W. N. STRETCH: I have already touched on the allegation about capital investment. Capital just does not happen. Sadly, no-one can accuse the system of that.

The industry has evolved since its origin before World War II, and it has had a history of approximately 50 years. In that time, it has built up an unsurpassed efficiency and safety record. No one would deny that; as a parent who sent his children on school buses for 140 kilometres a day during much of their primary school life, I can assure the House that I view with the greatest respect and, indeed, affection the people who go out in all weathers, and in all sorts of road conditions, to make sure that the kids get to and from school safely for their education. It is not easy, and it is not a job everybody likes.

What is wrong with the new proposals? I am not a bus operator; but, as I say, I have had much to do with them so I will put the situation as I see it. The Government proposes to abolish the standard rate of payment to bus contractors which has been built up over many years, taking account of their costs and conditions. It is proposed to replace that with a calculated rate that the Government has worked out in consultation with its advisers. That rate will then be put to the contractors. If they cannot meet the rate offered to them, the service will then be put up to tender. That sounds all right so far; but when a bus contractor reviews his costs and says he cannot possibly meet the new ceiling, what happens?

After all, who can tender lower than an operator who has established himself with a reputation for safety, reliability, and acceptability in the community—all very important matters? We do not want just anyone driving school buses. Even though we understand these drivers need special licences, they also need to have an acceptance in the community.

What sort of people can tender with some chance of running a school bus service? We could have a retired person, and this happens a lot in seaside towns where someone with a bit of capital has retired to the town, has bought a bus service, and is perhaps keen to take up the task. It might be a wealthy person who is quite happy to run the service at a loss just for the sake of running a school bus, although normally the losses finally induce such a person to give it away. We could have the unsuspecting person—we have quite a lot of these—who believes it looks like a good thing, only to find that running a bus service is full of pitfalls and hidden costs. We also have the established small businessman who wishes to expand a little, perhaps to provide his wife with a job, and this man will be prepared to run the service at a loss but to cross-subsidise it from his other business.

Any one of these is a valid occupation, but I do not believe it leaves any room for a small businessman, a genuine operator, who wants to move in and run a full-time professional operation as a business in its own right. The history of the industry shows that in the main it has been these people who have built up the reliability and high standard that are the envy of people in many other countries.

What are the results of the Government's proposals?

Let us consider two bus-body builders, who are specialist builders for this industry in Western Australia: One is a decentralised business and the other operates in Perth. Now, with this lack of security of tenure for contracts, members will be able to appreciate that no businessman will go into an investment of between $30 000 and $120 000, depending on the size of the bus, without there being some security for him. We cannot expect it to be any other way.

It has been clearly illustrated that as soon as these changes were foreshadowed, the bus builders' order books closed overnight. Where previously there had been a steady flow for the building and delivery of buses for the next five years or so, the people who had placed the orders suddenly withdrew. The decentralised business was left with a half-completed unit. Fortunately it was able to sell it to a mining company. So this problem is not one of theory but one of practice, because it has happened. It happened as soon as the changes were foreshadowed.

The original changes were foreshadowed around March-April 1983 and caused a great deal of concern in the industry. The industry negotiated with the Minister and the department, and

by July-August we all thought everything had been sorted out. On that basis the main suppliers of chassis and components were expecting members of the industry and the department to get their act together. But when the negotiations broke down, the company with the major stock of chassis for school buses said it would have to move everything to the Eastern States because no foreseeable market for those units was apparent in Western Australia. So here we see the probable loss of a successful decentralised businessman who is employing seven families in his workshop, and that is without his associated school bus drivers. We have the loss of that work in Western Australia.

I am sure other members have received correspondence on this subject and I will now quote from a couple of letters to indicate the concern felt in the community over this matter. Some of the letters are a little depressing, but I make no apology for that. I have not chosen them solely for their tear-jerker content. I will quote now from a letter by a man in Boyup Brook—

> After my wife died I worked on the Boyup Brook Shire as a loader driver for a short period and then successfully purchased a school bus run. This was to prevent a complete breakdown of my family and to enable me to build a future for myself and them.
>
> Over the past 10 years I have been able to purchase another bus run with borrowed money plus successfully tendering for a further run—once again with borrowed money.
>
> I feel that, without the fact that runs could be sold etc, I would never have been able to raise the finance to buy or tender the further runs.
>
> Over the past 10 years I have always felt secure in the future as I have always had an asset I was preserving to sell in case of ill health or retirement. I now find that I could have no future, unpayable mortagages/finance debts and no security in the future.

For a man like that, that is not much of a prospect.

The next letter is from a bus-body builder and operator, and it was sent to a number of members on both sides of both Houses. He points to the insecurity of the industry, quite apart from the added insecurity caused by the Government's proposals. He refers to the vagaries of the industry when he mentions that an operator cannot depend on the loadings—the number of children to be picked up—or the bus route, because it will depend on where children are to be picked up. He explains that there is no guarantee that a particular bus will be able to service a particular run at all times, because there is always the problem of breakdowns. Let me assure members that even the newest bus is not free from breakdowns. It is not uncommon for just one or two-year-old buses to need a complete engine replacement. Odds and ends are always replaced. The point is, if a person is quoting at a bread and butter level, he needs some financial flexibility to cope with such things happening. No one quotes on the basis of an engine blowing up every year, but the trouble is that these wretched things sometimes have a habit of doing so at inconvenient times. His letter states—

> A bus run could be lengthened, shortened or terminated at any time depending on the location of children or the lack of them. There is no guarantee of a future.
>
> Most people in the industry are prepared to take these risks provided they are building up a business which they can run as long as they desire and have something to sell on retirement or whenever they are forced out of the industry.

Let us consider now some of the comments made by parents and citizens' associations. But first let me quote from the words of a gentleman, named William Congreve, who wrote a verse titled "Mourning Bride" in 1697—

> By magic numbers and persuasive sound.
>
> Heaven has no rage like love to hatred turned,
>
> Nor hell a fury like a woman scorned.

I may not have his persuasive ways, but I believe I have the magic numbers, and I hope I have the persuasive sound to persuade members that we are treading in very difficult country when dealing with this problem. I think all members acknowledge that; but turning to the matter of the fury of women scorned, let me assure members of the fury of parents and citizens' associations whose members think the safety of their children is threatened. I will quote from a couple of letters which are not necessarily as emotive as I may have been but which are fairly matter of fact. The first letter is from the Wagin Parents and Citizens' Association and is dated 8 July 1983—

> We as parents, are concerned primarily with the safety and comfort of our children. We strongly feel that their safety will be jeopardised if the proposed public tendering of bus contracts at each contract renewal period comes into effect.

> Our concern is that under the proposed new system, tenders will have to undercut existing contractors to secure their contracts, and we feel that the safety standards and maintenance of buses may deteriorate as a result. Our children then being the "meat in the sandwich".

Notice the veiled horror of that last sentence. The following is from the Donnybrook Parents and Citizens' Association—

> A motion was passed unanimously stating our continued support for and satisfaction with the currently used system.

So I do not feel like a voice crying in the wilderness; I know that out there in the community other people are concerned. That is why I beg the indulgence of the House to listen to my motion. It is not in my nature, nor is it my intention, to be a prophet of doom and gloom.

If my motion were to be moved after the Cabinet decision had been made I would have had to change it; but by introducing this matter at this stage I have the opportunity to urge the House, particularly Government members, to leave the tendering and standard rate methods of payment to contractors as they currently stand. It is proper, I agree, to review the costs within the industry but let us do it on a low-key consensus basis without full consultation with the industry. That will require a little give and take on both sides. There will surely be ways to reduce costs, as there are in other large organisations of this scale, but I do urge the Government to hasten slowly on these reforms.

I close my remarks by taking the industry as a whole and regarding it as one huge bus. I urge members of the House to accept the premise of improving the services by taking the bus to the garage and fine tuning it rather than taking it to the wreckers first and then rebuilding it from a heap of broken parts and, sadly, broken people.

HON. J. M. BROWN (South-East) [2.42 p.m.]: I thank the member for Lower Central Province for bringing this matter to the attention of the House. The proposition in regard to tendering for school bus contracts goes back long before 8 July 1983; indeed, it was the initiative of the previous Government through the Transport Commission to investigate school bus contracts on the advice of Treasury. Unfortunately, when the Government requested the Transport Commission to make that investigation into school bus contracts it did not allow for any consultation whatsoever with the industry, yet that industry itself was being investigated. This has led to the unfortunate circumstance that we now find.

I endorse the proposition that has been presented on the operation of school bus contracts, bus contractors, in particular, and the tremendous service they provide in carrying 25 000 students per day to country and metropolitan schools. Without fail, this has been of great advantage to country people. It has been a forward step, and this has been reflected in the progress and quality of education.

Recognising the contribution made by the school bus contractors in a commercial field, we also must remember the investigation wherein they were not consulted. As a result of the deliberations of the Government, it was decided that a bus contract would be available for tender at the expiration of the contract, and this is similar to what has happened in other fields of commercial industry. However, most of us, and particularly my colleague, the Hon. Mark Nevill, would recognise the great contribution made by school bus contractors. A lot of pressure exists in this regard. We urged the Minister to recognise the services they supply.

In recognising the school bus contract proposition and the security of tenure for a contract, we were able to take to the Minister actual contracts and to obtain an undertaking from the Minister that we would not have less than that. Part 2 of the letter reads—

> Expresses a deep concern over the state of negotiations between the school bus contractors of Western Australia and the Education Department.

The Hon. Bill Stretch will agree with me that as negotiations proceeded between the Road Transport Association acting on behalf of the school bus contractors and the Education Department, problems arose. A log of claims that is nothing new in this House has been brought forward for presentation to the Government; however, the claims are not satisfactory to the Government and the matter is therefore subject to negotiation.

Only yesterday letters were sent out by the Road Transport Association to all school bus contractors advising them to contact their members of Parliament because the situation had not been resolved. It is my understanding that a meeting to resolve the issue was held today between the Road Transport Association, representing the school bus contractors, and the Education Department. The problem has arisen purely through the speculative actions of the people who want to commercialise our school bus contracts, some for two or three times their annual income. No Government can be part of a proposal to sell contracts at a profit to the detriment of the children that they transport.

Hon. Mark Nevill: Especially Government contracts.

Hon. J. M. BROWN: A Government contract whereby a person makes an income from his contract is acceptable. The downfall in the whole situation revolves around goodwill. We see people wanting to leave the industry, and contractors who may want to buy into the industry, because they see the opportunity to make some money and then retire from it.

Hon. D. J. Wordsworth: You are presuming it is a non-profit industry because it has a high entry.

Hon. J. M. BROWN: I am not presuming anything. I am stating the facts. Contracts are being sold for two or three times their annual gross income. The sale of those contracts indicates that there is far more profit in the cartage of youngsters to school in this State than we are led to believe. That is where the problem lies. The Road Transport Association has put forward a log of claims which is not satisfactory to the Government.

I was associated with this matter long before 8 July 1983 when the Minister for Education first announced that he would review the programme for school bus contracts following a submission initiated by the previous Government through the Transport Commission. This was aided and abetted by Treasury and was the basis for the submission. Yesterday, when the school bus contractors received the letter from the Road Transport Association they were thrown again into confusion. The Road Transport Association has made a submission to the Government which the Government is not prepared to accept; it is as simple as that. The Road Transport Association has a responsibility to negotiate favourable terms to the people it represents, terms which will not be attacks on the taxpayer. It will not be a matter of selling goodwill each year for two to three times the contract price; it will be a contract whereby school bus operators will have security of tenure and continuation of running an excellent service, which each and every member of this House would support.

The second part of the letter written by the Hon. Bill Stretch reads as follows—

> Expresses its concern at the dislocation, consequent unemployment, and loss of industry to W.A. that is likely to follow the Government's proposed changes to the tendering and payment systems.

I do not believe that will happen. I am quite confident that the Minister for Education, together with his advisers and, in particular, with the school bus contractors, will have a proper understanding whereby a satisfactory conclusion can be reached.

It is sad that the Road Transport Association has used the school bus contractors in an endeavour to raise a point that the school bus contractors believe is not justified. The school bus contractors must remember that they have security of tenure of a service.

I am sure that all members would agree with me that no better service is available to country students than the school bus contractors' service.

HON. A. A. LEWIS (Lower Central) [2.51 p.m.]: I will not keep the House long, but I thought it might be a little useful to hear a story from an ex-school bus contractor's point of view, and I happen to be that animal.

Mr Brown has spoken of goodwill which has been paid for school buses for a number of years.

Hon. Garry Kelly interjected.

Hon. A. A. LEWIS: If the Hon. Garry Kelly would keep his mouth shut he will be told. The great problem with members on the front bench is that they open their mouths before they open their ears.

Hon. Garry Kelly: I just asked a question.

The PRESIDENT: Order!

Hon. A. A. LEWIS: The rates for school buses have been set over a number of years and have been generous, not in the extreme, but because of the nature of the job.

I do not know where Mr Brown gets the idea that goodwill is increased two or three times, but there has probably always been a 50 per cent goodwill. I have known goodwill to be increased if someone wanted a bus in a particular town because he was building up three or four buses. To get an extra bus such a person has been known to pay a little extra goodwill.

I am not a great advocate of goodwill payments. I believe that some of the enormous amounts of goodwill that we hear of being paid in respect of some businesses are not earned. People can try it on if they like, but in some cases I do not think it is completely ethical. To answer Mr Kelly's question, goodwill as far as the school bus contractor is concerned is in a parent's peace of mind and a school's peace of mind. Children could be travelling with a school bus driver for 40 to 60 miles plus a day. On a humorous note, when I recall some of the children who used to sleep in my bus, I find myself looking up at them and I am horrified to see how many years have passed.

A school bus driver is entrusted with the duty of getting children to school and home again in all

kinds of weather. In some ways I found it a very satisfying job and in another way it was pure hell. For example, in Boyup Brook I would get up at five o'clock in the freezing cold and travel 60 miles to pick up 40 kids with dribbling noses and wet clothes. I was a nursemaid and a driver, as well as a family friend; and that is where I believe, Mr Kelly, a certain amount of goodwill comes in, but not to the extent of two or three times the value.

Hon. J. M. Brown: Unfortunately that has happened.

Hon. A. A. LEWIS: If we continue along the existing line we will break down the total fabric of society in country areas—that is, if we proceed on purely economic terms. I agree with the Hon. Bill Stretch; I want everything to be as economic as possible.

I now have a confession to make. The inquiry to which we are referring was instituted because I felt that the school buses could be better run and I hammered the then Minister to undertake an inquiry.

Hon. Garry Kelly: A secret inquiry.

Hon. A. A. LEWIS: I do not mind whether it was secret, out in the open, or in a balloon. I asked for an inquiry and I put this point to the Minister because he is on the Government cost-saving committee—I will not call it the razor gang. I suggested to the previous Minister that, unfortunately, in country districts where a bus route has been set—for example the South Kulikup school bus route—it must run on the same route as that on which it has run for 30 years.

My idea is to have a model of a whole district, showing the roads running into the school to ascertain if there is an alternative route that would be more direct and would be more economic. To the best of my knowledge—I have not read the secret report—this still has not been done.

The Attorney General can understand what I am getting at. Other routes could be considered and I suggest that we should start from scratch now. In one area in my electorate the Government could probably save $30 000 a year on school buses. I say "probably" because I have not completed the exercise, but have only looked at it. That is the amount that could be saved on just one school's bus routes. I believe that these are the sorts of things at which we should be looking. I get worried when prices go to the contractor and he either has to accept or reject them. If he rejects the price, with the knowledge of the terrain he is travelling over, the contract could be let to someone else and he could not make money out of the tender.

There are some hazards and difficult problems, especially in the south-west, with turnarounds and rough roads that we, or the Government, will never overcome. The economies of bituminising certain areas for normal traffic or for an eight to 10-year span for school children is just not on. We are up against those sorts of problems.

I remember there was one 400-yard stretch of road over which I had to drive an Ex-MTT seven-ton Leyland bus and every winter I would get bogged right in the middle of the road. I would cross my fingers every time I went over that patch of road during the winter. Inevitably at some stage during the winter the bus became bogged. If members can imagine a seven-ton Leyland with 20 kids on board and with 4 miles to walk to the next farmhouse for help, they would realise why I tend to get a little emotional about the problems of school buses and looking after their occupants.

I believe that this matter should be negotiated. Mr Brown was rather rude about the Road Transport Association, because over the years its members have been very good negotiators without being too rough.

Hon. J. M. Brown: They did not have any members of any consequence.

Hon. A. A. LEWIS: I am sorry, Mr Brown, because there were something like 300 or 400 members when I was a member of the Road Transport Association.

Hon. Mark Nevill: Were there school buses?

Hon. A. A. LEWIS: School buses, because I took an interest in that type of politics then. It was one of my livelihoods, so I took an interest. The member is young enough to remember getting on buses which carried a small, round Road Transport Association sticker.

Hon. J. M. Brown: It was 40 per cent then, it is now 90 per cent school buses.

Hon. A. A. LEWIS: They negotiated fairly on behalf of the school bus operators. On the backs of these buses were the round stickers to which I have referred. I ask Mr Brown and Mr Nevill to cast their minds back over those little, round stickers on the backs of the buses because they were on most of the buses. I do not know that the actual membership has increased to any degree. Mr Brown tells me it has. Associations like that always get members when they feel the pressure.

Hon. J. M. Brown: It is a good thing they do.

Hon. A. A. LEWIS: If they feel the pressure coming on there may be a case for the Government to stand back and have a look. I am not

against the Government's trying to get the best deal it can for the least amount of money.

Hon. J. M. Brown: We all agree to that.

Hon. A. A. LEWIS: I have a severe reservation about the bus owner being offered a price, and if he cannot accept that because he knows his economics and he will go broke, it is thrown open to tender. My main concern is for the kids.

HON. W. G. ATKINSON (Central) [3.04 p.m.]: It is unfortunate that a motion such as this becomes necessary, but this has become something of significance for a Government which preaches and claims consensus. This Government claims and preaches consensus. It really has not made much of an attempt to reach consensus with the industry. The Hon. Jim Brown mentioned that this matter began in June 1980 as a review. I have a letter which indicates that that is when the matter started.

Coming to the present time, we have a school bus system which has built up very effectively over the years. As a country representative, I think I can mention some ways in which the bus system has built up. I had the misfortune or privilege—I do not know which—of having to attend school in a horse and cart. I had to travel some six miles. This meant not only getting up pretty early on frosty mornings, but also riding across to the neighbour's place on a pushbike, catching the horse, putting it in the cart, and getting off to school. This I did for some two years.

We then graduated to our first school bus, which happened to be an Austin A40 van, with quite a number of children crammed into it. Since those days school buses have grown to the very safe and efficient operation with the vehicles we have today.

Unfortunately on 17 May this year the department, without any consultation with the industry, sent out a letter headed, "Review of school bus contract system". This was addressed to all school bus contractors, and they were advised that the present system would be replaced with a fully competitive tender system which had been approved in principle by the State Cabinet, subject to prior consultation with the industry representatives. That is where the saga began this year.

Shortly after that, in fact on 17 June, one month later, the Minister for Education, the Hon. Bob Pearce, saw fit to issue a letter in which he expressed concern over the confusion which had arisen in the industry. The only confusion that had arisen was solely because of Government action. This led to several meetings of the Western Australian Road Transport Association with the Minister. There were numerous meetings of the different groups of school bus drivers in the country. One was held at Morawa, attended by representatives of most of the northern areas from Dalwallinu to Morawa and Three Springs. Some of the conclusions which came from that meeting are quite enlightening. I quote as follows—

(1) Is the proposed new system suitable for all areas? We contend it is certainly unsuitable for the small country communities in which we all live.

(2) Is it feasible and reasonable to expect small business operators to be able to forecast their bus overheads, maintenance and own living expenses in today's unpredictable market? If the Government is sincere in its endeavour to create opportunities for small business people, how is this proposed system going to help?

(3) We are convinced that there are no huge profits being made by small bus contractors within our community and we ask the question "Has the Education Department analysed where exactly the large amount of money for school buses is being spent?". Are there some large contractors receiving too much remuneration, can administration overheads be improved?

(4) The present system is fulfilling a vital role e.g. 30 of the 35 contractors represented at the meeting conduct small businesses essential to the community which would fold if the associated school bus contract was lost.

We can see from the comments which came from the owners of these buses just what sort of an effect the new system would have out in the country areas. I am not too sure what percentage of school bus operators were members of the Western Australian Road Transport Association 10 years ago, five years ago, or today; but if the membership has picked up this year I suggest there must be a lot of concern by people out there, and this is the very reason they have become members of this association.

Hon. J. M. Brown: Do people belong to the union?

Hon. W. G. ATKINSON: I do not disagree with unions. A second meeting was held with the Minister and I quote from page 2 of the release from the Western Australian Road Transport Association which was circularised to all members of the school bus division following the meeting—

At the second meeting on 19th July 1983, the Minister immediately advised that he was prepared to accept our proposed system provided we agreed to the following—

(1) Existing contracts (including those extended to 31st December 1983) to continue under present conditions until expiry, at renegotiated rates. Bus replacements within this period to be introduced at negotiated capital recovery rates.

(2) On expiry, contractors to be given the option to negotiate a renewal rate on a new cost analysis formula reflecting the contractors individual costs. Should negotiations fail, the contract to be put to competitive tender.

After the meeting we found an article in *The West Australian* on 20 July 1983. That article was headed, "Compromise on bus contracts", and I quote a portion of it as follows—

> The Minister for Education, Mr Pearce, said yesterday that the agreement would meet the Government's aim of containing costs and provide security of tenure to bus contractors.
>
> The price would be negotiated between the operator and the Education Department, Mr Pearce said.

The school bus operators since then have been waiting for a definite move to be made by the Government. They have been left in limbo, and unfortunately vehicles wear out and have to be replaced and maintenance has to be done and planned in advance. With no certainty as to what will occur in the future in the industry, naturally any purchase of new buses is ruled out immediately. In any case, finance institutions would be foolish to lend to people who cannot advance a sure proposition.

This is where the confusion arises. While I agree with most of the points raised by the Hon. J. M. Brown and I am glad he rose to support the industry, I firmly believe a viable part of any business is the goodwill which has developed during its operation.

The vast majority of the school bus owners in the country also operate small businesses, and both parts of the business go together to make a viable operation.

Hon. Garry Kelly: How does paying extra money for goodwill rub off on the new contractors?

Hon. W. G. ATKINSON: Never having had the privilege to be in business, the Hon. Garry Kelly probably does not understand one of the first elements of it. The Hon. Jim Brown mentioned the fact that people are paying three times—I think that was the figure—

Hon. J. M. Brown: Between two and three times was what I said.

Hon. W. G. ATKINSON: The Hon. Jim Brown referred to the fact that people are paying between two and three times the value of the contracts.

Hon. Garry Kelly: I know it is being paid, but how can you justify it when it is a Government contract?

Hon. W. G. ATKINSON: Many people have, for instance, bought land at a price many times the value of the possible production of the land in any one year. This is the same situation. People who are buying school bus contracts are looking at the long-term prospect of the two combined businesses.

School bus owners and operators should not be treated any differently from other small business operators. They should be allowed some sort of security of tenure and also to reap some sort of reward for, in many cases, carrying on a business for 10, 15, or 20 years.

Surely all of those years spent in safely operating a business are worth something to the business. I commend the motion to the House and I urge all members to support it.

HON. V. J. FERRY (South-West) [3.14 p.m.]: I support the motion. There is probably no more deserving topic for the support of members than the school bus system, which affects a wide area of the State. It is one aspect of rural living which has a tendency to upset a community, because if the school bus system is running well, everybody is happy, and if it is having problems, everyone is unhappy from the small toddlers up to the grandparents. The school bus service affects businesses in the area and when the school year commences the whole system of living in a country community is changed; it is geared around the school system and the school bus contract is a part of that scene.

It is important that this problem be resolved expediently, and I urge the Government to take the utmost interest in this matter so that the whole affair is straightened out.

In the area I represent, which is in the south-west corner of the State, the school bus system is no different from the systems in many other districts throughout Western Australia. It is an

integral part of the community life in the south-west, and although Bunbury is a city, the school bus system there has a big part to play in the transport of students, not only to the primary schools, but also to the secondary schools.

Hon. J. M. Brown: Bunbury probably has one of the biggest contracts.

Hon. V. J. FERRY: The school bus contract system is deserving of great support and the problems in respect of it should be resolved quickly.

I support the motion.

HON. D. J. WORDSWORTH (South) [3.16 p.m.]: The point I shall raise relates to the issue mentioned by Mr Brown. He insinuated that if the goodwill changed hands at two or three times the value of the bus, it would indicate excess profits are being made from the run.

Hon. J. M. Brown: I did not refer to it being two or three times the value of the bus. I said that in some cases it was two to three times the annual gross income from the contract.

Hon. D. J. WORDSWORTH: I have known cases where people have bought into a bus service and I refer, in particular, to farmers at the end or near the end of the run.

[Resolved: That motions be continued.]

Hon. D. J. WORDSWORTH: In these cases the farmers' wives often take their children in the car to the nearest school bus stop some miles away. They see buying a school bus service as a way to complement the farm which is perhaps not going too well. They say, "We can earn some money. At present we only get income into the farm once or twice a year from the wool cheque and the sale of grain. If we buy a school bus service we can take the kids into school and, rather than taking the car, we can take them in the bus. We will earn some money, we will get some turnover every month, and we will get an income which will help us to survive on the farm".

The school bus run is probably the only sort of business into which those people can buy in order that they have a cash flow. Therefore, they are really caught into buying this business.

Wherever I travel I find many school bus runs being operated by farmers' wives. They start the business by taking their own kids in their own cars and at their own expense and frequently they reside towards the end of the school bus run.

Hon. J. M. Brown: There is a subsidy for that.

Hon. D. J. WORDSWORTH: But it does not work out very well. Travel is subsidised one way only and it is not very successful. People have bought into school bus services in order to give themselves a cash flow and another income, but it is not necessarily indicative of a very profitable business.

HON. G. C. MacKINNON (South-West) [3.19 p.m.]: I have listened with a great deal of interest to this debate, which has centred mainly around the bus drivers. I shall add a word or two with regard to the education system and I shall offer a word of advice based on my experience as Minister for Education for a period a few years ago.

It is not generally realised by people not closely involved with education, and indeed even by some of those closely involved, that busing children in our education system is not an ancillary service; it is an absolutely vital part of our education system. Without the bus service we would have to have a completely different system of education, a fact which does not apply just to country people, but also to city people.

When we had trouble with the bus arrangements at Carine we had to use a double-up shift system. We had discussions with the Teachers' Union, the teachers at the school, and the P & C Association. It was a happy arrangement we reached. That area is so attractive to the older group of parents that many of them had moved into it and the school had blossomed like a garden in the rain. We had to do something in a hurry, and the guiding light for everything we had to do was not the suitability of the school, but the suitability of the bus arrangements.

When Arthur Watts was the Minister for Education the high school at Nannup was built. It was built in that area not because the site provided better education for the childen, but because it provided the best solution to overcome the difficulties with busing. We cannot educate our children to any reasonable standard without taking busing into account. It is an integral part of our education system, and until 1975 it would have occupied more time of every Minister for Education than any other single issue: It was more of an emotional issue than anything else.

We all hear about how we should teach our children to learn to read, write, and do everything else, but some people seem to forget the time when busing caused major problems. Edgar Lewis, my predecessor in the Education portfolio, spent hours on this matter. I guarantee he still has "busing" engraved on his heart as did Mary Queen of Scots have "Calais" engraved. Busing was a real bugbear. With Mr Gayfer we solved the problem a little later when we arranged a solution with the principal, the local committee and the bus driver at wherever, which was that they would suit themselves as to the solution, provided

it did not cost the Government any more money. We got the problem out of our hair that way.

The moment we get a problem out of our hair people start to think it is not a problem, and such is the nature of politics that we forever try to prove ourselves. Nobody ever tells the new chap that something was a problem five years ago, therefore he may not think it is a problem and thinks he can improve on the existing arrangements.

What worries me is that the Government will create the problems all over again in the matter of bus arrangements with all its emotional overtones. Anyone can understand the emotional overtones. Many farmers in country districts do not see their children in daylight hours between Monday and Friday in the winter months; they see their children in daylight hours only on the weekend—any country person will tell us that. The children are travel-tired, and down our way because we have big forestry areas which literally create islands of vacant land, the children have to be transported long distances before they get to school. Yet the Government will awaken the problem all over again. Whether it will save a few bob, I know not.

I remember that at Salmon Gums or somewhere in that area the local authority kept open the school at one end of the shire by having the driver who graded the road to the school live at that end of the shire and his five children go to that school so that it would have enough numbers to remain open. The Education Department would eventually become a bit cranky over the school at the other end of the shire because of the drop in numbers with the grader driver moving to the other end of the shire, but before the department got to the stage of saying that the school must close down, the shire would move the grader driver back to the end of the shire where the school needed the numbers to remain open.

Hon. D. K. Dans: The shire was lucky to have a grader driver with five kids.

Hon. G. C. MacKINNON: Unfortunately he left the area and the authority could not find another grader driver with five kids.

Hon. J. M. Berinson: And both schools closed.

Hon. G. C. MacKINNON: My point is that school bus arrangements can be affected by these circumstances. For example, a farmer with four children might leave an area, or two of his children might attend school in Perth, which would affect the financial circumstances of the bus system. It is difficult to depend on hard and fast guidelines for the tendering of the bus service contracts.

School bus arrangements do not represent a side issue; we cannot decide to have or not have school busing. It is not like a subject such as music which can be taken out of our schools. School busing is an absolutely integral part of our education system.

In Canada the system is such that children live close to their schools and walk to and from school even for lunch. Canada has a parochial education system with each area taking local responsibility.

Hon. D. K. Dans: It is difficult to drive through the snow.

Hon. G. C. MacKINNON: Snow is one of the problems in that country, a problem which governs the lives of its people in many ways.

I beg the Government not to regard the transport system associated with education as another side issue like the teaching of music, gymnastics, or similar subjects in our schools. School transport is an important part of the education system, and if it collapses we will need another system of education or school organisation.

It takes a little while of dealing with schools before anyone can appreciate these facts. I hazard the guess that even Bob Vickery, the Director-General of Education, as clever and capable as he is, does not have a full appreciation of school busing. For a number of years he was out of the mainstream system because he was down at Nedlands. Maybe the importance of this busing slipped his mind. The situation changed with the introduction of junior high schools and the consolidation of schools by Arthur Watts under Ross McLarty as Premier. Those changes which came about altered the nature of school busing. We must remember the problems which existed in times past, and bring those problems to the attention of the Government. It must be realised that they are real and need careful examination in case we awaken a sleeping dragon.

I hope the Government takes careful cognisance of the motion moved by Mr Stretch and supported by other members.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [3.27 p.m.]: Mr Stretch introduced this matter in a reasonable and unprovocative way. It is impressive to note that the whole of the debate has been conducted in the same manner, which is of course appropriate given the subject matter. I do not want to depart from that course. At the same time I cannot allow a couple of comments at least that slipped in to go without my reply.

In the first place it was probably an unfortunate choice of phrase that Mr Stretch used in referring to this question as involving the Govern-

ment's playing with the safety of children. Nothing could have a higher priority than that safety, and that applies to this question as it does to all others.

The Government, the Transport Commission, the Education Department, and everyone else concerned with this issue are concerned also with economy, but that question of economy comes second and a long way behind the overriding requirement of the safety of our children.

Mr Stretch suggested also that the matter had bogged down through no fault of either side. I think it is fair to point out that the industry has not been blameless in respect of the negotiations that have proceeded on this matter. The industry has not taken advantage of the opportunities offered it and a considerable degree of responsibility for the impasse, if that is what we have, is really based on its approach to proceedings.

Perhaps I can give some background to this in the following way: On the basis of a report which was commissioned as long ago as May 1980, Cabinet decided in March this year that schoool bus contracts should go to a system of open tender, subject to prior consultation with the industry. To ensure that that decision was not taken further without consultation, the Minister for Education met with the contractors. They opposed the proposal that the system should go to open tender and produced an alternative formula of their own, which involved proposals for a certain percentage of profit and a certain percentage return on capital to be built into whatever system emerged.

The proposal of the bus contractors was not acceptable to the Minister, but it did promote further consideration by him and the taking of further advice. He took that further advice on the basis of three assumptions: Firstly, that whatever system emerged should be fair; secondly that it should provide a fair return to the contractors, and thirdly that it should provide first preference to the existing contractors when it came to the letting of new contracts. On the basis of that brief the advising departments produced what might be called a third alternative, but the gap between the contractors' proposal and the Minister's second proposal was not bridged.

The Minister for Education made an offer to the contractors, given these significant differences remaining between them, that he would be prepared to present a full detailed statement prepared by the contractors directly to Cabinet for consideration. If I understand the position correctly, the differences did not go to the principle of the three criteria I have referred to, but were based on differences as to the appropriate percentage that should be applied in respect of the profit and return of capital. The situation also involved a difference as to the appropriate time over which a return of capital should be accumulated.

The Minister undertook to present to Cabinet a submission of the sort I have indicated and asked that it be made available to him last Thursday. He met again with the contractors last Thursday when he found they did not have a submission of that kind, but were simply there to argue their initial case aginst the Government's proposal.

He then extended the time for one week on the basis that that submission would be made available to him this week. What happened following that was that the submissions that he had invited still did not come to light; instead, the additional time provided was used by the bus contractors to enter into a campaign which involved a significant element of misrepresentation.

I refer in this respect to two matters outlined in a document headed "A circular to all members of school bus division" which appears to come from the Western Australian Road Transport Association and was dated 23 November. In the second paragraph the association said—

> Last Thursday 17 June 1983 the Minister stated in the Legislative Assembly that the Government was still committed to an open tender system.

That is not true. The Minister has been consistent throughout in saying—

Hon. W. G. Atkinson: Those were the words of the Minister in another place.

Hon. J. M. BERINSON: But the Minister has been consistent throughout in stating that there has been a Cabinet decision proposing an open tender system, but subject to his prior consultation and that this was still in progress.

The second matter arising from this circular is in the fourth paragraph where it states—

> . . . says Cabinet might reaffirm its commitment to an open tender or alternatively adopt a transport commission formula which results in a non-viable return to operators.

Again, that is clearly disputed. The association does not appear to go into detail to explain on what basis it arrived at the conclusion that the Transport Commission formula—which was an interdepartmental consideration—would be non-viable.

This sort of approach has not helped in the attempt to reach an acceptable compromise and

neither has the resort to emotive appeals based on assumed risks to the safety of children. The position we now have is that the Government still holds two of its own proposals from which to choose.

As I understand the situation it is still open to the association to provide a detailed statement for Cabinet consideration. Whatever system is achieved, the House, and certainly parents and the public, should rest assured that nothing would be done or considered that might conceivably jeopardise the safety of children. This has always been and will remain the priority of the Government and nothing would be done by the Government that could be inconsistent with that.

HON. W. N. STRETCH (Lower Central) [3.38 p.m.]: I thank the House for the spirit in which it has accepted this motion. I think it has been a worthwhile discussion and debate on what is a vital issue. I will refer to the speakers in the order they spoke. I thank Mr Brown for his support from the eastern wheatbelt which is very much in favour of this commonsense and conciliatory approach, which I think is the answer to this problem. I thank Mark Nevill because his name has been linked with Mr Brown on the negotiations they had together. The negotiations appear to have broken down, but I take the Minister's assurance that they are not broken down irretrievably.

Another matter surfaced; that was the "transferability" or sale value of school bus contracts. It is generally accepted that anyone paying more than 1½ times to two times the annual gross of the contract will be headed for trouble. This of course depends a little on the interest rates of the day and other factors within the economy at the time.

There is no way one should reasonably pay three or four times the annual gross contract. One would have to be misinformed as a buyer, and one would run into severe trouble probably in the short term unless one was prepared to subsidise it from one's own or other funds. There is no way a business enterprise can pay more than 1½ to two times the annual gross.

I hope the Hon. Jim Brown's obsession with July 1983 did not give members the impression that that date was the first time I had shown an interest in this matter. I assure him and the House I was involved long before then.

I thank the Hon. Sandy Lewis for his explanation of the goodwill concept. The Hon. Garry Kelly in a couple of mini speeches also brought up the problem of goodwill; it is a difficult matter to explain. Unless one has lived in a community that is served in the main by school buses it is hard to explain the trust that must be built between parents, school administrations, P & Cs, teachers, and school bus drivers. We must recognise that the bus driver has more driving contact with our children than do the majority of parents. He or she is with them every schoolday for two trips over fairly long periods in many cases. It is a position of responsibility and trust and it is hard to put a goodwill figure on this factor.

It is an item that is lumped into goodwill. It is taken as a matter of trust that when the operator sells that run he will not sell it to a fly-by-night operator who will act in his own interests rather than those of the children. That is not a satisfactory explanation of goodwill and its value, but I assure members that factor surrounds a business like an aura and if it exists one can sell it well; if it does not, one cannot sell it.

The range of speakers included Mr Ferry from the south-west, Mr Atkinson from the northern wheatbelt, Mr Brown and Mark Nevill from further east, Mr Lewis with his experience within the industry, and Mr MacKinnon who gave the House some idea of the widespread difficulty this industry is facing. The Hon. D. J. Wordsworth also contributed much to the debate. Mr MacKinnon gave a most worthwhile explanation of the difficulties of transferring from one Government to another, and how it might appear easy on the surface to change a system, but that when one takes the lid off a tin of worms one can find more trouble inside than is worthwhile for the savings involved.

The Attorney General in summing up referred to the fact that I used the phrase "playing with safety" and if I did, I apologise. It was not in my written notes and if I said it I beg his indulgence. A more suitable term might be "unwittingly jeopardising".

The profit factor and the term over which a bus can be paid for have to be borne in mind in any negotiations in which the department and the Minister are involved. Those aspects cannot be discounted, and I feel they will be taken fairly into account when these matters are renegotiated. I do not stand here purely on behalf of the West Australian Road Transport Association. I have received many submissions and I had contact with the department, the Minister's office and the Road Transport Association this morning.

The explanation the Attorney General gave in relation to the negotiations and the problems which arose underlines the difficulties of this matter and the misunderstandings occurring right through the country. It serves to underline the

useful purpose of bringing forward this motion. I thank all members for the spirit in which they debated this motion and for their indulgence in discussing it today.

Motion, by leave, withdrawn.

STANDING ORDER No. 212

Notices of Motion

THE PRESIDENT (Hon. Clive Griffiths): In order to overcome the restriction imposed by Standing Order 212, I suggest leave of the House be sought to deal with the two motions on the Notice Paper.

I call on Orders of the Day.

LIBRARY BOARD OF WESTERN AUSTRALIA AMENDMENT BILL

Second Reading

Debate resumed from 23 November.

HON. P. H. WELLS (North Metropolitan) [3.45 p.m.]: This Bill covers two specific areas. It makes very clear that where an extraordinary vacancy occurs the appointment by the Minister of the day is clearly for the remainder of the period and that the person to be appointed is available for reappointment. I think that is reasonable, but I seek a clearer indication from the Attorney that this Bill is not intended to have retrospective effect. The advice I have is that no power is contained in the Bill in relation to retrospectivity, but I am concerned about the reason for bringing this Bill forward.

Sitting suspended from 3.46 to 4.00 p.m.

Hon. P. H. WELLS: The first part of the Bill clears up a misunderstanding that may exist in terms of appointments. Any extraordinary vacancies should be filled for the remainder of the original term only. That seems to be reasonable, and I have no objection to it, providing there is no retrospectivity.

The second part of the Bill deals with the board's ability to make regulations covering libraries, and particularly the large number of associated libraries. The board has been working on new regulations since 1979; the proposed regulations have been circulated widely to all libraries throughout the State, and they have been discussed widely. It is reasonable that the board should have the authority to create regulations for the conduct of public libraries.

One of the desires in the new regulations is to give libraries the power to allow children to use their facilities. The current regulations limit the right of the board to allow people under the age of 14 years to use the libraries. The new regulations make clear that age is not the determining factor, rather it is the fact that a person is a resident and is the sort of person who should be able to borrow from the library. This new regulation will be important in terms of the Lesmurdie Library which is run jointly by the Education Department and the Shire of Kalamunda.

The original regulations were published in 1962. Obviously there is a need to change them, particularly in relation to associated libraries. Therefore, I have no objection to the change. The only surprise about this matter is that it was not dealt with sooner, in my own Government's time.

My last comment is directed to the size of the library system. This State probably has the best system in Australia. When most people walk into libraries, they note that the books tend to look new. This is brought about by the continual turnover of stocks.

In the long term, we should consider the escalating costs facing the shires; we will have to face that problem in the coming years. The high cost of libraries is becoming an increasing charge against local authorities, and the distribution of libraries is dependent upon the ability of a shire to establish a library in its area. The establishment of school libraries depends upon need, and in the long term it is desirable that that problem be investigated.

I support the proposed library regulations; this Bill deserves to be passed.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.06 p.m.]: I thank the honourable member for his support of the Bill. He raised a question as to whether clause 2 might have a retrospective effect. My advice is that the clause neither has that effect, nor is there any intention that it should.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and passed.

MEMBER OF PARLIAMENT

Leave of Absence

On motion by the Hon. Margaret McAleer, leave of absence granted to the Hon. I. G. Medcalf for six consecutive sitting days of the House on the ground of ill health.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Leave to Introduce

Leave granted to introduce the Bill, on motion by the Hon. Peter Dowding (Minister for Mines).

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.11 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide for the establishment of a multicultural and ethnic affairs commission. The commission will be responsible to the Minister for Multicultural and Ethnic Affairs, and will provide advice and recommendations on any matter relevant to this Bill.

The State Government recognises that Australia is a multicultural society, consisting not only of people born in Australia, but also of many people of diverse ethnic origin who have migrated to Australia.

In Western Australia, the 1981 census indicated that 27 per cent of our population was born overseas and that our migrants originated from almost 100 countries. Many of these people have come from countries where English is not the first language, although they have brought with them not only new languages but also different customs and traditions.

The Government recognises the significant contribution which has been made by ethnic groups to the overall lifestyle of Australians, and that they will continue to do so, and believes that each ethnic community has a right to preserve its traditions and culture within a context of full involvement in all aspects of our community life.

Provision is made in this Bill to promote and facilitate a cohesive society that encourages equal opportunity and participation by all Western Australians, regardless of their ethnic origins.

The establishment of a commission will provide the avenue of access for individuals and for groups to make their needs known and it will endeavour to determine the means of meeting these needs and to seek to identify issues that may cause concern or lead to conflict.

To achieve such access and the necessary level of communication, the Government has determined that this commission be established as an independent body separate from departmental influences.

The commission will comprise one full-time commissioner and 10 part-time members. It is intended that the membership will reflect a substantial representation of people who have experience, knowledge and interest in issues that concern migrants and ethnic groups, and who can make significant contributions to the development of effective policies.

Provision is made in the Bill for the commissioner to offer considerable commitment to the affairs of the commission, while being available for consultation to the Government and community representatives.

This legislation will enable the commission to establish committees, as it thinks fit, for the purpose of assisting it to carry out its function. Such committees will be in a position to examine specific areas of need on multicultural and ethnic affairs issues, and the consultative nature of expert committee work will further ensure that the views of ethnic communities and individuals can be sought and considered.

The commission may also invite any person or organisation to act in an advisory capacity to the commission to broaden its access to information and advice.

The commission will be accessible and able to act as a focus for consultation on the views and needs of migrants and ethnic groups at every level of the community.

Major functions of the commission will be to advise and make recommendations to the Government on policy, including provision of services and the most effective use of funds. Such advise would be based on consideration of community needs and aspirations.

The Bill provides for consultation with Government departments and instrumentalities, individuals, and community groups which will be essential to determine the needs of ethnic communities and for developing and implementing appropriate policies.

Also, the commission will promote community awareness and a better appreciation of our multicultural society in order to facilitate co-operation, understanding, and harmony throughout the total community.

Where possible, the commission will act with a view to encouraging involvement and provision of support services by the ethnic communities themselves along the lines of self-help initiatives.

Despite the range of services available in health, education, and welfare to help newcomers overcome their settlement difficulties, many of these people continue to remain socially and physically isolated, due to constraints of language barriers, access to information, residential location and cultural differences. Therefore, there is a real need for a body such as the proposed commission to fulfil a consultative and co-ordinating role.

Priority was often given to matters such as the recognition of overseas professional, technical, and trade qualifications. There are many migrants here who are not able to practice their skills due to non-acceptance of their qualifications. A co-ordinated review of such areas of concern with the responsible authorities, would appear to be a priority.

Knowledge of English plays a critical role in a migrant's successful settlement in the community, and new initiatives are needed to further assist adult migrants and their children to learn English at all levels, as well as special courses for occupational needs.

The commission will be in a position to advise on the development of future programmes to meet specific needs of our population from a non-English speaking background, as well as promoting community languages as part of the educational system.

Funds to enable this proposed commission to operate have been provided in the current Consolidated Revenue Fund Estimates for the multicultural and ethnic affairs office.

In addition, the commission will be required to present to Parliament an annual report relating to its activities.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. P. H. Wells.

SUPREME COURT AMENDMENT BILL

Second Reading

Debate resumed from 15 November.

HON. G. E. MASTERS (West) [4.17 p.m.]: I have a couple of queries to raise with the Minister responsible for the Bill. My understanding is that the legislation is to provide the funding for the appointment of a second Master of the Supreme Court. My straightforward questions are as follows.

First, is this position needed? Second, will the person appointed be Mr Paul Seaman? I understand the position will draw a salary of about $60 000 a year and that Mr Seaman may be appointed. If he is to be appointed, will he do the work on a full-time basis? I make the point that I am not having a shot at him. He lives in my electorate and I have the greatest respect for him. Nevertheless, I wonder how he will carry out the duties of the commissioner inquiring into Aboriginal land rights and this new position, because I understand his present task as commissioner is a very busy and difficult one. I understand the inquiry will involve many months of fairly hard and detailed work. Will he be able to fill both positions? Or is someone else to be appointed as second Master of the Supreme Court? This may seem a rather silly direction to pursue, but I am wondering whether there is anything behind this appointment. I have the uncomfortable feeling the position has been created so that Mr Seaman can be the person appointed, or perhaps some other person will be appointed so that Mr Seaman can then be appointed a judge some time in the future. I wonder if there is any urgency in this matter. Perhaps the Minister could clear up that situation .

More to the point, I want to know how important the position is and how necessary it is to fill it and to put the legislation through at this time. How can the person who gets the job possibly fulfil both of those commitments effectively? If he cannot do so, what are the reasons behind this appointment? I was surprised that it did not come up during the second reading speech. I suppose the information came to the Opposition in a roundabout way, and the Government would have preferred to keep it under wraps.

Hon. J. M. Berinson: Sorry, which information are you referring to which came to you indirectly?

Hon. G. E. MASTERS: The appointment of Mr Paul Seaman to the position, if that is the case. I am simply pursuing that matter because I am concerned that Mr Paul Seaman may be getting the job as well as being the commissioner and it would be very difficult to fulfil both commitments if the appointment is to be made very soon.

We have no opposition to the legislation, but this question needs to be answered.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.22 p.m.]: The questions raised by the Hon. Gordon Masters are relevant and he has raised them in a proper manner. That is more than can be said of the way in which they have been raised in other circles. It is indeed regrettable that other persons who have commented on this appointment have sought to draw from it the sort of unwarranted implications which they did.

I move directly to the question, "Is a second master needed?" A second master is certainly needed. I understand that that was a priority application from the Supreme Court in at least one earlier year, though I cannot vouch for that from the records. Certainly, it was put to me as a priority requirement of the Supreme Court this year.

In my second reading speech I gave some indication of the growth of business of the Supreme Court which has led to this requirement. I referred to the increased workload, which had doubled over the three-year period to 1982. There is no doubt that the present Master of the Supreme Court has for some time been working under unreasonable conditions of stress, and that this position should not be allowed to continue for much longer.

Mr Masters' second question was, "Will Mr Paul Seaman, QC, be appointed to the position of second master, and if so, how soon?" The answer to that is that Mr Seaman will indeed be appointed to the position of second master of the Supreme Court and that appointment will take effect as soon as this Act is proclaimed. It would have been our preferred position that Mr Seaman be appointed as master and then seconded to head the inquiry in much the same way as judges are often seconded from the Bench to head inquiries for limited periods.

We were not able to proceed in that way because the Supreme Court Act did not permit us to make that second appointment. Nonetheless, we regard the State as being particularly fortunate in having a practitioner of Mr Seaman's standing available for appointment as master, and that is an opportunity we would not want to miss. I assure the House that his appointment is one which is not only accepted, but has been welcomed by the Bench, by the private profession and, indeed, by the wide range of people with whom I make a practice of consulting in respect to judicial appointments.

Having said that, I do not disguise the fact that we have come up against a problem relating to the work that Mr Seaman is engaged in on the Aboriginal lands inquiry. The initial suggestion that he take this position was on the basis that the inquiry would take about six months to complete, and on that understanding it seemed that Mr Seaman would be available to take up his duties in the courts in February next year. After discussion with the Chief Justice, it was agreed that position could reasonably be pursued, especially as the legislative process would prevent him taking it up much before then, in any event. What happened as the inquiry has proceeded is that the estimates of its duration have extended further into the future. My current understanding is that we are now looking at a 12-month rather than a six-month timetable, and that means that Mr Seaman's ability to take up the position of second master will not, for practical purposes, arise until August. From the point of view of the administration of the court, I make no secret of the fact that it is a disappointment. Nonetheless, there is no question of our turning back on the clear commitment which we made in respect of this appointment to the position of second master. Although I have never had reason to put the question in this form, I personally would have no doubt that, faced with a choice of the position of master or of commissioner of the Aboriginal lands inquiry, Mr Seaman would have taken up the position of master.

It appeared at the time that he could do both, and those well-laid plans and good intentions have simply come adrift because of the complexities of the inquiry that have emerged as it has gone on.

Hon. G. E. Masters: What you are really saying is that he will take on the position of second master of the Supreme Court to get that salary. I am not speaking in a nasty way about that. He will then be receiving the salary of the second master of the Supreme Court and he will carry on as commissioner of the inquiry.

Hon. J. M. BERINSON: He will be in the position of a judge or any other judicial officer who is seconded from his duties for another purpose but who naturally is unable to draw additional fees or salary for his other duties. That will be his position. Mr Seaman will be in the position of drawing his salary as second master, but for the period of the inquiry he will be acting on secondment to it.

Since that point has been raised, let me make it clear to overcome any doubts on the issue, that this arrangement is indeed to the substantial saving of the State and to the substantial cost of Mr Seaman as compared with the position had he opted to undertake the Aboriginal lands inquiry on an ordinary professional basis. We are all well aware that QCs are frequently appointed to head inquiries and they do not look to the sort of salary or fee that Mr Masters has referred to of in the

order of $60 000 per annum or, in round figures $1 000 or $1 200 per week. Privately-commissioned QCs undertaking these duties look to that sort of remuneration every day.

I do wish that some of the people who have made the unfortunate and quite unfair and improper imputations in this case had paused before they did so to consider precisely what they were saying.

Hon. G. E. Masters: I raised it in a general way.

Hon. J. M. BERINSON: I have already made it clear that I did not put the Hon. Gordon Masters' questions into that category and I regard them as certainly reasonable, given the nature of this Bill.

Finally I add that there is no question of the details of this position having come to notice indirectly. If my memory serves me correctly they were made public on 16 August—certainly in August some time—by Mr Keith Wilson as the Minister responsible for the Aboriginal lands inquiry. He made clear at that time that the commissioner had indeed accepted the position of second master, but that he would be acting in the inquiry until that was completed.

There is certainly no doubt in the mind of anybody who appreciates the growth of business in the Supreme Court that a second master is needed. That is at the heart of this Bill, and I commend it to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and passed.

REFERENDUMS BILL

In Committee

Resumed from 23 November. The Deputy Chairman of Committees (the Hon. John Williams) in the Chair; the Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title—

Progress was reported on clause 1.

Hon. P. G. PENDAL: I speak briefly on the first clause merely to signal the Opposition's intentions.

Members will be aware that there are on the Notice Paper extensive amendments standing in my name. Other amendments have now been placed on the Notice Paper in the name of the Attorney General. With the exception of one of my proposed amendments it is intended that once a particular hurdle is overcome in one way or another, the following amendments in my name will be withdrawn and I will seek to support the amendments that stand in the Attorney General's name. I am doing that on the basis of advice I have received that the substitutes proposed by the Attorney General carry out the intention of my amendments, with one or two possible minor exceptions which the Opposition does not intend to pursue.

Clause put and passed.

Clause 2: Interpretation—

Hon. P. G. PENDAL: This clause is the matter of contention to which I have just referred. It is the only amendment that is on the Notice Paper in my name which the Opposition intends to pursue. I move an amendment—

> Page 3, line 12—Add after the word "Act" the words "that has been passed by both houses of Parliament".

I am aware from some advice I have received that the amendment that I have moved is unnecessary in that a later clause in the Bill—clause 9—makes the assumption that a referendum cannot be put to the people of Western Australia unless it has been passed by both Houses of Parliament. It is therefore suggested by some people that it is unnecessary for me to extend the definition contained on page 3, line 10 of the Bill, which states—

> "referendum as to a Bill" means a referendum on the question for the approval or otherwise of a Bill for an Act;

I am not one who in the past has ever denigrated the legal fraternity for not being able to make up its mind. In this case I have received advice that the insertion for Bills going to a referendum to be passed by both Houses of Parliament is unnecessary. It is also an equally open argument by others to whom I have referred the Bill that it is necessary. If it is the case that other clauses of the Bill demand that a referendum can only be submitted to the people after it has been approved by both Houses, then I put it to the Chamber that there is no harm done in confirming the intention of the Bill by adding the words I have proposed in my amendment to ensure that a referendum question must be passed by both Houses.

Having said that, I put it to the Committee that in the first instance the Opposition has supported

the Bill at the second reading stage. We have supported it to the extent of bringing forward positive and sensible amendments. We have now signalled our intention of not proceeding with most of those amendments and deferring to the amendments now to be moved by the Government to achieve the same ends. I would like it to be understood by everyone that the Opposition has approached this Bill, as it has approached others, in a reasonable manner. Therefore, in insisting upon this amendment it cannot be said that we are in any way being obstructionist.

As I understand it this Bill has some link with the deadlocks Bill with which the House will soon be dealing. I understand provision is made that in some circumstances a Bill can go to a referendum, having been passed or approved by one House and having been rejected by the second House. I know that we cannot canvass the merits or demerits of that Bill, but I make the point now that I am strongly opposed—and it comes to the very foundation of the parliamentary system under which we operate in this State, this country, and throughout the world—to legislation being referred to the people by way of a referendum when it has not been agreed to by the two Houses. If there is the slightest possibility that, when this Bill becomes the Referendums Act, it could be used to put matters to referendum which have been passed by only one House, then I, and the Opposition as a whole, will vigorously oppose that concept.

Hon. J. M. Berinson: Could you indicate whether you believe that the deadlocks Bill falls within what you said about going to the foundation of the parliamentary system; that is, you should not be able to present a referendum except one relating to a Bill approved by both Houses.

Hon. P. G. PENDAL: If I understood the question correctly, my response is that the very foundation of our parliamentary system in this State and elsewhere is a two-House system of Parliament. I cannot speak for the Opposition on the deadlocks Bill but I can speak for myself in that regard. I find it totally unacceptable that we should consider that parliamentary approval is assumed to be given when only one House of a two-House system has given that approval. I stress that in regard to the deadlocks Bill I am speaking for myself and not for the Opposition. The Hon. N. F. Moore tells me I speak for him also. I am sure that point would have wide sympathy among members of the Opposition.

It means that if the Government does not accept the amendment which I seek to insert, it amounts to its pursuing the idea that we will have created in this State a one-House system of Parliament and we would have done it by stealth. If it is intended to confront the question of a one-House system of Parliament, that should be done in the open and should be the subject of a separate Bill so that the people of Western Australia and, indeed, the legislators, know precisely what we are up against.

Hon. J. M. Berinson: That is certainly not the issue here.

Hon. P. G. PENDAL: It is not the central issue.

Hon. J. M. Berinson: It is not even a peripheral issue.

Hon. P. G. PENDAL: Yes, it is. It is close to the heart of what the Government is talking about if one accepts the principle that referendum questions go to the people upon approval from one House only. If one accepts the principle contained in the deadlocks Bill, effectively one is saying we will have a one-House system of Parliament. I put it to the Government as fairly as I am able that we should bring this issue out into the open and say, "Here is a Bill to abolish one House or to amalgamate both Houses". In other words, let us do what was done in Queensland. Nowhere in the world, to my knowledge, is it possible to do what the Government is intending, either intentionally or unintentionally, by this Bill.

Hon. J. M. Berinson: What about proposition 13 in California? That had an effect on the taxation law which is pretty basic and did not have the support of the Parliament at all.

Hon. P. G. PENDAL: I intend to come to the United States position in a few minutes by way of precedents set in particular States of that country. I intend to argue this very fundamental point, which I put on behalf of the Opposition: We should have, whether people like it or not, a two-House system of Parliament. It is no good anyone saying that we have a troublesome second Chamber which does not have to account for itself and which frustrates the other House. The reality is the Chamber is accountable, as every member knows. Any action taken in this Chamber, even with regard to other legislation which has been of a contentious nature during the last few weeks or months, must be accounted for to the people of Western Australia. That is a good thing and the Opposition does not seek to escape it.

I repeat that my suggested amendments are to ensure beyond all possible doubt that a referendum cannot be referred to the people of Western Australia as a result of being passed in only one House.

It may be that the system works okay in Queensland with only one House, although some people would doubt that. It may be that New

Zealand operates satisfactorily with only one House, although I have heard people express doubt about that as well.

If members fail to support an amendment of this kind it may be the first step down the path towards the establishment of a one-House Parliament in this State. We would still have the form of two Houses but the second House would be there without substance and in name only.

There is another and perhaps equally compelling reason to support the contention that I make, and that is a referendum issue which manages to capture the support of both Houses is probably one which will be carried by the people of the State. Not always; there is some guesswork involved in that, but if there is some effort on the part of legislators to create a consensus, then the chances are that the people will respond accordingly by giving that referendum question their approval.

The evidence of that can be found in the comment I made in the second reading debate. Since federation, federally there have been 23 referendum questions emanating from the party political policy document of the Government of the day. That is 23 out of a total of 35 or thereabouts. Of the 23 which have been put to the Australian people in the knowledge that they were highly partisan, that they were loaded—whichever party has been in power—only two have received the approval of the people. Again that tells a message. The message is that the people of Australia—and I suspect the people of Western Australia—will not support referendum questions where they can find a wide diversity of opinion between the two major political parties because they smell trouble. They can sniff it in the air from miles away. It signals to the Government of the day, of whatever political colour, that the people are not as silly as all that.

Finally, I make a comment I made in my second reading speech, and I repeat it now. This was a point touched on by the Hon. David Wordsworth. Referendums are not to be seen as some ideal form of democratic practice, because they are open to abuse and to manipulation.

They are open to manipulation even in the most passive way one could think of; that is, that the Government of the day of whatever colour will invariably decide not to put to the people anything which might be construed as leaving egg on the face of the Government once the results come in. Governments of whatever political persuasion like to be on winners.

Four years ago Mr Hawke, the present Prime Minister of Australia, put the proposition that there should not be casinos in the ACT without a referendum. He then occupied an office other than that which he now occupies. Four years later, under his prime ministership, a casino proposal has been approved in principle for the ACT, and of course there has been no referendum.

I do not imply anything other than the point I have just made to the Committee; that is, that Governments of the day put to the people referendums that they think they can win. They desist from putting to the people referendums which they think they may lose. It is only in the last couple of days that the House of Assembly in the ACT has taken the view that the Prime Minister himself had four years ago, which seems to have become lost in the prime ministerial corridors since then.

I do not want to go beyond that. I could go into other matters if necessary, but the point was made as strongly as I was able to make it in the second reading stage of this Bill that I personally feel it was a dangerous practice to allow referendum questions to go to the people where those questions have not been approved by both Houses representing the electorate we are talking about—in this case Western Australia. Suffice to say a brief comment appeared in the journal, *Democracy Under Pressure* subtitled "Introduction to the American Political System".

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I have conferred with the President by note and due to the unpleasant atmospheric conditions coats may be removed in the Chamber until the dinner break if any member so wishes.

Hon. P. G. PENDAL: This very brief quotation from that publication is intended to underline that principle which I have tried to argue in the House in the second reading debate and in the Committee stage. Referring to the United States of America it says—

> The most common means of amending state constitutions is by a two third vote of the legislature and approval of a majority of the voters at the next election.

That, Mr Deputy Chairman, points to the nexus which I have just sought to draw in the case of Western Australia; it means that a referendum question is one which has to be decided by the people in concert with the Parliament or Legislature. What I am asking for is the insertion in this Bill of the principle which is accepted widely throughout the world, certainly in the democratic communities throughout the world—

Several members interjected.

Hon. P. G. PENDAL: That is not correct, because I think Mr Kelly is suggesting that that does not have to happen in the Federal sphere as well. I would suggest that the Hon. Mr Kelly should look at section 128 of the Federal Constitution and then he should have a look at the very excellent book produced by Senator Evans, together with Mr Storey and another author whose name I cannot think of at the moment. The effect is that the two Houses of the Federal Parliament do need to approve a referendum. It is not specifically spelt out. I am simply referring to that passage written by those three gentlemen.

Hon. Robert Hetherington: The Constitution says "in two Houses, or in one House twice".

Hon. P. G. PENDAL: If Mr Hetherington has been able to quote that far down the line, I invite him to quote the little piece which follows that in this book because it makes the point that I have made in this debate.

Hon. Peter Dowding: What is it?

Hon. P. G. PENDAL: I have made it in the Minister's absence.

Hon. Peter Dowding: Rigid conventions again.

Hon. P. G. PENDAL: I do not intend that the Minister should enter the debate at the last minute not knowing what has taken place.

Hon. Peter Dowding: I have just read section 128.

Hon. P. G. PENDAL: The Minister should read the commentary by his own Federal Attorney about section 128 of the Federal Constitution, because they are his words, not mine. On that basis I commend the amendment, the result of which would be that a Bill needs to have been passed by both Houses. It is no more than a reflection of what the Government itself has included in clause 9 where it says in the case of a referendum as to a Bill that has been passed through both Houses, certain things will follow.

On those grounds I commend the amendment to the Committee.

Hon. J. M. BERINSON: It is a great shame that the Hon. Phillip Pendal is pursuing this line on this clause for two reasons: Firstly, despite all the things on which we agree, he chooses as his first contribution to the Committee debate to take up the only matter on which we disagree. I find that very sad. Secondly, his argument is really based on a misunderstanding. The definitions clause to which we are now directing our attention refers to—

> "referendum as to a Bill" means a referendum on the question for the approval or otherwise of a Bill for an Act.

Mr Pendal argues that that should be qualified so as to be restricted to a Bill that has been passed by both Houses of Parliament.

Whatever one's view of the deadlock Bill to which the member referred, it can hardly be argued that it is not a legitimate exercise of parliamentary function to pass such a Bill. Without going into detail on its merits, but referring to the scheme of that Bill, simply by way of illustration and absolutely no more, I point out that the deadlock Bill is designed to meet precisely the situation where a Bill is passed by one House, but not by both, and the opportunity is taken to resolve that deadlock by approaching the people.

It cannot be said that that is improper, nor can it be said that it is undemocratic. Not only that, but also it cannot be said that this device has been adopted without the concurrence of both Houses of Parliament, because the deadlock Bill itself would take effect only if both Houses of Parliament said it should.

Hon. P. G. Pendal: You are assuming the deadlock Bill will be passed, but it has not been dealt with yet. I do not think you can speculate what will happen in respect of the deadlock Bill.

Hon. J. M. BERINSON: I am not speculating on the Bill; I am simply saying that in principle, there would be an argument against a referendum device. The member may disagree with it, but he can hardly oppose the structure of the device to overcome the deadlock on the basis that it is either undemocratic or unparliamentary. The reason for that is that the device would not come into play unless it had received prior approval of both Houses of Parliament by way of an Act.

I refer members to clause 4(1)(b) where they will find the following terms, leaving out the irrelevant words—

> Whenever . . . a referendum is . . . authorised or required by any Act, the Governor may . . . direct the Clerk of the Writs to issue a writ for the referendum.

That limits the circumstances on which a writ for a referendum can be issued. For present purposes I am omitting clause 4(1)(a), which deals with constitutional referendums. However, clause 4(1)(b) limits the capacity to instruct the clerk of the writs to issue a writ for a referendum and it limits it to the situation where a referendum is authorised or required by any Act.

Again using the proposed structure of the deadlock Bill, it will be seen there is an Act—assuming the results for the moment—that is, a "Deadlock Act", which says that we can have a referendum on a Bill which has been passed by one House only. Without the authority

of an Act, a referendum cannot be held. Not to oversimplify it, we cannot have an Act without the agreement of both Houses of Parliament.

Hon. P. G. Pendal: As in the case of daylight saving.

Hon. J. M. BERINSON: No, not as in the case of daylight saving; in any case.

Hon. P. G. Pendal: I agree with what you have said. If both Houses decide that a matter should go to the people, it is quite legitimate.

Hon. J. M. BERINSON: But it is no more legitimate than an Act which says a referendum may be held under other circumstances, including a circumstance where a Bill is passed twice by one House, but not by the other. There is nothing more proper than the provisions of the Referendums Bill to which the member has referred and the provisions of the proposed deadlock Act to which I have referred; it is simply not true to say that these are undemocratic or unparliamentary.

A phrase Mr Pendal used to indicate his position was that it goes to the foundation of the parliamentary system that matters should go to referendum only after they have been agreed by both Houses. I do not dispute that. What I am saying is that, if we have an Act of the nature of the deadlock Act, it has been agreed by both Houses that a Bill contemplated by that Act is put to the people.

Hon. P. G. Pendal: We have not dealt with that and, therefore, it is a hypothetical question.

Hon. J. M. BERINSON: But that is the situation.

Several members interjected.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! We are debating the Bill in Committee and I do not intend to allow these conferences which are going on. They lead to confusion.

Hon. J. M. BERINSON: I need say no more at the moment than to summarise the position in this way: Clause 4 provides that we cannot have a referendum unless an Act has been passed permitting that referendum to be held. That necessarily involves the agreement of both Houses to the holding of a referendum in the set of circumstances contemplated by the Act in question.

There is no reason in principle that one of the possible sets of circumstances should not involve a referendum being put in respect of a Bill which has not passed both Houses; a Bill which has passed only one House or indeed a Bill which has passed no House at all. The important point is that whether a Bill is passed by one House, two Houses, or neither House of Parliament, it could not be submitted to a referendum under the terms of this legislation unless there was an Act of Parliament to authorise its being submitted to a referendum. I do suggest that the Hon. Phillip Pendal is developing phantom problems in this area, and I urge the Committee to reject this amendment.

Hon. MARGARET McALEER: While I followed the argument of the Attorney General and allowed for its logic and validity, I indicate we have put this amendment forward with the wish to limit the scope of the Referendums Bill to that which is presently in force, in the sense that the only Bills which can now be legally subject to a referendum are those permitted under section 23 of the Constitution Act, Bills which seek to alter the Constitution in certain areas.

The only concrete example we have of a question which requires a referendum by an Act of Parliament is that of daylight saving. We did not wish to envisage a wider scope for this Referendums Bill at this time, therefore we sought to tighten up the definition in the Bill so that it will refer to what is, and not what might be.

It seems that clause 9, which has been referred to often, would be quite consistent with this approach. I refer members to the words of that clause. This Bill quite specifically refers only to constitutional Bills—while I admit the Attorney's argument—and that provision is the one we have sought to tighten up. A number of loosely worded provisions are contained in the Bill, provisions which we seek to amend and which the Attorney General seeks to amend.

Hon. P. G. PENDAL: I will give a scenario which to the Government may sound absurd; therefore if it is used in reverse it makes me come to the conclusion that the Government's arguments are absurd. Suppose we had the system that a referendum question could conceivably go to the people having been incorporated in a Bill passed by only one House of Parliament. Suppose this Chamber passed a Bill to put to referendum the abolition of the Legislative Assembly. The argument would be easy to put to the people of Western Australia that we would save the salaries of 57 politicians. That is the absurdity in reverse which the Government is asking us to accept within the confines of this Bill, and the Bill to which the Attorney General referred.

The scenario represents how silly it would be to pass this Bill, but if members of this Chamber felt they were under some sort of threat because of the Government's policy in regard to, say, the

Legislative Council—I am merely putting a hypothetical situation—in defence of their livelihoods the members of this Chamber could decide that, because we could have a referendum authorised by one Chamber only, we should submit a referendum to the people for the abolition of another place. It would allow the very sort of rabble-rousing capacity to which I referred in my second reading speech; the capacity for people to go out and use the sorts of arguments that are plainly attractive to the people of Western Australia by their sheer superficiality, as would be the case with our suggesting a referendum authorised by this Chamber should be held on the question of the abolition of another place.

Moving on from that scenario I again put to the Committee that the Attorney General has not addressed the central question to which I made reference, and that is the value in getting the approval of two Chambers on any matters that are to be referred to the people by way of referendum. I cannot imagine anything more fundamental than that point. It was mainly my mistake to introduce the arguments of the deadlock Bill into this debate.

Hon. J. M. Berinson: No, I think that was a very good example.

Hon. P. G. PENDAL: My regret is only that it then has to be seen that we are taking some sort of position on the two Bills being lumped together. I have not read the deadlock Bill, although I have heard of it from people who have told me about some of its provisions, including the Attorney General. In terms of debating this measure we cannot make our decision on it based on what might be contained in another Bill.

Hon. J. M. Berinson: Can you not make your decision on a set of circumstances that might affect any number of Bills without going particularly to their contents?

Hon. P. G. PENDAL: That is why I am able to make my decision based on the belief that referendum questions, particularly those relating to constitutional matters, should be authorised by a combination of forces; for example, the legislators and the electors. That has been the practice in many States of the US. I made reference to that point earlier in this debate and during the second reading debate.

Hon. Garry Kelly: They have initiatives too.

Hon. P. G. PENDAL: They do have initiatives. One State has written into its Constitution that Hughie Long's birthday is a day of some standing. Lots of absurd things are done. I return therefore to my original theme that it is quite wrong and dangerous for the people of this State to allow legislation to enshrine the principle that this Government is attempting to enshrine; that is, that we can operate effectively with only one House of Parliament. If they believe that, and people are entitled to believe that—

Hon. Peter Dowding: Why don't you deal with the Bill instead of some fantasy?

Hon. P. G. PENDAL: Because that is the effect, Mr Dowding, wittingly or unwittingly, of this. I am sorry we cannot repeat conversations that have been made outside in the corridors, because I cannot pursue that point. I think the Minister should have a closer look at this. I suggest for a lawyer of some high repute, he ought to have a look, along with others, at what this Bill will do in concert with the deadlock Bill, that we have yet to consider.

I do not intend to help enshrine that position which is as absurd as giving this place the power by itself to have a referendum question decided on the abolition of the Legislative Assembly and the saving of the salaries of 57 politicians. That would be a cynical attempt to win public support, although, I think it would probably be successful. It would be a cynical attempt, as was the previous Bill in this Chamber, to focus so-called legislative reform around the argument in the community that we should get rid of 12 useless politicians. In other words, the boot can be put on the other foot. I put it to the Committee that it would be absurd to allow that situation to occur, just as it would be absurd to allow the situation that I foresee being allowed to occur. Again, I commend the amendment to the Committee.

Hon. ROBERT HETHERINGTON: I find Mr Pendal's argument very difficult to follow because it does not seem to me that this clause enshrines anything. If anyone tries to enshrine anything, it is the honourable gentleman who has just sat down.

I would like to advert to the argument he brought forward earlier and say that he does not seem to have got it quite right. I do not care what a book by Senator Gareth Evans *et al* said. I know what the Constitution of the Commonwealth says; it says one can have a referendum if a Bill is passed by two Houses of Parliament or is passed by one House twice with three months intervening. This has only happened once in the history of our Constitution. I think it was in 1951 when the Senate twice passed a Bill for a referendum and the Government led by Sir Robert Menzies refused to provide the finance for the referendum, so it was not held. So one finds under the practice of the Constitution, if a Bill were passed twice by the Federal lower House,

there could be a referendum, but not if it were passed by the upper House.

So it is wonderful what Constitutions do. What this clause says, and it does not entrench anything but the Constitution, is two things: firstly, that a referendum may be held under a proclamation under the Constitution as it stands at any given time. Now, if this had been passed and had gone through before the Court Government amended the Constitution to put provision for a referendum into it, there would be no provision for a referendum under this clause, because there was no provision for a referendum under the Constitution.

At present there is a provision that if both Houses pass a Bill which deals with the numbers in either House or at least with the powers of the House, then there can be a referendum. Under no other circumstance can there be a binding referendum under our Constitution.

Now, if in due course our Parliament sees fit to pass, by an absolute majority of both Houses, changes to the Constitution which either do or do not have to go to a referendum—if they have to go to a referendum they go to a referendum—then the Constitution will change. Therefore, we can do whatever is allowed under the Constitution at present. What Mr Pendal is trying to do is something that I find abhorrent under the British system: to bind future Parliaments in a way other than under the Constitution.

Hon. P. G. Pendal: We do that every day.

Hon. ROBERT HETHERINGTON: Parliament cannot bind a future Parliament except constitutionally by legislation. I think the member ought to get it right because we are arguing about quite important things here. I happen to know something about the Constitution.

As the Constitution stands now, an Act has to be passed. A constitutional Act has to be passed by both Houses. If the Constitution is changed by action of both Houses—an absolute majority of both houses—then the Constitution will change. If that allows for a referendum in the foreseeable future under some other method, we have a referendum under some other method. However, I will not judge hypothetical future circumstances. I think this Bill deals with the Constitution as it stands, and it deals with it adequately.

What the clause says is that one can either have a referendum as laid down by the Constitution or have a referendum under a Bill as passed by both Houses of Parliament. What is wrong with that?

We can have a referendum in two ways: As at present laid down by the Constitution, which means that a constitutional Bill has to be passed by both Houses of Parliament with an absolute majority before we can have a referendum; or, if this Bill passes under this clause, we can only deal with what applies at the moment. If we do not like what might apply in the future, the Opposition can argue against it and use its numbers, which it has done.

In the meantime, there is some inbuilt protection, and that is what this Bill deals with. The Constitution has to be changed in a very special way so there is another inbuilt safeguard. We can have a referendum if we go through certain constitutional processes.

It also allows that we can have a referendum when it is required by any other Act. I do not see what the honourable member is on about, except building up further little walls for something that might happen in the future. I would suggest to him that this may be a Pyrrhic victory because sometimes, of course, when another safeguard is built up, one finds that a chink has been left in the armour.

Just leave the safeguards as they are; they are adequate. There is no need to do this, and certainly the member cannot gain support for his action from the Federal Constitution which specifically at present allows for a referendum if the lower House—but not the upper House in practice—passes a Bill twice, whereas, our Constitution does now allow anything like that at all. What the Government might not require, decide, or want, we will deal with when we come to it. I am sure that need not worry the honourable member because he has in-built safeguards; let him use them then.

Hon. P. G. PENDAL: I would have thought that the argument used by the previous speaker makes the point that I have been endeavouring to make because he used the example, as I recall, of the decision of the Senate in the early 1950s for a certain matter to go to a referendum. It was not a matter that was passed by the House of Representatives.

Hon. Robert Hetherington: That is right, but it was under the Constitution as it stood.

Hon. P. G. PENDAL: Yet the Government of the day saw fit to do what I was talking about earlier. It said it would not put to the people of Australia a matter that had been agreed to by only one House.

Hon. Robert Hetherington: Because it was not passed by the lower House.

Hon. P. G. PENDAL: That is where the scenario I painted a few minutes ago about this Chamber comes in. If we had mechanisms which said we could put referendums to the people if a

matter had been passed by either House of the Western Australian Parliament, it would be a different matter. In the scenario I was painting this Chamber decided to hold a referendum on the abolition of the Legislative Assembly. Mr Hetherington's point supports the view I am taking; that is, a referendum of the people should not be held on a matter that does not have the support of both Houses of the Parliament.

Hon. J. M. BERINSON: I think the issue has been well canvassed and I do not want to cover it again. I simply want to point out that in the Government's view this amendment is unnecessary and undesirable and ought to be rejected.

Amendment put and a division taken with the following result—

Ayes 15

Hon. W. G. Atkinson	Hon. Neil Oliver
Hon. C. J. Bell	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. I. G. Pratt
Hon. Tom Knight	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Noes 10

Hon. J. M. Berinson	Hon. Kay Hallahan
Hon. D. K. Dans	Hon. Robert Hetherington
Hon. Peter Dowding	Hon. Garry Kelly
Hon. G. J. Edwards	Hon. S. M. Piantadosi
Hon. Lyla Elliott	Hon. Fred McKenzie
	(Teller)

Pairs

Ayes	Noes
Hon. I. G. Medcalf	Hon. Mark Nevill
Hon. P. H. Lockyer	Hon. Tom Stephens
Hon. H. W. Gayfer	Hon. J. M. Brown

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 3 to 8 put and passed.

Clause 9: Arguments in relation to referendum question—

Hon. D. J. WORDSWORTH: During my second reading address I asked the Attorney General about the issuing of the "No" case when a referendum does not relate to a Bill. I expressed concern that while the Chief Electoral Officer may invite "Yes" and "No" cases he does not necessarily have to distribute them. Subclause (4) says that if he gets the two cases he has to issue them, but it appears to me he does not have to ask for them in the first place.

Hon. P. G. PENDAL: I raised in the second reading debate the point that the words used in the Bill in reference to the Chief Electoral Officer give him a discretionary power as to whether the argument to which Mr Wordsworth has referred would be printed and then distributed to electors. The point the Opposition made at the time was that that discretion should not exist, and that the word "may" should be replaced by the word "shall" which would remove all discretion on the part of the Chief Electoral Officer. I understand the Government is prepared to accept that amendment. Therefore I move an amendment—

> Page 8, line 1—Delete the word "may" and substitute the word "shall".

Hon. J. M. BERINSON: The amendment moved by Mr Pendal covers the point made by Mr Wordsworth and, as he anticipated, it is acceptable to the Government.

Amendment put and passed.

Hon. J. M. BERINSON: I move an amendment—

> Page 8, line 8—Delete the passage "(if any)".

This is a consequential amendment arising from the change of the word "may" to "shall".

Amendment put and passed.

Hon. P. G. PENDAL: The next amendment appearing in my name is also to do with the same clause and the same page. I have already indicated the Opposition's preparedness to withdraw the amendment after line 9 as listed on the Notice Paper in order to make way for the Attorney General's amendment, but I ask for the assurance that the amendment proposed by the Government will in fact achieve the same end. We are talking about a drafting matter—with the exception of the change from the amendments that I will not move—and the reference to four weeks will now be seven days. I ask for that to be explained, and I ask for the assurance that we are seeking the same end.

Hon. J. M. BERINSON: The honourable member's amendment has the effect that in the event of a referendum as to a Bill, the first option in respect of the preparation and distribution of arguments for and against will go to members of Parliament. That is reflected in the amendments which I have listed. The difference in our respective terminology is to overcome quite a serious problem of administration which was seen to arise from Mr Pendal's proposal. Under his proposal there would be considerable room for doubt in the mind of the Chief Electoral Officer as to who should be chosen to provide the draft statement distributed on either side. It is not at all clear how the electoral officer would decide who represented the majority opinion, seeing we are dealing with a referendum, not with a Bill. Other circumstances can be contemplated which would make his judgment difficult to arrive at.

The advice which has been adopted in the amendment listed in my name is to invite arguments for and against from members of Parliament. That is on the basis that the accepted argument will be the one to which most members of Parliament have subscribed their names. In other words, if there are differing views amongst groups of members over which argument should be put for or against, the argument adopted for distribution will be that which demonstrably has the support of the largest number of subscribing members.

I move an amendment—

Page 8, line 9—Insert the following new subclauses to stand as subclauses (3) and (4)—

(3) In the case of a referendum other than a referendum as to a Bill, if before the expiration of the period ending 7 days after the day of the issue of the writ there is forwarded to the Chief Electoral Officer an argument in favour of the marking of ballot papers used for the referendum in a particular authorized manner complying with such conditions and requirements as may be prescribed and authorized by members of Parliament the Chief Electoral Officer shall, subject to subsection (4), cause the argument to be printed and distributed to electors or otherwise cause the argument to be brought to the notice of electors.

(4) Where two or more arguments are received in accordance with subsection (3) in relation to the same authorized manner of marking ballot papers the Chief Electoral Officer shall cause action to be taken under subsection (3) in respect of the argument that was authorized by the greater or greatest number of members or, where two or more such arguments were authorized by an equal number of members (which number was greater than the number of members by whom any other such argument was authorized), in respect of such one of those arguments as is decided by the Chief Electoral Officer by the drawing of lots.

Hon. P. G. PENDAL: The Opposition is happy to support the Government's amendment which is now intended to be substituted for the one I previously proposed to move. I ask the Attorney General please to tell the Chamber briefly what he has told me privately in relation to the reduction of the four-week period to seven days.

Secondly, I ask him to comment on my belief that the structure of subclause (3) would be far more effective if, in line 3, after the word "argument" we then inserted the words, "authorized by members of Parliament"—words which appear later in that subclause.

I am assured by some people that the construction of that sentence means the same, anyway. I would like that assurance from the Attorney General.

Hon. J. M. BERINSON: The difference in the time scale is concerned only with practical problems of implementation. When a referendum is to be called on, the Bill provides for a period of two weeks' notice of intention to issue the writ. The advice from the Electoral Office is that after the issue of the writ there will be a period of about six weeks before the referendum can be held, so we are looking at a period of eight weeks altogether from the giving of notice of intention. If the four weeks proposed in Mr Pendal's amendment were permitted to run from the issue of the writ as he suggests, and if no cases were submitted by members of Parliament, only two weeks would remain for the Chief Electoral Officer to invite other cases to be submitted to him to make a determination as to which to accept and have them printed and distributed. It was thought that that period would be too short.

The time-scale provided here will allow members three weeks in which to prepare their case and still leave five weeks between the time their limit expires and the referendum is held in case the second procedure is required. Three weeks is thought ample for the purposes of members of Parliament because, after all, they would be aware in the course of the debate leading to the referendum that a referendum was intended, so it should not be a great difficulty for them to prepare their case in three weeks rather than four weeks. On the other hand, it will make it very much easier for people other than members of Parliament to have five weeks rather than perhaps only two weeks.

Mr Pendal asked also whether the effect of the words "other than by members of Parliament" where they now stand in the amendment would be the same as if they came at the earlier point of the clause to which he referred. My understanding is that their effect is precisely the same. Certainly that is the intention. The amendment as drafted follows the pattern already in clause 9(1)(a), and no doubt that is what encouraged the

draftsman to adopt that same formula at this point.

Amendment put and passed.

Hon. P. G. PENDAL: I will not move the next amendment standing in my name on the Notice Paper because the matter will be dealt with in amendments to be moved by the Attorney.

Hon. J. M. BERINSON: I move an amendment—

> Page 8, line 14—Insert after the word "referendum" the passage "in relation to which no argument has been received in accordance with subsection (3)".

This amendment can be described as consequential to the proposition we have just adopted to allow members of Parliament first option to present a case.

Amendment put and passed.

Hon. P. G. PENDAL: I move the following amendments—

> Page 8, line 18—Delete the numeral "7" and substitute the numerals "21".
>
> Page 8, line 23—Delete the word "may" and substitute the word "shall".
>
> Page 8, line 28—Insert after the passage "subsection (3)" the passage "or subsection (4)".

Amendments put and passed.

Hon. J. M. BERINSON: I move the following amendments—

> Page 8, line 28—Insert after the passage "(3)" the passage "or (5)".
>
> Page 8, line 30—Delete the passage "(if any)".

These are consequential amendments. The first is merely a renumbering of a subsection and the second is consequential upon the substitution of the word "shall" for the word "may" accomplished by an earlier amendment.

Amendments put and passed.

Hon. P. G. PENDAL: I move an amendment—

> Page 8, line 31—Delete the passage "under subsection (3)".

This is merely a consequential amendment upon an earlier one.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 to 14 put and passed.

Clause 15: Question to be submitted to electors—

Hon. P. G. PENDAL: The Opposition made the suggestion that on a day when an officially sanctioned referendum was to be held there ought not to be allowed an unofficially ordered referendum to be tacked on to the official referendum. As the Attorney General is to move an amendment to cover the situation, I will not move the amendment standing in my name on the Notice Paper.

Hon. J. M. BERINSON: I move an amendment—

> Page 10, line 5—Insert after subclause (3) the following new subclause to stand as subclause (4)—
>
> > (4) No question shall be submitted to the electors on the same day as a referendum except by way of another referendum or an election.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 16 and 17 put and passed.

Clause 18: Provisions of Electoral Act as to ordinary voting etc. to apply—

Hon. J. M. BERINSON: When originally drafted, the Bill at this point referred to a provision in the Electoral Act related to the striking-out of names of electors who failed to cast a vote. That provision has since been changed, so the earlier requirement no longer applies. I move an amendment—

> Page 11, lines 12 and 13—Delete the passage "(other than subsection (15))".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 19 to 31 put and passed.

Clause 32: Retention, production and destruction of papers—

Hon. J. M. BERINSON: I move an amendment—

> Page 22, lines 12 to 17—Delete all words after subclause designation (1) and substitute the following—

Retention, production and destruction of papers.

Any member of Parliament may give notice to any Returning Officer requiring production of the rolls used by him and any Assistant Returning Officers at a referendum, and if the notice is so given after the day of the referendum and before the day when the referendum can no longer be questioned those rolls shall be produced to that member as soon as is practicable.

(2) Such books, documents, ballot papers and other papers used for or in connection with a referendum as may be required by the Supreme Court under Part VI of this Act shall, upon an order of the Court, be produced by the Chief Electoral Officer, but shall not be available for any other purpose.

(3) All books, documents, ballot papers and other papers used for or in connection with a referendum may, when the referendum can be no longer questioned, be destroyed by the Chief Electoral Officer, or with his approval, by any Returning Officer or Registrar.

This clause goes to the ability of people to require the production of documents for inspection. By incorporating the terms of the Electoral Act earlier, this provision referred to a candidate's being entitled to do so. That obviously has no application to a referendum, and the amendment overcomes that difficulty.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 33 to 51 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. J. M. Berinson (Attorney General), and returned to the Assembly with amendments.

"HANSARD"

Availability: Statement by President

THE PRESIDENT (Hon. Clive Griffiths): I wish to advise members as follows: With a view to providing an interim service to members during a proposed ban on overtime on the visual display units at the Government Printing Office, the Chief Hansard Reporter advises that a daily uncorrected proof of the day's proceedings could be provided by approximately 5.00 p.m. the following day. This would contain the corrections of members if received in the *Hansard* office before the copy was sent to the Government Printing Office. The copy will be sent there progressively during the day. If a member's duplicate has not been received before the copy has been sent to the Government Printing Office, an asterisk will be placed beside the member's name indicating that the speech does not contain the corrections.

On the front page will appear the following notation: "Uncorrected Daily Proof", followed by the date, "Not to be quoted or circulated until members' corrections have been obtained from the *Hansard* office. An asterisk beside the member's name indicates that his/her corrections have not been included". That notation will be stamped on the front of the daily booklet. This uncorrected daily proof will be available only to members, Ministers, and *Hansard* staff. The usual weekly proof copy available to the public will continue to be issued, but only when it is possible for the Government Printing Office to complete it.

The purpose of the proposition is to enable members to obtain at least a rough idea of what members have said, and to check with *Hansard* staff if it is uncorrected, in order to facilitate debates in the House.

I wish to advise that unless I receive a considerable number of objections from honourable members of this House prior to our adjourning this evening, it will be my intention to confer with my colleague, the Speaker of the Legislative Assembly, with a view to agreeing to put this plan into operation.

QUESTIONS

Incorporation in "Hansard"

HON. D. K. DANS (South Metropolitan—Leader of the House) [6.08 p.m.]: I seek leave of the House for questions to be taken as read and incorporated in *Hansard*.

Hon. G. C. MacKinnon: Would the Leader of the House be kind enough to make it clear that this is an exceptional circumstance?

Hon. D. K. DANS: It is under the exceptional circumstance that some members have planes and trains to catch and have made prior arrangements. I am trying to accommodate their wishes.

Leave granted.

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [6.09 p.m.]: I move—

That the House do now adjourn.

Leader of the House: Birthday

HON. A. A. LEWIS (Lower Central) [6.10 p.m.]: Before the House adjourns I think all members would like me to wish the Leader of the House a happy birthday.

Hon. D. K. Dans: I would rather forget it.

Legislative Programme: Adjournment of the House

HON. D. J. WORDSWORTH (South) [6.10 p.m.]: Expecting two important Bills, I have sat tight during the course of discussion of the Bills that have come before us this afternoon only to find that we are to adjourn now. I am rather disappointed not to have known earlier of that decision because already my counterpart on the other side has been able to catch the plane to Esperance which took off five minutes ago.

Natural Disaster: Bunbury Storm

HON. V. J. FERRY (South-West) [6.11 p.m.]: I will take a couple of minutes of the time of the House to raise a matter which is of some concern to me. On 27 October I asked a question on notice of the Minister representing the Minister for Police and Emergency Services regarding relief given to the Bunbury naval cadets as a result of the tornado damage which occurred in that area in early August this year. In that answer of 27 October I was informed that the Minister for Police and Emergency Services undertook to advise me in due course of the result of discussions. Earlier this week I asked the Government's action in regard to naval cadets, and as yet the Government has not answered, but I received advice from another source dated 17 November that indicates the TS Bunbury naval reserve cadet unit headquarters will receive $97 190. I am extremely pleased that the unit will receive that money from the Government, but it is a pity the Government was unwilling to provide that information to me when it was available a week ago.

Legislative Programme: Adjournment of the House

HON. FRED McKENZIE (North-East Metropolitan) [6.12 p.m.]: I explain to the Hon. Vic Ferry that the question was not answered because the Minister for Police and Emergency Services is at present out of town on Government business.

Question put and passed.

House adjourned at 6.13 p.m..

QUESTIONS ON NOTICE

725 and 726. *These questions were postponed.*

STATE FORESTS: PINE

Planting: Manjimup

738. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Has it yet been established whether pine planting will take place on Crown or private land in the Manjimup Shire, or is it still considered a mix will be used?

Hon. D. K. DANS replied:

The options are still under review, pending *inter alia* the report of the Manea committee.

TIMBER

South West Sawmill Co. Pty. Ltd.

739. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Forests:

(1) What timber concessional or licensed areas have been available to the South West Sawmill Co. Pty. Ltd., Picton, for the last 10 years?

(2) When was the mill first established?

(3) What areas have been relinquished by the company, or withdrawn by the Forests Department from this milling company over the last 10 years?

(4) At what dates did the changes occur, and for what reasons?

(5) What is the life expectancy of this mill based on current availability of timber?

Hon. D. K. DANS replied:

(1) The quantity of logs and the area from which they may be taken is specified by licence which is subject to renewal annually. The current licence is for 4 250 cubic metres in the vicinity known as Happy Valley.

(2) The mill was registered on 29 July 1966.

(3) The licence authorising this company to remove sawlogs from State forest provides no rights to any specific area.

(4) Not applicable.

(5) The current licence expires on 31 December 1983. It is estimated that about three months' cutting is available.

STATE FORESTS

Manjimup: Farming Properties

740. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

(1) Have any properties been offered to the Forests Department by farmers in the Manjimup Shire?

(2) If so—

(a) how many; and

(b) in what areas of the shire?

Hon. D. K. DANS replied:

(1) Yes.

(2) (a) 18 properties;

(b) eight in the Northcliffe area;
five in the East Manjimup area;
one in the Quininup area;
one in the Yornup area;
two in the Perup area;
one in the West Manjimup area.

STATE FORESTS: PINE

Land: Suitability

741. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Has the department changed its view on the use of lower quality agricultural land for pine planting, or does it still believe it is unsuitable for planting?

Hon. D. K. DANS replied:

No. The department still believes that land which is waterlogged, infertile, or has shallow soils is unsuitable for the preferred species *pinus radiata*.

WATER RESOURCES

Catchment Area: Harris River

742. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Water Resources:

With reference to the catchment area for the proposed Harris River dam—

(1) Have any properties been purchased?

(2) Are any properties under option?

(3) Has the department had any complaints from land holders advising that finance is not available to private individuals to purchase land in the catchment area because the Government has not declared its intention?

Hon. D. K. DANS replied:

(1) No.

(2) No.

(3) Yes. There is a current complaint through the local member which is under investigation.