

Legislative Assembly

Wednesday, 13 March 1985

THE SPEAKER (Mr Harman) took the Chair at 2.15 p.m., and read prayers.

Sitting suspended from 2.17 to 7.15 p.m.

DENTAL PROSTHETISTS BILL

Conference Managers' Report

MR HODGE (Melville—Minister for Health) [7.16 p.m.]: I have to report that the conference of managers met at Parliament House on Wednesday, 13 March 1985 from 9.30 a.m. until 5.00 p.m.

Generally speaking, the matters requiring agreement were—

- (1) what is known as the "grandfather" clause which enables those who practised as dental prosthetists—see clause 3 (3) of the Bill—to continue to do so, and
- (2) the proposition as to whether dental prosthetists should be permitted to provide; that is, supply and fit partial dentures as well as full dentures.

After lengthy deliberation the conference of managers agreed that the amendments set forth in the schedule hereto be dealt with as follows—

Schedule

- (1) Legislative Council's amendments Nos 6, 7, and 8, as agreed to by the Legislative Assembly, shall stand part of the Bill.
- (2) The further amendments Nos 1 and 2 made by the Legislative Council shall not stand part of the Bill.
- (3) The amendments Nos 2, 3, 9, 10, 15, 16, and 17 disagreed to by the Legislative Assembly and insisted upon by the Legislative Council shall not stand part of the Bill.
- (4) The amendments Nos 1, 4, 5, 11 to 14, and 18 to 46 disagreed to by the Legislative Assembly and insisted upon by the Legislative Council shall stand part of the Bill.
- (5) The Bill is further amended in the following respect—
Clause 18.

Page 11, line 25—To insert after "subsection (1)(b)" the following—

if he undergoes an assessment of proficiency by written, oral or practical examination or any one or

more of those kinds of examination as may be required by the person holding the office of Director of Dental Health Services in the Health Department of Western Australia established under the Public Service Act 1978, and performs to the satisfaction of that person in that assessment.

Page 11, lines 26 and 27—To delete subclause (3).

Clause 19.

Page 12, lines 1 to 30—To delete the whole of paragraph (b) and subclauses (2) and (3).

The report is signed by all members of the conference and I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Council.

MEMBER FOR KATANNING-ROE: SUSPENSION

Personal Explanation

MR OLD (Katanning-Roe) [7.19 p.m.] I seek leave to make a personal explanation.

Leave granted.

Mr OLD: After giving consideration to the remarks I made to the Press regarding my suspension from the House last Thursday, 7 March, I realise that they could be construed as a reflection on the Chair and I would like to assure the House and you, in particular, Mr Speaker, that it was certainly not my intention to reflect on either you or the Chair.

In consideration of that, I offer my sincere apologies.

The **SPEAKER**: I thank the member for Katanning-Roe for those remarks.

MINING AMENDMENT BILL

Second Reading

MR PARKER (Fremantle—Minister for Minerals and Energy) [7.22 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Mining Act 1978-1982. It seeks to redress the shortcomings resulting from the then Government's attempts to replace the 1904 Mining Act.

Despite massive opposition from us when in Opposition, from the people of the goldfields, prospectors, mining companies and even some of its own members, the coalition Government would

not listen to reason and passed a new Mining Act in 1978. The job was done so ineptly that the legislation had to be substantially amended before it was introduced in 1982 and was further massively amended in the same year.

I would also make the point that many of those later amendments had originally been suggested by us when in Opposition. Belatedly, the then Government saw the wisdom of what we had been saying.

Even so, the new Mining Act was already out of date when it was introduced. In the Australian Labor Party's policy for the 1983 State election, we recognised that it was no longer possible to reintroduce the old Mining Act 1904, but we undertook to institute an immediate inquiry into the Mining Act.

Along with other measures that we proposed—such as the study into mineral revenues—this was a recognition by the ALP of the importance of the mining industry as a whole in the State's development and future well-being. We were concerned to ensure that an appropriate legislative framework should be in place to provide the industry with the security and assurance it needed for future development.

The most significant amendments in the Bill result from the recommendations of the committee of inquiry into the Mining Act assembled by the Government on 11 July 1983 under the chairmanship of Perth solicitor Michael Hunt.

The members of that committee were—

Mr N. R. Hooker—the Chamber of Mines of Western Australia (Incorporated);

Mr P. R. Atkinson—Association of Mining and Exploration Companies Inc.;

Mr D. Dellar—Amalgamated Prospectors and Leaseholders Association of WA (Inc.);

Mr K. C. Seivwright—Murchison Prospectors and Leaseholders Association;

Mr E. J. Blake—the Department of Mines of Western Australia;

Mr A. W. Crane—the Primary Industry Association of Western Australia (Inc.); and

Mr M. A. J. Cameron—the Pastoralists & Graziers Association of Western Australia (Inc.).

Mr W. Phillips was appointed secretary of the committee and Mr R. Snedden was appointed as assistant to the secretary.

As can readily be seen, the committee was broadly-based and reflected those groups most closely concerned with mining activity throughout the State.

The committee's terms of reference were—

- (i) the small prospector and his rights, including the need for a specific goldmining tenement;
- (ii) the security of title of tenement holders;
- (iii) the various existing provisions for exercise of ministerial discretion;
- (iv) Wardens' Courts and their operation;
- (v) the cost of holding title to mining tenements;
- (vi) a method for solving disputes as to entry for exploration and mining on agricultural land and compensation therefor; and
- (vii) any other matters referred to the committee by the Minister.

The committee received 35 formal written submissions from industry groups, private companies and individuals. Some of those making written submissions were invited to appear before the committee in its public hearings. The committee held a total of 18 meetings between September and December 1982, including one meeting in Kalgoorlie. This provided Goldfields' residents with the convenience of meeting with the committee on their home ground.

A public review period of three months was set to give all interested parties time to consider and assess the report in detail.

At the same time, I had discussions with many groups on aspects of the report which particularly concerned them. In addition, interested groups were also consulted on the Government's draft proposals for this legislation. In short, the Government has engaged in exhaustive consultation to ensure—in contrast to the previous Government's amateurish mishandling of the whole thing—that we had it right.

I believe we have achieved just that: An up-to-date and effective piece of legislation which meets the modern needs and practices of the State's mining industry while adequately protecting the rights of private landholders and pastoral leaseholders.

I propose to deal with each term of reference separately.

Term of reference one: In regard to the rights of the small prospector, there were complaints that availability of ground had been drastically reduced by blanket pegging; that is, large areas of land were being taken up in contiguous blocks by people who did not appear to be working them. The provision of a special goldmining tenement which could be granted over an existing

prospecting or exploration licence was advocated to resolve the problem.

Sections 56A and 70 of the Act already substantially provide for this. However, it is proposed to amend the Act so that the special prospecting licence relates to gold alone and does not, as hitherto, include the right to search for precious stones—the rights to search for and collect precious stones will be dealt with later when considering lapidaries and rock hunters. Any one person will not be permitted to hold an interest in more than one special prospecting licence and the maximum number of those special licences which may be granted will be one on any existing prospecting licence, or, one for every 200 hectares of an existing exploration licence.

A special prospecting licence will not be granted where it will interfere with the exploration or mining programme of the holders of the primary tenement. In addition, the special licence will be limited to 10 hectares in area, 50 metres in depth, and production of 500 tonnes. It will carry with it a right to convert to a special mining lease with similar restrictions, except that the tonnage which may be produced is increased to 750 tonnes per annum.

On surrender of either the special prospecting licence or special mining lease, ownership of the ground will revert to the holder of the primary tenement.

Transfer of a special mining tenement will not be permitted without the consent of the holder of the prospecting or exploration licence over which it was granted, or, if applicable, the lease granted in substitution therefor.

Lapidaries and rock hunters generally collect small quantities of stone for polishing and setting as gemstones and then move on. It is considered that this small stone collecting operation does not warrant the need to peg and apply for a mining tenement. It is proposed therefore to extend the existing entitlement of holders of miners' rights to obtain 20 kilogram samples from vacant Crown land to include existing prospecting and exploration licences on Crown land. It will, however, be necessary to first obtain the consent of the licensee and, if a pastoral lease is involved, the consent of the pastoral lessee. As at present lapidaries will still require a miner's right so that their operations on Crown land are not confused with trespassers and unlawful miners. In future, proof of identity will be required before a miner's right is issued and production of the miner's right will assist pastoralists and others to identify bona fide miners from trespassers and illegal operators.

Term of reference two: On the question of security of title of tenement holders, the committee concluded that when an application was made to convert a prospecting or exploration licence to a lease, the existing licence should continue in force until the lease was granted. An option was also proposed to give a right of renewal of a mining lease for a further period of 21 years.

The Bill seeks to make these amendments and also provide for the Minister to be able to exempt the holder of a mining lease from the expenditure condition for a period of up to five years where ore reserves have been proved and are required to support current production; or where marketing problems render mining uneconomic; or where restrictions on mining are imposed for political or other substantive reasons. Previously, the maximum term applicable to such exemption was one year.

The committee also advocated a system to determine which application should have priority when two or more applications for an exploration licence covering common ground were lodged at the Mining Registrar's office at the same time. This could occur either at time of personal lodgment over the counter or when they were received through the post. The committee recommended that, as exploration licences were not physically marked off, priority should be determined by ballot. It is proposed therefore that the warden shall have power to conduct such a ballot in open court.

In the past, the Act has imposed a statutory restriction on the transfer of an exploration licence in the first year of its term. This provision was designed to ensure the stated exploration programme was carried out, but did not take into consideration the effect of liquidation, bankruptcy, or the death of the licensee. It is now considered advisable that these events be covered by removing the restriction on registrations and allowing them, together with any transfer or assignment, to be registered at any time in the same way as any other dealings.

The matter of ensuring compliance with the first year's exploration programme will be administratively considered prior to effecting a transfer or other such registration. Similar restrictions on prospecting licences were removed in 1982 and as mining leases are production tenements on which the exploration programme might reasonably be assumed to be complete, they do not require the same consideration.

Term of reference three: As far as the various existing provisions for exercise of ministerial discretion are concerned, the committee found there

was a general acceptance of the existing provisions. No amendments were proposed.

Term of reference four deals with Wardens' Courts and their operations. The committee proposed that wardens be required to give written reasons for their decisions and that a distinction be made between when a warden is acting administratively in dealing with applications, and when he is acting judicially in court proceedings. In order to allow the warden more time to carry out the functions of his office, it is proposed that a prospecting licence be deemed to be granted in circumstances where the application comprises vacant Crown land and no objections have been filed. The mining registrar will then issue the licence document without the need to involve the warden in time-consuming but otherwise routine matters.

A recommendation by the committee chairman seeking the appointment of a chief mining warden with the qualifications and status of a Supreme Court judge is not being accepted at this time. The reason for this is that the major role envisaged for the chief warden will be assumed by the independent president of the Mining Compensation Tribunal, which the Bill seeks to constitute.

As the Act already provides avenues for wardens to obtain Supreme Court advice in difficult legal situations, for appeal in case of a mistake at law, and for review by the Minister in cases where the warden refuses to grant prospecting or miscellaneous licences, little justification now remains for constituting and filling an office of chief warden. However, the situation will be kept under review and if, after a suitable period to assess the operations of this section of the Act, it is found necessary, we will take steps to implement this particular recommendation.

On term of reference five, the Hunt committee initially resolved that the cost of holding title to mining tenements was reasonable. The Government has since implemented fee increases and these will be subject to review by the mineral revenues study group. The committee recognised that a degree of inequity existed in rentals when hard rock mines, where large tonnages were being taken from small areas, were compared with alluvial deposits which generally occupy a very large surface area per tonne.

To overcome this inequity it is proposed that the Minister be given a discretion to reduce annual rental on a mining lease when he is satisfied an alluvial deposit has been fully delineated and is held as a reserve for an existing mining operation.

Term of reference six: Nineteen submissions were received by the committee on the subject of

resolving disputes as to entry for exploration and mining on agricultural land and compensation therefor.

Opposing views were put by farmer and miner representatives and little common ground could be found. As a result, it was not possible to achieve a consensus within the committee. The chairman felt the community interest in encouraging exploitation of the Crown's minerals outweighed the interests of the individual in wishing to farm uninterrupted. He personally was convinced that the present provisions relating to entry onto private land under cultivation operated so as to constitute a substantial disincentive to exploration and mining in the south-west of the State.

He further stated that initial access to private land for exploration only, should be possible on conditions which protect all legitimate interests of the farmer. In the event of a mineral deposit being defined, the miner would be compelled to apply for a lease.

The inquiry chairman suggested conditions for entry which included—

- protection of the legitimate interests of the farmer;

- restrictions on periods of access, use of vehicles, and manner of exploration;

- compensation for inconvenience and interference;

- a mineral explorer to make written offer of compensation and suggest conditions of access within 60 days of application for his exploration tenement; and

- if negotiations fail after a further six months, either party may refer the matters to the compensation tribunal.

Similar conditions would apply to the grant of a lease which envisages the development of a mine, except in that case the miner must specify the area of land he would require when making the offer of compensation and be required to purchase the farm if mining operations made or were likely to make farming not viable.

The Government is of the view that the chairman's recommendation should be accepted in a modified form and that a compensation tribunal should be constituted. The president and deputy presidents of the tribunal would be appointed by the Governor, and the tribunal should be made up of one representative each from the mining and rural industries and an independent president who would be highly qualified legally.

At the instigation of the owner or occupier of the land or the applicant for any mining tenement, the tribunal will have the power to make

recommendations to the Minister on matters of exploration and mining on private land under cultivation, and to advise the Minister on matters relating to compensation or access to that land as well as to any other land.

The tribunal will have power to recommend—

- (a) whether or not the grant of any mining tenement should be refused;
- (b) whether or not access to the land or any part of the land for any aspect of mining should be permitted, the nature and extent of vehicular access to be permitted, the manner in which vehicles should be used, and where and in what circumstances access or vehicles should be prohibited;
- (c) The nature and extent of mining carried out or to be carried out;
- (d) whether and to what extent any loss or damage may be reduced or mitigated by rehabilitation of the land, and what steps may be progressively taken during the course of mining operations to alleviate any detriment;
- (e) whether any, and what, mining should be prohibited, suspended, made subject to conditions or otherwise regulated to facilitate the seasonal or other requirements of rural industry or of agriculture;
- (f) whether any, and what, rural or agricultural operations or interests should be postponed or otherwise effected to permit or facilitate mining;
- (g) the manner in which the disturbance of stock, and the spread of weeds, pests, disease, fire or erosion, and other sources of danger or concern to rural or agricultural operations or interests, including any loss of time or opportunity, may be minimised or averted; and
- (h) whether any or what compensation should be paid in accordance with the Mining Act in respect of the actual or likely extent of any loss or damage suffered or likely to be suffered by any owner or occupier of the land as a result of the grant or proposed grant of a mining tenement, the persons entitled thereto, the obligations relating thereto, and the conditions, mode, and time of payment applicable;

and generally to ensure that the interests of all affected parties are reasonably considered.

The tribunal's recommendations, as accepted by the Minister, will become conditions upon which

the grant of any relevant mining tenement will be made and the tenement will thus be liable to forfeiture if those conditions are not complied with. The parties to any reference before the tribunal will have the right to engage legal representation and all reasonable costs incurred by the private landowner must be paid by the applicant for the mining tenement.

It is further proposed that the bill of costs will be taxed and that the costs of any frivolous or vexatious proceedings will be paid by the person referring them to the tribunal. Generally the proceedings are to be conducted as informally as possible.

The avenue of appeal will be to the Supreme Court and will be confined to matters of law only and will not be permitted in respect of any recommendation applied as a condition to the grant of a mining tenement similar to that which now prevails under the 1978 Mining Act and formerly prevailed under the 1904 Act.

A decision of the tribunal will be made when at least two of the three sitting members concur, but questions of law and procedure must be resolved by the legally qualified president. The tribunal will be required to give reasons for its recommendations when a request is made for them.

The functions of the tribunal as proposed are different from those recommended by committee chairman Hunt in that Hunt recommended that the private landowner's power to veto mining be removed and that exploration and mining be allowed to proceed according to conditions and compensation which the tribunal considered reasonable. The Bill proposes that this power of veto will be partly vested in the independent tribunal and that the tribunal may recommend to the Minister that exploration and mining be vetoed after having considered the total merits of the opposed interests as raised in evidence by the parties to the proceedings.

In all of this, the Government has recognised the need for protection of the farmer.

Extensive discussions have taken place with rural interests to find common ground on this matter and to balance what may be competing interests of the farmer and the exploration or mining company.

Included in the Bill is an amendment which arose from discussions with representatives of rural interests quite independently of the Hunt committee recommendations. This proposes to give protection to occupied land on which a dwelling or other substantial building has been erected. This provision will give pastoralists power to veto

mining for this type of land within a 100 metre radius of any such improvements and will require that the consent of the occupier of the land will be required before any mining can be carried out thereon.

Some minor amendments of an administrative nature have been recommended by the Mines Department and have been included. These have arisen from experience with the Act since it began operating on 1 January 1982. The most significant of these amendments proposes to strengthen the means available for collection of royalties on minerals by authorising the making of regulations to create penalties for failure to lodge royalty returns and disclose production details. It is also proposed to extend the time limitation in which proceedings must be taken, from the six months effective under the general law, to three years, as presently the time in which to prosecute expires before any effective action can be commenced.

Conclusion of the Hunt committee inquiry and adoption of the amendments posed in the Bill are in line with the Government's objective of revising the legislation to improve the position of the prospector, explorer, and miner, generally, while still protecting the legitimate interests and concerns of other sections of the Western Australian community.

In particular, we have maintained and reinforced our abiding commitment to the concept of Crown ownership of minerals. This is an overriding principle from which we do not retreat.

Over the years of Western Australia's history, the mining industry has made a huge contribution to the State's development. Our aim in these amendments is to demonstrate, through legislative action, our continuing support and encouragement for the industry in the years that lie ahead.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Peter Jones.

HORTICULTURE: WINE GROWING INDUSTRY

Appointment of Select Committee

Debate resumed from 27 February.

Amendment to Motion

MR TONKIN (Morley-Swan—Leader of the House) [7.41 p.m.]: I move an amendment—

That the following words be added after "(Mr Stephens)" in the last line of the motion—

The Member for Canning (Mr Bateman), and the Member for Moore

(Mr Crane). The Select Committee to report on 1 August 1985.

Discussions have been held behind the Chair with respect to this matter and it has been decided that a broadly-based Select Committee will best investigate the problems associated with the grape growing industry of Western Australia.

Of course, as is its due, the Government will have a majority on the committee and the mover of the original motion, the member for Mundaring (Mr Troy) will automatically be a member of the committee.

In addition, the Government has recognised that the National Party has a part to play in the affairs of the State and that the National Party should not be ignored but should play a legitimate part in this Parliament. Therefore, it has a right to representation on the committee.

I understand that the Opposition nominees are the member for Vasse and the member for Moore, and, therefore, I understand that this amendment is largely a formality as agreement has been reached by both sides of the House.

MR HASSELL (Cottesloe—Leader of the Opposition) [7.43 p.m.]: The Opposition accepts the amendment on this occasion and, as the Leader of the House has indicated, discussions have been held. However, I want to place on record that the Opposition has certain reservations about the way in which the matter is being dealt with. I do not want the matter to be regarded as a precedent to be used against the Opposition on another occasion. It is recognised by us that the member for Stirling has a direct electorate interest in some aspects of this industry and, therefore, has perhaps what might be regarded as a special claim to membership on this Select Committee. However, we do not want it to be thought that this is a generally accepted proposition so far as we are concerned in the sense that the member for Stirling belongs to a party with two members in this House. Although we do not seek to exclude those members from participation in the business of the House, the effect of the motion we are accepting—in this case only I emphasise—is that a place which would normally belong to the Opposition has been taken by a party which has only two members in this House.

The situation is accepted without question on this occasion, but I do not want the Leader of the House to regard it as a precedent which will automatically apply in all cases. We think such an attitude would be quite wrong.

MR COWAN (Merredin) [7.45 p.m.]: I thank the Leader of the House for acknowledging the presence of the National Party in this House, and

for providing the opportunity for the member for Stirling to be a member of this committee.

It is not the right of any political party in this Parliament to have its members serve on Select Committees. The will of the House will determine who will be members of Select Committees.

In response to the comments of the Leader of the Opposition expressing his worry about creating a precedent, in as much as the Opposition may be deprived of having what he claims is its rightful membership of the committee, I remind the Leader of the Opposition that as recently as the term of the last Tonkin Government, a situation occurred when only one member of the Opposition was appointed to a Select Committee. The Select Committee in that case was appointed to inquire into hire-purchase agreements and at that time the Country Party was not part of the coalition Opposition. The official Opposition was recognised as the Leader of the Opposition's party. The Country Party was not recognised as part of the Opposition. Yet on that occasion it had a member on the Select Committee.

We are very pleased that the Government has recognised—although the House does not recognise political parties—that the member for Stirling represents one of the premium grape and wine producing areas in this State, and particularly white wines. We accept the motion and the amendment.

I remind the Leader of the Opposition that there is no precedent in this case. If he looks at the record it can be seen that the Opposition did not hold two places in the Select Committee membership inquiring into hire-purchase agreements in 1972. The chairman of that Committee was Mr W. R. McPharlin, the then member for Mt. Marshall and a member of the Country Party. At that stage the one Liberal Party representative was Mr Williams, the then member for Bunbury. The only observance given to form was that the Government of the day had a majority on the Select Committee. Having said that, we support the amendment before the Chair.

Amendment put and passed.

Question (appointment of Select Committee), as amended, put and passed.

MR TONKIN (Morley-Swan—Leader of the House) [7.48 p.m.]: I move—

That the Committee have power to call for persons and papers, to sit on days over which the House stands adjourned, to move from place to place.

Question put and passed.

MR J. J. O'CONNOR: CHARGE

Tabling of Documents: Motion

MR HASSELL (Cottesloe—Leader of the Opposition) [7.49 p.m.]: I move—

That this House—

Calls on the Government to table, in both Houses of Parliament, all documents relevant to the case against John O'Connor, Secretary, Transport Workers' Union, including—

- (1) Opinions of legal counsel not so far tabled.
- (2) Statements of evidence and briefs.
- (3) Memoranda and particulars of the prosecution case on file.
- (4) Submissions to the Attorney General and officers of the Crown Law Department relevant to the case.
- (5) All other documents and papers relevant to the case.

Excluding only private papers of the defendant in respect of which he would be entitled to legal privilege from disclosure.

It is now almost two weeks since the Attorney General made his astounding pronouncement in the Legislative Council that he had entered a *nolle prosequi* in the case of the Crown v. John Joseph O'Connor. Since then, there has been considerable debate in this House and in the Legislative Council over the propriety of the decision of the Attorney General. There has also been very considerable debate in the public arena. The propriety of the action of the Attorney General has been very seriously questioned, and the Opposition has called, and persisted with its call, for the resignation of the Attorney General. However, that call has not been heeded by the Government and, in fact, was rejected out of hand, despite the inconsistency which exists on the public record between the statements of the Premier some months ago, which were repeated on several occasions, and the action taken by the Attorney General. So, what is left to be done, as we see it, is to call on this Government to disclose more fully than it has the basis upon which the Attorney General reached his conclusion.

It will be remembered that the Attorney General made a statement in the Legislative Council, and at the time of making that statement he tabled, for all the world to see, a document expressing a number of opinions on the part of the Solicitor General. It is important to note that the Attorney General, in the very opening paragraphs of his statement, said that he wanted to emphasise

two things; firstly, that the decision to enter a *nolle prosequi*, or, in layman's language, to enter a stop of the proceedings against the union leader O'Connor, was his, the Attorney General's decision. He was saying not only that it was his decision in the normal sense that a Minister takes responsibility, but also—deliberately laying it on the record—that it was his personal decision, and not simply a decision for which he was responsible in the usual ministerial sense. So, the Minister accepted a double responsibility.

Mr Bryce: A great Minister, too.

Mr HASSELL: He is a Minister who should resign because of his decision, and the Deputy Premier knows it. He would know that the Attorney General has irretrievably besmirched his reputation by the decision he made, and that there has not been one public utterance of support, outside this Parliament, from the Labor Party or anyone else, in support of the decision of the Attorney General. Even Malcolm Hall has not been dragged out of the woodwork to write a letter to the paper in support of the Attorney—I have not seen one, anyway. Even Malcolm Hall, that great Labor lawyer who is always putting pen to paper supporting unpopular causes has not come out in support of the Attorney General's decision.

That is the first point that I want to emphasise to the House: The Attorney General, in this case, accepted a double responsibility—the normal ministerial responsibility, as well as personal responsibility for the decision he made.

Secondly, on the first page of his statement the Attorney General said, very clearly, that he had to emphasise that the decision he made had not been recommended by the Solicitor General. Indeed, he said it was not advised by the Solicitor General. That is true, and it is proved by the opinion of the Solicitor General that the Attorney tabled at the time of issuing his statement. So, at the start of this matter, we had a very clear situation—the statement by the Attorney General saying, "This is my decision", and an opinion from the Solicitor General who did not recommend either course of action. It was neutral. It presented a number of arguments that might be used in favour of entering a stop, stay, or *nolle prosequi* in the proceedings. It also presented a number of arguments against entering a stop, stay, or *nolle prosequi* in the proceedings; and that is how it stood. We had a clear situation.

Of course, the Attorney General's decision caused a very considerable and immediate controversy and a very strong and immediate reaction from the public and members of Parliament on this side of the House. It also caused a pretty

strong reaction from a number of members of Parliament on the other side of the House, but that did not become public. Some of the Ministers were less than pleased that they did not know anything about the announcement, even though the Premier had known about it the night before, and probably long before that, on the basis of the advice we have received, and was involved originally in the matter. However, the other Ministers of the Crown sitting in Cabinet did not know about the decision until it was announced, and they were not happy about that. Outside Parliament and within it, there was a great controversy. Many questions were raised about the conduct of the Attorney General. He was put under the hammer in the Legislative Council by way of a number of questions during question time, and by way of a censure motion against him.

The Attorney General was asked repeatedly, for example, about the procedure which he adopted in the actual entering of the *nolle*. It was found that he was engaged in some clandestine practices to have it entered in the court at a time when there would be no reporters in the court. Hon. Sandy Lewis persisted with a series of very perceptive questions in the upper House, and he hammered away at the Attorney General to try to get at the basis of fact as to what actually occurred in the procedure leading up to the entering of the *nolle* in the open court. He caught out the Attorney General very well indeed, because the Attorney General had been engaged in a deliberate tactic or manoeuvre to make sure that the court, when the *nolle* was entered, was not public although it was technically open.

Then there followed, as I mentioned, the serious measure of a censure motion being moved against the Attorney General, and a long debate. In the course of that debate, it was extracted from the Attorney General, who was subjected to a lot of pressure, that there was in existence another opinion besides the neutral, either-way opinion of the Solicitor General. I might say the Solicitor General could have no pride at all in his opinion. The Attorney General revealed that there was, in fact, another opinion, that of the Chief Crown Prosecutor. Not only was the existence of that opinion disclosed, but the actual advice he gave was also disclosed. That advice was that the Attorney General should have proceeded with the prosecution against O'Connor. That was a new and vital piece of information in the admission of the Attorney General as to his isolation from the usual and due legal process in reaching his extraordinary decision to stop the proceedings against O'Connor.

As a result of that disclosure, there followed a further censure motion against the Attorney General, which was moved in this House. He was censured for his failure to tell the Legislative Council the whole truth when he took the matter to the House. The Attorney tried to escape responsibility for that by giving a very lame excuse—a very lame excuse indeed. He said that the advice of the Chief Crown Prosecutor was not advice to him, but was advice to the Solicitor General.

That was the basis upon which he had not seen fit to mention it. One would not have to be too bright to know that that was not the sort of view the ordinary man or woman would take of the matter. Most people would believe that when the Attorney General had in his possession two pieces of advice, one saying that he should proceed and one not saying which way he should go, he should table both if he were going to table either so that the whole truth and the whole story were disclosed. But it was not disclosed. It was deliberately kept secret.

Then the Attorney General was asked to table that advice, and he refused. So the Attorney General has sought to feed to the Parliament and to the public a very selective presentation of the material that was available to him.

Let us speculate why he did not want to table the advice of the Chief Crown Prosecutor. It is the opinion of people engaged in legal practice that the Chief Crown Prosecutor has a very simple and standard policy on interference with proceedings in the criminal jurisdiction where those proceedings have been endorsed by a preliminary hearing in the court: Where there is a preliminary hearing at which a *prima facie* case has been established against a defendant or an alleged offender, he believes it is for the jury to decide or for the court to decide in the trial on the indictment and that he should not interfere in those cases.

In other words, the Chief Crown Prosecutor draws a distinction between cases in which a prosecution is going to a court for the first time in which in appropriate circumstances he acknowledges the propriety of interference by the way of *nolle prosequi* on some occasions. In the cases where there has been a preliminary hearing and the court has been satisfied of the existence of a *prima facie* case and has committed the defendant for trial at the higher court level—the District Court or the Supreme Court—the Chief Crown Prosecutor takes the view, as I understand it, that there should be no interference.

Mr Bertram: Is that proposition always adopted? No.

Mr HASSELL: Then why does not the Government disclose the advice of the Chief Crown Prosecutor?

Mr Bertram: Because it isn't necessary and it would be a nonsensical and a time-wasting procedure.

Mr HASSELL: In other words the Government is embarrassed to disclose this information. It is inconvenient to the Government's case; it does not suit its case. The Government does not want to expose to the world an opinion which is now known to be against the action of the Attorney General.

Mr Grill: That is rubbish.

Mr HASSELL: Is it not against the action of the Attorney General?

Mr Grill: It is neither for nor against the action of the Attorney General.

Mr HASSELL: The Chief Crown Prosecutor's advice?

Mr Grill: Yes.

Mr HASSELL: Then why does the Government not table it?

Mr Grill: It would be improper and against all precedent. You know that as well as I do. You are talking humbug.

Mr HASSELL: The Minister should not talk to me about humbug.

Here we have an Attorney General who came along and said to Parliament, "Here is a convenient opinion which I will table. It is from the Solicitor General. It is a convenient opinion because it does not tell me not to do what I am doing".

Mr Carr: It is the senior opinion.

Mr HASSELL: They are both senior, independent officers. The Minister should not come up with that sort of nonsense. On the admission of the Attorney General, the Chief Crown Prosecutor gave an opinion that the proceedings should not be interfered with.

Mr Grill: That is not correct.

Mr HASSELL: Then why does the Government not table his opinion and prove the situation?

Mr Grill: We have tabled an opinion from the relevant officer.

Mr HASSELL: It is not an opinion; it is a statement of the alternatives available. The Minister is a lawyer and he should know that if a person goes to a barrister and pays him for an opinion—and the going rate is around \$1 000, although the Minister might be more expensive—that person would expect the bottom line of

that opinion to give him some advice. The Minister knows that the Solicitor General's opinion gave the Attorney General no advice. It said that the Attorney General could do this or that. It presented him with arguments to support what he might want to do and arguments to support what he might not want to do. It is not like the legal opinions I have seen from senior and distinguished counsel. I have never seen an opinion from Frank Downing or Peter Brinsden—and I have seen a few of them—in that form. They have always given advice.

Mr Parker: I have seen a lot like that.

Mr HASSELL: Perhaps there are some occasions when counsel are unable to advise. But in this case the Solicitor General could have advised the Attorney General, but clearly there was a reason that he did not.

Mr Bertram: Would Peter Brinsden have enclosed a *nolle* and said that he could sign it if he liked?

Mr HASSELL: But what else did he say in that paragraph? He said in the very same paragraph where he said that he had enclosed a *nolle* that if the Attorney General wanted to go on with the proceedings the Chief Crown Prosecutor would sign the indictment in the usual way. The way he said it was significant. He knew that when he gave that advice the Chief Crown Prosecutor was prepared and willing to sign the indictment. How did he know that? He knew it because he had the opinion to which we have already referred. That opinion told him that in the view of the Chief Crown Prosecutor—so far as we know, given that it has not been tabled and we can only go on the word of the Attorney General—the indictment should proceed. That is just the first item, the first opinion, that we know about. But what about other opinions? What about the Crown Counsel's opinion? Is there one?

Mr McIver: Have you had any response from the Confederation of WA Industry or industry leaders?

Mr HASSELL: Has the Minister seen the statement issued by the WA Chamber of Commerce?

Mr McIver: No.

Mr HASSELL: I suggest he read it. Let me tell the Minister for Works, the man who awards contracts to the higher tenderers—

Several members interjected.

Mr HASSELL: A couple of Ministers are trying to divert me from the simple facts of this case. Let us not get away from the point.

Mr McIver: I am asking about the opinion of industry leaders.

The SPEAKER: Order! The Leader of the Opposition should ignore the interjections.

Mr HASSELL: I will try to reply to that interjection. In my recollection—and a lot of paper has gone over my desk in relation to this matter as members could imagine—I received on my telex machine copies of their statements and they were very critical of the Attorney General.

Let me return to the critical issues because it is important that people do not cloud them. The motion before us deals with the central issue; that is, that this matter should be brought into the open so that people can make a proper judgment on all the facts and not those the Attorney General has selectively put forward.

Mr D. L. Smith: Where a *prime facie* case is established, what criteria do you say the Attorney General should use in determining whether to *nolle*?

Mr HASSELL: In a court?

Mr D. L. Smith: In a court or on the opinion of the Crown Prosecutor.

Mr HASSELL: I would have thought the Crown Prosecutor's opinion would be the one expected to prevail in all but the most extraordinary circumstances.

Mr D. L. Smith: What sort of circumstances?

Mr HASSELL: I cannot envisage any particular case.

Mr Grill: I will tell you later on.

Mr HASSELL: Good! I will be glad if the Minister makes further disclosures.

Mr Grill: It gives the lie to the argument you are putting forward, because you do not know.

Mr HASSELL: That is very interesting, but this matter can be cleared up if the Government tables the papers.

Mr Grill: I will answer that shortly.

Mr HASSELL: I am sure the Minister will, and I have a pretty fair idea what the answer will be because he is hiding behind secrecy, as so often happens. The Minister will not disclose the papers because they embarrass the Government. The Minister knows very well there is not a jot or shred of impropriety in tabling the opinion of the Chief Crown Prosecutor in this House. There is no more impropriety in doing that than in tabling the opinion of the Solicitor General.

Mr Grill: It would not be prudent or proper.

Mr HASSELL: That is right. That is a good admission. I am sure that from the point of view of

the Government it would not be prudent because on the facts as known, the Attorney General would be seen to be even more way out than his actions have already shown him to be.

Mr D. L. Smith: What evidence have you of that?

Mr HASSELL: Let me ask the member for Mitchell one simple question: Does he deny that the Chief Crown Prosecutor believed that the O'Connor case should have proceeded?

Mr D. L. Smith: I am not privy to the Crown Prosecutor's opinion. It is clear from what the Solicitor General said that the Crown Prosecutor thought that there was a prima facie case. You seem to be saying that it was hidden and that there was no opinion from the Crown Prosecutor. If you read the Solicitor General's statement, you will see it refers to the fact that the Crown Prosecutor reviewed the evidence and formed the view that a prima facie case was revealed. That is what the Crown Solicitor said.

Mr HASSELL: Has the member got the Crown Solicitor's opinion?

Mr D. L. Smith: I have the opinion tabled in the upper House.

Mr HASSELL: That is the Solicitor General's opinion.

Mr D. L. Smith: I am sorry.

Mr HASSELL: The member is not privy to the Crown Solicitor's opinion. I am interested in that. I would like to know what he said.

Mr D. L. Smith: I doubt whether he said anything.

Mr HASSELL: Why not clear it up by putting the file on the Table of the House?

Mr D. L. Smith: You are trying to say something was hidden.

Mr HASSELL: The member ought to be able to understand this: There is a distinction between what I am talking about and what he is talking about. It is a clear one. He is quoting a section of the Crown Prosecutor's reported opinion in which he says there is a prima facie case. We are interested in the Crown Prosecutor's opinion as to whether the case should go on.

Mr D. L. Smith: I am quoting the Solicitor General's opinion to the Attorney General.

Mr HASSELL: The member is quoting the opinion in which he reports the Crown Prosecutor's opinion.

Mr D. L. Smith: You are attempting to say he never revealed he had an opinion from the Crown Prosecutor.

Mr HASSELL: There has never been any question that there was a prima facie case. Everyone agreed there was a prima facie case. The police agreed that a prima facie case existed when they gathered the evidence. When they took it to the Crown Law Department, they were told there was a prima facie case which would support a prosecution. When it went before the preliminary court it was agreed there was a prima facie case which warranted a committal for trial. When it went to the Crown Prosecutor he said there was a prima facie case, and even the poor old Solicitor General, who could not make up his mind one way or another, said there was a prima facie case.

That has never been an issue, so what is the relevance of bringing that up? The relevant point is whether the Chief Crown Prosecutor said the case should proceed. The way to establish that is very simple; let us see his opinion. It is my understanding that the Attorney General admitted under the pressure of a censure motion that the Chief Crown Prosecutor's view was that the case should proceed. If that is not the case, let us see the opinion. Why does not the Minister agree to table it?

Mr Grill: I will tell you shortly.

Mr HASSELL: Why not give us the Chief Crown Prosecutor's opinion? What is the impropriety that makes his opinion different from that of the Solicitor General? Did the Crown Counsel give an opinion? Does the Minister know that? The Minister does not know.

Mr D. L. Smith: We know the Attorney General acted on the Solicitor General's opinion and that is the only opinion that mattered.

Mr HASSELL: He may have acted on his opinion, but he certainly did not act on his advice. Let it be noted that the Minister has said—the Minister representing the Attorney General, and it must be a hard task—that he does not know if the Crown Counsel expressed an opinion. I will tell members what has been the usual and regular practice in these cases. It needs to go on the record so that it is understood.

Where these different sorts of cases have come up in the past for the consideration of the Attorneys General, they sought the opinion of three people independently—the Solicitor General, the Crown Counsel, and the Chief Crown Prosecutor. Previous Attorneys General considered those opinions before reaching a conclusion. In this case what we now know—

Mr D. L. Smith: What evidence do you have of that?

Mr HASSELL: What evidence does the member have that it is not right? Is he suggesting it is not right?

Mr D. L. Smith: You are the one who put the case.

Mr HASSELL: I am not in court, old chap; calm down. The member is not playing his games now.

Does the member deny that that is the case? I am telling the House that that is the practice. That is what has been observed in the past. If the member for Mitchell wants to say that has not been the practice let him tell the House what he believes it has been.

Mr Barnett: You are as full of garbage tonight as you usually are.

Mr HASSELL: The member for Rockingham wishes this matter would go away. The Government has been wanting it to go away ever since it burst forth.

Mr D. L. Smith: We will listen to you if you will tell us what criteria you would use in making the decision.

Mr HASSELL: Ever since the Attorney General made his outstanding announcement the Government and its members have been hoping that the whole issue would go away. Of course, it will not go away because in a free and open society one cannot hide the truth forever and, furthermore, one cannot get away with interfering with the basic institution of liberty and justice without a questioning of it from the community and from the people who believe propriety should be maintained.

Mr Grill: What has gone away are the members listening to you on your side of the House.

Mr HASSELL: Proportional to our numbers in this House there are more on this side than on the Minister's side. Let the Minister take an elementary lesson in arithmetic before he makes silly remarks.

Let me go back to the point because I think it should be carefully recorded: the normal course of events is that the Attorney General, when having to make a decision which might be categorised—although I do not think any of this kind have been made in the past—as out of the ordinary, seeks the opinions of three people, the Solicitor General, the Crown Solicitor, and the Chief Crown Prosecutor. He considers those opinions and reaches a conclusion. I want to know whether those three people gave opinions in this case.

We know that the Solicitor General wrote a document which really was not an opinion, although he expressed a number of varying and

conflicting opinions. We know that the Chief Crown Prosecutor expressed an opinion and we understand, although we have not seen it, that he recommended that prosecution proceed. The Minister says that he does not know whether the Crown Counsel expressed an opinion one way or the other, or indeed considered the matter. That is one matter that should be brought into the open because it is very important. If there is another opinion floating around, the Parliament and the public are entitled to know about it.

Mr D. L. Smith: From whom—the Crown Solicitor or the Solicitor General?

Mr HASSELL: Does it matter?

Mr D. L. Smith: Of course it matters. The Crown Prosecutor may have provided an opinion to the Solicitor General and the Crown Solicitor may have sought an opinion from someone junior to him and he in turn may have sought an opinion from someone junior to him.

Mr HASSELL: What if the Chief Crown Prosecutor had said, "Look, this is a very difficult case and it is out of the ordinary". Members opposite would have to acknowledge that it is out of the ordinary because even Labor Governments have not been known to carry on like this in the past.

Mr D. L. Smith: No-one is disputing that it is an extraordinary case.

Mr HASSELL: That is a very interesting admission. Let me ask the member for Mitchell what would have happened if the Chief Crown Prosecutor had said that this case warranted an opinion from a senior counsel, in other words a QC, from outside the Crown Law Department and he obtained an opinion from a QC either in Perth or from the Eastern States. Suppose he had said that he wanted the most senior man in the land to look at this case. Would the member for Mitchell say that that is not relevant to the Parliament?

Mr D. L. Smith: The proposition you are putting is this: The Solicitor General, having considered the Chief Crown Prosecutor's decision, gave a false and misleading opinion to the Attorney General. You know that proposition is wrong because my opinion of the Solicitor General is almost as high as my opinion of the Attorney General. The Solicitor General considered the Chief Crown Prosecutor's opinion and he provided it to the Attorney General, and that is the opinion on which the Attorney General acted.

Mr HASSELL: Firstly, the member for Mitchell has ignored the question. Secondly, he keeps reiterating that the Attorney General acted on the opinion of the Solicitor General. I remind the member for Mitchell that even the Attorney General said that he did not act on that opinion. I

will quote it to the House in order that the member for Mitchell is able to understand it. I think he needs to go back and read his brief again because he has not got it right. Let us be clear about it. On the first page of his statement the Attorney General said—

Before going further, I wish to make clear that there has been no decision by the Government in this matter. The decision has been taken in my personal capacity as Attorney General and in the exercise of the professional duties of that office.

That is the first important point to which I alluded in my opening remarks. In the next paragraph the Attorney General said—

In fairness to the Solicitor General, I make it clear that he has—

Mr D. L. Smith: Do not skip lines.

Mr HASSELL: I am prepared to concede that what the Attorney General has written is deceit—and that is what I am reading from: The deceit of a man who has sworn to uphold the law, but who has subverted the law in this case by a deliberate course of action. The Attorney General has sought to give favour in the administration of justice—favour to a man by reason of his industrial record and his industrial connections; and what a record it is! I will come to that point a little later because there is some lovely evidence in the preliminary proceedings about this man O'Connor and his activities around the place.

For the sake of the member for Mitchell I will again quote from the Attorney General's statement as follows—

In fairness to the Solicitor General, I make it clear that he has not positively recommended the course I have taken. What he has done is to clarify the issues and to indicate the various considerations which must be put in the balance in deciding whether or not to present an indictment.

That is what the Attorney said, and he made it clear.

Mr D. L. Smith: Keep on; quote the next line.

Mr HASSELL: If the member for Mitchell wants me to I suppose I could stand here and read the whole statement. I do not know that he would want me to because the document is on the public record and has been so for a couple of weeks.

Let me stick to the point. We know about the Solicitor General's opinion which was not advice and we know about the Chief Crown Prosecutor's advice; and, on disclosed evidence, we understand that he recommended that the proceedings con-

tinue. What we do not know is whether any other opinion was obtained.

I asked the member for Mitchell whether he would think it improper to table an independent opinion if one had been obtained. He avoided the question because it was embarrassing. The Minister said that he did not know whether an opinion had been received from the Crown Counsel. By way of interjection the Minister has tried to say it would be improper to table the opinion of the Chief Crown Prosecutor.

I ask the Minister whether he would explain clearly when he gets the opportunity to reply, why there is a difference in proprieties between tabling the opinion of the Solicitor General, which has already been tabled, and tabling the opinion of the Chief Crown Prosecutor which has remained secret.

Mr Grill: I will tell you shortly.

Mr HASSELL: I want to mention to the member for Mitchell something that the Attorney General said himself, because it is quite important to this case. It appears in answer to a question asked in the Legislative Council on Thursday, 7 March. It is question without notice 578, appearing on page 8 of the uncorrected proof of the questions and answers pamphlet. The Attorney was answering one of a series of questions put by Hon. Sandy Lewis as to why he entered the *nolle prosequi*. He says—

I would have thought it was a decision to maximise the exposure and I think that is perfectly proper—

Then he goes on with these very significant words—

—because one of the essential elements of a *nolle* is it should be open to public scrutiny. That is why it is presented in open court.

The Attorney General said that a *nolle* should be open to public scrutiny. How can it be seriously suggested that this case has been open to public scrutiny when the Government will not release documents or allow the public to see the essential documents?

What are those essential documents? We know about some of them. We know about an opinion that has been held back. We do not know if there is any other opinion. I hope the Minister, having told us he does not know whether there is an opinion from Crown Counsel, will be able to tell us whether there was any other opinion, because that is very important.

Mr Grill: I can tell you shortly what the Attorney General said. In an answer to a question in the Council on Tuesday, 12 March, he indicated—

As far as I am aware, there is no advice additional to that I have indicated already.

This clearly refers to an opinion by Crown Counsel. That is the Attorney General's answer. I do not personally know. If you accept that answer, and there is no reason why you should not, it would appear there is no opinion by the Crown Counsel.

Mr HASSELL: That tells us that much. But bearing in mind that the Attorney General is trying to draw a distinction between an opinion given to him by the Solicitor General and opinions given to the Solicitor General by the Chief Crown Prosecutor or others, it may well be that the file discloses other opinions given to other officers, and the Attorney General, on the basis on which he says he is proceeding, might not know about them. That is why we are calling for the Government to table the documents, so that we can see the situation; so that, in the terms used by the Attorney General himself, the essential elements of the presentation of a *nolle* is observed; that is, it be open to public scrutiny. Until the facts are available, until we see what pressure was brought to bear on the Government, until we see the submissions which were made, until we know the particulars of the *nolle*, nobody can be sure of what is being hidden. All we know is that certain papers have been held back. We know they have been because they are inconvenient and embarrassing to the Government.

Mr D. L. Smith: You have absolutely no evidence of that and you know it.

Mr HASSELL: Let me ask the member for Mitchell again: What is the justification for the failure to disclose to the House and to publish the opinion of the Chief Crown Prosecutor?

Mr D. L. Smith: Perhaps the Minister for Transport can answer that.

Mr HASSELL: What a damp squib! The member has been chirping away and carrying on up there.

Mr D. L. Smith: One of the justifications is that it was advice to the Solicitor General.

Mr HASSELL: Does the member, who has now had time to think of an answer, really suggest that is an answer? Does he really think that with all the legal mumbo jumbo at his disposal, he can justify holding back that opinion when it ought to be made public and he knows it?

This motion simply calls on the Government to table the documents and allow a judgment to be made. It does not ask for the private papers of John O'Connor; it suggests that those papers are entitled to legal privilege from disclosure

and should not be disclosed. That is perhaps a reasonable proposition.

However, the Government should disclose the documents. It should allow the public to make a judgment. It should allow the opinions of the Crown Law officers, who still have some measure of independence, to be exposed so that we can see them and judge them on the merits.

I wonder whether the Minister or the member for Mitchell would seriously suggest for one second that if the Chief Crown Prosecutor had recommended a *nolle*, that advice would have not been tabled. Of course it would have been. It would have been up front with the Attorney General's statement.

Once again the Government is being judged on its own standards. Remember what the Premier said—it has been quoted before and there is no need to quote it again. The Premier made it absolutely clear, there is no role for the Government, and he said further, "I cannot foresee any circumstances in which there would be a role for the Government".

The Premier said this—let me make this point because we want to get a very simple message across. For the second time in the debate on this subject, a debate about the entry of this *nolle*, the Government is being judged on its own standards. On the first occasion we had the standard set by the Premier who said he could foresee no circumstances in which the Government should intervene. On this occasion we have the statement of the Attorney General that one of the essential elements of a *nolle* is that it should be open to public scrutiny; that is why it is presented in open court. That is the second standard that the Attorney General laid down.

All this motion seeks to do is to have the Government fulfil that standard by tabling papers in both Houses so that we can see them.

I cannot imagine there would be anything relevant to Mr O'Connor's private affairs on any prosecution files. It would not be normal for a defendant in a criminal prosecution to provide his private papers to the Crown, so I doubt whether the exclusion at the end of the motion covers anything, because those papers would not be in the possession of the Government. Nevertheless, we have included that provision just in case there is something private to Mr O'Connor on the Crown file.

Of course, the exclusion does not apply to submissions made by the ACTU, the TWU, the TLC, and the other groups which have exerted pressure on the Government in writing. It does not apply to those submissions, so they ought to be tabled.

We ought to see the basis on which the Attorney proceeded. Of course it is relevant if these gigantic union bodies made submissions—those submissions should be available for public scrutiny, because the people involved have sought to influence the Attorney General in the discharge of his functions in that portfolio.

The Attorney failed the test. He could not resist political pressure in the administration of justice. The Attorney failed the test, but nevertheless, the Government does not have to fail the test also by failing to disclose the facts and the foundation.

The Opposition has moved this motion to give the Government yet another opportunity to come clean about the O'Connor case—to come out into the open and tell the world the true basis upon which the decision was made. Who applied the most pressure? Who wielded the biggest stick? What was the advice of the Crown Law Department officers, senior and junior? Let us not draw any subtle distinctions between the office of Solicitor General and that of the Chief Crown Prosecutor. They are both pretty senior.

Let us not go into any of those sorts of distinctions in terms of this argument. Of course there is a distinction, but it is not relevant to the argument. It is mumbo jumbo. Fancy suggesting that because the opinion was given to the Solicitor General instead of directly to the Attorney General, it should not be disclosed. What a lot of nonsense. As we all know, the truth is that this opinion has been kept secret because it embarrasses the Government. All that secrecy does is increase the public demand for the opinion to be made available. It emphasises the need for the opinion to be disclosed.

The motion stands as a reasonable request that the facts be made known. If the Government rejects it out of hand, then it is not aiding itself; it is simply compounding the wrong that has been done already.

MR PETER JONES (Narrogin) [8.43 p.m.]: I formally second the motion. I am sure that you, Sir, sitting there and listening to the three legally trained members of the Government trying to defend their colleague, the Attorney General, must, like me and the other members who are not legally trained, appreciate the fact that there are lesser mortals who also have some interest in this matter.

Listening to the debate I was reminded of the story which was told of legal counsel who appeared in a divorce case. Counsel said to the presiding judge that, if a man and a woman spent the night together in a hotel room, it was reasonable to assume that intimacy occurred—unless, of course, they were married!

Several members interjected.

Mr PETER JONES: In this case, out of the mouths of its three learned members, the Government is asking this Parliament and the people of this State to assume that everything is lovely, sweet, and aboveboard; but they will not prove that is the case. They will not demonstrate that is the case, because for some reason they are not willing to do so.

Now, by way of interjection tonight, some of the learned members who have participated have given reasons that they are not willing to demonstrate the position. Indeed, out of the mouth of the Minister for Transport came the words, "It is not prudent to do so". You, Sir, can bet your bottom dollar that it is not prudent to do so, because it does not suit the Government to do so. As the Leader of the Opposition said, had it suited the Government to demonstrate the position, it would have been up front and it would have done so on the first day this matter was raised.

The member for Balcatta said that it was "A nonsense and a waste of time" to demonstrate the situation. Why is it a nonsense for any Government to justify a decision that it makes?

Mr Bertram: Which happens to be right.

Mr PETER JONES: It may well be right, but the Government is asking the people of this State and this Parliament to assume that it is right. The position is the same as that to which I referred at the beginning of my comments; just as it was suggested to be reasonable to assume that intimacy would occur if a man and a woman spent a night together in a hotel room, what this Parliament is interested in and what the people of this State are interested in is what intimacy exists between John O'Connor and this Government.

Mr Bertram: That is a different issue.

Mr PETER JONES: It is not a different issue. It is the issue about which we are talking right now. It is the issue which has aroused the passions of people in this State. They want to know why the Government intervened in the administration of justice. It did not prevent the proceedings from commencing, but rather it intervened after they had begun. The Government asks us to accept the position purely on face value and based on a statement made by the Attorney General which was not necessarily supported by an opinion given by the Solicitor General. It would be fairer to say it was not necessarily supported by a statement made by the Solicitor General, because, as the Leader of the Opposition indicated and as has been made clear by way of interjection, the Solicitor General merely canvassed the case. He

canvassed the questions which would be raised and the points of law which must be considered.

I return to the original point: This is not an argument for lawyers; this is not a case which will be argued before a presiding judge in a jurisdiction which is somewhat remote and removed from the normal, everyday life of the community. This is a very important matter which affects the lives of many people in this State, and this is not a remote matter involving an obscure legal opinion.

The member for Mitchell asked whether we had read an Act proclaimed in the 1800s, but that is not what this is about. Rather this matter is about what the member for Balcatta said by way of interjection which was, "This is not about the law; this is about justice".

Justice has not been done to the people of this State. The people of Western Australia, to whom the elected Government answers, have not received justice. The elected Government has made a decision, but it has failed to support that decision in a way in which we lesser mortals who are not educated in the law can understand. Therefore, in the terms of the member for Balcatta, justice has not been done.

Thirteen days ago this infamy was undertaken and immediately there was an outcry. No manner of interjection or no comment from the Government can deny that there was an outcry.

Mrs Buchanan: Don't forget there was an outcry in the first place too.

Mr PETER JONES: Quite right, there was an outcry, and a severe one at that because of this man who incited such disruption and because of those who supported it. The member for Pilbara is right because what she has drawn out is the fact that the outcry has been used by the Government as a reason.

Mrs Buchanan: Nonsense!

Mr PETER JONES: It is obvious the member does not read the papers. The outcry has been used for a reason; not as an excuse. It was not only the outcry which occasioned the earlier court appeals, it was also the threat of anarchy. This case proceeded, the due processes followed, and a commitment was recorded. The comment of the member for Pilbara is pertinent when she talks about the outcry, because that is one of the Government's reasons for giving the *nolle prosequi*.

The Attorney General has indicated two important facts not in his statement, but in answer to questions asked in another place: The first is that there were other documents which he had in his possession and which applied to this case; that fact was referred to by the Leader of the Opposition

when the Attorney General acknowledged that the Crown Prosecutor had indicated that the case should proceed. The second admission made by the Attorney General was that he had received submissions, petitions, and approaches seeking the release—or whatever the correct legal term might be—to have the proceedings quashed. These approaches were received from various parties.

Mr Bertram: Including the Liberal Party, very often.

Mr PETER JONES: I do not know whether that was so in this case, but if that is so then that approach will be tabled with the others.

Mr Bertram: It is not uncommon for members on your side of the House to ask the Attorney General for a *nolle*. It is not unusual, but it is okay for everyone else, and not okay for O'Connor.

Mr PETER JONES: I cannot quite follow the point that the member for Balcatta is making. I am not disputing what he has said; I cannot confirm or deny what he said. I do not know what a *nolle* is except that it rhymes with lolly, dolly, and Polly.

The point is the Attorney General indicated that he had received approaches from various parties and he listed them. Approaches were made by the executive of the Australian Labor Party, the members of the Trades and Labor Council, representatives from the union concerned, and I understand, representatives from the ACTU. I am not able to say whether it was a written or verbal submission. The Attorney General certainly indicated that he had received those submissions. The Premier has indicated that he received approaches, but I do not know whether they were written or verbal submissions. All of those submissions impinged upon the Government's decision. Perhaps I should qualify that statement and say they impinged on the Attorney General's decision.

The Attorney General cannot deny that fact, because he has acknowledged and admitted it. He has asked us to assume that those petitions, submissions, and whatever, had no bearing upon the final determination he made. That is absolute rubbish; of course they impinged on his decision, because they were in the papers. In his statement he draws attention to the fact to which I have already referred; that is, the anarchy and industrial disruption that would result from a conviction against John O'Connor.

Is the Government supporting the Attorney General by saying that these papers should not be tabled and not be made public? The justice to which the member for Balcatta so properly referred cannot be done, because what is in those

submissions, approaches, and letters, is the threat of anarchy to which the Attorney General has referred in his statement.

In case that is not understood, I repeat that the Attorney General has admitted that approaches have been made to him, but he refuses, with the support of the Government, to table and make public those approaches. He has refused to make public the documents he received, documents which were placed before him to release this man from the due processes of the law that every other citizen in this State has to undergo, if he or she commits an offence and is charged with that offence. Those submissions will not be tabled for the basic reason that they contain a threat—the industrial disruption to which the Attorney General refers in his statement.

We can only assume what took place. How can one avoid that assumption, given that the Attorney General has admitted that approaches were made to him and pressure was applied to him by the Labor Party, the TLC, and the union concerned. The Attorney General referred in his statement to the threat of industrial disruption that would occur as a result of a conviction in this case. That is nonsense. How stupid does he think the people of this State are? If there was no suggestion in those documents of that, then those documents would have been produced on the very day. Every single thing possible, in whole or in part, would have been produced to support the determination that was made. It would have been infantile and stupid for anyone in this Parliament to suggest otherwise.

With such a decision, no matter how minute something might be, if it had supported the determination, it would have been published. I come back to one other aspect in the debates which have raged about this matter and the comments which have been made. There is one question which the Government has failed completely to explain; on 25 September 1984 why was this particular matter—perhaps the documents might reveal it—considered, in the words of the Premier, to be “a matter which had nothing to do with the Government”. It was a legal matter.

Mr Bertram: That is why the Attorney General made the decision.

Mr PETER JONES: According to the Premier, the Government had no role to play in the matter because the due processes of the law had commenced and must take their course. The Premier made a big play of that. He did not dismiss it or pass it off lightly. He published his response to an approach from the unions. He told the TLC that there was no role for the Govern-

ment to play. On 25 September last year he made it clear that the matter was a legal one.

Any other citizen charged with the same offence would have to be dealt with by the due process of law, as would any member of this House in normal circumstances. Yet, all of a sudden, 13 days ago, the matter became an industrial matter and was no longer a legal matter.

Despite being asked repeatedly, the Government has never explained why, all of a sudden, it became an industrial matter and not a legal matter. The Premier glibly supported the Attorney General, as did all members of the Labor Party. They rallied around and said that it was never a legal matter and that Mr O'Connor should never have been charged before the courts.

What went wrong? Did members opposite expect him to get off half way through? Did they not think he would be sent for trial by the magistrate? I suppose they hoped that, somehow, the matter would not go that far; but it did. It went that far because the due process of law determined that that was how it would go.

Mrs Buchanan interjected.

Mr PETER JONES: I know the member is embarrassed. A magistrate determined that this man would stand trial because he had a case to answer and the Government determined that he would not stand trial regardless of whether or not he had a case to answer. The Government is now in a situation where it does not matter what its interests are in Mr O'Connor; the due processes of law have been aborted. He was charged by the police. The charge was heard by the courts which found he had a case to answer. That decision was frustrated by an instrument of Government, the Attorney General.

Mr Bertram: That is not true. He is a separate entity from the Government.

Mr PETER JONES: Let me make it quite clear that the member for Balcatta has been tied to this decision by the Premier. The Premier said that the Government supports the decision.

Mr Bertram: What is wrong with that?

Mr PETER JONES: The member for Balcatta should not try to suggest that the Government does not support the decision made by the Attorney General, because it is committed to it. The Government was committed to it that afternoon 13 days ago. It was locked into it.

Mr Bertram: It was a correct and a courageous decision.

Mr PETER JONES: The great, learned member for Balcatta said that the decision was a correct one.

Mrs Buchanan: It was.

Mr PETER JONES: Ah, support! Is it correct, in this Parliament which makes the laws of this State, to use the word of the learned member for Balcatta, for a man to be charged with a serious offence by the police, for that man to go through a preliminary hearing which finds he has a case to answer, and then for the Government to decide to abort the court's decision?

Mr Bertram: You provided the precedent, we followed it. You made the law, not us.

Mr PETER JONES: The member for Balcatta, who is versed in the law, has supported a decision where a man with a special relationship with the Government—that cannot be denied—has been accorded the privilege of having his case quashed. We were told the other day by the Government that, in future, that type of decision would be open to anybody.

Mr Bertram: According to you, it is not open to unionists, but it is open to anybody else.

Mr PETER JONES: That has never been raised. What has been raised is the fact that justice—the word which he used so loosely—has not been seen to be done in this case. What has been done is that the law, as passed by this Parliament, has been administered in such a way—

Mr D. L. Smith: You have told us already that you know nothing about the law, and you have proved it in this speech.

Mr PETER JONES: I have proved what every citizen knows, that the law has been administered with favour. It has been shown that there is one law for all decent Western Australians and another law for Mr Burke and his mates.

Mr D. L. Smith: I suggest that you read the Attorney General's statement on the matter.

Mr PETER JONES: Oh, we are back to that, are we? It has been indicated on various occasions that this is not a discussion on points of law. So far as the man in the street is concerned, excluding Labor lawyers, of course, the law has not been seen to be administered equally. The Attorney General and the Government may well be in a position to show us that they had administered the law quite properly.

The Minister for Works, in his ignorance, asked what the Confederation of Western Australian Industry and the Chamber of Industry and Commerce had said about the matter. That has been plastered across the newspapers in the last two weeks. Does he not read the letters to the editor to get an indication of what was thought of the decision, not only by the Press in this State but by

people throughout the nation? Many people have expressed their opinions in forceful terms.

Mr Hassell: No-one has defended the decision.

Mr PETER JONES: The only defence has been made by the Premier who said that the decision was right and proper.

Mr Court: He even accused one of the people who did not have the right to go through the courts of being wrong in the first place.

Mr PETER JONES: That is right. Previously when I spoke on this matter, the Premier interjected and said he was in America at the time. The following morning he issued a statement saying that he was in America. Three hours later he had to withdraw it because he had found that he was in his office when the man phoned. That indicates how correctly he went in to bat for the Attorney General; he spoke a lot of pathetic mouthings. We now come back to the situation which the member for Balcatta referred to as "justice".

Justice has not been seen to be done in any way whatsoever. The letters to the Editor of *The West Australian* do not appear to be read by members of the Government; but one correspondent recently made it clear that in Western Australia it seemed that although all people might be equal, some are more equal than others. The correspondent took that expression from George Orwell and it is certainly applicable in this case. It is clear that what has happened in this case would not apply to ordinary citizens.

The Opposition is seeking to give the Government the opportunity to demonstrate that justice has been seen to be done. We could even excuse the interjection from the Minister for Transport who said that it would not be prudent to table the documents. We know that it would not be prudent because otherwise the documents would have been tabled by the Government. It would not be prudent because it would be embarrassing for the Government to table these documents even though it talks about points of law and says that the Crown Prosecutor's opinion was not to be made public because he was advising the Solicitor General. That is an inane argument. It is almost as ridiculous as the interjection from the Minister for Police and Emergency Services who said that the two men were not equal because one was more senior than the other. If we transpose that thought he is saying that one is more junior than the other and that that man's opinion is less pertinent, applicable, and relevant simply because he is junior.

Mr Bertram interjected.

Mr PETER JONES: The member for Balcatta is suggesting that the opinion of the Crown Pros-

ecutor is diluted and is not quite so able to stand in law because he is junior to the Solicitor General.

Mr Bertram: That is not unreasonable.

Mr D. L. Smith: That is not the point.

Mr PETER JONES: The two members of the Labor Party are disagreeing with each other. This debate has proved that the three learned members from the members of this Government will get very few briefs from the Parliament. They are not courting any business. Thank God we are not paying their fees.

I return to the point that there is an unholy alliance between O'Connor and the Government. That has been held up for all to see; it is a fact. We now seek the Government to demonstrate that justice in this State in relation to O'Connor has been meted out fairly, equally, properly, and responsibly.

Until those papers and documents are available, the people of this State will not be able to completely accept or understand the situation.

MR COURT (Nedlands) [9.14 p.m.]: It is interesting to note that members opposite have said that this is a boring topic to be debating. They really do want it to go away.

Mrs Buchanan interjected.

Mr COURT: The member for Pilbara must be very careful when she keeps saying that this whole business would not have occurred if the truck owner had paid the correct wages in the first place.

Mrs Buchanan: Where is the justice in an employer refusing to pay the correct wages to an employee?

Mr COURT: Who was the employer?

The SPEAKER: Order! This motion is not about wages in the Pilbara.

Mr COURT: If the member for Pilbara wants to make those assertions she should say who the employer is who has not paid the fair wages.

The SPEAKER: Order! I said that this debate is not about wages paid in the Pilbara.

Mr COURT: It is important that all the information related to this case be tabled. The two previous speakers have made it quite clear that until all the relevant information is made available to the Parliament the public will continue to be concerned about what has taken place.

Mr Bertram interjected.

Mr COURT: The member for Balcatta knows that that is only to be fair to those people who have to be protected.

The SPEAKER: Order! The member for Balcatta.

Mr COURT: It has been all very well for the Government to withdraw this case and it certainly has not wanted to debate it in Parliament. But what about those people who are waiting for justice to take its proper course?

Several members interjected.

The SPEAKER: Order! The Minister for the Arts.

Mr COURT: These people have been ignored and have been put into a very difficult situation because of the decision of the Attorney General.

I ask the learned members opposite: What compensation can this truck owner get now that he cannot defend his position because the case will not come before a court? Where does he stand in this case? Members opposite have used the privilege of this House to defame that person during the last week.

Mr Davies: You appear to be supporting a crook.

Mr COURT: Who is the crook?

Mr Davies: Who has not paid the right wages?

Several members interjected.

The SPEAKER: Order! I remind the member for Nedlands that the motion calls for the tabling of papers relating to a decision made by the Attorney General. I ask the member to keep to the motion.

Mr COURT: I am most concerned because this case involves individuals who now no longer seem to have the right to defend themselves. I do not think it is correct that members opposite should use the privilege of this House to make those assertions.

Let us consider some of the evidence which is available. I refer first to the transcript of the industrial magistrate's original decision which is summed up as follows—

I am satisfied that the charge as laid has been proved and the appropriate order, in my view, would be to dismiss the complaint and I so do. Thank you.

COMPLAINT DISMISSED

If they were not happy with that there were other avenues to go through for appeal. What we are talking about now is not to do with the original industrial magistrate's decision but what has taken place since that decision. The member for Pilbara must remember that and be very careful when she keeps referring to the original case.

Mrs Buchanan: The original case was dismissed on a technical point.

Mr COURT: Do I have to read through the whole of the magistrate's reasons for his decisions?

If the extortion case was not withdrawn from the courts, what would have happened? For a start, if it was proved that there was no extortion, the case would have been dropped and that would have been the end of the story. If the person had been found guilty of extortion because of the evidence provided, perhaps the truck owner would have had the ability then to get compensation through the court.

Mrs Buchanan: After gypping somebody out of \$8 000!

Mr COURT: Here we have the member for Pilbara saying the truck owner gyped somebody out of \$8 000.

Mr Bryce: So he did.

Mr COURT: Now the Deputy Premier says the same thing. They use the privilege of this Parliament to find that man guilty; and at the same time they have the nerve to have a case withdrawn—an extortion case against one of their mates.

Several members interjected.

The SPEAKER: Order!

Point of Order

Mr OLD: Does the Deputy Premier have the privilege of interjecting from outside his seat?

The SPEAKER: No, he does not.

Debate (on motion) Resumed

Mr COURT: There seem to be two sets of rules for this Government. If the truck owner was forced to pay damages and he did not pay them, he would have been taken before the court and made to pay. This man has not had the opportunity to get compensation because of what the Government has done.

All that members opposite are doing by their interjections is making it very clear that there is not justice in this system. One can go through the courts and the correct processes; but if the truck owner had been found guilty, one knows he would have had to pay the fine. He would have had to sell his house if he did not have the ready cash.

But, what about the union? What about the compensation that this person possibly might get? No, that has all been forgotten.

Mr Gordon Hill: That is not the motion.

Mr COURT: We want all the evidence brought forward. That is what this motion is about. We want to know why the decision was made. We want to know on what basis it was made, because

the Government has now denied someone the right to have justice done.

I am not a lawyer, but I am getting annoyed. It is totally unfair that this person can continue to be treated in this way by members opposite under privilege. They should be ashamed of what they are doing during this debate. To the credit of the member for Geraldton, he knows when it is good to be quiet. He certainly knows the feeling about the case.

Mr Carr: The feeling is that a lot of the people are very upset at the way they were hoodwinked by the publicity you, in particular, raised on this issue; and now the true facts have come to light through the comments of the Attorney General and others, they are very much aware of the way that particular driver was robbed of his wages.

Mr COURT: Ah ha! Now we have the member for Geraldton actually saying in this House that the driver was robbed of his wages.

Several members interjected.

Mr Carr: Do you want me to repeat it? He was robbed of his wages.

Mr COURT: The Minister is saying that the Industrial Magistrates' Courts can also be dismissed from consideration. That is interesting. He fully supports the actions taken in this case by the Transport Workers Union. That is obvious.

Several members interjected.

Mr COURT: The Minister for Health would not know what it is like to have to pay wages.

The SPEAKER: Order! Ever since the member for Nedlands has been on his feet, he has been subjected to interjection after interjection. Now, interjections are highly disorderly. Also, the member for Nedlands should confine his remarks to the motion before the House.

Mr COURT: The motion before the House concerns the fact that we believe only selected documents have been tabled, and that is just not good enough. The Minister for Transport said it is not necessary and it would be a time-wasting procedure for the Chief Crown Prosecutor's advice to be tabled.

Mr Grill: I did not say that. You are quoting me wrongly.

Mr COURT: Am I quoting the Minister correctly that he said it is not necessary and it is a time-wasting procedure?

Mr Grill: I did not say anything like that.

Mr COURT: Very well. That is what I wrote down. I think it is word for word.

Several members interjected.

Mr COURT: I will read *Hansard* carefully, because the Premier thinks it is pretty smart to misquote me. I had the opportunity to correct the record a day later in his case.

Mr Carr: You amended them.

Mr COURT: I did not amend the records. I quoted exactly what was in *Hansard*. Anyway, we will see what was said by the Minister for Transport in this particular case.

While the Government tried to keep its head low in this matter, it is now tending to become very technical. This is a sordid affair which will not go away. Special favours have been done for the Government's mates. There is an unholy alliance between the Government and Mr O'Connor.

The way this Government operates, I will not be surprised to pick up the paper tomorrow and find that Mr O'Connor has been given a \$20 000 grant to carry out a study of the way this decision will affect art in Western Australia. I picked up the paper this morning to see that Mrs Beahan had been given a \$20 000 grant to study the effects of the America's Cup on art.

The SPEAKER: Order! I am trying to give some protection to the member for Nedlands, but it is difficult to protect him when he is straying from the motion before the Chair. If the member wants my protection, I suggest he devote his speech to the motion.

Mr COURT: Thank you, Mr Speaker.

Every time we raise this case, it is interesting to see how it is handled by the other side of the House. The Attorney General made his decision and we want to know more about what went along with the making of that decision. As soon as he made the decision, members opposite took advantage of the privilege they have in this House to continue their attack on the person concerned. That really is a great worry. The Government should be fair in this matter, and it should table all the documents so we know why the decision was made and what pressures were put on to make sure that the charges were withdrawn from the court.

MR GRILL (Esperance-Dundas—Minister for Transport) [9.28 p.m.]: At the outset of this debate, I was suspicious that the motion had simply been contrived so that the Opposition could rehash all the arguments with which they bored us silly, *ad nauseam*, last week. In fact, that has been the case. This has just been another occasion for the Opposition to chant its slogans, to demonstrate its histrionics, to rework all the old ground, and simply to rehash all the statements and slogans that it presented last week.

I emphasise that none of those statements goes to the very core of this matter. None of them is really germane to the central issues which had to be decided by the Attorney General at the appropriate time. Shortly, I will argue that it would have been legally imprudent and improper in any sense for this Government to agree to the substance of this motion; but before I do that I wish to place on record certain sentiments, because the motives and propriety, the good name and the integrity of the Attorney General have been impugned in this place both tonight and last week. I say as a member of Cabinet, a member of Caucus, and of the Government, that this Government and every Cabinet member has the utmost faith in the Attorney General.

Government members: Hear, hear!

Mr GRILL: We have the very highest regard for his integrity and judgment. He is one of the members of Cabinet who is highly revered for the competent way he is able to deal with questions and decide on the basis of facts and rational argument.

Government members: Hear, hear!

Mr GRILL: He is just so terribly highly regarded in this Government that words hardly fit the occasion.

Throughout this whole debate the Opposition has never been prepared to debate what really is the central issue, which is the desirability of bringing the full force and rigour of the criminal law to bear upon what is essentially an industrial dispute. That is the core of the matter and that is the argument we should be looking at.

Mr Bradshaw: Do you believe that if people use threats they are not allowed to be prosecuted?

Mr GRILL: No, if people use threats of violence, or intimidation—if people act outside the criminal law in that sense—of course the criminal law should take effect. But the central argument that must be considered here and the one which the Opposition will not argue upon is the undesirability of bringing the full rigour of the criminal law to bear on what is essentially an industrial dispute.

In the past this approach has been the practice which has been accepted not only in this State but in other States and throughout the length and breadth of common law countries. It has been the practice of past Attorneys General, most of whom have been of another persuasion to that of this Government. I think it would be prudent at this time to quote from the speech made by the Attorney General on 6 March this year in presenting his argument to another place. I quote as follows—

I refer to the undesirability of bringing the full rigour of the criminal law to bear on essentially industrial disputes. Face to face with Mr Hassell on "State Affair" last week I put that proposition as the single most crucial issue in this current dispute. Mr Hassell did not deny that it was the single most crucial issue, because he could not. Instead he avoided discussing it at all and he still avoids that issue to this day.

He has very good reason for that. The reason is that he is trying to cover his own tracks and I will refer to that in a moment.

Further on he said—

The basis for the O'Connor charge was a threat to organise a black ban. Do not ask me to defend or admire that course of action. I do neither. But, when was the last time in this State that a threatened industrial black ban was made the subject of a criminal charge of extortion? Never. When was the last time that a threatened stop to a concrete pour was made the subject of a charge of extortion? Never. When was the last time that a threatened strike to override an arbitration commission ruling was made the subject of a charge of extortion? Never.

Over the years there have been innumerable such threats. It is not as though they have been whispered behind closed doors; they have been proclaimed aloud in the street and Press. All of these threats could potentially come within the extortion provisions of the Criminal Code yet this has never previously been invoked.

Need I remind the House that in the 36 years since 1949 the Labor Party has only been in Government five years federally and 11 years in this State? In other words the criminal law could have been invoked in this area by Liberal Governments for the greater part of the post-war period. It never has been; not when Mr Masters was Minister for Labour and Industry and not when Mr Hassell was the Minister for Police and Prisons. The criminal law was never invoked in such a case by any Liberal Government and I suggest that there was a very good reason for that restraint.

It was valid during the long periods of Liberal Government, and it remains valid today. That is the clear and simple truth from which Mr Hassell is now determined to hide. The reason is that in the industrial realities of this country it is not appropriate or desirable to

apply the full rigour of the criminal law to an essentially industrial situation.

Mr Bradshaw: Are you saying there was a threat of extortion or that there was extortion?

Mr GRILL: It is very hard to understand the import of that question. What I am saying is this: The full rigour of the criminal law has never before applied in the industrial situation in this State. Civil remedies have also become virtually irrelevant in the theatre of industrial law.

That is the nub of the question, although it was not argued last week or on any other occasion when the Leader of the Opposition spoke on the matter. It was not argued by him tonight when he spoke for a very considerable time about a whole range of extraneous matters, some of which touched on the substance of the motion, but most of which did not.

It has been alleged in direct and indirect ways that the Attorney General acted secretly. Nothing could be further from the truth. I will refer firstly to the *nolle prosequi*, which was filed in open court.

Thereafter it was followed by a full statement to Parliament, and that statement was made at the first possible opportunity. It was immediately followed by a Press conference at which the Press were given the opportunity of firing any questions they thought were relevant to the matter.

Mr Bradshaw: There was no point in trying to hide it.

Mr GRILL: That is the point I was making. At no stage has there been any secrecy in relation to this matter.

On top of that, the opinion of the first law officer of this State was tabled to avoid any suggestion that the Attorney General had quoted selectively from the Solicitor General's opinion. Less importantly, but nonetheless relevant, the Attorney General has made special arrangements for the Leader of the Opposition to receive what amounts to a transcript of proceedings in the lower court.

Mr Hassell: What are the special arrangements? We are supposed to have an open court system. They are supposed to be available to any citizen.

Mr GRILL: Transcripts are not normally available at the snap of one's fingers. The Leader of the Opposition says that either out of ignorance or mischievousness.

Mr Hassell: Wait till I tell you all the trouble that had to be gone to and all the courts which had closed under the direction of this Government. I had to write a special letter to the Attorney Gen-

eral to get something out of an open court of law. What depths are we plumbing now?

Mr GRILL: The facts are these, and I think they are incontrovertible: The Attorney General made special arrangements to have what amounts to a transcript of proceedings made available to the member immediately on request.

Mr Hassell: Would you like to know I do not have a transcript of proceedings?

Mr GRILL: What amounts to a transcript.

Mr Hassell: It does not. It is a photocopy of the documents in that preliminary court hearing. It does not even look like a transcript.

Mr GRILL: Does the Leader of the Opposition have the document I have in my hand?

Mr Hassell: I cannot see from here.

Mr GRILL: That looks very much like a transcript. The Leader of the Opposition can have a copy; it is public. Anyone who would like a copy can receive one in the same way as the Leader of the Opposition.

Mr McNee: What chance have I of getting one?

Mr GRILL: They are available right now.

At no stage has there been any attempt to be secret in relation to this particular matter. There has never been any attempt to hide from the Parliament or the people of Western Australia that there was an opinion by the Crown Prosecutor in respect of this matter. The Crown Prosecutor's opinion was referred to in the Solicitor General's opinion which was tabled in Parliament by the Attorney General. If there was any attempt at secrecy that opinion of the Solicitor General referring to the opinion of the Crown Prosecutor would not have been tabled. Any suggestion to the contrary is simply ridiculous.

The real reasons—and they are well-appreciated by the Leader of the Opposition—that it is not proper and not legally prudent for documents of the nature being sought as a result of this motion to be filed, are these: It has never been the case that advice by departments to Ministers has been made public. That has never been the case in Western Australia or other parts of the Commonwealth.

Mr Hassell: Why was the Solicitor General's advice made public?

Mr GRILL: I will come to that shortly. The general rule is simply that such advice has never been made public in the past.

Mr Hassell: The Solicitor General's advice was convenient and the Crown Prosecutor's advice was inconvenient.

Mr GRILL: I will come to that in a minute.

If members look at the Federal Freedom of Information Act, they will see such advice by a department to a Minister would not be available. The unavailability of such advice goes to the whole basis of good administration of the Public Service itself. Turning from the Public Service in general to the office of the Crown Law Department, there has never been as far as can be ascertained an instance where advice of this nature by the senior officers of the Crown Law Department to a Minister has been made available. No historical precedent exists for that particular situation, and officers of the Crown Law Department cannot point to such a situation.

I have been asked why the advice of the Solicitor General was tabled in this case. The answer is very simple: His advice was tabled so that the accusation that the Attorney General was quoting in some way that did not disclose the full context of the advice could be countered.

Mr Hassell: All it did was serve to prove it.

Mr GRILL: It did not. That is why that particular piece of advice was tabled at that time. It was done so it could not be alleged that the Attorney General was quoting selectively from that particular opinion.

I refer to the speech of the Attorney General on 6 March in which he said—

I have been asked specifically today whether the Crown Prosecutor offered an opinion on this question. He did. His view was that, a *prima facie* case having been established and the committal made, the case should proceed.

The House should please note that the Crown Prosecutor's advice was considered by me but was not directed to me. In the normal course of events it was directed to the Solicitor General and was taken into account by the Solicitor General when he prepared his own opinion on rather broader grounds. It is the Solicitor General who is the senior legal adviser to the Crown in this State, and as I indicated in my statement last Thursday it is my invariable practice to seek his opinion in such matters. With no disrespect to the Crown Prosecutor, his views were simply overtaken by the Solicitor General's advice.

I indicate that the advice tendered by the Crown Prosecutor is on a very narrow base indeed.

Mr Hassell: Why not let us see it and we will make a decision about the base?

Mr GRILL: The advice tendered was related to whether a *prima facie* case existed—and all agree one did exist—

Mr Hassell: We can make a judgment about that when you table the opinion.

Mr GRILL: —and on the basis of that, whether the case should proceed. It has never been any secret that the Crown Prosecutor came down in the affirmative on that particular question. The Crown Solicitor is required to consider a much broader frame of reference than simply whether a *prima facie* case exists. The Leader of the Opposition in his speech to the motion seemed rather woefully ignorant on this particular point. There is an indeterminate number of other reasons as to how and when an Attorney General should exercise his discretion to *nolle* a set of proceedings.

I will refer to some of those. Firstly, the discretion with relation to a *nolle* has been exercised in the past to prevent a prosecution from proceedings which would, in fact, be oppressive; a prosecution ought to be discontinued on compassionate grounds; where to proceed to prosecute and convict would only lead to a certain extension of a sentence already being served; that the criminal offence, if any, has been a technical offence and the relevant dispute should best be left to the civil law; or there are factors which go, as this case does, to the general public interest.

Let me quote also from a statement made by the Law Society last week. It was the second statement put out by that society. It was a more considered statement, but it was the fairly hasty statement which received the coverage last week.

Several members interjected.

Mr GRILL: Is the Leader of the Opposition impugning the President of the Law Society? I am not impugning him. I am saying this is a more considered statement.

Mr Hassell: Why?

Mr GRILL: Is the Leader of the Opposition impugning the integrity of the President of the Law Society by saying indirectly that this statement was one which was contrived after discussion with the Attorney General? That is what he was trying to say a few moments ago and that is what he is trying to wriggle out of now because he has been caught.

The Opposition does not like the opinion to which I am referring because it is a more considered one. It reads as follows—

The Law Society of Western Australia recognised that the exercise of an Attorney General's discretion in either not presenting an indictment or in entering a *nolle prosequi* to stay a prosecution according to law was a matter of weighing a range of considerations, the President, Mr Hal Jackson, said today.

Legally there was no doubt that the likelihood of conviction was not the only factor that an Attorney General could consider. The Solicitor General's advice clearly showed that there were cases in which a complaint need not be instituted and the range of issues to be considered in making the decision to do so.

Further on it states—

The Society recognised however that the criminal justice system relied on the exercise of discretion at various points.

Further on it states—

Mr Jackson also said that the Society's suggestion that consideration be given to the creation of the office of Director of Public Prosecutions did not mean this was a simple solution to the whole problem.

Earlier tonight—

Mr Hassell: You might quote the last sentence of the statement as well.

Mr GRILL: —it was said that there was no support—

Mr Hassell: It talks about an exercise of difficult discretion, a statement which might be perceived as a vote of no confidence in the Attorney General.

Mr GRILL: The Leader of the Opposition must be quoting from a different statement.

Earlier tonight it was said that there was no support publicly for the Attorney General's decision.

Mr Hassell: Where is the support for the Attorney General?

Mr GRILL: By implication this statement is support for the Attorney General's exercising his discretion on a much wider range of considerations.

The Leader of the Opposition tonight quite dishonestly tried to put forward the argument that the question on whether there was a *prima facie* case was the only one that needed to be considered.

Mr Hassell: I did not say that.

Mr GRILL: The Leader of the Opposition did say it.

Mr Hassell: I did not.

Mr GRILL: If the Leader of the Opposition reads his speech tomorrow he will see that, in fact, he would need to acknowledge that point. I listened to him closely.

I refer to the learned opinion on this question as to whether the Attorney General needs to exercise his discretion on a wider range of considerations

and whom he should consult in relation to those matters.

The procedure set out by the Leader of the Opposition for the Attorney General to entertain the discretion of the *nolle* in the Crown Law Department was not correct. That was not the procedure at all. I will quote from the Edwards book, *The Law Officers of the Crown*, which quotes the following statement from Sir John Simon and Sir Hartley Shawcross—

... there is no greater nonsense talked about the Attorney General's duty, than the suggestion that in all cases the Attorney General ought to decide to prosecute merely because he thinks there is what the lawyers call 'a case'...

That is a very authoritative statement made by two very distinguished jurists.

I would like also to refer to a letter which appeared in *The Times* of 19 November 1970. It was written by Lord Shawcross who was the then British Attorney General. It reads as follows—

... the Attorney General is entitled to (But rarely does) seek the views of colleagues as to matters of public interest involved in a prosecution. The eventual decision, however, and the responsibility for it lies with the Attorney General alone and it is very well understood that no-one may seek to influence him on political grounds. In my own experience no-one ever does and no Attorney General worth his salt would tolerate any such intervention in his quasi-judicial duties.

That is the case in this particular instance. This decision was not the decision of the Government; it was the decision of the Attorney General who was exercising a discretion which resided in him alone and on which he had the right to consult with others. He exercised that particular discretion in the way that was outlined by Lord Shawcross.

Tonight the Leader of the Opposition alternated between saying that the decision in this matter was made on the one hand by the Attorney General and on the other by the Government. That was a dishonest, semantic argument. The fact is—and there is not a scintilla of evidence to the contrary—that this particular decision was made by the Attorney General and the Attorney General alone. If there is any evidence to the contrary I would like to hear it; but there is not.

I refer now to the motion before the House. It calls firstly for opinions of legal counsel not so far tabled. As I have indicated by way of interjection, there appears to be only one other opinion and that is the opinion of the Crown Prosecutor. I have

referred to the question put by Hon. G. E. Masters to the Attorney General in another place on 12 March. The question read—

- (1) Is there in existence, to Mr Berinson's knowledge, any written advice or memoranda, other than that disclosed already, to the Crown Prosecutor or the Solicitor General, from Crown counsel, any officer of the Crown Law Department or any outside counsel in relation to the proceedings against Transport Workers Union secretary, John O'Connor?
- (2) If so, what opinions or advice are in existence?

Mr Berinson replied—

- (1) and (2) I take it that the member is referring to advice to me. As far as I am aware, there is no advice additional to that which I have indicated already.

Having established that as far as the Attorney General is aware, there are no other opinions, the first part of the motion obviously deals with the opinion of the Crown Prosecutor. I have already dealt with the question of whether there was any attempt to hide that opinion. Clearly there was not. The opinion was mentioned in the opinion given by the Solicitor General and that was tabled in another place by the Attorney General. The real argument in relation to this matter is that the senior advice to the Attorney General came from the Solicitor General and not from the Crown Prosecutor.

Mr Hassell: What was his advice?

Mr GRILL: The advice that the Solicitor General gave is public and the Leader of the Opposition is aware of it.

Mr Hassell: To prosecute or not?

Mr GRILL: It indicated that there was a wide range of considerations to take into account and that the discretion was in the hands of the Attorney General. No attempt was made at any stage to hide that opinion. It has been said tonight that the two Crown Law officers—the Solicitor General and the Crown Prosecutor—are independent and equal officers of the law. I think those were the words used by the Leader of the Opposition. I cannot say with authority whether that is the case. However, I can say with authority that although they may be independent and high-ranking law officers in the Crown Law Department, as far as giving advice to the Attorney General is concerned, the senior officer is the Solicitor General. The ridiculous nature of the argument put forward by the Leader of the Opposition

tonight was summed up when he said that we should not draw any distinction between senior and junior advice.

Mr Hassell: I did not say that.

Mr GRILL: I made a note of the statement by the Leader of the Opposition, "Let us not draw any subtle differences. How ridiculous can one get?" How can one possibly not draw some distinction between the advice given by the head of a department and that given by the junior clerk? Of course one draws a distinction and that distinction—whether it be subtle or otherwise—is the clear distinction being drawn by the Attorney General. When it comes to giving advice to the Attorney General the senior officer is, in fact, the Solicitor General. That is clear. The advice of the Crown Prosecutor is subsumed in the advice given by the Solicitor General.

The second part of the motion deals with statements of evidence and briefs. That part of the motion has largely been answered by the furnishing to the Leader of the Opposition of the transcript of proceedings in the lower court. A copy of that transcript is available to any member of the House.

The third part of the motion deals with memoranda and particulars of the prosecution case on file. That is a very vague term and I am not sure what it means. It seems to refer once again to the advice of legal counsel. The only advice that has not been tabled is the advice of the Crown Prosecutor and I have already covered that situation.

The fourth part of the motion deals with submissions to the Attorney General and officers of the Crown Law Department relevant to the case. That relates to letters and submissions to which the Attorney General has referred and given details of. Any person who writes to the Attorney General has the right—and this has always been a jealously-guarded right—to consider that communication confidential. It would be imprudent and improper for the Attorney General to table or publicise such communications. It has never been done in the past by Attorneys General of any ilk and it is not a precedent upon which the Attorney General intends to embark.

I will return to what I think is the central crux of this matter: it is the undesirability of bringing the full rigour of the criminal law to bear on what is essentially an industrial dispute. That particular issue, which the Leader of the Opposition by his silence has had to concede, is the kernel of the matter. It is not an issue which members of the Opposition seem willing to debate either here or anywhere else. In his address tonight the Leader of the Opposition made a number of unsubstan-

tiated accusations directed at the Premier and the Attorney General.

He referred to what he considered to be an inconsistency between statements made by the Premier some months ago in relation to the O'Connor case and the actions of the Attorney General in filing the *nolle prosequi* last week. There is no inconsistency. It can be said just as firmly and just as definitely as it was said by the Premier some months ago that the Government has no place in this case. The Attorney General—all concede this, even the Leader of the Opposition—has a relevant place in this matter at the appropriate time in the proceedings. When the proceedings were in the hands of the police, the Attorney General had no role; nor did the Government; nor has the Government at any stage had any role.

Mr Hassell: Is the Attorney General not part of the Government? Has he suddenly ceased to be a part of the Government? The Premier did not mention that the Attorney General was not part of the Government when he announced his Cabinet.

Mr GRILL: I have previously referred to the words of Lord Shawcross. If the Leader of the Opposition wants me to refer to them again I shall. Lord Shawcross said this in a letter to *The Times* on 19 November 1970—

... the Attorney General is entitled to (but rarely does) seek the views of colleagues as to matters of public interest involved in a prosecution. The eventual decision, however, and the responsibility for it lies with the Attorney General alone and it is very well understood that no-one may seek to influence him on political grounds. In my own experience no-one ever does and no Attorney General worth his salt would tolerate any such intervention in his quasi-judicial duties.

I also refer to it once again to remind the Leader of the Opposition, as he seems to have forgotten the statement I quoted a few minutes ago, and he seems to have forgotten the law he learnt at law school. He was not a bad student; he was above average. Nevertheless he seems to have forgotten quite a bit since then.

I quote again Sir John Simon and Sir Hartley Shawcross as follows—

... There is no greater nonsense talked about the Attorney General's duty, than the suggestion that in all cases the Attorney General ought to decide to prosecute merely because he thinks there is what the lawyers call 'a case'...

The argument I am putting forward is well-documented in the common law, well-documented

in the Westminster system, and is the guiding light by which the Attorney General made his decision. And he made that decision alone and not as part of the Government. He made that decision as the senior legal officer of this State, charged with the duty of exercising a discretion at a certain time in the proceedings.

Up until the time of the committal proceedings, the action was strictly in the hands of the police, and at that stage the Attorney General had no cause to intervene. Nor did the Government have any cause to intervene—nor did the Government intervene, nor did the Attorney General intervene. Those are incontrovertible facts.

At the time of the proceedings, when it was necessary for the Attorney General to exercise the discretion which he has exercised, he exercised it not as the Government but as the Attorney General; as the senior legal officer exercising his discretion in the proper manner.

Members opposite can argue if they want that he exercised his discretion wrongly. But they do not want to get down into that arena. That is the question they will not face. They did not face it tonight; they did not face it last week; and, I guarantee they will not face it on any other occasion.

I will say again that the kernel of this particular question is whether the Attorney General at the appropriate place and the appropriate time exercised his discretion properly. The nub of the question is the desirability or undesirability of bringing the full rigour of the criminal law to bear on an essentially industrial dispute.

Members opposite do not want to discuss that; not one of them. By his silence the Leader of the Opposition, both earlier tonight and on television last week, has conceded that is the crucial point that needs deciding and he is not prepared to argue it. Neither is any of his colleagues on his side of the House.

Several members interjected.

Mr GRILL: Do not bring in red herrings now. We are arguing on this issue, and I would like to hear the Opposition's side of the case—not the red herrings, not the histrionics which members are pretty good at tonight, but arguments on this rational position.

Mr Hassell: You knew nothing about the decision.

Mr GRILL: The Leader of the Opposition was not there; he would not be there because he is not going to argue this point and he will not be arguing it. He must concede that, by reason, by judgment and by historical precedent, the At-

torney General was absolutely right. If that is not correct, why has there never been a case in the history of this State where the criminal law has been used in this way? The fact is that the criminal law has never before been used in this way in this State.

Mr Court: Are you saying it should never be used in that way?

Mr GRILL: There are occasions when the criminal law has a place in relation to industrial disputes. That particular proposition has never been argued against by the Attorney General. Where there are threats of physical violence and things of that nature, it is conceded that the criminal law has a place.

Mr Hassell: Only when there are threats of physical violence?

Mr GRILL: And a range of other situations.

Mr Hassell: But not this one?

Mr GRILL: This is the point. Where it is strictly a matter of a black ban, where it is strictly a matter of an industrial award—

Mr Hassell: Wait a minute. The black ban arose just after court proceedings, not an Industrial Court decision, an industrial magistrate's decision. A court of law had concluded—

Mr GRILL: As the Leader of the Opposition well knows, innumerable threats of this very nature have been made by leaders of industrial movements right down through the years. They have never been acted upon.

A Government member: Some employers even threatened lockouts.

Mr Hassell: After months of discussion on a legal basis and after a court hearing, as they were walking out of a court, not an industrial tribunal, this man indulged in threats, and you are justifying it.

Mr GRILL: It was said tonight that there was no support for the Attorney General's position. That was said with some vehemence. Opposition members said, "There is absolutely no support for the Attorney General's position". Even one exception will break the rule, and in fact letters of support were written to the papers.

Mr Rushton: Contrived by the Labor Party.

Mr GRILL: Letters were written to the newspaper supporting the Attorney General's position. One of the most notable letters of support was that written by Brian Tennant. The Opposition said no letters were written supporting the Attorney General's position, but in fact there were several letters of support.

Mr Hassell: Who wrote it for him?

Mr GRILL: If the Leader of the Opposition reads his speech he will see that he said no-one had publicly defended the Attorney General, other than the Premier in this Chamber. That is what the Leader of the Opposition said. In fact the Leader of the Opposition has been found out for what he is; that is, a teller of untruths.

The Leader of the Opposition said also, as if it were a particularly relevant point, that a censure motion was passed against the Attorney General in the upper House. Big deal! I suppose I could say a vote of confidence in the Attorney General was passed in this House and for what it is worth, I shall say it. As we all know, the Leader of the Opposition's making the point that a censure motion against the Attorney General was passed in the upper House was just a cynical use of numbers, nothing more nor less, and hardly worth crowing about in this House.

All three Opposition members who spoke in the debate tried to say in one way or another that pressure was placed on the Attorney General in various ways, to make some form of political decision in relation to this matter. Those members referred to the confidential communications sent to the Attorney General by a range of people, including the solicitor for O'Connor, some of the unions, the TLC, and so forth, as if they knew what was in those letters and as if, just by the simple writing of those letters to the Attorney, the Attorney was thereby going to be influenced and would make a decision which was not rational and was not based on the proper exercise of his discretion.

Right at the beginning of this speech I said that members on this side of the House have the utmost faith in the Attorney General, and I repeat that.

Mr Hassell: And in John O'Connor. Do you have faith in him?

Mr GRILL: I am talking about the Attorney General at the moment. We have the utmost faith in him.

Mr Hassell: What would you like to say about John O'Connor?

Mr GRILL: In his own heart the Leader of the Opposition really knows that the great majority of members of this House and the other place have the same high view of the Attorney General.

Mr Hassell: They have nothing but contempt for the decision of the Attorney General, and that includes a number of members on your side of the House.

Mr GRILL: It is absolute rubbish to try to assert here in this Chamber that a few letters

written by people, who obviously have a case to put, will dissuade the Attorney General from carrying out his bounden duty.

Mr Hassell: What about John O'Connor? Would you like to defend him?

Mr GRILL: The fact is that the person who is least likely to be influenced by such letters is the Attorney General of this State, and we are proud of that.

Mr Rushton: He has been tested and found wanting.

Mr GRILL: The Attorney General is hardly a howling left-winger. That is certainly not his reputation. If the Attorney General has any reputation at all, it is probably for being slightly to the right of centre.

Mr Hassell: He is just a union pawn like the rest of you.

Mr Bryce: What galls you is that you know that is not true and it gets right under your skin.

Mr GRILL: I might add that whenever any communications were sent to the Attorney General by various people of this nature, he listed the communications and the letters he had received from people within the TLC and other organisations. If the Attorney General had anything to hide, he would not have made that list public.

The gravest accusation made about the Attorney General here tonight, both directly and indirectly, was that he had been secretive. If he had endeavoured to be secretive he would not have listed the persons from whom he had received communications. I might add that the Attorney General said—and I believe him—that when he replied to those communications and submissions, he indicated he was not prepared to entertain arguments on the substance of the matter, but merely replied so as to indicate to those involved the procedures to be followed. Those facts are verifiable.

Mr Hassell: Why not table the documents? Let us see the facts. If you want to verify it, put the documents on the table and let us see the facts.

Mr GRILL: At the present time those documents are in the hands of the people to whom the Attorney General's reply was sent. If in fact the Attorney General is misleading anyone in relation to that matter, there are documents which can be tabled. The facts are these. It has always been the practice and precedent—it is a proper one to follow—that communications of that nature are confidential. That practice has applied to every Attorney General of this State, not just the present Attorney General, but also previous Attorneys General.

Mr Old: He was prepared to quote from the Solicitor General's documents.

Mr GRILL: I am talking about confidential submissions made to him by third parties.

Before I finish my speech I will, in passing, pay some attention to the speech of the member for Narrogin. It has been a long time since I have heard such a diatribe. His speech was devoid of substance and logic and, like the Leader of the Opposition, he refused to deal with the central issue of the matter. At no time was he prepared to consider the undesirability of bringing the full rigour of the criminal law to bear upon what was essentially an industrial dispute. Not once did he mention that. All he wanted to talk about was the exercise of discretion by the Attorney General and judgments upon that, and he felt they were not really matters for judges, for courts, or for senior officers of the Crown Law Department. He said that they were really matters to be judged by the public at large. In other words, he put a very populist argument, a very superficial argument, which on the surface sounds fine.

When we analyse his comments we find that he was saying that this was a case not for rational argument, not for decision by precedent, not for decision by past practice, but that it was a case for decision by the media. He was saying that it should be trial by the media, trial by Opposition politicians; in other words, he was saying it was a case for trial by some form of kangaroo court. When we get down to it we find that he said we should not worry about judges or courts, but that we should have a decision by the populace after they have been fed the diatribe and histrionics produced for them last week. He was saying that we should judge this on the basis of the kangaroo court approach. He wanted trial by media, trial by histrionics of the sort presented by Opposition members. His views were as fallacious as any we could possibly hear.

I will sum up my remarks by making three final points: First, the Opposition has consistently refused to address the crucial issue in this matter. Secondly, the Opposition knows—at least the Leader of the Opposition knows, but I do not know whether his minions know—that it would be completely legally improper, legally imprudent and a gross violation of precedent for the Attorney General to table the documents that this motion asks to be tabled. Such a thing has never been done in the past and it is not the sort of thing I would like to see happen in the future. The Opposition is asking the Attorney General and this House to set a precedent which has never been entertained in the past, something which has never been exercised at any past date. They are the facts.

Thirdly, it has always been the precedent—and I hope to God it will continue to be the precedent—that confidential letters, communications and submissions sent to an Attorney General or any other senior public servant by a member of the public should remain confidential.

In rejecting this motion, they are the precedents and the principles which the Government is upholding. I know that in his heart the Leader of the Opposition, given his druthers, would probably uphold those precedents and principles himself. We do not support the motion.

MR D. L. SMITH (Mitchell) [10.36 p.m.]: Members opposite might be pleased to know that tonight when we adjourn I will go to the bar. I intend to go to the bar to toast the Minister for Transport because I believe the speech he has just delivered to be one of the best speeches, if not the best speech, I have heard in the House in the two years I have been here.

Government members: Hear, hear!

Mr D. L. SMITH: I only hope that if members of the media have the opportunity they will obtain a transcript of his speech from *Hansard* and publish it in its entirety. It was such a good speech that rather than seeing the Opposition benches stacked as one would expect to see them if members opposite thought they were on a winning issue, we find that just two of them are left. That is the situation which has arisen.

Really, I did agree that I would rise to speak on this matter tonight only if I thought there were matters the Minister for Transport had not covered and I do feel somewhat reluctant about standing here because I do not think there were any matters he did not cover. I think for the first time during debates on this subject in the House, the issues have been raised, by the Minister, in a logical, consistent and eloquent way, in the way they should have been discussed from the beginning. Anyone who takes the trouble to read his speech will come to the conclusion reached by the Minister: The decision of the Attorney General was right and proper, and the motion before us has no substance and appears to have very little support even from Opposition members. We have just three members opposite.

The Leader of the Opposition approached the matter on the basis that he did not know much about the law involved. He did not seem to know much about the facts of the matter. Nonetheless he thought that there might be something in the documents he was asking to be tabled which might in some way throw a bad light on the Attorney General and he therefore thought that the public should be entitled to see those documents.

The Leader of the Opposition, as a lawyer, should know that the onus is always on the person trying to establish the proposition. However, it was clear from everything he said and everything he did not say that he had no substantive reason, no evidence, nothing at all, to substantiate the validity of his motion.

The question of the law on this matter should have been important, especially when the Opposition has argued that the Attorney General exceeded his jurisdiction. It should have been important if members opposite thought he had taken factors into account which he should not have. If that was the basis of their approach to the matter, one understands why they would want all the legal opinions available to them.

However, the member for Narrogin, in contrast to his leader, got right away from that issue and said that it was not a matter of the law, of what lawyers thought, or of what was technically correct according to law; he said that he wanted the whole issue judged by the public on the basis of what they had read in the media of what the Opposition had said. I mention these things because the Opposition calls for the opinions of legal council not so far tabled. Those legal opinions would only be important to the public or this Parliament if there were some argument from the Opposition that there were legal issues about which the Attorney General had come to improper decisions.

The second part of the motion dealt with the statements of evidence and briefs. I suppose the Opposition is trying to say that the facts of the matter, the statements of witnesses and the names of witnesses and people involved, are not available to them. The Opposition could not have publicly called for people who had made statements to the police or the Crown Law Department, or anyone else, to come forward and make those same statements to the Opposition. It has not attempted to argue the matter along those lines; they have not attempted to argue that there appear to be factual issues which have not been brought to light and which should have been brought to light. The Opposition has really gone on what is known as a fishing expedition in the law. Legally, fishing expeditions are not allowed.

The Opposition asked for a memorandum and particulars of the prosecution case on the files. I suppose what the Opposition means by that is the legal opinions as to whether or not the case, if it had proceeded, could have succeeded.

Legal arguments would have been raised in the course of the criminal trial to try to show that the defendant could have been convicted of this of-

fence. Those issues have already been canvassed at the committal proceedings, and no-one has attempted to argue that legally there was not a *prima facie* case to answer—a case to go to the jury.

Those statements of evidence and briefs are the memorandum and particulars of the prosecution case on file, particulars which solely have gone to those issues. They would not have gone anywhere near the question of the decision of the Attorney General as to whether or not to bring this prosecution, except in so far as they related to the question of the *prima facie* case and, as has been said by the Leader of the Opposition, it is clear that there was bound to be a *prima facie* case in this instance.

That matter has never been in issue, therefore the documents sought in paragraph (3) are not relevant to the way in which the Opposition has addressed itself to this matter.

The next request relates to the submissions to the Attorney General and officers of the Crown Law Department relevant to the case. What the Opposition is saying there is whenever any member of the public writes to a Minister or to a member of Parliament, even perhaps on a private matter, then the Opposition is entitled to call for those papers to be tabled in this place. That is really what the Opposition is saying. That has never been a practice and it should never be the practice because people at large should always be in a position where they can make submissions to the Attorney General, to a member of Parliament, or to any Minister on issues which they regard as important, without thinking or worrying that what they say might or could be used in the Parliament or misused by someone outside the Parliament.

The next paragraph refers to all other documents and papers relevant to the case. That is really the catch-all phrase. I do not know what it means. The Opposition has not sought to explain that. I do not think any member of the Opposition has addressed himself to the motion at all. The only papers the Opposition wishes to exclude are the private papers of the defendant in respect of which he would be entitled to legal privilege from disclosure. As if they would be on the Attorney's file!

Mr Hassell: Don't you think when someone seeks the exercise of a discretion by the Attorney General, the submission to have the discretion exercised is itself a public issue and should be available to be made public?

Mr D. L. SMITH: In this case the details have been made available through the statement of the Attorney General—they were the very factors

which he took into account. What the Opposition has sought to concentrate on is only one of the factors that the Solicitor General thought appropriate for the Attorney General to consider; that is, the question of the *prima facie* case. The Opposition seems to be adopting the simplistic attitude that whenever a *prima facie* case is made out, then inevitably the case should go on to determination by the courts.

If that were the case, there is absolutely no role for a *nolle*. That is really the substance of what the Leader of the Opposition has been saying. I really do not want to go over matters which the Minister for Transport has covered so eloquently.

I did want to address myself to the member for Nedlands, because he has made the constant plea that we in this place should not use parliamentary privilege to malign someone outside the House. I do not really depart very much from that view, but in terms of the merits and morality of the situation, one should look at the opinion that was tabled in the other place, the opinion of the Solicitor General.

This is not the Government seeking to malign anyone; this is the opinion of someone who has considered the file and all the papers on it. The Solicitor General came to this conclusion—

It also appears that the whole affair may well have stemmed from an attempt by Leishman and the companies to ignore the award and ignore the Act to their financial advantage, and at the least there was a strong moral claim by Holly to the monies the subject of the demand.

What he says in other parts of the opinion is that there were legal ways for that situation to be redressed, but it came unstuck for reasons that he outlined. As a lawyer I know only too well that justice is often not done in courts. One does not go to the law for justice; one goes to the law to have one's case determined according to the law. In this case a very just claim was knocked out on a technicality.

It might be argued in some way that that should not be allowed to happen, but the truth is that it is important that we have procedures and onuses established which do determine the way in which cases are decided and that they are adhered to in every case. It is a greater thing that we have a proper system for the administration of justice than that justice be done in every individual case. I would not seek to criticise the industrial magistrate for his conclusion.

The magistrate was really upholding the principle that it is better to protect the system and the procedures rather than to isolate the question of

justice in a particular instance. In the course of the Leader of the Opposition's speech, or in comments across the Chamber to the Minister for Transport, did he stand by the rule that one does not malign people who are not here to defend themselves?

He sought by interjection to imply that the President of the Law Society had been leaned on to provide a second opinion, contrary to the vice-president's opinion. In my view that is a slur on someone I know personally and who I know would never give in to any pressure of that kind, and would never in any way provide an opinion which he did not think was proper and in accord with what he thought were the real wishes and views of the Law Society.

The fact that someone goes through the court and wins the case does not mean that he was the moral victor or the person with the moral right. Quite often the courts find in favour of the person who was morally wrong, but in the interests of the overall system it is better for that to happen.

The Leader of the Opposition also sought to infer that somehow or other the Solicitor General had been induced to provide an opinion which would fit the decision which the Attorney General had already decided on. As I have said, I have almost as high an opinion of the Solicitor General as I have of the Attorney General, and I resent any such imputation or inference that does not seem to be based on any fabric of evidence by anything the Leader of the Opposition or the members opposite can infer.

He went on to infer he had trouble getting records which should be properly available to him from the courts, as if the Attorney General had leaned on the court officers and they had complied with his wishes. That is a slur on the officers of the courts and the Crown Law Department which is quite unjustified. In my experience they bend over backwards to be impartial and fair in their administration of the legal system. I resent any implication by the Leader of the Opposition that that is other than the case.

The end result is that people have failed to read carefully the opinion of the Attorney in the statement he made in another place. Perhaps in some ways it was a very short speech and he should have given more time to explaining some of those considerations. Members opposite are trying to drum up this matter on the basis that the Government is saying the criminal law has no place in industrial matters. It is clear from both the opinion of the Solicitor General and the Attorney's statement that that is not the case, and

certainly not the opinion of either of those two gentlemen. The Attorney said—

There is one other general consideration which requires special mention. It is sometimes said that the criminal law has no place at all where acts in the course of industrial disputes are involved.

I trust that no-one will draw from my decision on the particular facts of the present case any conclusion in support of that view. I do not accept it myself and I do not believe that the Government would entertain it for one moment.

That is certainly the situation, and always has been the situation. There are acts in the course of industrial disputes which unquestionably should be subject to the criminal law. They include acts of violence, stone throwing, or assault and the like which clearly anyone on this side would say should be the subject of the criminal law, although they occur in industrial disputes. The Attorney sought to say that in this particular case on these particular facts the criminal law had no place in this industrial matter. He did not seek to condone Mr O'Connor's actions; he said that in these particular circumstances the criminal law had no application. The Solicitor General himself said he would have advised against instituting proceedings, and went on to say—

In essence my reasons for that advice would have been that, despite the existence of a *prima facie* case, the use of the criminal law in the totality of these circumstances was unnecessary and inappropriate.

The point very cuttingly made by the Minister for Transport is that members opposite have had control of the industrial and criminal law in this State for many more years than we have, and never once in the past have they in their wisdom said the criminal law has a place in these matters. Never in the past have they suggested to any of their officers that criminal proceedings should be instituted in matters of this kind. That is really the most telling thing that can be said. Members opposite say this matter should have proceeded. Why during the many years they had control over industrial disputes did they never seek to do so when black bans were imposed? Are they saying there were no black bans in their period of office? Why was that process never used?

I hope the media take the trouble to publish the Minister for Transport's speech in detail because it was a very eloquent exposition of the law and the facts of this case.

I stand by what I said on another occasion recently—that I believe the Attorney acted com-

pletely properly in this matter. There is no person of whom I have a higher opinion than the Attorney. I stand by the fact that he came to a proper decision in all the circumstances. When the Opposition is willing to debate the question of whether the proper decision was made in these circumstances perhaps we can do justice to the matter at issue. The Opposition has not chosen to do so because it knows its own track record in that area would prove it wrong. Members opposite know they cannot look to any legal opinion which says the Attorney has acted improperly. They do not dare say that any of the matters which the Attorney summarised as being relevant to the issues before him was not correct. They were as follows—

... the existence of a *prima facie* case, the committal for trial, the inappropriateness of criminal proceedings to the particular facts of this case, the interaction of criminal law and industrial relations, the prospects of industrial unrest and the importance of maintaining public confidence in the administration of justice.

All those matters were critically important to the question before the Attorney and I believe he properly weighed them up. Anyone who reads the Minister for Transport's speech will come to the same conclusion, that on balance—and it is after all only a question of political and judicial judgment—the Attorney in this instance has come to the proper decision for the proper reasons. I oppose the motion.

Debate adjourned, on motion by Mr Tonkin (Leader of the House).

BILLS (2): ASSENT

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

1. Acts Amendment (Consumer Affairs) Bill.
2. Bread Amendment Bill.

ABORIGINAL LAND BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

BILLS (2): RETURNED

1. National Crime Authority (State Provisions) Bill.
2. Joondalup Centre Amendment Bill.

Bills returned from the Council without amendment.

DENTAL PROSTHETISTS BILL*Council's Further Message*

Message from the Council received and read notifying that it had agreed to the conference managers' report.

House adjourned at 10.58 p.m.

QUESTIONS ON NOTICE

GOVERNMENT CONTRACTS: LOCAL PREFERENCE

Abolition: Jobs Lost

2565. Mr PETER JONES, to the Minister for Industrial Development:

- (1) With regard to the abolition of "local preference" buying arrangements which the Federal Government is seeking to abolish, what is the current benefit to Western Australian business in maintaining such arrangements?
- (2) How many jobs does the Government estimate would be lost if present preference arrangements were removed?
- (3) Is he aware of media reports that Western Australia will have to abolish "local preference" arrangements if New South Wales accepts the Federal Government's request to remove the present arrangement it has?
- (4) Is there any situation under which the Government would accept the complete removal of local preference arrangements?
- (5) Is the Government still intending to enforce "local content" arrangements in the various agreement Acts regardless of the pressure from the Federal Government to abolish such protective measures?

Mr BRYCE replied:

- (1) to (5) The whole question of "local preference" policy is currently under active examination by the Government.
Any decisions concerning possible changes to existing policy will be the subject of Cabinet consideration.

WESTERN AUSTRALIAN FLORAL EXPORTS LTD.: GENERAL MANAGER

Confidential Information: Access

2583. Mr SPRIGGS, to the Premier:

- (1) Is he aware that the new General Manager of the EXIM flower producer and exporter, Western Australian Floral Exports, Mr Philip Watkins, had access to private and confidential industry information in his position at the Agriculture Department?

- (2) Does his position as General Manager of Western Australian Floral Exports, where he is in direct competition with these people, give the corporation a competitive advantage over these people?

- (3) If so, why has he been allowed to retain this position?

Mr BRIAN BURKE replied:

- (1) and (2) I am not aware of what information was available to Mr Watkins. In any case WAFE is not in direct competition. A copy of a paper outlining its objectives and advantages to the industry is attached.
- (3) Not applicable.

WESTERN AUSTRALIAN FLORAL EXPORTS LTD.: PARTNER

Selection Method

2590. Mr COURT, to the Premier:

- (1) What was the selection method used to decide on Mr Barry Waldeck as the partner in Western Australian Floral Exports Limited?
- (2) How many other applicants were considered?

Mr BRIAN BURKE replied:

- (1) and (2) These matters were the subject of normal commercial considerations by the Board of Exim and if the member has any specific concerns, I suggest he contact the Exim Corporation.

TRADE: EXPORTS

Markets: Flower Growing Industry

2591. Mr COURT, to the Deputy Premier:

Could he advise how many people in the Floriculture Industry had approached departments within his control seeking assistance to develop their business to meet export markets?

Mr BRYCE replied:

A total of ten (10) local companies, listed as flower, wildflower, seed or horticultural exporters, have been given specific assistance by the Department of Industrial Development through the Export Loan Fund Scheme.

WESTERN AUSTRALIAN FLORAL EXPORTS LTD.

Aims and Objectives

2592. Mr COURT, to the Premier:

- (1) Will he explain to the House the aims and objectives of Western Australian Floral Exports Ltd?
- (2) Will he make available the feasibility study which influenced the Government to take a 70 per cent share in a \$1 million venture?
- (3) Will he make available to the House the budgeted revenue for Western Australian Floral Exports Ltd. for the financial years ending June 1985 and June 1986?
- (4) Has the land on which the nursery at Baldivis is to be constructed been purchased?
- (5) If so, what was the cost of that land?
- (6) When will construction of the nursery begin?
- (7) What is the estimated cost of construction?

Mr BRIAN BURKE replied:

- (1) The Board of Exim has advised me that the aims and objectives of WAF Enterprises are as attached.
- (2) to (7) It is not the Government's intention to disclose confidential information on commercial operations of WA Floral Exports Ltd.

WAFE OBJECTIVES AND ADVANTAGES TO THE INDUSTRY

- (a) Establish a small production unit of selected range of wildflowers, exotic cut flowers and pot plants for specific export markets;

- (b) purchase suitable quality products from existing growers at the best prices possible to the grower and on a continual basis to maintain supply and product range on overseas markets;
- (c) have desirable products grown on contract, to meet the marketing requirements;
- (d) sell these products in available export markets and expand and develop new markets on a product/market target basis;
- (e) provide the necessary co-ordination for freight space allocation and, with assured volume of premium quality produce, negotiate suitable freight rates and space for future expansion of the industry;
- (f) determine specific market capacities for floricultural produce, and provide information to growers as to which areas to expand production;
- (g) provide active promotion drives and information on Western Australian floriculture produce on overseas markets;
- (h) provide technical expertise to growers of contract grown crops and provide valuable market information and guidance to the State's floricultural industry as a whole.

The proposed venture will provide a production and marketing structure for floricultural exports and will help to unify the industry in its early stages of development.

The venture will assist the industry in providing market information by assessing "new" and traditional products on specific target markets and therefore help growers to plan production according to market needs and capacities. The company would be a major thrust in promoting and presenting Western Australian produce overseas and would help to strengthen buyer confidence by providing quality, quantity and continuity of supply at premium but competitive prices. By setting stringent quality

standards and establishing optimum packaging and post harvest handling treatments and techniques for produce the company will set a trend which will uplift profitability in wildflower cultivation by establishing a reputation for WA produce overseas. It will also ensure that growers have a reliable market for suitable produce.

Clearly any expansion of the export flower trade will depend on the organisation of freight space. However, a dependable, and relatively large all year round requirement for freight space to particular destinations will be needed before freight allocation negotiations can be assured of success. The proposed venture will aim to provide the necessary quantity not solely from its own production but from other growers and contract growers.

The company will provide technical expertise to assist contract growers with crop production techniques and difficulties and will initiate the introduction of an export levy on produce to provide reliable funding for essential research and development work for the benefit of the entire industry.

PORTS AND HARBOURS: FREMANTLE

Costs: Increases

2594. Mr PETER JONES, to the Minister for Transport:

- (1) Is the Government concerned at the increasing costs associated with operating the Port of Fremantle?
- (2) If so, what action is the Government taking to reduce the high level of industrial stoppage within the port area, which is seriously influencing the port cost structure?
- (3) How many stoppages and disruptions have occurred at the Port of Fremantle since 1 January 1985?

Mr GRILL replied:

- (1) The Government would be concerned about any increase in the costs of providing the services offered by the Fremantle Port Authority, just as it is concerned about increases in the costs of any of the services it provides.
- (2) The member's question implies that there is a direct relationship between the level of industrial disputation at a port and increases in charges levied by a port authority for the services it provides. There is no such direct relationship. In other respects, this question is similar to questions asked by the member on Thursday 28 February 1985. I refer him to my answers to Questions 2409 and 2410.
- (3) Since January 1985 there have been 17 stoppages or disruptions at the Port of Fremantle. Nearly all have been relatively minor disruptions.

The majority of the disputes and bans which have occurred within the port in recent months have been either as a result of national disputes or are directly related to suppliers of port services or port users in the private sector. In most of these disputes the Fremantle Port Authority has had only a peripheral involvement.

PERTH MINT: RESTRUCTURING

Joint Venture

2598. Mr PETER JONES, to the Premier:

- (1) Is it fact the Gold Producers Association, as well as individual companies and producers, have expressed concern at the Government's intentions to restructure the Perth Mint on a joint venture basis?
- (2) What is the basis of any concerns which have been expressed?
- (3) Does the Government accept the reasons given for concern?
- (4) Is the proposed restructuring going to assist gold producers in this State?

Mr BRIAN BURKE replied:

- (1) to (3) The Gold Producers' Association has expressed concern in relation to the uncertainty regarding the redevelopment of the Perth Mint. The major points of concern have been acknowledged by Western Australian Development Corporation in consultation with the GPA and are manifest in the Tender Arrangements and Terms and Reference which specify among other things:
 - (a) The mint is not wholly or partly for sale;
 - (b) The independence and integrity of the mint are to be preserved;
 - (c) The mint is to be developed on the basis of securing a market position as lowest cost refiner; and
 - (d) Any new marketing joint venture is not to conflict with the marketing activities of the GPA.

Both the Government, the GPA and WADC accept the reasons for concern in relation to the above matters.

- (4) The GPA has already been invited to make a submission and it is understood that it is to be further involved before final proposals are recommended by WADC.

TRANSPORT: AIR

Services: Japan-Perth

2599. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to the establishing of direct air services between Perth and Japan, would the Government wish to see this international air route established?
- (2) Is it fact that Qantas is not seeking to be involved in any such air route?
- (3) Is Qantas preventing such an air route being established by any other international carrier?
- (4) What action is the Government taking to overcome any such impediment to establishing such an air route?

Mr GRILL replied:

- (1) The question of linking Perth to Japan by air has received a good deal of misleading Press coverage recently. To speak of a direct air service implies a non-stop scheduled air service. The distance from Perth to Japan rules out this possibility. At present, there is a Perth-Japan service available six days a week. The journey takes 14 to 15 hours and involves a change of aircraft at Singapore or Kuala Lumpur. If Qantas or JAL provided a through service, via another Asian port, it would not take less than 12 or 13 hours. Nevertheless, the Government would be pleased to see Qantas or JAL offering a through service linking Perth to Japan.
- (2) Yes.
- (3) Bilateral negotiations between Australia and Japan would relate primarily to the rights of Qantas and JAL. Neither is interested in taking up rights to operate regular and scheduled services between Perth and Japan.
- (4) In relation to direct scheduled services, the Government is endeavouring to persuade both Qantas and JAL to relax their present protectionist stance.

The Government is seeking less direct access to the Japanese tourist market by giving every encouragement and support to Korean initiatives to operate regular and scheduled services to and from Perth.

The Government is also actively involved in initiatives to have regularly spaced charter flights from Japan service Perth Airport. Before these initiatives become reality the Commonwealth and the Japanese Government would have to agree about the merits of giving them the green light.

FINANCIAL INSTITUTIONS: BANK

IBJ (Australia) Bank: Local Equity

2602. Mr PETER JONES, to the Premier:

- (1) With regard to the approved establishment of the IBJ Australia Bank in Western Australia, what financial institutions were given consideration when determining local equity content?

(2) Did any financial institutions express an interest in taking equity, to either the Government or to the Western Australian Development Corporation?

(3) Was the State Government Insurance Office asked to consider the advantages of taking equity in the proposed arrangements?

(4) For what reason was the Town and Country WA Building Society considered a suitable and preferred equity participant?

Mr BRIAN BURKE replied:

(1) and (2) Several financial institutions and other business organizations were considered in determining local equity participants in the proposed IBJ Australia Bank, with respect to their financial capacity to be committed to the new bank, their ability to pass the scrutiny of the Reserve Bank of Australia and the Commonwealth Treasury and their compatibility with the broad proposal promoted by Western Australian Development Corporation, so obviously successful in its joint application with the Industrial Bank of Japan for a banking authority.

(3) The State Government Insurance Office proposed participation in a Western Australian promoted trading bank with headquarters in Perth after a review of its shareholdings in other banking institutions.

(4) It is apparent that WADC and the IBJ recognized that Town and Country WA Building Society is one of the largest and most successful building societies in Western Australia and the sixth largest in Australia, that it could satisfy Reserve Bank and Treasury requirements and that it would bring to a Perth based Australian trading bank, a high degree of expertise necessary in retail banking operations, financial innovation and a commitment to our State that would strengthen the IBJ Australia Bank's Western Australian base.

MINERALS: DIAMONDS

Price: Reduction

2605. Mr PETER JONES, to the Premier:

(1) With regard to the involvement of the Western Australian Development Corporation in the Argyle diamond venture, has the average price per carat received by the equity interest managed by the Western Australian Development Corporation fallen since 1 January 1984?

(2) If "No", has the average price per carat increased at the rate projected by the advisers to the State Government at the time the purchase of Northern Mining was being considered by the Western Australian Parliament?

(3) Is the State Government still satisfied that the special marketing arrangements which it considered so advantageous at the time of purchasing Northern Mining, are in the best interests of all associated with the Western Australian Development Corporation and the equity interest which it manages?

Mr BRIAN BURKE replied:

(1) to (3) The member for Narrogin should be aware that it is not within the Government's ability to provide information as to the price for or price performance of, Argyle diamonds. It should, at this stage, be appreciated that the 5 per cent joint venture interests in the Argyle Diamond Project managed by Western Australian Development Corporation are no longer owned by the Government of Western Australia, but by the unit holders in the Western Australian Diamond Trust. The information requested by the member is commercially confidential between the Manager and the Trust, as is any similar information provided by the Joint Ventures under the Diamond (Argyle Diamond Mines Joint Venture) Agreement Act.

MANJIMUP CO-OPERATIVE CANNING CO. LTD.

Government Assistance

2610. Mr PETER JONES, to the Premier:

(1) With regard to the Manjimup Cannery, what level of funding will be provided by the Government in the current fiscal year to support the cannery's operations?

- (2) What is the aggregate of all Government funds which have been supplied to support the cannery's operations since its establishment?
- (3) What level of funding support is being considered for the 1985-86 fiscal year?

Mr BRIAN BURKE replied:

- (1) Support has been given in the current fiscal year by way of a Government subsidy payment of \$285 500 and the issue of two Government guarantees totalling \$3 924 000 to secure the Cannery's 1985 seasonal working capital borrowings.
- (2) \$4 603 006.
- (3) The 1985/86 level of funding cannot be considered until the results of the 1985 season are available to the Government.

2617. *Postponed.*

FISHERIES: TUNA

Foreign Vessels: Customs Tariff

2620. Mr MacKINNON, to the Minister for Transport:

- (1) Is he aware that section 130C of the Customs Act, referred to in question 2468 of 1985, applies to all goods purchased by foreign tuna vessels, including fuel oil?
- (2) Is he also aware that Western Australian industry stands to lose up to \$20 million of trade if the current Customs interpretation of that clause continues?
- (3) Will he, therefore, order an immediate and full State inquiry into this position with a view to making urgent representations to the appropriate Commonwealth Minister to reverse this position?
- (4) If not, why not?

Mr GRILL replied:

- (1) The definition of "ships stores" under Section 130C of the Customs Act includes fuel oil and applies to foreign tuna vessels except those vessels about to make a voyage other than an "international voyage" as defined under the same section of the Act. Therefore, any foreign fishing vessel is liable to pay duty on ships stores including fuel oil when proceeding to fishing grounds.

- (2) The figure quoted by the member is a speculative estimate of what trade would be lost if visits to Fremantle by foreign tuna boats were to cease altogether.

At this stage, I am not prepared to accept the prediction implied in the member's question—that is that, as a result of the imposition of this duty, visits to Fremantle by foreign tuna vessels will cease. In fact, it has yet to be established to my satisfaction that imposition of the duty will cause a reduction in the visits to Fremantle by foreign tuna vessels.

- (3) and (4) I have asked senior officers in my portfolio to thoroughly investigate the matter raised by the member in this question and in question 2468. I will advise him of the outcome of these investigations as soon as they have been carried out.

GOVERNMENT PUBLICATION: "WESTERN AUSTRALIAN GOVERNMENT NOTES"

Objectivity

2621. Mr MENSAROS, to the Premier:

Now that the Government has been in power for more than two years, will he give consideration to a somewhat more objective and less party-propagandistic line in the publication *Western Australian Government Notes* the subtitle of which claims to be a bulletin of public affairs, using the example of a similar United Kingdom publication *Survey of Current Affairs* where Private Members' legislation and Opposition's views on Government measures are also published?

Mr BRIAN BURKE replied:

Consideration has previously been given to this matter, and it will be reconsidered in light of the member's views.

DAIRYING: INDUSTRY

National Meeting: Minister's Attendance

2632. Mr BLAIKIE, to the Minister for Agriculture:

- (1) Would he advise why he did not attend the meeting called by the Victorian Premier, Mr Cain, and Federal Primary Industry Minister Kerin, to discuss Australian Dairy Industry proposals?
- (2) Who attended to represent the Government of Western Australia?
- (3) What decisions were made at the meeting?
- (4) Did Western Australia support the decision that was finally agreed to?
- (5) What will be the effect of the decision on Western Australian dairy farmers?
- (6) With the proposal to increase the price of specified dairy products by 17 per cent, what will be the per kilogramme increase to the State's dairy farmers?
- (7) Has the Government made any evaluation of what the effect of the decision will be on communities with an extensive dairy industry, and if so, would he detail?
- (8) If "No" to (7), why has not an evaluation been made?

Mr EVANS replied:

- (1) Parliamentary duties.
- (2) It was a meeting for Ministers only and the WA position was advised by telex following discussions with industry in WA.
- (3) to (8) No decisions were made; a proposal was put by States to the Commonwealth. No evaluation can be made until the Commonwealth Minister determines his position.

ABORIGINAL AFFAIRS: JOHN PAT CASE

Prosecutions: Crown Prosecutor's Advice

2635. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) Did the Crown Prosecutor advise the Commissioner of Police not to prosecute Peter Coppin for perjury arising out of the trial of the five constables following the death of John Pat?
- (2) Did the Crown Prosecutor also advise the Attorney General not to issue an *ex officio* indictment?
- (3) Was any other official advice received by the Attorney General prior to his decision not to issue an indictment?
- (4) Was the Attorney General's decision in accordance with that advice or those advices?
- (5) Will he table the Crown Prosecutor's advices and any other such advices in that matter of which he is aware?

Mr GRILL replied:

- (1) The Crown Prosecutor advised the Police that the decision was one for them. He did indicate that in his opinion a charge would be unfortunate in all the circumstances.
- (2) No. I take this opportunity to clarify my answer to a question without notice in respect of the above asked by the Hon. I. G. Medcalf on 13 November, 1984. On that occasion I indicated as follows:

"The responsibility for deciding whether a charge of perjury should be brought lies in the first place with the Commissioner of Police and his investigating officers. I understand that the police do not propose to take such action. On the advice of the Crown Prosecutor, I have also decided not to institute *ex officio* proceedings."

Members should please note that there was no formal advice from the Crown Prosecutor to that effect. However, the view ascribed to him in my answer was clearly indicated by his comments on file.

- (3) I received advice from the Solicitor General to the effect that proceedings should not be instituted.
- (4) Yes.
- (5) No.

MEDIA MONITORING SERVICE

Government

2636. Mr WATT, to the Premier:

- (1) (a) Does any Government department, agency or service conduct a media monitoring service;
- (b) if so, which?
- (2) How many people are engaged in that service?
- (3) Are transcripts of news and public affairs media items made, either as a matter of course or on request?
- (4) Are transcripts so made available to any of the following—
 - (a) public servants;
 - (b) Ministers;
 - (c) Ministerial advisers;
 - (d) Government members of Parliament;
 - (e) Opposition members of Parliament, or
 - (f) the public?
- (5) Could a media monitoring service be provided at less cost to the taxpayers of the State by an existing Government Agency such as the State Library Board?

Mr BRIAN BURKE replied:

- (1) (a) Yes.
- (b) Government Media Office.
- (2) to (5) See answer to Question No. 2502 of 6th March, 1985 and Question No. 2538 of 7th March 1985.

MINERALS: MINERAL SANDS

Jurien: Reopening

2637. Mr CRANE, to the Minister for Minerals and Energy:

- (1) Is he aware of any negotiations or suggestions to reopen the mineral sands mine at Jurien, which was previously operated by Western Mining Corporation?
- (2) If "Yes", when is it anticipated the mine may be reopened?

Mr PARKER replied:

- (1) I am advised that investigations are being undertaken into the feasibility of mining mineral sands in the Jurien area on mining tenements previously held by Western Mining Corporation.
- (2) To my knowledge investigations have not yet reached a stage to enable a decision to be made by the parties concerned regarding reopening of the mine.

ENERGY: PETROL

Uniform Fixed Price

2638. Mr BATEMAN, to the Minister representing the Minister for Consumer Affairs:

- (1) In view of the recent steep increase in petrol prices which will affect the price of every possible consumer product, and as there appears no justification for such a steep increase, will the Minister appeal to the Prime Minister of Australia to bring about a uniform fixed price on petrol in order to assist in containing the inflation rate?
- (2) If not, why not?

Mr TONKIN replied:

- (1) This has already been done.
- (2) Not applicable.

ENVIRONMENT: PUBLIC ENVIRONMENTAL REPORTS

Sources: Checking

2639. Mr BRADSHAW, to the Minister for the Environment:

What avenues are open to members of the public to obtain clarification, before the closing date for public submissions, of points made in public environment reports when the authors or the sources

quoted by the authors refuse to substantiate them?

Mr DAVIES replied:

The Department of Conservation and Environment is available to give general advice of a factual or explanatory nature, but will not attempt to justify any statements made in a public environmental report since this is the responsibility of the developer.

In the event that the proponent will not assist members of the public, it remains open to them to draw the attention of the EPA to the matter and express concern by way of a submission during the public review period.

ENVIRONMENT: ENVIRONMENTAL REVIEW AND MANAGEMENT PROGRAMMES

Reports: Preparation

2640. Mr BRADSHAW, to the Minister for the Environment:

- (1) Who has the responsibility in development projects of preparing environmental review and management programme reports?
- (2) If prepared by the developers is the information subject to checks in any form?
- (3) Has any environmental review and management programme report in projects either started or wished to be started gone against the project or the project site in the last 15 years?
- (4) If so, which projects?

Mr DAVIES replied:

- (1) The proponent of the development or someone acting on his behalf.
- (2) Any obvious inaccuracies will be pointed out by the Department of Conservation and Environment. If they are not corrected the EPA may not agree to the public release of the ERMP. However, it is the developer, not the EPA, who is responsible for the accuracy of information provided in the report.
- (3) No, because the proponent is required to assess the adverse environmental impacts of his development in the ERMP, and justify the need for the projects in the light of those impacts. If a proponent were unable to justify the project after considering these impacts, he would not

proceed to complete the ERMP and would therefore presumably withdraw his proposal, or change the siting or nature of the project to satisfy environmental requirements.

- (4) Not applicable.

MR PHILIP WATKINS

Employment: Agriculture Department

2641. Mr BRADSHAW, to the Minister for Agriculture:

- (1) Did a Mr Phil Watkins work for the Department of Agriculture?
- (2) If so—
 - (a) in what capacity;
 - (b) for how long;
 - (c) what work was he employed to do?
- (3) Did the Australian Nursery Association pay funds for Mr Phil Watkins to research packaging and improve the type or keeping ability of cut flowers for export?

Mr EVANS replied:

- (1) Yes.
- (2) (a) and (b) Technical Officer, Division of Horticulture, 1975-79, Adviser, Floriculture Section, Division of Horticulture, 1979-84. In 1984 he was seconded to the Department of the Premier and Cabinet and in 1985 to Western Australian Floral Enterprises Ltd.
 - (c) As Adviser on floriculture, he supervised the Floriculture Section which provides a research and extension service to the nursery plant industry, the exotic cut flower industry, the wildflower and allied industries. The section also maintains a Home Garden Enquiry Centre providing the general public with information on the establishment, care and maintenance of plants.
- (3) The Australian Nurserymen's Association has provided funds jointly with the Rural Credits Development Fund and a Commonwealth Special Research Grant for Mr Watkins to research growing conditions and transportation requirements for export of nursery plants and for the development of selected Australian native plants as flowering pot plants for export markets.

2642 and 2643. *Postponed.*

Without Notice 722 and Question with Notice 2352.

(3) The contacts were instigated by all three.

PLANNING: CANAL DEVELOPMENT

Dawesville Cut: Environmental Effects

2644. Mr BRADSHAW, to the Minister for the Environment:

- (1) Has the investigation started as to the effects the "Dawesville Cut" at Mandurah will have on the environment?
- (2) Who is to carry out, or is carrying out, the investigation?
- (3) When is it expected the report will be published?
- (4) Will there be any interim reports?
- (5) If so, will these be made public?

Mr DAVIES replied:

- (1) Yes.
- (2) The Peel-Harvey Study Team which is DCE in collaboration with PWD and Centre for Water Research at University of W.A.
- (3) A final report will be submitted to Government by the Study Team in April and this will be published shortly after.
- (4) No.
- (5) An ERMP is being prepared to assess the environmental impact of the proposed management strategy. This document will be subject to public review in the normal way.

2646 and 2647. *Postponed.*

REGIONAL DEVELOPMENT: SOUTH WEST DEVELOPMENT AUTHORITY

Public Relations Officer: Approach

2648. Mr BRADSHAW, to the Minister for Transport:

- (1) Did a request come from the South West Development Authority or any person connected with South West Development Authority to appoint a press officer or a public relations officer to the South West Development Authority?
- (2) If so, in which form did the request come and for what reason?
- (3) If not, why was a press officer appointed?
- (4) Were nominations called for this position?

Mr GRILL replied:

- (1) to (4) I refer the member to the answer to Question 2236 of 20 February, 1985.

2649 and 2650. *Postponed.*

LOCAL GOVERNMENT: HARVEY SHIRE COUNCIL

Ministerial Contact

2645. Mr BRADSHAW, to the Minister for Minerals and Energy:

- (1) How many times has he, or his department, been in contact with the Harvey Shire Council in the last 12 months?
- (2) What dates were these contacts?
- (3) Were these contacts instigated by the Harvey Shire Council, himself, or his Department?

Mr PARKER replied:

- (1) and (2) The member's attention is directed to my answers to Question

AUSTRALIAN BICENTENNIAL CELEBRATIONS: FUNDS

Projects: Western Australia

2651. Mr HASSELL, to the Premier:

- (1) What bicentennial funds (other than bi-centennial road fund grants) have been made available to Western Australia and for what projects?
- (2) Has the Government undertaken any study to see if the grants made to Western Australia are in any way proportionate to grants made to other States?

Mr BRIAN BURKE replied:

- (1) The Western Australian Council of the Australian Bicentennial Authority ad-

vises that to date the following Bicentennial funds have been made available to Western Australia (other than Australian Bicentennial Road Development Grants):—

- (a) \$5 million at July 1982 prices. \$5 million will also be provided by the State Government under the Commonwealth/State Bicentennial Commemorative Program. Projects selected for this Program will be announced in the near future.
- (b) On 16 February in a nationwide series of advertisements the Australian Bicentennial Authority announced the availability of funding for community projects under its Heritage and Environment Programs (\$500 000 and \$225 000 respectively for WA).
- (2) The allocations listed in (1) above have been calculated approximately according to the populations of the States and Western Australia is receiving its due proportion.

ABORIGINAL AFFAIRS: LAND RIGHTS

Advertising: Expenditure

2652. Mr HASSELL, to the Minister with special responsibility for Aboriginal Affairs:

What are the details of the expenditure on land rights advertising on behalf of the Government, including—

- (a) total cost;
- (b) production cost;
- (c) television and radio stations with which time was purchased, and cost in each case;
- (d) frequency of showing and broadcast, and programme of showing and broadcast?

Mr WILSON replied:

The breakdown of the costs associated with the recent media advertising on the proposed Aboriginal Land Bill are as follows:—

- (a) \$116 401.99
- (b) \$19 949.79
- (c) TELEVISION
STW-9 \$23 645
TVW-7 \$30 167

RADIO

6PM \$3 600
6KY \$2 610
6PR \$2 520
96FM \$4 020

COUNTRY

TELEVISION

Golden West \$6 000
GTW 11—Geraldton \$3 008
Midwestern T.V. \$2 768
Mining T Network \$1 500

RADIO

6VA/MD/BY/WB \$2 340
6NW/KA \$2 040
6TZ/NA/CI \$1 440
6AM/KC/GE \$2 565
6SE \$720
6LN \$780

- (d) Frequency was determined as per normal advertising schedule within the limits of the costings listed above.

FINANCIAL INSTITUTIONS: BUILDING SOCIETY

Town and Country WA Building Society: Preferential Treatment

2653. Mr HASSELL, to the Minister for Housing:

With reference to the article which appeared on page 35 of the *Western Mail* dated 22 March 1985, what is his explanation of—

- (a) alleged misleading answers to questions;
- (b) alleged preferential treatment to Town and Country Building Society?

Mr WILSON replied:

- (a) I do not believe that my answers to questions put to me by the *Western Mail* were misleading.
- (b) Because of the delay in proclaiming the Building Societies Amendment Act 1984 which allows all permanent building societies to enter into continuing credit arrangements with their members, the Registrar of Building Societies approved of Town and Country W.A. Building So-

ciety, pursuant to section 47(1)(d) of the Building Societies Act, proceeding with its Cashpower Visa credit card.

Any other permanent building society seeking to offer this financial facility to members would receive approval provided that the capital adequacy requirements were met. No preferential treatment was given to the Town & Country WA Building Society.

Acting on the recommendation of the Agent General for Western Australia it is proposed that the Government will take advertising space in the "Times" survey.

- (2) Investment attraction.
- (3) The cost to the Department of Industrial Development will be Pounds Sterling 16,532 (A\$25,332).
- (4) See (1).

INDUSTRIAL DEVELOPMENT: WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

Projects

2654. Mr HASSELL, to the Premier:

- (1) What are all the projects in which the Western Australian Development Corporation is currently engaged?

- (2) What is the progress in each case?

Mr BRIAN BURKE replied:

- (1) and (2) The projects with which the Western Australian Development Corporation is involved remain the commercial prerogative of that Corporation.

PREMIER

London Visit: Newspaper Advertisements

2655. Mr HASSELL, to the Minister for Industrial Development:

- (1) Is it proposed that the Western Australian Government will advertise in a London newspaper to coincide with the proposed visit of the Premier or contemporaneously with that visit?

- (2) What is the advertising about?

- (3) What is the cost of the advertising?

- (4) Where is it to appear and when?

Mr BRYCE replied:

- (1) The London "Financial Times" plans to publish a special survey on Western Australia in May 1985, which happens to coincide with the forthcoming visit to Europe of the Premier.

The newspaper has been soliciting advertising for the survey from the State Government and from the private sector in Western Australia.

2656. *Postponed.*

MR J. J. O'CONNOR: CHARGE

Intervention: Attorney General

2657. Mr HASSELL, to the Minister representing the Attorney General:

On what date did the Attorney General decide to intervene in the John O'Connor case and on what date did he commence consideration of the papers, including submissions, in the case?

Mr GRILL replied:

The Attorney General commenced his consideration after he had received the Solicitor General's opinion dated 8 February, 1985. His decision was made shortly before his advice to the Premier on 27 February and to the Court and Parliament on 28 February.

EDUCATION: TEACHERS

Graduates: Postings

2658. Mr WILLIAMS, to the Minister for Education:

- (1) How many teachers graduated in 1984—

- (a) primary;

- (b) secondary?

- (2) In these categories, how many have received permanent postings to date?

- (3) Of the balance of graduates in these categories, how many can expect to be posted before the end of 1985?

- (4) In these categories, how many students were accepted for training at the commencement of 1985 by all teacher training colleges?

Mr PEARCE replied:

- (1) (a) 360 primary, 60 early childhood, of whom 336 and 51 were available for employment with the Education Department.
- (b) 503 of whom 427 were available for employment with the Education Department.
- (2) Primary 104.
Early childhood 37.
Secondary 333.
- (3) It is estimated that approximately 50 per cent of primary, 85 per cent of early childhood and 90 per cent of secondary graduates should be employed by the end of the year.
- (4) Enrolments are still being processed and official figures will not be available until after the 30 April which is the recognized census date. However, the Western Australian College of Advanced Education primary quota was reduced by 50 this year and all training institutions were encouraged to review their secondary intakes in view of an anticipated need for reductions in quotas in 1986.

2659. *Postponed*

ROTTNEST ISLAND: HOTEL-MARINA COMPLEX

Development: Decision

2660. Mr MacKINNON, to the Minister representing the Minister for Tourism:

When will the final decision be made by the Rottnest Island Board as to when it will be proceeding with the development of the Rottnest hotel/marina in association with the State Superannuation Board?

Mr BRIAN BURKE replied:

The Rottnest Island Board has previously stated that, "once the Rottnest Land Management Planning Group's Report has been considered then it will make its recommendation, and only then."

ROTTNEST ISLAND

Land Management Report

2661. Mr MacKINNON, to the Minister representing the Minister for Tourism:

- (1) Has the Rottnest Land Management Report yet been finalised?
- (2) If not, when is it anticipated that the report will be finalised?
- (3) Will the report be made public?
- (4) If not, why not?

Mr BRIAN BURKE replied:

- (1) Yes.
- (2) Not applicable.
- (3) and (4) This decision will be made when the Government has had time to consider the Rottnest Island Board's recommendations and the report itself.

EDUCATION: TEXTBOOK

"The Changing Australians"

2662. Mr MacKINNON, to the Minister for Education:

- (1) Is the book *The Changing Australians* authorised by Sue Fabian a recommended text for schools in Western Australia?
- (2) If so, for how long has this been the case?

Mr PEARCE replied:

- (1) *The Changing Australians* is not recommended for use as a student text in Government schools. Reference to it, however, as one of a large number of teacher references, has been made in the year 9 Social Studies Teachers' Guide.
- (2) The above Guide was published in 1983.

MINISTER FOR INDUSTRIAL RELATIONS

Official Duties: Broome

2663. Mr MacKINNON, to the Premier:

What official duties, as referred to in question 2319 of 27 February, were

performed by the Minister for Industrial Relations in Broome that necessitated his driver and vehicle being in attendance?

Mr BRIAN BURKE replied:

See reply to Question 2665.

MINISTER FOR INDUSTRIAL RELATIONS

Driver: Broome Residence

2664. Mr MacKINNON, to the Premier:

- (1) What were the exact dates that the driver of the Minister for Industrial Relations was resident in Broome—
 - (a) on work;
 - (b) on holiday?
- (2) Did this driver travel from Broome to Perth at Government expense during any of this time?
- (3) During this time did the Minister for Industrial Relations hire any motor vehicles in Broome?
- (4) If so, for what time period and at what cost?

Mr BRIAN BURKE replied:

- (1) to (4) See reply to Question 2665.

MINISTER FOR INDUSTRIAL RELATIONS

Travel: Broome

2665. Mr MacKINNON, to the Premier:

- (1) Did the Minister for Industrial Relations travel to Broome by car with his driver as indicated in question 2464 of 5 March?
- (2) If not, how did the Minister travel to Broome?
- (3) Did any of the driver's family accompany him in the car journey to Broome for all or any part of that journey?
- (4) If so, will he provide the House with these details?

Mr BRIAN BURKE replied:

- (1) to (4) A number of questions asked on this matter by the member have related to the activities of a Government driver and his family whilst on holidays. These are not matters within the Government's jurisdiction.

The procedures in respect of this assignment were in line with procedures followed on numerous occasions by previous Governments.

However, if the member has any specific concerns about the matters raised in his questions and they fall within the Government's jurisdiction I will be pleased to have them investigated.

PRISON: REMAND CENTRE

Control Towers: Manning

2666. Mr MacKINNON, to the Minister representing the Minister for Prisons:

On what basis are the control towers at the Remand Centre at Canning Vale currently manned?

Mr GRILL replied:

The four towers are covered by three shifts, 24 hours per day, seven days per week.

EDUCATION: PRIMARY SCHOOL

Willetton: Administration Facilities

2667. Mr MacKINNON, to the Minister for Education:

- (1) Have plans for the provision of additional administration facilities at Willetton primary school yet been finalised?
- (2) If not, why not?
- (3) What is the estimated cost of these improvements?
- (4) When is it anticipated the improvements will be completed?

Mr PEARCE replied:

- (1) Yes.
- (2) Not applicable.
- (3) \$21 000.
- (4) No firm date for the finalisation of this project has been determined.

TRANSPORT: AIR

Australia-Japan: Report

2668. Mr MacKINNON, to the Minister representing the Minister for Tourism:

- (1) Will the Minister table a copy of the report completed by Avmark Inc. relating to air travel between Japan and Australia?

(2) If not, why not?

Mr BRIAN BURKE replied:

(1) No.

(2) The report is currently confidential and is being used by the Tourism Commission to develop appropriate strategies. Elements of the report will, however, be released when practicable.

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Austmark Building: Bunbury

2669. Mr MacKINNON, to the Minister with special responsibility for "Bunbury 2000":

(1) Has the Government yet concluded the lease agreement for the office accommodation it is to occupy in the Austmark building in Bunbury?

(2) If so, with whom has the lease been contracted?

Mr GRILL replied:

(1) The lease agreement has been agreed to by all parties but will not be signed until the building is completed.

(2) See (1).

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Kings Building: Perth

2670. Mr MacKINNON, to the Premier:

What Government departments or authorities are currently located in the Kings Building in Hay Street, Perth?

Mr BRIAN BURKE replied:

1st Floor:

Lands and Surveys

Rural Housing Authority

2nd Floor:

State Taxation Department

3rd Floor:

Health Department

5th Floor:

Land Valuation and Town Planning

Appeals Tribunals

Barristers Board

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Willmar House: Lease

2671. Mr MacKINNON, to the Premier:

(1) How many floors of Willmar House does the Government currently lease?

(2) Will he detail for me the amount of square feet located on each floor?

(3) How much office space on each floor is currently occupied by Government departments or agencies?

(4) Will he detail those agencies together with the floor space they occupy?

Mr BRIAN BURKE replied:

(1) 9 Levels

(2) Floor	Area
Basement	160 m ²
Ground	562 m ²
1st	562 m ²
2nd	1120 m ²
3rd	1120 m ²
4th	1120 m ²
5th	562 m ²
6th	562 m ²
7th	184 m ²

(3) Whole area.

(4) Department of Industrial Affairs	2523 m ²
Department of Consumer Affairs	1682 m ²
Multicultural and Ethnic Affairs Commission	562 m ²
Department of Employment and Training	841 m ²
Amenities (part soon to be used for offices)	184 m ²
Basement occupied by State Film Library, Consumer Affairs and Industrial Affairs	160 m ²

ROTTNEST ISLAND: KINGSTON BARRACKS

Decision

2672. Mr MacKINNON, to the Minister representing the Minister for Tourism:

(1) When will the Rottnest Island Board be deciding on the future use of the old Army barracks on Rottnest Island?

(2) If that decision has already been made, what will the old Army barracks be used for?

(3) When will school groups be notified as to whether or not the barracks will be available for their use?

Mr BRIAN BURKE replied:

- (1) The Rottnest Island Board has discussed the matter and is presently formulating a detailed submission to the Government. It also wishes to be assured that its desired use not be in conflict with the Rottnest Land Management Planning Group's Report.
- (2) It is proposed that the Kingston Barracks be used as an environmental education centre, subject to the above.
- (3) As soon as (1) and (2) are resolved to the satisfaction of the Board and the Government.

INDUSTRIAL DEVELOPMENT: WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

Short-term Money Market: Arrangements

2673. Mr COURT, to the Treasurer:

When the Western Australian Development Corporation takes over the management of the Treasury's short-term money market operations will the Treasury funds actually be transferred to the balance sheet of the Western Australian Development Corporation or will the Western Australian Development Corporation be acting only as an agent for the Treasury in placing investment funds?

Mr BRIAN BURKE replied:

Under the new arrangements, Treasury will invest surplus short-term funds with the Western Australian Development Corporation as a registered dealer under the Public Moneys Investment Act. The funds invested with the Corporation by Treasury will therefore be shown in the Balance Sheet of the Corporation as would any other temporary borrowings the Corporation may have. The Corporation will in turn invest these funds in the short-term money market as principal.

INDUSTRIAL DEVELOPMENT: WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

Short-term Money Market: Interest Rate

2674. Mr COURT, to the Treasurer:

- (1) What interest rate will the Western Australian Development Corporation be paying the Treasury for the short-term money it will be managing?

- (2) (a) Will it be closely related to current market rates;
- (b) if "Yes", how?

Mr BRIAN BURKE replied:

- (1) and (2) The Western Australian Development Corporation will pay the Treasury market interest rates on all investments made with it.

INDUSTRIAL DEVELOPMENT: WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

Short-term Money Market: Promissory Notes

2675. Mr COURT, to the Treasurer:

- (1) Will the Treasury accept Western Australian Development Corporation promissory notes as security for lending its short-term money market funds?
- (2) If "Yes", will these promissory notes be secured by the Government?
- (3) Has the Governor approved these promissory notes as "authorised investments"?

Mr BRIAN BURKE replied:

- (1) Yes.
- (2) The promissory notes will not be Government Guaranteed.
- (3) The promissory notes were authorised by the Governor as approved security under the Public Moneys Investment Act on 5 February 1985.

MOTOR VEHICLES: TYRES

Eight-inch Rims

2676. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Is it a fact that 8 inch motor vehicle tyre rims are in use in Western Australia?
- (2) If "Yes", how are the tyre rim sizes regulated?
- (3) Can he say if 8 inch tyre rims are in use in other States of Australia?
- (4) Are 8 inch tyre rims sold in tyre shops in Western Australia?

Mr CARR replied:

- (1) Yes.
- (2) By Vehicle Standards Regulations 1977.
- (3) Yes.
- (4) Yes.

EDUCATION: PRIMARY SCHOOL

Coolbinia: Insulation

2677. Mr CASH, to the Minister for Education:

- (1) Further to his answer to my question 2179 of 20 February 1985, concerning insulation at Coolbinia primary school, has an officer of the Buildings Branch investigated the problem?
- (2) What action is proposed to alleviate the lack of adequate insulation at Coolbinia primary school?

Mr PEARCE replied:

- (1) Yes.
- (2) The Principal has been requested to submit a minor works request for this work for consideration by the Regional Education Office Minor Works Committee in March.

ROADS

Alexander Drive-Thongsbridge Street Junction: Closure

2678. Mr CASH, to the Minister for Lands and Surveys:

- (1) Has a request been made to the Lands Department to close portions of Alexander Drive and Thongsbridge Street, Menora, on the truncation of Alexander Drive frontage of PT Lot 1619, (H.N. 16) Thongsbridge Street, Menora?
- (2) If "Yes", when was the request made?
- (3) Can he advise how long it will take for the Lands Department to make a recommendation to him in respect of the proposed road closure?
- (4) Is he aware that the delay in finalising this matter is causing inconvenience to the owners of PT Lot 1619, Alexander Drive/Thongsbridge Street, Menora, who are unable to erect a screenwall until the matter is finalised?

Mr McIVER replied:

- (1) Yes.
- (2) September 26, 1984.
- (3) There have been no objections to the closure by the service authorities and the closure may proceed. There has been an unfortunate delay in resolving the value of the portion of closed road and the responsibility for payment for same upon transfer to the adjoining owner. It will be

necessary to settle this aspect before survey can be commissioned and a Closed Road Certificate issued. I am unable to state how long these steps will take, as much will depend upon the attitude of the City of Stirling and the adjoining owner.

- (4) Prior to the member's question, I was unaware of the matter as it has been handled at a Departmental level.

ABATTOIRS: MEAT

Packaging: Stockinette

2679. Mr CASH, to the Minister for Agriculture:

- (1) Are stockinettes used in the packaging of meat products manufactured in Western Australia?
- (2) Does the Western Australian Meat Commission's Robb Jetty division use stockinettes manufactured in Western Australia, Australia or overseas?

Mr EVANS replied:

- (1) Yes.
- (2) The Western Australian Meat Commission is currently using stockinette manufactured overseas.

EDUCATION: PRIMARY SCHOOL

Roleystone: Covered Area

2680. Mr RUSHTON, to the Minister for Education:

- (1) Have tenders been called for the construction of a covered assembly area and administration area for Roleystone primary school?
- (2) If "No", when will tenders be called?
- (3) Will he detail the proposed developments for this school?
- (4) Will he table a ground and building plan (and let me have a copy) of the present programme for new buildings and alterations to the present buildings?
- (5) When is it estimated construction will commence?
- (6) When is it estimated the contract will be completed?
- (7) Has another primary school site been selected and purchased for Roleystone?
- (8) If "No" to (7), will another site be obtained immediately?

Mr PEARCE replied:

- (1) No.
- (2) 20th March 1985.
- (3) and (4) A plan detailing the proposed developments is available for the members use.
- (5) About 21st May 1985.
- (6) 23rd September, 1985.
- (7) No.
- (8) No.

FLAG: AUSTRALIAN

Bill: Representations

2681. Mr MENSAROS, to the Premier:

- (1) Is his Government prepared to make representation to Western Australian Senators to support the Private Member's Bill introduced in the Senate to strengthen and reinforce the present Australian flag as the symbol and standard of the nation?

- (2) If not, why not?

Mr BRIAN BURKE replied:

- (1) and (2) The matter will be given consideration.

2682. *Postponed.*

COMMUNITY SERVICES: CHILDREN

Artificial Conception: Births

2683. Mr MENSAROS, to the Minister representing the Attorney General:

Could the Attorney General say that out of the 300 children who were born or are in utero as a result of artificial conception, approximately how many were born in 1985?

Mr GRILL replied:

I am advised that this information is not known to the Hon. Attorney General. It could only be supplied by the relevant private medical practitioners.

WATER RESOURCES: CATCHMENT AREAS

Clearing Bans: Warren Reserve

2684. Mr MENSAROS, to the Minister for Water Resources:

- (1) Since the clearing bans have been introduced, what is the total number of applications received by the Public Works Department relating to the Warren Reserve catchment area for each of zones: A, B, C, D?
- (2) Of these applications relating to the zones as in (1) above, how many have been—
 - (a) approved (even if not to the full extent of the application);
 - (b) refused; and
 - (c) still pending?

Mr TONKIN replied:

- (1) and (2) The information is not readily available in the form requested. It is being collated and will be provided in a letter directly to the member.

WATER RESOURCES: CATCHMENT AREAS

Clearing Bans: Warren Reserve

2685. Mr MENSAROS, to the Minister for Water Resources:

- (1) What are the amounts of compensation paid out in the Warren Reserve catchment area since the clearing bans have been operational in each of the financial years up to and including 1983-84?
- (2) Could he please divide these amounts as they relate to zones A, B, C and D?

Mr TONKIN replied:

- (1) and (2) The information is not readily available in the form requested. It is being collated and will be provided in a letter directly to the member.

WATER RESOURCES: SALINITY

Warren Catchment Reserve

2686. Mr MENSAROS, to the Minister for Water Resources:

Could he table the water quality (salinity) readings taken in the Warren Catchment Reserve showing details of the dates of readings since 1977-78, locations, and the result of the readings?

Mr TONKIN replied:

Water quality samples are collected regularly at seventeen river gauging stations in the Warren Catchment Reserve. Nineteen thousand samples have been collected and analysed since 1977-78. Due to the large number of samples involved it is not practical to provide a tabulation of results, however, the information is readily available and can be inspected at the Public Works Department.

(c) the comments/recommendations received from each of these non-Government entities?

Mr McIVER replied:

(a) to (c) The proposals to release land in the Manjimup Shire are at a preliminary stage and consultations with Government agencies and non-Government entities, where appropriate, will be formalised when technical evaluations are completed.

WATER RESOURCES: CATCHMENT AREAS

Clearing Bans: Warren Reserve

2687. Mr MENSAROS, to the Minister for Lands and Surveys:

In connection with the proposed release of 1 100 hectares of lands within the Warren D Land Control Zone, would he please state—

- (a) the names of the Government agencies to which the proposed release has been referred;
- (b) on what dates the referrals have been made;
- (c) the comments/recommendations received from each agency?

Mr McIVER replied:

(a) to (c) The proposals to release land in the Manjimup Shire are at a preliminary stage and consultations with Government agencies and non-Government entities, where appropriate, will be formalised when technical evaluations are completed.

WATER RESOURCES: CATCHMENT AREAS

Clearing Bans: Warren Reserve

2688. Mr MENSAROS, to the Minister for Lands and Surveys:

In connection with proposed release of 1 100 hectares of land within the Warren D Land Control Zone, could he please state—

- (a) the names of the non-Government entities to which the proposed release has been referred;
- (b) on what dates the referrals were made;

LAND: FREEHOLD

Warren Catchment Reserve

2689. Mr MENSAROS, to the Minister for Lands and Surveys:

- (1) What is the aggregate area of freehold title land within Zone D of the Warren Catchment Reserve?
- (2) What is the area of land vested in the Conservator of Forests in the Warren Catchment Reserve?

Mr McIVER replied:

- (1) The area of freehold land within Zone D of the gazetted Warren Water Reserve is 21 561 hectares.
- (2) The area of land vested in the Conservator of Forests in the gazetted Warren Water Reserve is 2 037 hectares.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Intervention: Government

2690. Mr MENSAROS, to the Minister representing the Minister for Industrial Relations:

- (1) Was it factually reported that the Government is seeking to intervene in the case where the Trades and Labor Council applied to the Industrial Arbitration Commission for redundancy pay to apply to part-time, casual and seasonal workers?
- (2) Would the Minister explain what advantage could accrue to the economy of the State and the general public from the granting of such application?
- (3) Would the Minister also state who advised him that there can be other than disadvantages if such application was granted?

Mr PARKER replied:

- (1) No. The Trades and Labor Council's general application does not seek to cover the employment categories of part-time casual and seasonal workers and to that extent the report is incorrect.
- (2) and (3) Not applicable in view of the answer to (1).

COMMUNICATIONS: TELEVISION

Programmes: Censorship

2691. Mr BRADSHAW, to the Premier:

- (1) Who, or which body is responsible for the censorship of television programmes in Western Australia?
- (2) (a) Are programmes with continuous swearing or explicit sex scenes permitted on television in Western Australia;
- (b) if so, under what conditions?

Mr BRIAN BURKE replied:

- (1) The Commonwealth Film Censorship Board classifies television programmes on behalf of the Australian Broadcasting Tribunal.
- (2) (a) and (b) This is a matter for the Commonwealth Film Censorship Board to consider.

PRISONS: PRISONERS

Allowances

2692. Mr BRADSHAW, to the Minister representing the Minister for Prisons:

- (1) Are prisoners allowed to have money in prison?
- (2) If so, is there any restriction on the amount?
- (3) If not, was the prisoner who recently escaped from Bunbury Prison, Michael Manzij, carrying any money?
- (4) If so, how much money?
- (5) Has this prisoner, Michael Manzij, escaped from prison before?
- (6) If so, where and when?

Mr GRILL replied:

- (1) No.
- (2) Not applicable.
- (3) and (4) I am advised the prisoner was in possession of \$74.41 when received into

custody at Fremantle Prison on 8 March, 1985.

- (5) Yes.
- (6) Albany Regional Prison, 3 January, 1979, while serving a previous sentence.

CRIME

Neighbourhood Watch System

2693. Mr GRAYDEN, to the Minister for Police and Emergency Services:

- (1) What is involved in setting up a "Neighbourhood Watch" system in a suburb?
- (2) What assistance in the organisation of such a system is available through the Police Department?

Mr CARR replied:

- (1) Interested people residing in an area form a committee through their Local Government Authority which then approaches the Police Department for recognition and advice.
- (2) When an area has been accepted, talks and information kits are given by members of the Community Affairs Branch to ensure the project proceeds in an orderly manner, and a co-ordinator is appointed.

2694. *Postponed.*

EMERGENCY SERVICES: STATE EMERGENCY SERVICE

Statutory Body

2695. Mr PETER JONES, to the Minister for Police and Emergency Services:

- (1) Is the Government intending to legislate to make the State Emergency Service a statutory body?
- (2) If so, for what reason is this being done?

Mr CARR replied:

- (1) and (2) The Government has set up a committee to review emergency services in this State. The question of legislation is within its terms of reference, and will be considered following receipt of the committee's report and recommendations.

EMERGENCY SERVICES: STATE EMERGENCY SERVICE

Co-ordination

2696. Mr PETER JONES, to the Minister for Police and Emergency Services:

- (1) With regard to the operations of the State Emergency Service, is the service expected to co-ordinate with other volunteer services within a district or community, or to be equipped and staffed as a separate operation?
- (2) Does the service have a complete list of support facilities and volunteer groups which are available and already existing in each district and area throughout the State?
- (3) For what reason does the State Emergency Service seek to duplicate existing equipment and services in some districts, when utilising existing volunteer groups and existing equipment would be more practical, efficient and economic?

Mr CARR replied:

- (1) to (3) The Government has set up a committee to review emergency services in this State. The question of the role and organisation of the State Emergency Service is within its terms of reference, and will be considered following receipt of the committee's report and recommendation.

ENERGY: ELECTRICITY

Tariff: Aged Persons' Homes

2697. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Are approved charitable aged persons homes still able to obtain electricity at domestic rates?
- (2) If not, what changes have been made to the previous arrangements?
- (3) If changes have been instituted, for what reasons have changes been made?
- (4) To qualify for electricity to be available at domestic rates, what criteria must apply?

Mr PARKER replied:

- (1) Yes.
- (2) and (3). Not applicable.
- (4) Domestic tariffs are for premises used solely for domestic purposes. These include houses, flats and premises used by

charitable and benevolent organizations for providing residential accommodation other than for commercial gain.

ENERGY: GAS

Liquid Petroleum Gas: Price

2698. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Has the price of bottled liquid petroleum gas recently increased?
- (2) For what reason has an increase been applied?
- (3) Is the base price constant throughout Western Australia?
- (4) Is the Government concerned at the availability and price of liquid petroleum gas in the northern and remote regions of the State?

Mr PARKER replied:

- (1) to (4) This information will take some time to collate and the Hon. Minister for Consumer Affairs will reply to the Honourable member by letter.

ENERGY: FUEL

Distribution Subsidy

2699. Mr PETER JONES, to the Minister representing the Minister for Consumer Affairs:

- (1) With regard to the increasing fuel price, has there been a change in the transport pricing arrangement applying to distribution of fuel within Western Australia?
- (2) Has the distribution subsidy been changed?
- (3) Is the Government intending to maintain the parity between metropolitan and country fuel prices at a level in accordance with its election undertaking?
- (4) Is the Government intending to approach the Federal Government regarding the effects upon motorists and primary producers of rapidly increasing fuel costs?

Mr TONKIN replied:

- (1) Yes—the Federal Government commenced a review of the subsidy scheme in November 1982. Amendments to the scheme were announced in November 1983. In addition, the Prices Surveillance Authority carried out a nor-

mal review of distribution costs applicable to Western Australia in December 1984.

- (2) See (1).
- (3) This has already been answered—see question 2609.
- (4) This has already been answered—see question 2609.

TRANSPORT: FREIGHT

Wool: Deregulation

2700. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to the transport of wool within Western Australia, is the Government proposing to deregulate the cartage of wool and allow complete transport freedom?
- (2) If so, when is it intended that further deregulation of wool cartage will be introduced?
- (3) If not, what changes are proposed in the regulations applying to the carriage of wool?
- (4) Has Westrail submitted for consideration by Government proposals relating to the transport of wool which involve denying complete deregulation?
- (5) If "Yes" to (4), what is the substance of the transport arrangements being considered by Government?

Mr GRILL replied:

- (1) to (3) I refer the member to the answer to his question (2550) of 12 March 1985.
- (4) No.
- (5) Not applicable.

TRANSPORT: FREIGHT

Wool: Handling Facility

2701. Mr PETER JONES, to the Minister for Transport:

- (1) Is it intended to establish a wool transport handling facility at Katanning?
- (2) If so, for what purpose is the facility being established?
- (3) What benefits are envisaged in establishing such a facility?
- (4) What costs are involved in establishing such a facility?

- (5) Are any similar facilities being considered for establishment elsewhere in Western Australia?
- (6) At what other locations are similar facilities to be established?
- (7) Does the establishment of such facilities imply that further deregulation of wool transport will not be implemented?

Mr GRILL replied:

- (1) Westrail is evaluating the feasibility of establishing a wool consolidation depot at Katanning.
- (2) The facility is being evaluated with a view to providing a better and more cost effective service to Westrail customers.
- (3) Reduced resource and operating costs and improved co-ordination between road carriers and Westrail.
- (4) I am unable to quote costs at this time. Costs will vary according to whether the facility is owned and operated by Westrail or private enterprise.
- (5) Yes.
- (6) Similar facilities have been established at Esperance and Geraldton and other locations are being evaluated.
- (7) No.

TRANSPORT: RAILWAY

Station: Bunbury

2702. Mr PETER JONES, to the Minister for Transport:

- (1) What is the current cost of relocating the Bunbury railway station to Picton?
- (2) What compensation has been, or will be, made to Westrail for the original station land now being vacated?
- (3) When is it intended that the relocation works will be completed?

Mr GRILL replied:

- (1) The Bunbury Railway Station is not being relocated to Picton.
The marshalling yard and support facilities are being re-established at Picton and a new passenger terminal is being constructed at Wollaston approximately 3 km from its present site. The total estimated cost of these relocations is \$5.93 million.
- (2) Proceeds from the sale of the land released for development will be offset against Westrail's costs.

- (3) Picton complex—April 1985.
Bunbury Passenger Terminal—May 1985.

TRANSPORT: RAILWAYS

Boyup Brook-Katanning: Closure

2703. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to the Boyup Brook-Katanning railway line, when was the line closed?
- (2) Is any consideration being given to reopening the line?
- (3) Have any of the fixed improvements, sleepers, etc., been removed from the line?
- (4) If "Yes" to (3), is it intended to release the land reserved for the line, for other purposes?

Mr GRILL replied:

- (1) The line is not closed. Rail services on the line were discontinued by the former Government in June 1982.
- (2) The line is being retained in the event of future development in the area justifying a resumption of the rail services.
- (3) Yes.
- (4) Although the land cannot be released some areas have already been leased to shires and other local people.

2704. *Postponed.*

PORTS AND HARBOURS: ALBANY

Tugs

2705. Mr PETER JONES, to the Minister for Transport:

- (1) How many tugs are available within the Port of Albany?
- (2) Is the present availability of tugs considered sufficient to handle live-sheep carriers?
- (3) If not, what additional requirement would be necessary?
- (4) What additional support facilities would be necessary to increase the shipment of live sheep through the Port of Albany?

Mr GRILL replied:

- (1) One.
- (2) Yes.

- (3) Not applicable.
- (4) The Port of Albany would not have to supply any additional facilities.

EDUCATION: DEPARTMENT

Teachers: Administrative Duties

2706. Mr PETER JONES, to the Minister for Education:

- (1) With regard to persons employed within the Education Department, what is the number of teachers employed in teaching duties?
- (2) What is the number of teachers employed in administrative duties, such as education officers?
- (3) What is the current number of persons engaged in administrative functions, both in Head Office and in other administrative centres?

Mr PEARCE replied:

Details of this type are compiled annually as at 1 July each year.

The figures (excluding Technical Education Division data which are not available for all questions) at July 1984 are—

- (1) 12 967 full-time equivalent teachers excluding TED
- (2) 533 full-time equivalent teachers excluding TED
- (3) 1 517 full-time equivalent persons excluding TED

ARTS: MUSEUMS

Local: Curatorial Assistance

2707. Mr PETER JONES, to the Minister for the Arts:

- (1) With regard to regional and local district museums, does the WA Museum provide curatorial assistance for local museums and historical societies on an ongoing basis?
- (2) If not, on what basis can local museums receive advice and assistance?
- (3) What financial assistance is being made available by the Government this financial year to assist local and district museums?
- (4) Is the Government intending to increase assistance to those groups and bodies which are establishing local collections, and restoring appropriate historical

buildings in order to preserve Western Australia's diminishing heritage?

Mr DAVIES replied:

- (1) Not directly, apart from training of local Museum Curators and some assistance in mounting displays.
- (2) Advice on the principles of curating, conservation and display of items is available from the Western Australian Museum, through a Co-ordinator and a part-time Technical Assistant appointed by the museum. In addition, the Western Australian Branch of the Museums' Association of Australia has received financial support from the State Government through Instant Lottery Funds and the Commonwealth Employment Programme to employ a travelling curator and a travelling conservator; these programmes are administered through the Western Australian Museum.
- (3) Through Instant Lottery:
 - 1984—\$63 530;
 - 1985—\$50 000.
 From W.A. Museum CRF (Salaries and Pay Roll Tax, Travel and Stores):
 - 1984/85—\$62 523.
 Through Commonwealth Employment Programme:
 - 1984—\$32 979
- (4) The Government is considering proposals for continuing support for the successful travelling programmes currently under way.

TRANSPORT: BUSES

School Buses: Contracts

2708. Mr PETER JONES, to the Minister for Education:

- (1) With regard to the operations of school buses in Western Australia, has a final decision been made regarding the terms and financial aspects of bus contracts?
- (2) Has an increase been approved in the rates applying to existing operations?

- (3) If so, on what basis has an increase been approved?
- (4) Is the Education Department or the Government proposing any decrease in the financial aspects of contracts?
- (5) If so, when is it intended to advise bus contractors of any changes so that they may be considered?
- (6) Is the Government making regular changes to accommodate the steeply rising fuel prices now occurring?
- (7) When is the Government intending to resolve this long-running matter?

Mr PEARCE replied:

- (1) Yes.
- (2) Yes.
- (3) and (4) As a result of a ballot conducted by the WA Road Transport Association an overall decrease in the standard rate of 5 per cent was accepted rather than a move to the new contract rates as recommended by the Transport Commission study which in many instances would have resulted in substantial decreases.

Due to the protracted negotiations with the Road Transport Association the standard rate had not been increased during 1984. The rates for individual contractors have now been adjusted in accordance with increasing cost components less the 5 per cent, which has in fact resulted in marginal increases in payments for most contractors. Those contracts where the new rates are likely to be less will not be reduced but kept at existing rates until the next term increases.

The new rates have been calculated and will be received by contractors as part of their next payment.

- (5) They have been advised.
- (6) These are adjusted and applied at the commencement of each school term.
- (7) The matter has been resolved.