

Legislative Assembly

Tuesday, 12 March 1985

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

ABORIGINAL AFFAIRS: LAND RIGHTS

Equal: Petition

MR HASSELL (Cottesloe—Leader of the Opposition) [2.17 p.m.]: I have a petition from 34 449 Western Australians in the following terms—

TO: The Honourable the Speaker and Honourable Members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.

WE, THE UNDERSIGNED, firmly believe all Australians should have equal rights to acquire and to own land. We express our opposition to any special land rights for Aborigines. We are concerned that special land rights granted to Aborigines in Western Australia will—

- (1) SEGREGATE WESTERN AUSTRALIA into black and white territories and communities.
- (2) CREATE DIVISIONS in society through the granting of special land rights on racial grounds to one racial group.
- (3) BE DESTRUCTIVE of the Australian tradition that each Australian shall be equal before the law.
- (4) DAMAGE THE ECONOMY of Western Australia.

I certify that the petition conforms to the Standing Orders of the Legislative Assembly.

A similar petition bearing some additional 23 000 signatures will be presented to the Legislative Council today.

THE SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 83.)

Mr Bryce: Do you have that many members of the Liberal Party?

Mr HASSELL: No, we do not. They are the ordinary citizens of Western Australia and the Deputy Premier should take note.

ABORIGINAL AFFAIRS: LAND RIGHTS

Equal: Petition

MR HASSELL (Cottesloe—Leader of the Opposition) [2.19 p.m.]: I have a further petition which reads as follows—

TO: The Honourable The Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.

WE, THE UNDERSIGNED, firmly believe all Australians should have equal rights to land and land ownership and consequently express our opposition to any special rights as are proposed for Aborigines on the grounds that such special rights:

- (1) Will create divisions in Australian Society;
- (2) Will deny economic benefits from that land to the great majority of Australians;
- (3) Will lead to the segregation (apartheid) of Western Australia into black and white communities.

This petition is in a form different from the petition which I presented previously. It bears 559 signatures, and I certify that it conforms to the Standing Orders of the Legislative Assembly.

THE SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 84.)

MINERALS: DIAMONDS

Dispute: Urgency Motion

THE SPEAKER: Honourable members, I have received a letter from the Leader of the Opposition which reads as follows—

The Hon J. J. Harman, JP, MLA,
Speaker of the Legislative Assembly,
Parliament House,
PERTH, W.A., 6000.

Dear Mr Speaker,

In accordance with Standing Orders 47 and 48 of the Legislative Assembly, I give notice that at the commencement of the Sitting of the House today, 12 March, I wish to move "that the House do now adjourn" for the purpose of debating a matter of urgency, namely—

"THAT the State Government take urgent action to resolve the union dispute which is paralysing the Argyle Diamond Mine project and to ensure the safety of those people who wish to proceed to carry on with their work."

Mr Speaker this is a matter of immediate urgency and in my view is properly brought forward within the Standing Orders.

This dispute is affecting the construction of a major project in this State which is the subject of an agreement of this Parliament. The dispute is also affecting the employment of many hundreds of people.

In addition there have been many reports of violence and threats of physical violence as a consequence of the dispute and we in the Opposition Parties are concerned for the safety of the people so threatened.

Further, as a part owner of the project the State Government has a direct responsibility to ensure that the issue is resolved as quickly as possible.

Yours sincerely,
W. R. B. HASSELL, MLA,
Leader of the Opposition.
12 March, 1985.

Seven members having risen in their places,

The SPEAKER: I have agreed to allow the motion of urgency that the House do now adjourn and the time for the debate will be one hour, with up to 30 minutes available to members on my left and up to 30 minutes available to members on my right.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.23 p.m.]: I move—

That the House do now adjourn.

Although I will be required by the Standing Orders of the House to withdraw the motion at the end of the debate, I trust that nevertheless the Government will take note of it and will have some regard for the serious situation which now exists at the Argyle mine site. In particular the Premier needs to take note of the statement by the Minister with responsibility for this matter, that there is no action he can take because the two unions in dispute are subject to Federal awards. That kind of paralysis and inactivity is the reason for the Opposition's bringing the matter before the House and seeking to urge the Government to do something about what is clearly a serious situation.

Let me quote the words spoken by the Attorney General less than two weeks ago when he was trying to justify his decision to order the dropping of extortion charges against the Secretary of the Transport Workers Union, Mr John O'Connor. He said—

There is the prospect of industrial disruption which could harm many members of

the community who have no connection with the events of this case.

Just two days after Mr Berinson uttered that pathetic excuse in Parliament for dropping charges against Mr O'Connor, O'Connor's own Transport Workers Union pickets were back in action causing disruption, blocking supplies, flouting the industrial law and the general law of the State, preventing people going about their work, preventing people going to work, preventing people coming away from work, and preventing generally the Argyle diamond project from proceeding, thereby putting in jeopardy the jobs of many hundreds of people and causing a situation of lawlessness and violence which should never be seen and should never be tolerated in our State.

The ink was hardly dry on Mr Berinson's statement that he would not allow charges against John Joseph O'Connor to proceed in the interests of industrial harmony before Mr O'Connor's militants were causing chaos at the site of one of Western Australia's most important industrial projects. There they were, under his direction and guidance, causing the very disruption which the Government said, by its actions in interfering with the criminal law, it had bought off and avoided.

We never had nor will we ever have the chance to savour the industrial peace this Government said it was buying for us, because Mr O'Connor and his union friends now see themselves more clearly than ever as being above the law.

Let us all remember that the action Mr O'Connor is taking—with the support of others who think they are above the law, and encouraged by the Government in that thought, encouraged by the decision of the Attorney General, a man who swore himself to uphold the law—is against another lawfully constituted and registered union with coverage of the people affected. This action is being taken against people who are working on the site and who have one ambition: To get on with that work and to do it according to the best of their likes, to earn their keep, and to earn their pay as they wish to do.

This Government, having let Mr O'Connor off the hook and cancelled the legal charges against him, charges endorsed by a court of law, is doing what about the dispute? The answer is that it is doing absolutely nothing. The Minister, so that he can get himself off the hook, has announced that he cannot do anything about it because these people are covered by Federal awards. A Government which has an interest in a major project, the subject of an agreement in this Parliament, is doing nothing about a dispute which is threatening the jobs of a thousand Western Australian

workers and the investment of thousands of people who have put their money into that venture. Here we have a major project verging on the brink of collapse, yet the Government is doing nothing and says "wimply" that it cannot intervene; it says weakly that it cannot intervene.

What kind of attitude does the Minister for Industrial Relations have? Is he too busy defending his tax writs and the situation in which he finds himself because of his tax avoidance? The Government says that it cannot intervene in this industrial dispute, that it cannot take any action to resolve it, to stop the violence, or to let people get back to work. Yet it had no hesitation in intervening in the due process of the law to let Mr O'Connor off the hook by dropping the extortion charges against him because they were charges against a militant unionist.

The secretary of the same union, which is now thumbing its nose at the Government, is disrupting production at the major resources project at Argyle. The Government surrendered its right not to intervene when it decided it could intervene in criminal law, when Mr Berinson made his historic announcement that the law of this State is to be different for trade union militants from what it is to be for the rest of us.

The Government proved that again when it intervened on behalf of a trade unionist. Why does it not now intervene on behalf of the Australian Workers Union, which has legitimate and proper coverage for the men involved in the Argyle situation? Mr O'Connor and his cohorts may think they are above the law; the Government may even consider these people to be above the law, but the people of Western Australia do not agree that they are. The people of this State think they should be subject to the law like everyone else, just as they know overwhelmingly—as the Premier knows well—that Mr O'Connor should have been subject to the law and not had a special privilege conferred on him by a corrupt Attorney General. The Government has an obligation to intervene.

Withdrawal of Remark

Mr PARKER: On a point of order—

The SPEAKER: I was about to ask the Leader of the Opposition to withdraw that reference to "a corrupt Attorney General" and to apologise.

Mr HASSELL: I withdraw that reference to the Attorney General and I apologise for referring to him as "corrupt".

Debate (on motion) Resumed

Mr HASSELL: His decision was corrupt, and there is no question that it was a corruption of the

process of law. It was a corruption of every value for which a democratic society should stand. It was a corruption of the rights of the people of Western Australia when this Attorney General intervened to save a member—

Point of Order

Mr PARKER: In my view the Leader of the Opposition is firstly continuing to impugn the motives of the Attorney General in this matter, as opposed to the decision, and secondly, is substantially deviating from the matter which is before the House, which is the question of whether this Government should intervene in an industrial dispute in a particular part of the State.

The SPEAKER: Order! I wish to refer the Leader of the Opposition to two Standing Orders. The first is No. 131 which states, "No Members shall use offensive or unbecoming words in reference to any Member of the House". The second Standing Order is No. 132 which states "All imputations of improper motives, and all personal reflections on Members, shall be considered highly disorderly".

I ask that the Leader of the Opposition confine his remarks to the subject of the matter before the House.

Debate (on motion) Resumed

Mr HASSELL: I will confine my remarks to the subject matter before the House, but I do not think it would be your wish, Sir, to muzzle a debate in Parliament. We cannot debate an issue relating to Mr O'Connor and his flouting of the industrial law and the law of good order and the protection of individuals at Argyle without referring to the fact that he has been given a special, privileged position by the Attorney General.

The Attorney General's judgment of that matter is a judgment that has been open to question in this House, and that is what I question.

The SPEAKER: Order! It has been a long-standing practice, covered by Standing Orders, that when a subject has been debated and a decision has been made by the House, that is the end of it. It is not possible or permissible for the Leader of the Opposition to canvass those particular issues again.

Mr HASSELL: I am not seeking to canvass the issues again; I am seeking to deal with those issues as part of a debate which is related to a subsequent development. I always seek to comply with your wishes, Sir, in terms of the way debates are conducted, but I do not think it would be your wish to muzzle a legitimate debate. I do not think

there would be anyone in this House who in a moment of reflection would suggest that the evidence of last week regarding the O'Connor case was not relevant to the events of this week, in which Mr O'Connor is seen to be causing disruption at the Argyle diamond project.

What I am suggesting is that the Government of Western Australia has an obligation to intervene in this matter. It cannot continually pass the buck to the Federal Government or to the Australian Conciliation and Arbitration Commission for what is happening in this State, nor can it say that this dispute is none of the Government's business. This Minister is not performing, and it is time the Premier got rid of him. The Minister is failing when he says that the Government cannot do anything about the matter. Of course it is the Government's business, apart from all the other general considerations such as the fact that this is a major project and a thousand jobs are at stake. This project is being pursued under an agreement ratified by this Parliament. Apart from those considerations, this Government, on behalf of the taxpayers of this State has compulsorily involved itself in the ownership of five per cent of that project—

Mr Parker: We don't have five per cent.

Mr HASSELL: The Government manages five per cent. The Government has an interest in the project on behalf of the taxpayers of this State. Of course it is the Government's business to protect that business and be involved in it. This Government could not wait to become involved in the venture and it is just as freely buying into other businesses around the State. The Government is learning the lesson of big business and the fact that it has to take responsibility for the bad as well as the glory in good times. That is the message of this motion today: The Government must take responsibility. The Government must intervene, it cannot remain paralysed. We do not have massive employment in this State, we have very high unemployment. We cannot afford to see another thousand people join the dole queues because the Government stands aside and will not take action. We cannot afford to see the Government step aside from its obligations because the problem is too difficult to solve. The Government should take action. I will state briefly some of the actions the Government should take.

For a start the Government ought to be doing something about the dispute at the lowest level. It should be providing protection. It should be enforcing law and order outside the gates of the Argyle mine. Police protection should be provided to stop the violence which has been reported. There should be protection for those who wish to

work and who wish to drive their trucks on and off the site.

Mr Bryce: You would love there to be more violence.

Mr HASSELL: Listen to the Deputy Premier—the pathetic little man he is.

Under this Government the police may be subject to political direction, but it is not in accordance with their obligations to the community.

Most policemen spurn the kind of political interference which occurred recently in a law case. They are seeking to do their job, with the encouragement and backing of the Government. They want to do their job and provide protection at the site.

The Government's industrial relations adviser should move to resolve this dispute. What has happened to Tom Butler? What has happened to this man whom the taxpayers of this State are paying \$35 000 a year plus, plus? This man is supposed to be the Premier's industrial relations adviser. His name has been paraded before this Parliament as the man who solves industrial disputes.

What steps has Tom Butler taken to solve this dispute? It has been going on for long enough; he has had plenty of time to do something. There are other officers and trade unionists on the staff of the Government at the expense of the taxpayer. Where are they? What are they doing about this dispute? When did the Government get the parties together, and why does it not intervene through the Industrial Commission in the public interest? Mr Dowding, the Minister, has said he can do nothing; he can do plenty, and he should be doing it.

MR PARKER (Fremantle—Minister for Minerals and Energy) [2.41 p.m.]: The letter submitted in support of the motion moved by the Opposition today calls on the State Government to intervene in this dispute. It suggests there is a role for the Government in this dispute other than that which is created for the Government by this Parliament. Let me make it clear that the rights and wrongs of this dispute are not an issue in regard to the motion which the Leader of the Opposition has moved. As I understand it, and as the Leader of the Opposition has stated, despite the protestations of certain people to the contrary, it is in essence, a demarcation dispute; that is, a dispute in which one union, the Transport Workers Union, is claiming coverage of certain work which is currently the preserve, by virtue of a commission decision, of another union, the Australian Workers Union.

That is the essence of it, but that is not what the motion is about. The letter says that this Government—notwithstanding the fact that this Parliament and the Federal Parliament have set up mechanisms which are designed to resolve industrial disputes, or if they do not succeed in resolving those industrial disputes, to carry on and let other mechanisms be put in place which can involve the intervention of Government agencies, for example, through the industrial inspectorate, either State or Federal—should abandon those systems. What the Opposition is essentially saying is, “Do not let the parliamentary designated process take place, do not let continue the way in which this Parliament, over many years and when the Opposition was in Government, has said that these disputes ought to be resolved, but rather abandon that and put it to one side and the Government should intervene”. In saying that, the Opposition has made allegations, although completely unsubstantiated—references I suppose is a better way of putting it—to issues of violence and protection of individuals who are under threat and so on.

The Government has absolutely no support for the views of any union, whether it be the Australian Workers Union, the Transport Workers Union or in the case of a dispute involving an employer, who, having been to the commission seeking a particular result when he is in fact involved in the same matter before another commission, then going forward, notwithstanding that the matter is before another commission and saying, “Despite all the views of those commissions and bodies we have been to, we are going to go ahead and take action contrary to those decisions”.

The Leader of the Opposition, for example, was the Minister in charge of the Fire Brigade when he was Chief Secretary. His point of view was exactly the same as that of the TWU. He did not like the umpire's decision in respect of some of the disputes involving his instrumentalities so he went over the top of the umpire, in one case, by changing the law so that he did not have to abide by the umpire's decision, and on another occasion, by simply ignoring it. That was the position of the Leader of the Opposition and that is the same position that the TWU appears to be taking now; that is, ignoring the decisions of the quasi-judicial bodies that have been set up. We have no truck with that no matter who does it. The matter is before the State commission and I understand it is also, in a different sense, before the Federal commission. Those are the bodies that this Parliament and the Federal Parliament have set up to deal with these matters.

The Leader of the Opposition referred to a role for the police. In one breath he said the police should not be subject to political interference and through innuendo suggested that in this State they were—a statement which is blatantly untrue, and no-one has produced a scintilla of evidence to support that—

Mr Hassell: You are trying to protect a few people in your electorate.

Mr PARKER: What is the Leader of the Opposition talking about? That is simply not true. I challenge the Leader of the Opposition to suggest anything of that sort.

In the same breath the Leader of the Opposition suggested that in this matter we should in fact direct the police to do something in respect of the picket line. My understanding is that the police, as part of their normal operational role, undirected by the Government either way, did in fact attend at the picket line especially after there was a Press allegation, not of violence but of a stone being thrown through a windscreen. The police attended at the picket line following that and they were unable to find any evidence of such action or of anyone who wanted to make complaints to them. No-one wanted to make complaints to the police and there was nothing for the police to go on. The police have an absolute discretion in these matters and apparently the situation is the police themselves have gathered no evidence, nor are there any persons wanting to make complaints to the police concerning anything that has happened. It has never been suggested that any law-breaking is going on because picketing of itself is not law-breaking. If there were physical prevention—

Mr Blaikie: What about a rock?

Mr PARKER: No-one has come forward about that. That was an allegation I heard the member for Narrogin make on the radio one day. No-one else has alleged it. A picket line of itself is legal.

Mr Williams: Rubbish!

Mr Rushton: Which law makes it legal?

Mr PARKER: Things are not made legal by laws, they are made illegal by laws. The important thing is that if people were physically prevented from going onto the site—and it has not been suggested that there is any such physical prevention—that would be illegal. But that has not been alleged in respect of this particular dispute. Certainly, if there were physical prevention of people going on to the site, that would be a matter which the police could determine and take action on. I understand they are keeping the matter under very close watch to ensure that there is not any breaking of the law at the picket line. Having a

picket line of itself, despite the views of the members for Clontarf and Dale, is not illegal.

The second point I wish to make is that it is quite clear that no-one involved in the industrial dispute wants the intervention of the Government. The parties are perfectly prepared to have the matter proceed in the way it has been going. About three weeks ago when a not dissimilar dispute occurred at the site—I am not sure whether it was over the same issue, but it involved the TWU and the AWU—the member for Narrogin, in his role as Opposition spokesman on resources and energy, spent a considerable amount of time on the radio and in the Press suggesting the Government ought to intervene. That was perhaps more than two or three weeks ago. He was firmly rebuffed by the managing director of the project who made a point of going to the Press and saying he did not care what the member for Narrogin said, the dispute was between the parties and before the appropriate tribunals, that was the best place for it, and that was how it should be handled. He told the member for Narrogin and the Opposition where they could go so far as their views were concerned on the proposed Government intervention in this dispute.

To ensure that his views had not changed I had him telephoned yesterday by one of my officers after I saw some Press statements made by Opposition members on this matter. An officer of the Resources Development Department contacted him and asked whether the situation had changed and whether he now wanted the dispute resolved in other than the normal way. He was asked whether he wanted the Government to intervene as chairman of a meeting, or an honest broker, or in some other sense by which we could bring the parties together and obtain a resolution of the dispute. The officer asked him whether he was satisfied with the traditional mechanisms which had been tried and tested and set up by Governments of both political complexions. His clear response was that he did not want Government intervention and the dispute was not creating immediate problems.

Only today my colleague, the Minister for Industrial Relations, contacted the site. The Minister was told—this may not be what the Transport Workers Union wants but it is the view of the company—that there are no immediate prospects of workers being stood down and the dispute is not harming the company. That was the view that my colleague, the Minister for Industrial Relations was given today by one of the senior management persons at the site.

Yesterday, Mr O'Leary said that he was concerned but that he did not want Government intervention. Today, the senior management at the site

told my colleague of its concern, but that the dispute was not harming the company and will not lead to any immediate stand-downs despite the best endeavours of the Opposition to suggest it might.

Mr Brian Burke: Are you saying that we have been in touch with the company and it does not want any Government action or involvement?

Mr PARKER: That is right. The managing director to whom my officers spoke yesterday and the senior management on site have said exactly that.

Both I and the Minister for Industrial Relations, told those people with whom we have spoken that if the matter changes and takes a different course, or if something blows up and there is law-breaking and threats to the project, they should immediately phone us and ask us for any intervention or involvement they require and that such a request would be met with an immediate, positive response. We said that we would try to use our best endeavours to assist them at the Argyle diamond project to resolve the dispute with the employees. That is the Government's position. We will not barge in and intervene in something in which our intervention is not wanted by the employers, or by the AWU or the TWU. It is not just the TWU that does not want intervention; the AWU also does not want Government intervention.

I want to make an additional point concerning the involvement of taxpayers' money by virtue of the fact that taxpayers still own one per cent of the project and, as the Leader of the Opposition corrected himself to say, the Western Australian Development Corporation manages five per cent of the operation, including that one per cent. The Government has always said—in fact, the Opposition impressed on us when the WADC legislation was before the Parliament, as has industry impressed on us—that the mere fact that we own some share of something should not mean that it gets particularly favoured treatment from the public; it should be dealt with as is any other industry. We have adopted that position. We have ensured armslength handling of our ownership of the project.

I, as Minister in charge of the agreement Act, and of what used to be Northern Mining Corporation NL issues, in various relationships with the project, have deliberately refrained from involving myself with the companies. We have an agreement. Indeed, there has been considerable conflict between ourselves and Northern Mining over some months because of some problems that we perceived. That has not been interfered with in any sense by virtue of the fact that we have a

share in the project or by virtue of the fact that we own it altogether. I therefore think it is outrageous for the Leader of the Opposition to suggest that, because we have a very small share in this project as taxpayers, we ought to give it some special treatment other than the right and entitlement of any other project before the law.

The Government has also said that it will not take a role in the management of these projects. It is very firmly in the hands of Argyle diamond mines, the chief executive of which is Mr O'Leary and the chairman of which is Mr Barlow of CRA. They have a responsible management role to play. We do not believe, as a Government, that we should interfere in their management role and we will not. If we are asked, in some other sense or context, to take a position, then, of course, we will.

The other point is that the Leader of the Opposition did not say what the Government should do. He did not say whether it should intervene or send the police. I have said already what should happen about the police. If, depending upon precisely how the matter develops, the parties seek our involvement, we will become involved in whatever way seems appropriate.

I might say of Mr Butler that the Government is the largest employer by far of people in Western Australia. As the Minister who has, in his charge, the largest single individual employer in the State, the State Energy Commission, I can say that Mr Butler has done a very good job in ensuring that that organisation has operated free from any industrial disruption for the past two years since we have been in Government. That is a different position from that which prevailed under the previous Government. I am sure that other Ministers have the same record as far as Government employment is concerned.

At this stage, I do not believe that there is any role for this Government to play in the dispute. That is not to say that we support what has been done or that we agree with the TWU, the AWU, or the employer. I am not sufficiently aware of what has occurred to know who is right or who is wrong. It appears the TWU is in breach of rulings given by the various State and Federal commissions. It is also clear that a decision is awaited from the State Industrial Commission which is a completely independent body over which we have no influence in relation to the aspects of the dispute which is before it. However, if all of that fails and if the parties seek Government involvement, the Government will become involved at their request.

The other point that I make is that the Opposition, when in Government, used to grandstand

about industrial disputes, issue Press releases and carry on about how dreadful they were and talk about intervening. However, it intervened in very few cases. In fact, I am not aware of any such case.

In 1976 a picket line was set up and lasted for some weeks. It was put in place, legally, by unions in relation to the Telfer gold project. The then Government, this Opposition, did not intervene in that matter except in the same sense that we are intervening in this matter; that is, to make sure, through the normal operations of the Police Force, that the law, as it should apply at the picket line and at the site, was obeyed.

Mr Peter Jones: How much stuff got through to Telfer during that period?

Mr PARKER: I have no idea. I understand that this project is in the same category. We were told by the company that there is no threat to continued operations. It has said also that it does not want our intervention. That was also the position at Telfer. Certainly, construction work stopped for three months. I do not know what got through or what did not get through. However, the whole place was abandoned for three months and the Government of the day did not intervene at all. It was not appropriate for it to do so. It was appropriate for it to leave the matter to the unions, the companies involved and the arbitration commission, to ensure that a settlement of the dispute took place.

There is no prospect of that long time delay occurring in this dispute because, if necessary, the Government will intervene if it is so requested. Until such time as it is requested to intervene, the Government endorses and supports the institutions of Government such as the Police Force, the arbitration system and, if it comes to it, the industrial inspectorate, in any role which they may play under the legislation and which assists in the dispute. If we are called upon to do anything extra we will. It is our support for those institutions that accentuates what we are doing. If we did as is suggested by the Opposition, we would undermine that support, including our support of the arbitral system. I therefore reject entirely the Opposition's motion.

MR PETER JONES (Narrogin) [3.00 p.m.]: What we have just heard is an admission by the Government that it condones industrial disruption to projects within the State. That is exactly what the Minister, who has just resumed his seat, said: The Government sees no role for itself in order to maintain the lawful and productive continuation of work on resource projects or any other project in this State.

What the Minister said, Mr Speaker, and you would not have missed it, is the Government sees no role for itself in maintaining law and order and maintaining responsible production and, more particularly, protecting the interests of those people who want to work.

Let us go back to what the Minister said in regard to the Government's relationship with the company. The Government approached the company nine days after the picket line had been established.

Mr Parker: That is not true.

Mr PETER JONES: I have been told by the company that that is exactly what happened and the Minister admitted it a moment ago when he said that he had his officers ring the company yesterday.

Mr Parker: That was not the first approach.

Mr PETER JONES: Has the Government made more approaches to the company? The Minister did not tell us about them. According to my advice the first approach that it had from the Government was after the matter had been raised in this Parliament by the Opposition.

Mr Parker: That is simply not true.

Mr PETER JONES: Perhaps the Minister will tell the officers from the company they are liars.

What the Minister said in regard to the response he received from the company is true.

The Opposition has spoken to the company on several occasions and has been told that the dispute has gone to the Industrial Commission. When I first rang the company to ascertain what was happening I was told that it had not been approached by the Government.

Most members in this House would be aware that the dispute was kept secret and was not publicised when it first occurred. The fact is that the picket line was established and the word went out on the Friday, the day after Mr O'Connor had been pardoned by the Attorney General. On the previous Saturday the line was established and I understand that a transportable shelter was moved in to protect the picket line against the heat in order that the picketers would not get sweated-up while picketing!

The Government did not immediately go to the company and ask what the situation was; or ask about the people who wanted to work; or about the private contractors who were having their lawful operations disrupted by an industrial thug and his members. However, what did happen after the matter had been raised, after the dispute had been publicised in the Press, and after reference was made in the media about the concern expressed,

was that the Minister had one of his officers ring the company and ask what it wanted the Government to do. The Minister for Industrial Relations, who is one of the local members for that region, did not take any interest in the dispute at all.

What this debate is about is that Commissioner Collier later this week, or early next week, will make a decision and that is when the crunch will come—as the Minister has said, the Government will await the determination of Commissioner Collier.

Mr Parker: I said that the Government will await a request from the company.

Mr PETER JONES: The Minister said that the Government will await the determination of Commissioner Collier and then it will talk to the company. The crunch will come when the company asks the Minister and the Government to do something after Commissioner Collier has made his determination. What will the Government do? I would like to refer to a question put to me today in discussion about this matter. Let us assume that Commissioner Collier, in his wisdom, makes a decision which is unacceptable to the TWU, or to the AWU, and the company seeks the support of the Government in having the law administered and upheld. That will be the crunch because what the Minister has not stated directly, but has implied, is that the company could go to the Government and say that it wants Commissioner Collier's decision upheld and enforced. When that is done the Government will support Commissioner Collier and take whatever action is necessary to ensure that the decision of the Industrial Commission is upheld. More particularly the Government will see that any order is enforced in order that those people who want to work can do so, those people involved in the transport industry can get on with it, and the project can proceed.

I accept what the Minister said in regard to the Government waiting for Commissioner Collier's decision to be handed down. It has no choice! For reasons of its own the Government has chosen not to act because the dispute is undergoing the industrial process and that is where it will rest until such time as a determination is made.

I repeat that the Government will find itself in a crunch situation when it is asked to uphold Commissioner Collier's decision, whatever it might be. The Minister may indicate that he did not say that at all, and he may also indicate that he did not say the Government was awaiting Commissioner Collier's determination.

The point is that that is the Government's position regardless of the words it uses, the under-

taking it gives, or, the secret deals it does on the side.

The basic, fundamental point is that the peace deal that it undertook in order to buy the freedom of John O'Connor lasted only 24 hours and no more. The whole thing started to fall apart immediately and we saw this industrial thug in action straightaway. The arguments between the unions are irrelevant; the point is that the disruption was on the bandwagon and we were away again. In other words, the industrial peace we were supposed to get did not eventuate so far as the TWU was concerned.

Let us go back to 1983, when legislation was before this Parliament for the Government to appropriate five per cent of this project. One of the things that that Government expounded was that it needed a window into the project so that it could reassure the people of this State about the way in which the project would be run. It was a high profile project and the Government said that its involvement in it would be of benefit, not only to the people of the State, but also to the project!

What a load of rubbish that turned out to be, because it proved to be an absolute sham. Indeed, all that has been exposed is a sham. The situation we now have is that the Government is prepared to stand aside and not support those who want to work, regardless of what the company says.

By standing aside and saying that it will not take any action unless the company requests it to, the Government is abdicating its responsibility. It has a responsibility under the agreement Act ratified by Parliament. Under the terms of the negotiated agreement the Government is responsible; Parliament has given a mantle of responsibility to the elected Government of the day to ensure that the project proceeds with due expedition and due regard for all of the matters addressed in the agreement Act.

What has happened? The elected Government is prepared to abdicate its responsibility and to say that it will not do anything unless asked by the company. The Government has decided to stand aside and to allow events at the Industrial Commission to take their course. That is fair enough because, as the Minister has said, that is the law of this land. But is the industrial disruption promoted by O'Connor also the law of the land?

How can a Government espousing the view that it wants this kind of development stand aside in such circumstances? What image does that project of the Government? It is condoning the thugery which has been going on since last Saturday at the turn-off to the Argyle mine on the Great Northern Highway. The Government has said

that its reasons for not taking action are; firstly, it has not been asked and, secondly, that it is waiting until the Industrial Commission makes a decision. The crunch will come when Commissioner Collier makes his decision; whatever his determination he is bound to upset one of the two unions involved. Which union will the Government side with? Does it intend to again support O'Connor and the TWU and will it take on the AWU? Alternatively, will it take on O'Connor at last? That is very doubtful, given the situation in which the Government has currently placed itself.

In today's *Daily News* the following appeared—

The secretary of the Transport Workers' Union, Mr John O'Connor, said today the picket line at the Argyle diamond mine would continue.

At the start of his speech the Minister said picket lines were legal.

Mr Parker: That is a statement of fact.

Mr PETER JONES: Picket lines are disruptive and destructive, and they prevent people from working.

Several members interjected.

Mr PETER JONES: The Minister is supporting the law of disruption.

Several members interjected.

Mr PETER JONES: The Minister said so; he said that it is legal and the Government supports it.

Point of Order

Mr PARKER: The member for Narrogin has just lied to the House by stating that I said I supported the action taken by the TWU. As a matter of fact I said that picketing as such is not illegal. I never said that the Government supported the action by the TWU—in fact, I said quite the contrary. I said that the Government did not support the action of attempting to disrupt this project by the TWU. I demand that the member for Narrogin withdraw his statement.

The SPEAKER: There is no point of order.

Debate (on motion) Resumed

Mr PETER JONES: The Minister has said, and presumably the Government supports him, that he is condoning the results of the disruption.

Mr Parker: I did not say anything like that.

Mr PETER JONES: The company has publicly stated today that stand-downs are inevitable.

Mr Parker: The company has said the opposite.

Mr PETER JONES: I quote once more from the *Daily News*—

Argyle Diamond Mines spokesman Mr Greg Walker said stand-downs at the mine were inevitable unless the TWU ended its industrial action.

The Minister has denied that. More importantly the Government is condoning the disruption leading to the stand-downs which the company has clearly and publicly indicated are threatened.

The crunch will come when the Government has to decide whether it will support the decision of Commissioner Collier which will force one union to go back to work. O'Connor has said that the basis of the strike is that the company will not allow TWU members to be represented in the project. That is what the issue is about.

It is also about this Government being prepared to allow people who want to work and contractors who want to deliver goods to the Argyle diamond mine to do so. The Government should support their rights and their entitlement to work. The issue is not about hiding behind something the Minister has said is legal but totally disruptive.

MR BRIAN BURKE (Balga—Premier) [3.15 p.m.]: I do not think anyone in this place is in any doubt that the Opposition has embarked on a deliberate policy of attempting to promote as much industrial disruption as it possibly can. As the Leader of the House so aptly observes, the union-bashing techniques of the Opposition, when in Government, caused more man-days lost in this State than have ever been the responsibility of the policies of the present Government. That there is one single objective, which is the wringing from this issue of political advantage from the Government's attitude, is no more clearly proved than in the contributions made in such contradictory fashion by the Leader of the Opposition and the member for Narrogin. The member for Narrogin said he understood and accepted that the Government should wait until after Commissioner Collier had handed down his decision. He also said that he believed it was true that the companies did not want the Government to take any action. Yet the Leader of the Opposition has moved an urgency motion that attempts to censure the Government for not taking action. The member for Narrogin said he accepted that we could not take action and that we were quite correct to wait until Commissioner Collier brought down a decision. The member for Narrogin also said that the company did not want any action taken. Yet the Leader of the Opposition seeks to censure the Government and force it to take action against the wishes of the commission, against the wishes of the companies involved, and certainly not in response to any request from any union involved in the matter. Where is the sense to the Opposition's position?

The Leader of the Opposition wants to censure the Government at the same time as the company asks it to stay out, and the second speaker for the Opposition says that he understands that the Government should not act until after Commissioner Collier has made a decision. That is the contradiction of the Opposition's position.

Mr Peter Jones interjected.

Mr BRIAN BURKE: I ask the member for Narrogin not to tell me what he said when we have witnessed 15 minutes of the most distorted interpretation of things that have never been suggested, thought, or spoken in any way by the member for Fremantle. The member for Fremantle said that pickets were not illegal. Does the member for Narrogin say they are? Of course not, he says nothing. That is all the member for Fremantle said—pickets are not illegal—and they are not. For the member for Narrogin to stretch that to a statement that the member for Fremantle said that picket lines were not illegal and that the Government supported the action being taken in respect of the Argyle project is gross distortion and a dishonest representation of the truth. The truth is that the company does not want the Government to take action. The Leader of the Opposition in his exhortation did not say what he thought the Government should do. I am not sure what he thinks the Government should do apart from calling for advisers or police or doing some of the other insubstantial things that will not go to the settlement of anything. The Leader of the Opposition is long on rhetoric but short on tactics. He does not know what to do but he sees there is an issue relating to union-bashing from which he can gain political mileage. The Opposition's attitude reflects the policy it had when in Government; that is, there is political mileage to be gained from any conservative party bashing the unions and trying to link the Labor Government and the Labor Party with unions.

Look at the facts. The period during which we have been in Government has been remarkable for its lack of industrial disputation. Compared to the record of the previous Government when it was in power, we have been remarkably effective, not only in winding back the rate of unemployment, but also in reducing the number of strikes and the number of working days lost through disputes.

The Deputy Leader of the Opposition interjected to say that the records do not bear out the statements. The number of working days lost through disputes went from 20 900 in October 1984 to 6 700 in November 1984, representing a decrease of 67.9 per cent. Western Australia recorded the greatest percentage decrease of any

State. Those are the latest ABS statistics. They are Australia-wide figures on a monthly basis.

Mr MacKinnon: What does that prove?

Mr BRIAN BURKE: It proves our policies are effectively reducing the number of man-days lost. These are the latest figures for a six-monthly comparison—

Several members interjected.

Mr BRIAN BURKE: In the six-month period to November 1984, working days lost in Western Australia due to industrial disputes fell by 68.6 per cent compared to the corresponding period ending November 1983. That is the latest six-monthly period available.

Mr MacKinnon: I thought you were in Government at both those times.

Mr BRIAN BURKE: Of course we were.

Mr MacKinnon: Compare it to the rest of Australia.

Mr BRIAN BURKE: I just did. If the member wants me to do it again, I inform him that the ABS statistics show that Western Australia recorded the greatest percentage decrease of any State.

Mr MacKinnon: That is from October to November?

Mr BRIAN BURKE: That is correct.

Mr MacKinnon: That is only one month.

Mr BRIAN BURKE: That is the latest month available. For the six-monthly period, the decrease was 60 per cent.

Mr MacKinnon: I thought you said 68.6 per cent.

Mr BRIAN BURKE: That is on a six-monthly basis. What members opposite cannot successfully cope with is the fact that our policies are resulting in fewer man-days lost through industrial stoppages. Under the previous Government the iron ore industry had ground to a halt because no-one could live with the repressive policies of the previous Government.

The fact is that the company has not sought Government intervention. In fact it has informed the Government that it should not intervene, and that Government action is not appropriate.

Even the member for Narrogin today says that it is appropriate to wait until Commissioner Collier has handed down his decision.

Mr Peter Jones: That is not right.

Mr BRIAN BURKE: I heard what the member said. He said it three or four times. He said it was appropriate for the Government to wait for Commissioner Collier's decision.

Mr Peter Jones: I said that was the excuse.

Mr BRIAN BURKE: And that the crunch would come—

Mr Peter Jones: It is an excuse.

Mr BRIAN BURKE: The member for Narrogin, having made one speech which does not suit his purpose, now attempts to make another. The truth is that the member for Narrogin said he understood that the Government should wait until Commissioner Collier handed down his decision, and then he went on at great length to say that the crunch would come when the Government took on the job of enforcing or otherwise Commissioner Collier's decision. The Leader of the Opposition did not mention Commissioner Collier; he did not think it was appropriate to wait for anything; the Leader of the Opposition wanted the Government censured.

Union bashing is something for which conservative parties are well known. The Leader of the Opposition did not bother to look at whether the company wanted intervention, or whether Commissioner Collier wanted anything done; in fact, the company does not want any Government intervention. The Leader of the Opposition has not suggested any particular action to be taken by the Government, and even the member for Narrogin says that it is appropriate for the Government to wait until after Commissioner Collier has handed down his decision.

Motion, by leave, withdrawn.

DENTAL PROSTHETISTS BILL

Council's Further Message

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference of managers, and had appointed Hon. John Williams, Hon. P. H. Wells and Hon. Lyla Elliott as managers for the Council; Parliament House as the place of meeting; and the time 9.30 a.m., Wednesday, 13 March.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS BILL

Second Reading

Debate resumed from 7 March.

MR CASH (Mt. Lawley) [3.26 p.m.]: Nigel Clarke was appointed by the Government in August 1983 to look into and report on some of the problems which were seen to be associated with commercial tenancy agreements as they related to commercial shopping centres. The terms of reference for the inquiry were as follows—

1. To receive and evaluate submissions on problems associated with Commercial

Tenancy Agreements, with particular reference to Shopping Centres and procedures for resolving conflicts arising from the problems.

2. To undertake such further inquiries, discussions, investigations and inspections as may be considered necessary and desirable.
3. To examine reports and reviews of investigations and studies into matters associated with Commercial Tenancy Agreements, with particular reference to Shopping Centres, which have been conducted throughout Australia and elsewhere.
4. Report to the Minister for Economic Development and Technology as soon as practicable, on Commercial Tenancy Agreements, with particular reference to Shopping Centres, with recommendations for consideration by the Western Australian Government on policies which should be implemented by industry self regulation, legislation or other means.

At that time it was suggested there were a number of reconcilable and identifiable problems and a point of conflict between landlord and tenant. In Nigel Clarke's report the following conflicts are noted.

The first arises in the payment of a percentage of goodwill to the landlord on the sale of the business by the tenant. The tenants foresaw a problem in relation to percentage rents based on turnover; the provision for monthly turnover figures by small tenants which had to be made available by tenants to their landlords; the various methods used for determining rental increases; the method of charging in a shopping centre; variable outgoings and the provision of details of these; various outgoings; the compulsory membership and voting rights of merchants' associations; the various options to extend lease periods which were available at that time; the requirement to sign offer-to-lease documents by tenants; and, finally, the general complexity of lease documents.

During the period of the inquiry, Clarke received almost 100 submissions and held discussions with both landlords and tenants and other interested parties to try to canvass possible solutions to the problems that he and the Government had previously identified. In the report which was published in February 1984, 13 specific recommendations were made, and in general terms the Bill that is now before the House flows from those specific recommendations.

When he introduced this Bill in the House a week ago, the Deputy Premier commenced his second reading speech in the following manner—

This Bill is the culmination of concerted efforts by the Government and industry groups involved in this issue, to find a genuine, workable solution to the complex and far-reaching issues involved in commercial tenancy agreements.

It seems that the question now to be determined is whether the Bill in fact represents and reflects that opening statement. I am sure that will be the subject of further debate in the Committee stage.

After studying the Bill and discussing it with a number of retailers, my initial reaction is that some of its clauses are couched in rather broad generalities. It seems to me that, because of those broad generalities, a situation may arise where we tend to create more problems than was intended. I acknowledge that it is very difficult to legislate in the area of commercial tenancy. However, as a result of Labor's extravagant promises to small businesses before the last election, the Government is now in a position where it must save face.

You, Sir, will remember that, prior to the last election, Labor tried to woo the small business community by suggesting to it that the ALP would be its salvation. Members of the ALP suggested at the time that, if a change of Government occurred and Labor came to power, small business could expect its outgoings to reduce. In some areas it was suggested that small business profits would rise beyond all expectations. That was something which small businessmen were prepared to consider and vote on at the last election.

It is now common knowledge that the various aspects that Labor was selling to small business prior to the last election did not eventuate. In fact the real situation was that Labor did not have a magic wand to wave, and business soon found out that its outgoings, instead of falling, rose dramatically. As a result, its profits fell.

It is interesting to look back at the last two Labor Budgets. If we aggregate certain figures within those Budgets we find that, during that period, a total of an additional \$297 million has been extracted from the business community and the people of Western Australia. That figure represents an increase of 39.4 per cent in two years. So much for the Government which claimed it would be the salvation of small business!

Perhaps it is fair to set out some of the specific areas in which charges were raised. Again we are talking on an aggregated basis. In particular, I

refer to land tax which, in that period, increased by 45.7 per cent.

Mr Brian Burke: The rate of land tax was not altered.

Mr CASH: The Premier can claim whatever he likes, but the facts establish clearly that the revenue from land tax increased by 45.7 per cent in that two-year period. If the Premier wants to claim land tax did not increase by that amount, he is at liberty to do so. Before the last election the Government sold the people a pup and it has been selling them a pup ever since.

In that two-year period the revenue from land tax increased by 45.7 per cent. Payroll tax increased by 12 per cent—

Mr Brian Burke: That is rubbish!

Mr CASH: It is also interesting to note that liquor and tobacco tax increased by 9.12 per cent.

If the Premier claims these charges were not a burden on small business, that is fine; he can continue to claim that, but small businessmen know a different story.

Mr Brian Burke: You are talking about the increase in revenue from one year to the next, not an increase in the tax.

Mr CASH: I am talking about increases in revenue—

Points of Order

Mr BRYCE: With the greatest of indulgence, Sir, the House owes itself the favour of pointing out to a relatively new member that he has a basic obligation to address himself to the Bill. This is not a general debate. There is absolutely no reference to land tax in the Bill. For the last 10 minutes this member has been travelling up and down every one of his favourite hobby horses.

Mr TRETHOWAN: On a further point of order, Mr Speaker, many leases contain references to tenants having to pay land tax and I would have thought that subject was within the content of this Bill and that the member was entitled to refer to it.

The SPEAKER: There is no point of order.

Debate Resumed

Mr CASH: Anyone who has any knowledge of small business would be aware that any increases in land tax represent increases in the outgoings of one's business which frequently serve to reduce one's profits.

Mr Brian Burke: Land tax was not increased.

Mr CASH: Small business has learned to rue the day that it was caught in Labor's tax clutches.

I return to the Bill. Obviously the Deputy Premier was somewhat put out when I discussed the massive increases in revenue that the Government has received from various areas in the last few years.

I welcome a number of features contained in the Bill. In particular, I welcome the provision for the disclosure statement. According to the Bill in its present form, it appears the disclosure statement will be one of the prescribed forms which must be attached to a lease. The disclosure statement will require the landlord to set out in writing various statements made in initial negotiations with a prospective tenant.

As I understand it, the disclosure statement will require notification of the rent payable by the tenant, the options available to the tenant, the nature of periodic rent reviews, and when they will occur within the lease period, a statement in respect of variable outgoings which will be payable by the tenant, and any projected changes to a shopping centre which the landlord may have in his mind at the time the negotiations take place.

I understand that the disclosure statement will also include the tenant's contribution to a merchants' association and also the tenant's contribution to a promotional fund which is often found within some of the larger shopping centres.

The disclosure statement will also include such other additional information discussed prior to the execution of the lease. As it is now proposed in the Bill, the disclosure statement will work in favour of both the landlord and the tenant. It will reduce to the written form a record of the verbal negotiations which have taken place.

Another area which will be welcomed by tenants is the proposed outlawing of a rental based on the turnover of a business, unless the tenant specifically requires and requests the owner to apply his rent based on turnover. There is no question that, within large commercial shopping centres, the percentage rent problem has been a matter of conflict between landlords and tenants for a number of years. A number of tenants believe that, when one pays a rental based on turnover, it acts as a disincentive for a tenant to build up his business.

The obvious example there is that, as soon as a tenant introduces new lines or cuts prices and his profit margin on particular lines, his volume of sales increases, but regrettably the landlord is chasing behind him and increases the rental in line with those increases in the tenant's volume of sales.

Another area of conflict between landlords and tenants has been the requirement in the past by

some shopping centre landlords that a tenant disclose his monthly trading figures.

I have been involved in the retail trade for many years and I still have some interests in leases within some retail organisations. There is no question that tenants believe that the need to disclose their trading figures to their landlord is basically un-Australian. There is no question that tenants at any shopping centre want jealously to guard the figures they have been able to achieve within their businesses. I am sure tenants will welcome those provisions of the Bill.

At the moment the Bill makes illegal the provision for goodwill and key money where they are charged by a landlord. There is no doubt that in the past some landlords have sought a share of a tenant's goodwill when the tenant has sold his business. That has caused considerable conflict and my understanding is that by making it illegal, the tenant will know where he is going and the landlord will not be entitled to a share of his goodwill.

Some tenants have made the observation that if it is good enough for the landlord to claim a part of a tenant's goodwill on the sale of a business, it would seem reasonable for the landlord to pass on some of the capital gain which is attributable to his building during the term of the tenant's lease. I do not believe that will ever occur, but I think the tenants make a good point by bringing that to our attention.

I can give an example of a premium that was charged to a constituent within my electorate. My constituent has a lease and currently it has two years to run. He recently approached his landlord and asked him to increase the lease by an additional 10 years. The landlord recognised that this tenant was a very able person who had been paying his rent regularly and was running a particularly good business, so he agreed to the additional 10-year lease. However, he advised my constituent that he required a premium of \$136 000 for the privilege of the tenant's entering into a lease for an additional 10 years. It may be argued that my constituent should just move down the street and find other premises in which to commence his business afresh, but regrettably this tenant cannot do that because his business is associated with the liquor trade, and as members would be aware the liquor licence attaches to the premises, so as soon as he moves out he has no business left.

My interest in goodwill relates also to the definition of "landlord" wherein it provides that a landlord, in relation to a lease, means a person who, under the lease, grants or is to grant his

tenant the entitlement to occupy the premises the subject of the lease. I am concerned that this captures tenants who want to sell their business.

I am aware that in the last few days the Minister has brought forward an amendment which he will move in the Committee stage, but it is interesting to note that in the drafting of this Bill the Government, which claimed it was the salvation of small business, should find it was about to put out of business all tenants who attempted to sell their business, because they could not receive goodwill. The Minister can say what he likes.

Mr Bryce: If you want to persist in that manner I will simply indicate that I will not even persist with that amendment.

Mr CASH: If the Minister does not proceed with the amendment, let that be on his head. But there are many people in small businesses who are very concerned with the actions of the Government. If the Minister believes that when a tenant in an existing business sells that business he should not be entitled to goodwill, fine, be that on his head. However, I suggest that small business will obviously be outraged totally by that act. I leave it to the Minister to decide whether he should carry out his threat. I am suggesting that the goodwill a businessman builds up after five, 10, or 20 years of hard work sometimes represents the only thing he has when he retires, so therefore it forms a superannuation fund for him. Otherwise on the sale of a business the goodwill often represents a deposit for a new business. If the Minister wants to wipe out small businesses' goodwill, fine, but he should let the Business Owners and Managers Association (BOMA) and the Retail Traders Association of WA know of his attitude, because when they discussed this Bill this was not their understanding of it.

Mr Gordon Hill: I take it you are opposing the Bill?

Mr CASH: No, I am suggesting that it requires amendment, as suggested by small business. I am supporting small business by saying that there is a need to protect their goodwill. If it is Government policy to wipe out goodwill, so be it.

Mr Bryce: Do you think that is the Government's policy?

Mr CASH: I do not believe that it is Government policy, although according to the Minister it seems to be the case.

Mr Bryce: It has already been discussed at length informally behind the Chair as well as in the Chamber with your spokesman. That point has been absolutely and completely explained to the Chamber.

Mr CASH: I am speaking on the Bill as it is now. I am not talking about the Minister's amendment which will come forward in the Committee stage. I am entitled to speak on the Bill in its present form as drafted by the Minister's advisers.

Representatives of BOMA and the retailers association are totally opposed to any move that would disadvantage their members. Obviously the Opposition will be fighting hard to see that goodwill, attributable to small business owners, is maintained by them on the sale of their businesses.

I will refer now to some of the questions that may be referred to the registrar. At the moment the Bill provides that any questions relating to a specific lease may be referred to the registrar. The problem is that there does not appear to be a time limit as to when the registrar shall act. During the Committee stage this matter will obviously be discussed.

Another area of interest concerns those who may attend before the registrar to put a case. It seems that the registrar has a very wide discretion. The Bill proposes that qualified lawyers and solicitors will not be permitted to act for people unless the registrar grants them permission. It seems that tenants will be required to have the carriage of their own case. In the case of some tenants or small business people in the vegetable trade, I have had it put to me that they do not believe they would be competent to put their case in a reasonable way in front of the registrar. It could be argued by some that a landlord may find himself in a better position than his tenant if that tenant were of ethnic origin and had difficulty making himself understood. It is a very real problem out in the retail area.

I am aware that provisions in the Bill allow the registrar to grant or use his discretion for others to act for such people, but perhaps it may be worth pursuing at a later date that valuers, accountants, and other advocates whose professional training allows them to put cases in commercial tenancy agreements be included as people able to appear before the registrar. If that is not acceptable to the Government, perhaps the very wide discretion of the registrar should be limited so that we understand the type of people who can be permitted to appear before him.

I am concerned about the wide discretion because it could happen that the registrar gave permission for an accountant, acting on behalf of a tenant, and the accountant makes out a good case. The registrar would bring down his finding in due course. It seems to me that it would be possible for an advocate to raise the ire of the registrar, and in its present form the Bill allows the registrar to

disqualify people from appearing before him, without giving a reason. In my opinion that is unreasonable.

The Bill provides for the registrar to refer questions to a tribunal if he believes them to be of a frivolous or vexatious nature. There is no question that is an important issue and area within the Bill, because the tribunal has the right to award costs against a party which attempts to use the provisions of the Bill in the wrong way. I guess that is a safety valve for hot-headed landlords or tenants who may wish to appear before the registrar on matters which may not have been considered fully.

All members will welcome the fact that a sunset clause is included in the legislation. I think it is an important aspect of the Bill and something which should be supported. The clause states that after five years of operation of the legislation the Minister shall require an inquiry to be held to determine whether the operation of the Act is in line with the Government's intention and also to make the recommendation as to whether the legislation should continue in force.

It is obvious that a number of matters will be raised during the Committee stage of the Bill. I would like to think that the Minister for Small Business would see the contribution of the Opposition as being one in a partnership, because there is no question that the Opposition supports small business in Western Australia and will continue to do so.

I support the Bill in a qualified manner. I say, "qualified", pending the result of various amendments which will be inserted during the Committee stage of the Bill.

MR BRYCE (Ascot—Minister for Small Business) [3.54 p.m.]: I say at the outset, in my response to the members who have expressed their support for this Bill, that there should be no mistake in anyone's mind that there has been slovenliness or carelessness in the drafting of this Bill, because the Bill has been under serious consideration by representatives of the agencies for whom I am responsible and industry groups which have a vested interest in this matter for more than a year.

If some members in this Chamber detect that in comparative terms there are some relatively open statements, I say those statements are included quite deliberately. During the course of their remarks, some members have suggested that this fact constitutes loose drafting. I want to make it perfectly clear that there is no loose drafting in the sense of any carelessness, but that this piece of legislation comes to grips with a particularly complicated issue which, I might remind members op-

posite, would probably not be the subject of consideration in this House had there not been a change of Government.

The probability that the members opposite would have ever dared to take on this particular challenge is quite remote. Those members opposite who did venture to suggest there was some looseness may have simply overlooked—from a position of ignorance—the reality of the enormous amount of work that has gone into the preparation of the Bill.

Five Governments in this country have been looking at this matter and no-one would suggest that, like Moses, we have brought down from the mountain a stone tablet, engraved with the perfect solution to the problem, with all the odds and ends neatly tucked away, so that no doubt could be cast on any of the substantive provisions. Of course various questions will arise, but I say to the members of the House that we intend to persist with this model.

Notice of two intended amendments has been given. I suggest that if members feel strongly or seriously about any other proposed amendments they should note that I indicated to the Opposition spokesman that I would happily accept one of those amendments, but I believe valid reasons exist for not accepting the other.

I wish to set the record straight on a number of other issues raised during the course of the debate. The first relates to the operation of a similar Statute in Queensland. The Queensland Statute has been in operation—it was the first of its kind in this field—since the Government's release of Nigel Clarke's report. During the period since August 1984 there have been 27 referrals to the tribunal in Queensland for mediation on issues of different kinds, but only four have gone on to arbitration. It would be my fond hope that we will achieve something similar in Western Australia.

During the earlier debate, several members raised the question of the right of a tenant to assign his or her lease and asked whether the definition of "landlord" meant that the Bill was proposing to in some way or other hinder the right of a tenant to sell his or her business in a shopping centre. I indicated, by way of interjection to the member for Nedlands, some days ago, that that was never the Government's intention. I think that no one, other than those who seek to secure a cheap point, would read this Bill and say that this was ever the intention. However, out of respect for the people who are very concerned about this legislation and out of the respect for those people who worked for a long time in its preparation, and to put any question of any doubt on that funda-

mental issue behind us entirely, I indicated to the member for Nedlands days ago that I would agree to an amendment to the definition of "landlord", even though I insisted at the time that the Bill would go through precisely the way it was and that there would be no change.

The member for Mt Lawley sought to make strife and disrupt the general agreement that had been achieved by both sides of the House with the progress of this measure. Had he been in the Chamber and listened carefully he would have understood that the experience in Queensland with this definition has been such that the situation to which he referred certainly has not occurred and it never was the case.

It seems the member for Mt. Lawley picked up some of those bad habits at Stirling City Council where we have been told so frequently politics do not enter, and has brought them with him to the Legislative Assembly.

A number of members drew attention to the clause relating to the five-year occupancy option and made specific reference to the issue that is involved. I know it was an issue of interest to the member for East Melville as well as the member for Nedlands. The question of the five-year lease constitutes a moderate compromise between the parties who expressed their vested interests on this matter. Those people representing the tenants' interests favoured an open-ended—effectively forever—totally secure situation. Those people representing the interests of BOMA and, generally speaking, the landlords, were more attracted to the idea of a bare minimum of much less than five years. We have settled on five years as a practical, modest compromise and it happens to be the one designed to give small business a sense of security. It has worked quite reasonably, and was adopted on a reasonable basis for compromise, in Queensland, and we therefore do not think it constitutes a basis of threat or serious dislocation to anybody.

The member for East Melville raised a perfectly valid point about a potential practical difficulty with proposals for the redevelopment of shopping centres. I am advised that that particular situation can be resolved by the use of clause 13(7) under which the landlord can make an approach to the registrar for a short-term exception so that if he anticipates or intends to redevelop the centre—a landlord obviously has to look ahead a number of years in respect of planning—he can approach the registrar with that intention in mind and seek the registrar's co-operation. I would be very surprised if he did not get it. In practice I think he certainly will.

Mr Court: The only problem is the registrar then becomes a town planner.

Mr BRYCE: In essence the registrar will have to be a broadly-based, tolerant human being with wonderful powers of understanding and the capacity to mediate.

Mr Court: Does that sort of person exist in the bureaucracy? I can assure you he does not.

Mr BRYCE: We have not yet appointed anybody. I think the member for Nedlands has already realised that a fundamental element of this legislation is the role of the commercial tribunal, and the individual who will occupy that job with the tribunal has not been appointed. We will be taking these sorts of matters into consideration before that appointment is made.

The member for Nedlands raised a question of the disclosure statement. He asked me whether I would table a copy of a draft disclosure statement and/or any of the other special forms that are likely to be drafted for practical purposes with the application of the legislation. My answer to the member for Nedlands is that it is not available. It seems there will be three or four special forms. As with the preparation of this legislation there was a great deal of consultation and co-operation between the parties on both sides of the fence, as it were. There will be the same degree of co-ordination and consultation for the drafting and the preparation of those forms. It is our desire to see this Bill work in a field which is quite difficult and one in which a good deal of commonsense and mediation have to be applied. I respond to the point that the member for Nedlands raised by stressing that that is the basis upon which we will be proceeding with those forms.

I think the member for Murray-Wellington said it was a pity we did not have the regulations before us because it will obviously and materially affect the concepts involved in the Bill. It is quite true that they will. I do not think I can recall any instance in the past where a Bill has been brought to the House and the regulations or proposed regulations have been attached to it. I would not go as far as to say there was not a precedent. I certainly cannot recall it and normal procedure in this place suggests that a Bill receives the approval of the Parliament and subsequently regulations are drafted to be applied to the Bill.

The member for Nedlands also raised a question of the presentation of the clause dealing with variable outgoings and how that would extend payments due to the landlords. I simply make the observation to the member for Nedlands that it is all up to the landlord. If the landlord has a particular date in mind in respect of which he re-

quires payment, it is up to the landlord to arrange how and when he issues those notices and the details, and I believe in practice it is working okay in Queensland.

The member for Nedlands raised the question of how the legislation would be introduced and applied in practice. I indicate that we intend to err on the side of generosity and caution with regard to the notice that will be given to the industry. I am not going to stand here today and give an undertaking that a specific period of X number of months will be involved. With the concurrence of both Houses of Parliament the legislation will become law and there will be a very generous period during which the industry will be given adequate notification of the implications of the Bill. There will be no desire on anybody's part to be involved in indecent haste.

A small degree of concern was expressed about clause 10, and rather than go into detail now I indicate that the fears expressed about that clause have been attended to with the second of the two amendments I have placed on the Notice Paper.

The member for Gascoyne drew attention to a particular problem which he believes confronts the tenants in small businesses; that is, the question of the original lessee remaining legally responsible when the leases are assigned. I attempted by way of interjection during the course of his remarks to indicate it was not one of the terms of reference of the Clarke inquiry. That issue was not addressed, and it certainly is not an issue which has been addressed in this piece of legislation. If the problem is as widespread as the member for Gascoyne suggests there will be subsequent opportunities for the Government to address that question. I recognise and respect the fact that he has drawn our attention to it but it does not seem there is evidence to suggest it was on the short list of priority issues to be addressed in the Clarke report or the discussions which followed it.

I respect the suggestion and take on board, for its relevance, the issue raised by the member for Dale concerning the question of strata titles. That was not one of the terms of reference of the Clarke inquiry.

I feel that a subsequent inquiry dealing with shopping centres generally should examine the question of planning decisions that affect the nature of the development and spread of shopping centres.

Mr Rushton: I suggested that and you gave me the understanding that you would have it examined.

Mr BRYCE: Clarke did not examine it.

Mr Rushton: It might be a solution to one of the problems.

Mr BRYCE: Yes. I recognise that a genuine issue is involved. I would be very happy if somebody could come up with a constructive response to that issue, whether it is the result of an inquiry into those shopping centre developments or whether it is simply the result of a careful examination. I would be happy to address myself to it, as the Minister responsible, because I believe it goes to the basis of the problem, to some extent.

In conclusion, it is not normal, in these sorts of debates, to refer to the contributions made by the people who have participated in the actual development of the Bill before us today. An unprecedented number of meetings were held. Those meetings involved the retail liaison committee which comprised representatives of the Real Estate Institute of Western Australia, the Building Owners and Managers Association of Australia, the Industry Retailers Association, the Western Australian Shopping Centres Retailers Association, the Retail Traders Association of Western Australia, the Western Australia Chamber of Commerce and Industry, the Law Society of Western Australia, and of course, the Small Business Development Corporation. Representatives of those organisations responded remarkably well and in a most constructive way in an endeavour to come up with a modest and reasonable solution to the problem. It is not normal to mention the individuals involved, but three other individuals were very directly concerned with this legislation for more than a year. Two officers from the Small Business Development Corporation, Mr Peter Watson and Mr Lloyd Davies, and a member of my personal staff, Mr Ross Love, have co-ordinated and assisted the research. They have been instrumental in the bringing together of the threads of practicality out of Judge Clarke's recommendations. I congratulate them for that.

It is my view that the industry, when it sees this legislation implemented, will join with me in that congratulation.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Mr Burkett) in the Chair; Mr Bryce (Minister for Small Business) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Mr COURT: The Minister for Small Business, when replying to the second reading debate, said that the Government would allow time for and

there would be generosity in the way the Bill would be implemented. I do not think it is so much a question of time but of how it will occur. The Minister also said in his speech that many of the prescribed forms—I think four were mentioned—including the format of the disclosure statement, would be open for consultation with the people concerned about what would go into those forms. That disclosure statement is a very important part of the legislation and could have far-reaching effects.

I think those are the types of problems about which some indication of the timing involved should be given. There is a lot of regulation in this Bill and I think it is essential that the industry knows what that regulation is so that it can draft its leases and other forms which are required to meet the demands of the legislation. The Minister will be aware that, at any one time, many leases are in the process of being negotiated. Because of this new legislation, many people will be wanting to make sure that leases are signed up under the new provisions.

Therefore, this matter is not a simple one. It is not just a matter of saying that the Government will allow plenty of time. It is a complex matter. It involves having forms prepared. Landlords have to have lease documents prepared and the tenants have to know just what sort of lease they will be required to sign to move into a new shop or new development.

For those reasons I think it is important the Government give some firm details, not generalities, of how it will go about introducing the different stages of the Bill. In fact, it would be probably better if the Bill were implemented in stages in order that certain procedures be established.

Mr TRETHOWAN: I want to reassure myself in relation to some of the factors involved, although I think the Minister made them clear. The Bill will come into operation on the day it is proclaimed.

It will affect all negotiations which take place after the day the legislation is implemented. Presumably suitable regulations and forms, as the member for Nedlands indicated, will be available before the Bill is proclaimed in order that those people concerned will understand the ramifications of the legislation. It takes time for people to be supplied with the necessary detail and it is important that they know, in advance, the date from which this legislation will apply.

It is my understanding that when this Bill is proclaimed an Act it will only affect new leases negotiated from the day it comes into operation. It

will not retrospectively take effect against existing leases.

Mr Bryce: That is right, except with regard to tenants availing themselves of the mediation provisions.

Mr TRETOWAN: I understand that, because most of the leases already contain provisions for arbitration, when this Bill becomes an Act those arbitration provisions will continue to apply.

My main concern is the assurance of the Minister that the legislation will not be retrospective in relation to those legal agreements which are currently in force.

Mr BRYCE: The concerns raised by the previous two speakers are legitimate. In the sense that there was a constructive spirit of co-operation between the parties involved in drafting the legislation, I am happy to provide an undertaking to members of this Chamber that when the Bill has been passed by the Parliament I will convene a meeting of the people who have been responsible for achieving the consensus that was involved in this proposition, with a view to discussing all the specific issues and implications for the application of the Bill in order that the same spirit of goodwill and consensus that was part of the preparation of the Bill are associated with its actual implementation.

Clause put and passed.

Clause 3: Interpretation—

Mr COURT: This is probably the most critical clause in the Bill because it attempts to define all the major definitions used throughout the Bill.

In his reply to the second reading debate the Minister said he had a desire to see that the Act actually worked—it is good to know that he wants it to actually work! I do not think we can run away from the fact that this type of legislation is very complex.

The DEPUTY CHAIRMAN (Mr Burkett): Order! I wonder whether those members conducting meetings to the right and left of me might cease them now or hold them in another place because I am interested to hear what the member for Nedlands has to say.

Mr COURT: I am glad that you, Mr Deputy Chairman, are interested in what I am saying.

The Opposition has an amendment to this clause and I apologise to the Minister for giving him only brief notice of the amendment, and I thank him for dealing with it promptly. The Minister has an amendment to this clause on the Notice Paper which will be discussed shortly.

The Opposition will not move amendments to some clauses of this Bill because it believes that

they could not sensibly amend the clauses concerned, one example being clause 13.

Two definitions which are of importance to this legislation are "landlord" and "lease". The legislation would have been better had the Minister included more definitions in this clause. It would have been less confusing had he included separate definitions for "landlord" and "assignor". In his amendment the Minister has agreed to amend the definition of "lease" in order to get around the problem the Opposition raised during the second reading debate; that is, the person assigning the lease could not assign goodwill.

The definitions of "landlord" and "lease" are very important because of their involvement with other clauses, especially the disclosure statement in clause 6, the turnover rent provisions, goodwill and key money in clause 9, and the right to a five-year tenancy in clause 13. I will be moving an amendment to this clause in an attempt to overcome this problem.

Under the amendment proposed by the Minister the lessee will have access to key money and goodwill. I presume that the Minister regards rent as a further benefit. Hopefully the Minister's amendment will solve the problems which may exist.

The Minister plans to amend the definition of "landlord", but the problem is that under the definition of "lease" it will include short-term licences and short-term agreements which are quite commonplace in many shopping centres and strip developments. Those people who have short-term exhibitions at shopping centres usually have a special arrangement with the shopping centre management and I believe that these people should not be included in the definition of "lease". A typical example is short-term displays. In my own business I have often arranged with a shopping centre manager to undertake a small display in his shopping centre for a couple of weeks, hopefully to sell off that particular display. However, under this wide definition of "lease" the same conditions will apply to a short-term display as to an ordinary lease. Once a short-term display is brought under the definition of "lease" the same conditions will apply in relation to disclosure statements and turnover rent. A special clause should be included in this legislation to cover a short-term arrangement.

Other speakers have mentioned paragraph (a) in the definition of "retail shop lease", and that paragraph refers to a retail shop having an area not exceeding 1 000 square metres. A shop of that size would be a very large shop in a shopping centre. However, we cannot become too bogged down in trying to define the arbitrary size of a

shop to come within the provisions of this legislation. I can see many reasons for saying that a shop of that size would be fairly large in a normal shopping centre development. However, other arguments have been put to me that in some strip developments rents might be cheaper, and that sort of shop should be excluded from the legislation.

The Queensland Act includes the definition of "specified business". The Minister said during the second reading debate on this Bill that in Queensland the problem was, in order to change those businesses which came under the definition of "specified business", amendments were continually coming forward to include or omit businesses.

One of my concerns is that this legislation involves a lot of regulations. The purpose of having specified businesses under regulation is that the Government can easily change those businesses which are specified. The concern is: What businesses will be specified? How wide will the net be spread? A great deal of concern has been expressed about this.

The Minister should give us an indication of what "specified businesses" will be initially so that we can see whether the definition will include certain businesses which we believe should not come under it.

I will move amendments when I next rise to speak on this clause.

Mr CASH: I am also interested in discussing the position of key money. As the definition stands, key money means money that has been paid to or at the direction of a landlord or his agent by way of premium, non-repayable bond or otherwise, or any benefit that is to be conferred on or at the direction of a landlord or his agent.

Because the definition is fairly broad and it includes the words "or otherwise", it may also include the word "rent". It may be necessary for the Minister to look at that to see if the landlord is entitled to charge rent after a business has commenced.

In the definition of "lease" at the moment, the word "licence" appears. It seems to me that large shopping centres often grant space to charitable institutions and others, especially on Saturday mornings. Perhaps I might refer as an example to a scouting organisation wanting to hold a cake sale. The mere fact that the centre has given permission to that group for one sale may, under the present definition and other provisions within the Bill, enable it to claim a five-year lease in respect of the area occupied.

I am sure that is not the intention of the Bill, and I would be obliged if the Minister would make some comment on it.

The definition of "lease" has been raised by a number of sporting organisations. If they could claim under the licence that they are granted a lease in respect of that space, then obviously the landlord or owner of the shopping centre will not be inclined to allow them to occupy that space.

Mr TRETHOWAN: I also express some concern regarding these definitions. My concern is similar to the concern of the member for Nedlands and the member for Mt. Lawley. I look forward to hearing the Minister's explanation for his lack of acceptance of the proposed amendment in regard to "common area".

Mr Bryce: Can we leave that discussion till the member for Nedlands has moved his amendment?

Mr TRETHOWAN: I will have an opportunity to speak after that has been done.

May I go on to the other areas which concern me? I would like to mention the definition of "retail shop" and the way in which this brings into the ambit of the Bill the leases of those businesses which are not retail in nature. I want to underline that point. I know the Minister has just given some explanation of it, but it concerns me that in large shopping centres not all the professional chambers are found in multi-storey buildings; some are found within the normal retail area of the shopping centre. It is undoubtedly true that this legislation will affect the leases for those businesses.

My concern is that the provision may be used to require, for instance, an accountant's premises, or legal premises—which are outside the ambit of a shopping centre covered by this Bill—to be covered by the kind of provisions it contains. In other words, the argument can be put forward at a future stage that the Bill can be expanded to include all those people, irrespective of whether the development is a shopping centre or something else.

I know the Minister says one cannot foresee such matters and that is not his intention now, but I am raising my concern that I see that as one of the dangers. This Bill should be totally restricted to retailing in the way in which it is outlined here. I believe that is the Minister's intention, and certainly it is the intention of the industry at the present time. I am concerned that that definition may be used to expand the ambit of the Bill strictly beyond the retail industry.

I also have concern in relation to the definition of "lease". This is similar to the concern expressed by the member for Mt. Lawley, and relates to the

discussion we will be having at a later stage about clause 13. It is a problem when one seeks to regulate anything that one can come to grips with a lot of exceptions which raise problems. There are many instances of short-term leases, and sometimes even weekly tenancies, which have no defined period. Say a person wants to take a place for five or six weeks or perhaps longer on a weekly basis. It is an agreement the parties enter into; a casual arrangement.

It seems to me that the definition here and in the rest of the Bill raises problems in regard to requiring the full implementation of the regulations made under this Bill in relation to that casual arrangement.

My concern is that casual arrangements are entered into by landlords and people seeking short-term tenancies. They are similar to the kind mentioned by the members for Nedlands and Mt. Lawley. There need not necessarily be the long-term arrangement of a person wishing to set up a shop and stay there for a number of years. They can include people seeking to enter into a short-term arrangement to take a piece of vacant floor for a short time, perhaps a couple of months or less. It seems that the application of, for instance, clause 13 could be made to that sort of casual arrangement; and I would presume that the only mechanism to avoid the implication of the application of this Bill to such a casual arrangement would be to make application to the registrar for exclusion. That seems to be a very cumbersome arrangement for what would be a relatively common form of exclusion requirement. This needs more detailed investigation. It will be a practical problem when this Bill presumably comes into operation.

Further, the 1 000 square metres floor area defined as the maximum for the application of the proposed Act is a very large figure, although I tend to agree with the Minister that something relatively arbitrary is required. Perhaps the anomalies caused by the choice of 1 000 square metres will not be unusually numerous. Certainly it is clear that any shop of more than 1 000 square metres floor space is a large shop, and one would presume that someone operating a business of that size would not require the protections which are apparently within this legislation. It has been suggested that 200 square metres is the normal maximum size for the kinds of businesses which would be covered by this Bill, but I take the Minister's point that if there must be an arbitrary minimum we at least ensure coverage of the businesses that are likely to fall within the ambit of the Bill.

MR BRYCE: Perhaps at the beginning of this section of the debate in the Committee stage I

ought to reiterate a broad comment I made in my response to the second reading debate. One clearly could have said that this problem was too tough and we would not persist because there were too many areas of grey which were capable of misunderstanding. However, we decided that because Clarke had recommended we proceed, because the Queensland Government had taken the plunge and because we knew that all Governments around Australia were agonising over the same general questions we are discussing right now, we would persist.

I cannot give members a guarantee that some of the problems they draw to our attention will not become apparent once the legislation comes into effect. Members opposite who have been closely involved in discussions within their party on this Bill know precisely what I am talking about. I do not seek to confuse or to mislead anyone.

The member for Gascoyne suggested that we classify this as an experiment. It is not so much an experiment as a first endeavour. I will not be recommending to Cabinet that we seek to go down every burrow in order that we continuously respond and overregulate. I am not in favour of that degree of regulation.

This is a commitment we gave to the people involved in this sector. We said that we would go this far if it were not practical to achieve a working arrangement between the parties concerned, and it appeared that was not possible. For that basic reason I want, as a caveat to our discussions, to say that we should not spend too many days in this Chamber philosophising about how we think the forces of the market are going to affect many of the clauses in the Bill. We would not reach complete agreement, and I daresay that members opposite among themselves would not reach agreement. I know that to be the case because I listened carefully to what they had to say during the second reading stage. I have already been down many of those alleys of discussion with officers of my department and people involved in the industry groups. We have looked at many of these issues and we have conceded that it is impossible to tie every bow and be satisfied that it is going to be beyond reproach. I will now turn to some of the specifics of the Bill.

I really said all I intended to say on the subject of the landlord definition at the completion of the second reading debate. I personally have read that definition and have no difficulty whatsoever in assuming that it means exactly what it says: The landlord is the individual under the lease who

grants the lease, and it does not involve the tenant who assigns the lease, the assignor. I know where the fear articulated by the member for Nedlands comes from.

Clearly there are two distinct points of view and they came to a head on every important matter that came up during the course of our consultations. The point I am trying to make is that as I read the clause, frankly I do not share the concern expressed by members opposite. The problems they see in it are not really there. But because it is so fundamental to the key interest group, the interests of which are represented within that clause, I am prepared to say, happily, that I will accept an amended definition, which we have had checked with Crown Law and which goes on to actually spell out the position of the assignor.

The member for East Melville has hit the nail on the head with regard to the question of 1 000 square metres. We have had to be arbitrary. Experience may prove that we have been a little expansive. Once again, there were two distinctly different points of view. One side of the equation may have suggested 10 000 square metres and the other side a few hundred square metres. This is a reasonable compromise for us to pursue.

The question of the definition of the lease perhaps could be pursued in more detail when we reach clause 13. Frankly I think we ought to let that work and give it a go then come back and have a look at it if it demonstrates in practice that it is creating difficulties. The issue of the definition of retail shopping was raised and I responded by way of interjection to the member for East Melville that there will be some non-retailers caught up in the definition of a retail shopping centre because it is intended that the legislation will apply to all "small shops" that comprise one of our typical suburban shopping centres. Clearly if there is a member of Parliament or a lawyer or some other professional non-retailer in the centre, for the sake of the Act and the definition all the shops in the retail shopping centre or in a small shopping centre comprising five or more shops would be classified under the Act as retailers.

With regard to the question of specifications it is our intention to take the other course of action as distinct from that adopted by Queensland. That is not because we think they were wrong—although perhaps they were; maybe they did it a clumsy way; maybe practice will prove it was even clumsier than the way we are attempting to do it. In Queensland the legislation set out two schedules, one being an extensive list of retailers

and the other a list of service-type organisations one would find in those small shops. They have discovered to their chagrin that they expect to have to keep amending it because as each year goes by there will appear in the marketplace more and more different types of shops and retailing services. We have tended to go to the other extreme and throw a broad net by definition around all occupants of a shopping centre, which is subsequently defined, and if we find there are people in small shops who seek to be included and taken under the auspices of the Act for good and valid reasons, that can be specified and spelt out. It is not intended to do it from the outset. The registrar may make some recommendations to the Government of the day and that Government may make up its mind for reasons other than those put to it by the registrar to specify for inclusion certain particular types of shops and occupants of shops around suburbia and country towns.

Mr Court: You are saying they will all come in unless in a shopping centre the ones who come in are specified?

Mr BRYCE: They will all be in by definition.

Mr COURT: I would like to assure the Deputy Premier that we are not philosophising about the Bill; we are debating the factual parts of the Bill. The Minister has said a number of times that over the last year he has been running up and down different alleyways in connection with this Bill. I am sure he has because we have always said that if one brings in this type of Bill which, by its nature, moves heavily into the field of regulation—something which all of us connected with small business would like to see reduced and not increased—one will be running up and down the alleyways.

I hope the Minister appreciates that we have had the Bill for only two weeks. In that time we have done the best we can to see how the Bill works, how it will work, and to try to avoid some of the problems we believe may arise. In so doing we have spoken to the people from REIWA, BOMA and the shopping centre retailers' association and a wide range of people affected by this legislation. I repeat the interjection I made: I hope the Minister does not take the attitude that there are two sides—the landlords and the shopkeepers—and that we happen to be the landlords. That is far from the case. Many members on this side have been or still are shopkeepers, and we know only too well the problems those people are facing. With that in mind we are making sure we have a very detailed look at this Bill because the last thing we want is for shopkeepers to be put in a

more detrimental situation as a result of this legislation. We have already raised one point. Clause 13 contains provisions which we have valid reasons for thinking will put some shopkeepers in a detrimental situation.

The Deputy Premier has replied to the question raised about the definition of "landlord" and "lease". I mentioned in my earlier comments that the addition of further definitions for "landlord", "assignor" and "tenant" would perhaps make things easier. The amendments the Minister will be moving to the definition of landlord will exclude an assignor. That is important, but at the same time the Government should also look at the definition of "lease". The Government should exclude from the definition of "assignor" the fact that the extension of the lease when an option is granted gives the new tenant an opportunity to have new power which I am sure is not really intended.

The other point the Minister did not answer was in relation to our contention that the Bill should exclude licences and the short-term or periodic tenancies which are quite common in some of these shopping centres. If the definition of "lease" is not amended we will end up with a situation in which the lessee, when he accepts the assignment of a lease, has the right to elect whether he will pay turnover rent. That is to be found in clause 7(1)(a). The lease has already been signed and the person signing the original lease has come to an agreement with the landlord on this matter. Admittedly, the landlord can refuse consent to assign the lease the second time around if the person does not agree to pay turnover rental. If he forgets to do that, at a later stage the second lessee had the ability to say, "Look, I want to make the turnover rent provision void". He ends up with an additional power which I do not think is really desired in this case.

By changing the definition of "landlord" the Government will achieve what it wants to achieve, but it should also change the definition of "lease". I also believe that additional definitions should be included in this legislation in order to simplify its introduction.

Leave to Continue Speech

Mr COURT: I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Mr Bryce (Minister for Small Business).

ABORIGINAL LAND BILL

Second Reading

MR WILSON (Nollamara—Minister with special responsibility for Aboriginal Affairs) [5.02 p.m.]: I move—

That the Bill be now read a second time.

I am pleased to be able to introduce into the Western Australian Parliament the Aboriginal Land Bill 1985.

This historic legislation represents a moderate and practical approach to Aboriginal land tenure questions. The neglect of previous Administrations in the history of Aboriginal development is well-known. This legislation does not dwell on those shortcomings. It seeks to recognise Aboriginal traditional connections to land and to present the most disadvantaged group in our community with a tangible and secure base for its future development without harming anyone else.

The legislation fulfils a Governmental commitment to provide a rational and fair system for Aboriginal people to seek title to land with which they have had either a traditional affinity or long residential association or use. This legislation has been arrived at by diligent and sincere processes, involving a wide range of community interests and viewpoints.

The use of a drafting committee consisting of representatives from organisations most likely to be affected by the legislation has enabled the accommodation of views in this process from the very first statement of principles issued by this Government on 17 September 1984.

Before commencing to describe the provisions of this legislation, I wish to place on record the appreciation of my Government to all organisations which took part in this process. It is pleasing to note that many of these organisations have been able to publicly endorse the course being charted in this Bill. Others have reserved their view until such time as the final form of the Bill is tabled.

This Bill reflects the commitment and integrity of those people, and will stand as a useful example of the way in which future Governments might incorporate community views in the drafting and legislative process.

The drafting committee has consisted of—

The Chamber of Mines of WA (Inc);

the Primary Industry Association of WA (Inc);
 the Pastoralists and Graziers Association of WA (Inc);
 the Australian Mining Industry Council;
 the Aboriginal Advisory Council;
 the Aboriginal Lands Trust;
 the Federation of Aboriginal Land Councils;
 Association of Mining and Exploration Companies (Inc);
 Australian Petroleum Exploration Association; and
 the Commonwealth Government.

Formal discussions also took place with the Northern Territory Government, representatives of the Australian Fishing Industries Council, the Country Shire Councils Association, some shires, and other Aboriginal groups.

Innumerable hours of effort and consultation have been put into producing a document and approach which is now presented for the consideration of the House.

As a necessary part of policies which date from as early as the 1830s, land has been set aside for the exclusive use of Aborigines. There is, therefore, nothing new in the proposition that land should specifically be made available for Aborigines. Control over land set aside in the past has remained firmly with the Government or other non-Aboriginal agencies, such as missions.

Currently, the Aboriginal Affairs Planning Authority Act 1972 vests control of reserves under the Aboriginal Lands Trust. The Trust is ultimately, however, an advisory body to the Minister.

The Government is proposing a new approach which will relinquish ministerial and other control over reserves, and vest the land area of reserves in Aboriginal landowners. At the same time, as Aborigines gain rights with respect to land, they will also incur responsibilities; for example, the payment of local shire rates.

The Aboriginal Lands Trust will be abolished and its advisory functions replaced by the regional Aboriginal organisations.

The Government's view is that the proposal will be a positive step towards removing currently existing oppressive elements of paternalism which are akin to a system of apartheid. The continuation of ministerial control over reserves and the lives of Aboriginal people is one which denies a lack of trust in Aboriginal people to manage their own affairs. This is no longer, in 1985, an acceptable approach.

Before moving to describe the scheme of the Bill, it would seem important to make some com-

ments in respect of the Commonwealth Government's preferred position.

Commonwealth legislation: The Commonwealth Government has made clear the principles on which it proposes to legislate later this year. There is no doubt that its position has moved much closer to that proposed in this legislation than many would have considered possible earlier this year.

The Western Australian Government has achieved major concessions from the Commonwealth's initial and preferred position. Equally, however, there is no doubt that the interests of the Western Australian community will not be well served by central legislation in this matter.

The one thing that cannot be denied is that if the Federal Government legislates in a way that disadvantages our State, it will have done so as a result of our inability to pass legislation that fills a vacuum into which Federal legislation can flow.

The Federal legislation will not suit the State in critical areas such as access, the duration for which the claim period for Aboriginal land will run, the methodology for the distribution and collection of royalties that may accrue from mining development on Aboriginal land, and the potential for unsatisfactory central control in the area of sites protection.

The opponents of this legislation will say that the Federal Government will not be able to legislate to affect us and that we should simply rely on those sections of the Constitution which speak about the inability of the Federal Government to resume land unless just compensation is paid. This view entirely neglects these two important factors—

- (1) The Commonwealth may choose to resume land that the State does not want to become Aboriginal land. It may choose to do so on the basis that it will compensate appropriately for that land.
- (2) The related difficulty comes when some assessment of the value of land is undertaken by the Commonwealth. Just compensation will certainly be open to argument and in the case of desert land, a valuation will be very difficult to achieve. This will inevitably lead to debate in Federal arenas, not known for their sympathy to State views.

The Federal Government's position is not presented to this House as a threat. It is presented on the basis that there is sufficient uncertainty about it for us to ignore the Federal prospect in favour of a more certain and acceptable State approach.

In any event, the responsibility of this Legislature is clear. Western Australian land tenure legislation should be considered and dealt with in a truly Western Australian context.

I shall now outline the scheme of the Bill.

Aboriginal Land Corporations: The scheme of the Bill is to vest title in local Aboriginal groups which are to be called Aboriginal Land Corporations. The corporations must consist of at least seven adult Aborigines. The administration of incorporating such groups will be carried out by the Registrar of the Aboriginal Land Tribunal. Existing Aboriginal bodies incorporated under the Associations Incorporation Act will be able, with the concurrence of the registrar, to convert to corporations under the provisions of the Aboriginal Land Bill.

Regional Aboriginal Organisations: The Bill creates nine Regional Aboriginal Organisations covering the entire area of the State. The Regional Aboriginal Organisations are to provide services and assistance to Aboriginal Land Corporations. The Executive of the initial Regional Aboriginal Organisation will consist of ministerial appointments. There is an 18-month period in which the interim Regional Aboriginal Organisation Executive will consult with Aborigines in its region to ascertain the preferred method of selection or election of future executives. The preferred system will be promulgated on a region-by-region basis by regulations approved by the Minister with special responsibility for Aboriginal Affairs.

Vesting of current reserves: All Aboriginal reserves, including community welfare reserves set aside for Aboriginal people, which are described in a schedule to the Bill, will vest automatically in one of the Regional Aboriginal Organisations in trust for ultimate distribution to Aboriginal Land Corporations.

Land claimable and protection of existing interests: Apart from the vesting of current reserves, all vacant Crown land, mission lands originally granted for Aboriginal purposes, and limited areas within pastoral leases for residential living, will be claimable.

The holders of existing rights which may be affected by a land claim—for example adjacent landholders—will have the right to appear before the tribunal and the tribunal must be satisfied that the enjoyment of such rights is protected before a land grant is recommended.

Grants of land will always be subject to the protection of rights in existence at the time of claim including lease arrangements entered into between the Aboriginal Lands Trust and Aboriginal communities over reserves.

Otherwise no private land, land leased from the Crown, or land which the Crown has contracted to sell or otherwise create a substantive interest, will be available for claim.

Basis of claim: In order to succeed an Aboriginal Land Corporation will have to show the majority of its members have—

- (a) An entitlement to the land in accordance with local Aboriginal tradition; or
- (b) A long association with the land by residence or use of those members; or
- (c) The corporation has specific proposals for the use of the land; that is, needs based claims.

Assessment of claims: All claims will be assessed by an Aboriginal Land Tribunal which will be constituted by a Supreme Court judge commissioned for the purpose. The judge will make recommendations with respect to an application to the Government of the day which must make the ultimate decision as to whether a grant will be made. In making recommendations and in deciding to make a grant the tribunal or the Government may recommend the imposition of or impose respectively conditions specifically with respect to the protection of the existing use and enjoyment of any interest or right affecting the land claimed or other land. In the case of unallocated land, the tribunal cannot make a recommendation in favour of a grant unless the grant is capable of accommodating the future use or management of that land or land contiguous to it or in the vicinity of the proposed grant land.

Tenure: Aboriginal land will be held under freehold title issued by the Land Titles Office. Such land may not be sold or mortgaged without prior consent of the Minister with special responsibility for Aboriginal Affairs. The Act will set out criteria pursuant to which such discretion may be exercised.

Time limit: Because the Act allows for ongoing consultation with Aboriginal people as to how they may wish to elect or select members of the Executive of the Regional Aboriginal Organisations, the period in which land claims may be made will run for four years from the expiration of the initial 18-month period from proclamation.

Access for hunting and fishing: Aboriginal people will be able to apply for rights to hunt and fish on public land—that is, land held by public authorities—provided they can establish a traditional entitlement. It is not planned to amend section 106(2) of the Land Act which allows Aborigines the right to hunt and fish in their traditional manner on unenclosed and unimproved parts of pastoral leases.

Application of laws: All existing laws including local government laws and laws with respect to resumption of land will apply to Aboriginal land granted under the legislation. Local council rates will be charged—this is not currently so for Aboriginal reserves. The current system of requiring entry permits to existing reserves will be phased out over a 5½-year period.

Aboriginal land used for commercial pastoral purposes is to be subject to supervision by the Pastoral Board on the same terms and conditions as for a pastoral lease under the Land Act.

No public lands—for example, land vested in Government authorities, national parks, forest reserves, public roads, stock routes, foreshores, etc.—will be available for claim.

Future Use for Public Purposes: Before it is able to recommend a land grant, the tribunal must be satisfied that the requirements for future use or management of the land for public purposes are able to be accommodated. Conditions may be imposed with respect to any land granted.

Protection of the interests of pastoral lessees: Up to two excisions will be allowed for pastoral lessees where cattle are run and one in the case of sheep-run pastoral leases. Any excision must not unreasonably affect the economic viability of a pastoral lease. Other more detailed criteria which must be referred to are set out in the Bill.

Land, the subject of a pastoral lease as at 17 September 1984 will not be available for claim, even if the pastoral lease is subsequently forfeited to the Crown; that is, Aboriginal pastoral lessees will not be able to convert to Aboriginal freehold title. Compensation will be payable to the pastoral lessees for any area excised.

National parks and conservation reserves: It is proposed to amend the Conservation and Land Management Act to allow—

- (a) Aboriginal representatives to sit on the State-wide policy-forming Conservation and Land Management Authority; and
- (b) joint management of selected national parks and conservation reserves will be allowed.

General access to Aboriginal land: The general laws of trespass and constraints on access applicable to all other landholders will apply to Aboriginal land. There will no longer be a general requirement to obtain a permit to enter onto Aboriginal land.

There will be right for the holders of existing interests who require access across Aboriginal land for the enjoyment of those interests to obtain access rights from the tribunal.

Access to Aboriginal land for mineral and petroleum exploration and production: The mining and petroleum Acts will contain specific provisions for access to Aboriginal land and access across Aboriginal land for mining and petroleum purposes.

In essence these provisions are designed to ensure protection of sites of special significance and improvements. There will be no power of veto and the principle of Crown ownership of minerals will be maintained. Compensation will be payable in respect of damage—including social disruption—to residential areas and improvements, and will not be linked to the value of minerals or petroleum, or to spiritual or religious factors.

Acts amendment Act: Amendments to the Mining Act with respect to access onto Aboriginal land will be introduced after the introduction of the amendments to the Mining Act arising from the Hunt inquiry.

An Acts amendment Act to make consequential amendments to the Aboriginal Affairs Planning Authority Act and the Conservation and Land Management Act will be introduced shortly.

Debate adjourned, on motion by Mr Hassell (Leader of the Opposition).

[Questions taken.]

Sitting suspended from 6.00 to 7.15 p.m.

CASINO (BURSWOOD ISLAND) AGREEMENT BILL

Second Reading

Debate resumed from 7 March.

Cognate Debate

MR PEARCE (Armadale—Minister for Education) [7.16 p.m.]: I seek leave of the House to deal with this Bill, and the Acts Amendment and Validation (Casino Control) Bill in a cognate debate.

Leave granted.

Debate Resumed

MR HASSELL (Cottesloe—Leader of the Opposition) [7.17 p.m.]: These two Bills represent the closing of one chapter in the saga of the establishment of a casino in Western Australia and the opening of another, although I know that the casino developers have not waited for this chapter to be completed before proceeding to the next, which is the development phase.

In that respect it should be noted that the developers have, with the encouragement of the Government, shown less respect for Parliament and the law than should have been shown. How-

ever, that is not the substance of what I want to deal with tonight, but rather I will deal with the legislation before us and what it represents in terms of the manifestation of the Government's handling of the whole situation.

From the very outset the Government has handled the casino affair very badly. While I do not intend to address the House at great length on this subject tonight, I want to put on record my belief that the Government's mishandling of the casino issue from beginning to end and its lack of acceptance of sound advice, even from its own advisers, has created an unfortunate situation and will lead to continuing difficulties for as long as it is dealt with in that way.

Secondly, I want to make very clear my belief that the inadequacies of the legislation now before the House will invite all those vices and deficiencies associated with casinos which have led a number of people, including the Royal Commissioner in Victoria, to recommend against a casino in that State. Indeed they have led many Governments to decide not to have them.

The mishandling of the issue and the poor legislation fulfill all the predictions I made last year when we dealt with the Casino Control Bill, the essence of which was that the Government has sought to involve itself in an intimate way with the whole operation. Instead of standing back and ensuring that a matter as sensitive as the casino issue, with all the huge monetary and gambling interests involved, was handled independently and at arms length, this Government has involved itself very directly through its Cabinet and its Ministers.

The Government caused a great deal of difficulty to the developers by that mishandling and it has created much rumour and innuendo around this town about the developers and their activities. Not all of the rumour relates to the developers; much of it relates to Ministers who have been dealing with this matter, and their involvement. Many allegations have been made against them.

All of those things would have been avoided had the Government taken the advice of its own Casino Advisory Committee. That committee reported in November 1983 and the report was released some weeks later.

It will be recalled that the report was compiled by a committee the membership of which comprised Mr Keith Shimmon, from the Department of Administrative Services, the former Chief Secretary's department, who was the chairman; Mr Noel Semmens who was the Director of the Department of Tourism; Mr John Porter, the

Commissioner of Police; and Mr Douglas Brown, the Assistant Crown Solicitor.

Members will recall that the committee was divided equally on the question of whether there should be a casino. Paragraph one of the summary of reports and recommendations reads as follows—

The Advisory Committee is equally divided on the issue of establishing casinos in Western Australia. Both the Commissioner of Police and the representative of the Crown Solicitor are opposed to the introduction of casinos and their respective views are attached as Appendices C and D of this report. The Director, Department of Tourism, is in favour of a casino and his views are contained in Appendix B. My detailed report appears as Appendix A.

The "my" in this case was Mr Shimmon.

Two members of the committee said, "Yes, we should have a casino" and two members said, "No, we should not have a casino". So the Government was able to say that it did not have any conclusive advice on that question and was able to proceed with its previously committed policy position to have a casino.

However, on one very important matter the committee was unanimous; that was the manner in which a casino should be handled if in fact there was to be one.

In paragraph 10 on page 3 of the summary and recommendations the committee said this—

The Advisory Committee agreed that if a policy decision was made by the State Government to permit the establishment of casinos, the following course of action, prior to any negotiation or discussions taking place with prospective licensees, is recommended.

- (a) The Government should by legislation, establish a Board or Commission with the authority to license and control the establishment and operations of a casino or casinos in Western Australia.
- (b) Any casino should be owned and operated by private enterprise under strict control by Government.

All major reports in Australia have recommended against Government ownership of casinos and the Committee agrees with this view.

- (c) The prospective licensee company should be owned and operated by Western Australians as far as is practicable.
- (d) Any licensee should be granted exclusive rights to casino operations for a specified

period and within a stated geographic area.

- (e) Specifications for the casino complex should be detailed in the conditions.
- (f) The conditions should also detail the method of taxation and/or license fees.

In paragraph 11 it went on to say—

An efficient and effective control method can be developed by adapting procedures established in Tasmania, Queensland and the Northern Territory models.

Referring to the requisite legislation, paragraph 13 (b) contains the following significant comment—

... the legislation should include the following basic safeguards and a Bill should provide for:

- (b) Power for the Minister to approve, reject or defer an application on the recommendation of the Authority. The power of approval should contain a right to make the approval subject to the fulfilment of general or specific conditions. Applications approved by the Minister should be granted by the Authority, which should also have the power to renew a licence for a specific period.

Subclause (k) contains another vitally important provision recommended unanimously in respect of the legislation. It reads as follows—

- (k) Power for the Authority to investigate and grant, reject or cancel licences for croupiers and other staff employed by the operator in casino gaming. Similar powers would be needed by the Authority in relation to its own inspection staff.

Those were some of the basic provisions that the Government's own committee recommended. I referred to these matters when we debated the first legislation introduced in relation to the casino last year. I said that that legislation was inadequate; that it did not provide sufficient safeguards; and that the Government was then going about the matter in the wrong way.

I pointed out that even at that stage the Government was proceeding to involve itself in a very direct, and in the case of the Minister, in a very personal way in the granting or otherwise of a licence. However, the Government took no notice and it just went along with this method it had adopted of involving the Minister. A genuine casino committee with control, power, and statutory authority was never established.

In fact, so lacking in independence was the Chairman of the Casino Advisory Committee, that he was able to be photographed in a London gambling club with the successful contender, Mr Dempster. It is not Mr Dempster's fault, but it is the Government's clear fault and lack of responsibility which allowed a situation to arise in which the chairman of the Government's supposedly independent committee was travelling the world with the prospective casino operator.

What a fundamental breach of the need for independence and for a clear public profile of the integrity of and the separateness between the casino operator and the control authority. It really is quite disgraceful that that occurred, yet I understand that it did occur, and we see that kind of approach being adopted all the way through.

The Government has never understood that in this matter it is playing with dangerous matches likely to ignite a very sizeable issue of corruption and the breach of laws relating to the operations of this kind of business.

If this Government had wanted to deal with a casino properly, it would have taken the matter away from the Minister and done what its own committee advised it to do, which was little enough. It was not an extreme report; it was a balanced report that sought to say to the Government, "We can't agree on whether you should have a casino, but if you are going to have one, do it the right way". This Government has never dealt with a casino in the right way.

Mr Davies: None of the concerns you have read out said that the Government mustn't take an interest in forming this. You seem to be looking for the right one.

Mr HASSELL: Of course the Government would show interest in the matter; what a silly statement. The Minister has not picked up the main thrust of the key recommendation in paragraph 10 (a)—

The Government should by legislation, establish a Board or Commission with the authority to license and control the establishment and operations of a casino or casinos in Western Australia.

Mr Davies: That has been established and will be done.

Mr HASSELL: But it is not being done. The Minister should look at one of the key provisions of the Acts Amendment and Validation (Casino Control) Bill. I looked at it to ascertain the protection the State will have against a wrong kind of operation. Suppose this State was confronted with operators who moved into that casino and they were associated with a vice ring and crime and

corruption—I am not suggesting that Genting Berhad would do this. The key protection, which everyone all over the world recognises as the key protection, is the power to take away the licence.

Mr Davies: The board can do that.

Mr HASSELL: The board will not have the power to take away the licence, and that is the whole point. The Minister responsible would take away the licence, not the board. The board would investigate and recommend to the Minister. That is one of the most fundamental weaknesses in this whole legislative package. We have not seen the Government prepared to relinquish the effective control to a board of citizens whose integrity and strength are above reproach. Instead, the Government wants to continue to be involved in the day-to-day operations of the casino to the extent that it is the Minister who would take away a licence.

Mr Davies: *Ipsa facto* you are suggesting that the Minister could be corrupt.

Mr HASSELL: Of course he could. What about Mr Jackson?

Mr Davies: What happened to Jackson?

Mr HASSELL: Eventually he got caught, but that was a long way down the track. The Minister has suggested that I was not right in saying that it was the Minister who would take away a licence if any licence were to be taken away. I refer him to the second reading speech notes for the Acts Amendment and Validation (Casino Control) Bill where it provides for the Minister to act on reports or recommendations of the casino control committee and for the Minister to suspend or revoke a gaming licence, but only after giving 14 days' notice.

That is the most important symbol of everything that is wrong with the way this Government has established the operations of this casino. The Government has not relinquished to an independent body the very essence of the control over the granting of the licence and over the withdrawal of the licence in the event of wrongdoing. The controls and the protections have been inadequate in all stages of the development.

We have seen a Minister, who promised that certain procedures would be followed in relation to the environment, decide when time ran out, when his promises to the developers could not be fulfilled if those requirements had to be met, to throw them overboard. We have seen the town planning procedures ignored and everything to do with the normal requirements in that respect ignored.

I am not saying that in every case of every development all those procedures are necessarily

appropriate, but what I am saying is that the Minister made a public commitment on those environmental reports. Of course, I am talking about the Minister responsible, Hon. Des Dans. He made a public commitment but he did not fulfil it; he threw it overboard when it became inconvenient. Neither the Government nor the developers has made the slightest endeavour to comply with the normal planning procedures.

We have seen legislation brought to the Parliament and put through with tremendous speed. I acknowledge that we have agreed to the debate coming on today after only four days.

Mr Pearce: I offered to give the second reading speech on Wednesday so you could have more time, but you didn't want that.

Mr HASSELL: As the Speaker himself said some days ago, the procedures and forms of the House should not continually be overthrown. The Government brought in the Bill on the day it could get it here, and in the normal course of events it would have expected the Bill to be debated in a week. The Government asked for it to be brought on tonight and we agreed, and we are not complaining about that. What I am saying is that the whole of this legislative package, from beginning to end, has been dealt with by Parliament with tremendous haste. It is not simply the matter of the second reading stage taking place now.

The procedures required of other developers have not been followed although I have said that they are not always appropriate for major developments. Nevertheless the Minister did undertake to see to it that certain things were done but he failed to follow that undertaking right through.

All this goes back to my essential point, which is important because it is related not only to where the Government has failed now in its handling of the casino but also to the future, and that is what concerns me.

Last year in this House I said that I opposed the establishment of a casino. I have never wanted a casino built. At the same time, if we are to have a casino, the most important thing is that it be under proper control, because there is not a place in the world where casinos have not given concern to people at some time. The natural tendencies with casinos—I do not know the reason for it but it is a fact as has been set out in reports of Royal Commissions—are that they attract vice, corruption and organised crime as part of their general operation.

Mr Davies: That is a fairly sweeping statement.

Mr HASSELL: It is sweeping—

Mr Davies: Give us some proof.

Mr HASSELL: Look at London.

Mr Davies: That is not "anywhere in the world".

Mr HASSELL: The member asked me to give an example and London is just one. Look at the trouble they have just had in the Northern Territory.

Mr Davies: The Government socialised them.

Mr HASSELL: It was because of dissatisfaction on the part of the Government with the private operators.

Mr Pearce: I think it was dissatisfaction on the part of the Government. It wanted a better deal and a greater return and it reneged on an agreement it had made and kicked out the operator.

Mr HASSELL: If the Minister wishes to criticise the Northern Territory Government about that I say, "Please do so, it is up to you". The Minister's Premier has been lauding the Northern Territory Government and its leader for some days, because he thought there was some advantage to him to do so. If the Minister wishes to take the opposite tack it is up to him. What I am saying is that everywhere in the world where the matter of casinos has been considered it has been deemed necessary to have the independence of a commission with appropriate powers. We do not have that situation here; we have a Government which has meddled all the way through. In the course of meddling the Government has done a great disservice to the developers who wanted to get on with the job in a professional way. It is the Government which has brought down on the heads of developers all the problems and it has caused the public arguments.

Of course it was apparent that the Government would have trouble with Burswood Island as a site and I made that clear a long time ago—when I first heard about it. It is one thing to have a parliamentary decision that there should be a casino—and once the Parliament had accepted that that was the end of it as far as I was concerned. I will not try to sabotage someone who has the agreement of Parliament to build a casino, even though I oppose it and did oppose it in the Parliament at the time. I have taken that view with other matters; where someone receives the approval to do something he ought to have the right to exercise that approval. I have believed that ever since the casino developers were given the right, by this Parliament, to develop a casino; they should be able to exercise that right. However, the developers did not have the approval of this Parliament to build the casino on Burswood Island.

I told the developers from the outset, and I made it clear publicly, that they would have

trouble with the concept as long as the casino was to be built on Burswood Island, because many people in the community are vehemently opposed to the use of Burswood Island—

Mr Pearce: Do you think the people would prefer the rubbish tip and the cement works there?

Mr HASSELL: That is childish and the Minister can do better.

Mr Pearce: Nevertheless you should answer that point, because Burswood Island is no paradise the way it stands now.

Mr HASSELL: No, it is not. There are certain parts which have been a mess for a long time, but the Minister should remember that a long-term plan has been in existence, by agreement with the Perth City Council, for the development and beautification of that area and that plan has been progressing. Now the Minister talks about people preferring a rubbish tip and cement works. Is the Minister saying he will get rid of them?

Mr Pearce: They will ultimately go.

Mr HASSELL: They will ultimately go anyway, it depends when "ultimately" is. When does the Minister say the cement works are to go?

Mr Pearce: There is no planned time.

Mr HASSELL: Of course there is not, so what a silly point it was to bring in the matter of the cement works.

The simple fact I am trying to get across to the Minister is that there are many people in Western Australia who do not want a casino on Burswood Island. There are some people who do not want a casino at all, but that argument is finished. It was finished in this House last year, as far as I am concerned. We are to have a casino, and that is that. As I said it was never my view, and it still is not my view, that people who have the authority of this Parliament to do something should be then sabotaged by others trying to undermine them. I have never taken that approach. However those people did not receive the authority of Parliament to construct that casino on Burswood Island. That was a different issue and there are many people who do not want that casino on Burswood Island. That fact will continue to give difficulty to the developers, and that difficulty is compounded by the way in which the Government has dealt with the issue.

I keep coming back to that point because it is the essence of the matter, not only in terms of the past, but also in terms of what will happen in the future. The Government should have taken its proposal, as a Government, for a casino, and it should have enacted appropriate legislation—complete legislation, not the half-baked Bill which was put

through this House last year; the Bill which completely failed to provide for the procedures, penalties, and protections to which the community is entitled.

If the Government had introduced proper legislation and created under that law an independent commission to deal with a casino, applications, and assessment, even if the Government had wanted the Minister to come in somewhere on the final approval of the development, and given that commission the authority to grant a licence and to approve the development and deal with all these matters, it would not have been mucked up as it has been the past few months. The Government must admit that it has not demonstrated a neat handling of this matter.

It has not been the easiest row the Government has hoed. The situation has been difficult because of the way in which the Government has handled the matter, and the way it has had a Minister messing around. It has set up a committee without sufficient authority. It has inadequate legislation, inadequate guidelines, and developers not certain of where they are going.

For instance, the developers were required by the Government to keep secret the details of the development for a long time. Why was that restriction imposed on the developer? Why was the developer required to keep secret the plans? Was it to suit the convenience of the Government? Was it to suit its publicity machine? I do not know the reason.

Mr Pearce: The developer is as happy as Larry about the whole business.

Mr HASSELL: I am not saying that they are not. I am saying that the Minister mucked up the whole thing in the way he handled the matter. The Minister has created a situation in which the developers have had a harder task in terms of the development than they should have had if the matter had been dealt with properly and the public had been protected. That is the key interest we have or should have in this House—the protection of the public.

What concerns me now, and what concerned me a year ago when the Bill was passed, was the fact that if we are to be saddled with a casino we should provide the public in this State with adequate safeguards and protection. I found in this legislation a complete lack of that. We have inadequate legislation with a complete lack of an effective supervisory system.

I wish to quote part of a legal opinion we received on the matter. The first paragraph states—

There are several agreements referred to in the casino agreement that we have not seen; these are the project management agreement; the operation management agreement; the Burswood property trust and its trustee and the foundation agreement. All these agreements are obviously vitally important and should be considered.

What the Government has brought to Parliament is about a quarter of the story. There is no evidence of the adequacy of the arrangements that have been made and no-one can assess the adequacy of these arrangements without seeing the whole agreement structure.

Nobody can be satisfied that we will have a controlled casino which is genuinely required to comply with the law to keep its operation clean and tight to ensure that all the revenues that ought to be provided are paid when no adequate provisions are built into the legislation to require the casino licence to be revoked as a result of breaches of the proper procedure; instead of such a provision, we have the cancelling of the licence by the Minister after a report, if he so decides. The word used in the Bill is "may". He is not required to cancel the licence although all kinds of wrongdoing may be proved. It is ridiculous for this power to be put in the hands of the Minister.

Mr Pearce: Are you suggesting that whoever operates it should not be answerable to the Minister and the Parliament?

Mr HASSELL: I am suggesting the control in respect of the granting and withdrawal of a casino licence should be in the hands of a totally independent statutory authority. I am not talking about policy decisions, I am talking about the administration of a law relating to how the casino is operated. The law the Government has put up is totally inadequate, and the procedure to enforce the law is riddled with holes and other shortcomings.

Mr Pearce: What accountability process would you see in keeping this statutory body honest? At least in Parliament the Government and members can be kicked out.

Mr HASSELL: We have seen how accountable the Government is in terms of corrupt decisions. We have seen that in the last week. We have seen how interested the Premier is when his own Attorney General goes against the words he has uttered. Do not try to kid us with any talk about parliamentary accountability in that sense. The fact is the Government has not set up a law and an administration which is adequate. It has not set up an adequate enforcement or penalty procedure for this casino. The Government is playing with fire.

The Government has dealt with the matter foolishly and is continuing to do so with this legislation.

I am not concerned in this debate to talk about whether we should have a casino; we are going to have a casino. I am not even concerned to talk from my personal point of view about Burswood Island being the site.

Mr Bryce: Your battalions do not agree with you.

Mr HASSELL: I am concerned about the aspect I was concerned about last year: The Government is not dealing with this matter in a way that gives me or the public any confidence in the maintenance of the level of integrity and honesty that is essential to a casino in Western Australia. It is for that reason I expressed my grave reservations about both of these Bills insofar as we are able to assess them, given that the Government has hidden much critical information from the public.

MR MACKINNON (Murdoch—Deputy Leader of the Opposition) [7.48 p.m.]: I want to place on record, as I have done previously in this Parliament, a vested interest, so to speak, in that I originally opposed and still oppose the development of a casino on Burswood Island or anywhere else.

Mr Pearce: Will you differ from your leader by indicating how you will vote on the legislation?

Mr Hassell: Don't you know that the Opposition has a non-party directed vote on this matter?

Mr Pearce: You didn't indicate how you were going to vote.

Mr MACKINNON: The member for Mandurah finds it funny that members on this side have free votes on issues such as this. For as long as he and the member for Welshpool have been here they have never had that privilege, nor will they. That is a critical difference between our two parties.

The decision to establish the casino has been resolved and we will not argue with that. However, like the Leader of the Opposition, I, too, am critical of the way the Government has handled this matter. There has been an air of uncertainty about decisions by the Government and an offhand treatment of the community and public interest in the issue, and a continual and repeated contradiction in statements made by the Government. The Government may say I am nitpicking because the casino will be built, so what is the difference? There is a difference and there is a need to examine what has been put before the Parliament when this legislation establishes a casino on public land with public involvement, which will be there for an awfully long time.

If the performance of the Government to date in this matter has not been good, what confidence have we that it will be better in future? To demonstrate what I mean I will turn to the speech of the now Minister for Minerals and Energy when he introduced the Casino Control Bill to this Parliament on 29 May 1984. For the benefit of this demonstration I will use only the first three pages of the speech and indicate the inconsistencies and the reasons we do not have a great deal of confidence that all will be rosy in the garden in future, as it has not been in the past. In the second paragraph of this speech the Minister said—

The decision of the Government was made having due regard to the report of the Government Casino Advisory Committee which was established in March, 1983. The Committee submitted its report to a Cabinet sub-committee in November 1983. The report has since been made public.

I had prepared a deal of material to demonstrate how the Government had ignored that committee's advice. The Leader of the Opposition has adequately covered that for me, and it is enough to say that that statement was clearly wrong. The Government has not followed some of the key recommendations of the committee, and if one looks at the essence of the casino's establishment, it will be seen the committee did not advise that at all. The first premise on which the casino was established has not been carried out by the Government.

Just a little further on, in the fourth paragraph of his speech, the Minister said—

The most appropriate site is one which is at present underutilised, in need of development and is isolated from adjacent residential areas, but close enough for the local community to benefit from the ancillary development.

If one refers to the *Southern Gazette* of 14 August 1984 one sees exactly what the local community thought about the choice of Burswood Island as the location. The response to a survey the newspaper carried out in its areas was so great the newspaper was dumbfounded; it did not believe the issue would generate so much public feeling.

Mr Pearce: How did they run the survey?

Mr MACKINNON: The newspaper published a series of articles and then printed a coupon for readers to send in. It received, I think, in excess of 800 responses which was quite staggering from the newspaper's point of view when compared with surveys it had done before.

Mr Pearce: What were the percentages?

Mr MacKINNON: Some 84 per cent of respondents did not want a casino built in the local area and more than one-third of those who completed coupons did not wish to have one constructed in Western Australia at all. The Minister had indicated in May that the casino would be close enough for the local community to benefit. The local community does not want the benefits, but the Government has seemingly ignored the matter in this instance.

In the next paragraph of his speech the Minister made a categorical statement as follows—

When announcing the decision to select Burswood Island as the site the Government was very careful to qualify such announcement by stating that any proposal would be subject to satisfactory transport, environmental and planning requirements being met.

That was in May. In April of that year in a Press statement issued by the Department of Premier and Cabinet, the following sentence appeared—

It will be established on Burswood Island, subject to satisfactory transport, environmental and planning requirements being met.

That is quite categorical; the statement clearly would lead one to believe that the proper courses would be followed in that regard.

Again, my colleague in another place, Hon. Phillip Pental, received a letter from the Minister for the Environment dated 14 September 1984, in which, in response to Hon. Phillip Pental, the Minister said—

The Authority has now recommended that an Environmental Review and Management programme should be prepared after the Government has selected the final proponent. I have forwarded this advice to the Minister for Administrative Services, who is responsible for the casino proposal.

Again, only two weeks later, on 25 September, in the Government's own publication, *W.A. Government Notes*, it was stated—

An environmental study of the impact of a casino on Burswood Island was always the Government's intention, and the necessary consideration was well under way, the Minister for Administrative Services, Mr Des Dans, said.

On 21 February, an article by Mr Paul McGeough appeared in *The West Australian* under the heading "Government goes back on ERMP deal". Again, my colleague, the member for South Metropolitan Province, Hon. Phillip Pental, contacted all departments involved which indicated that no work had been done or is pro-

ceeding on the transport, environmental or planning requirements. I know the Minister will tell me that he has some new scheme to deal with the environmental problems on Burswood Island. However, these statements by the Government have been clear and categorical. They were not made by the Opposition. The Government has therefore changed its mind completely on this matter; that would lead one to have little confidence in the fact that it will not change its mind in the future about what is going to happen about the casino.

My concern is heightened when I consider the lack of information that has been provided to the Opposition, as the Leader of the Opposition indicated. The Minister may point out in his response that the planning and environmental requirements need not be satisfied for every development. Be that as it may. There have been precedents before and there will be again. What I am saying is that the Government made clear in categorical statements what it would do. The public was led to believe that these programmes would be carried out. Because of mismanagement, as the Leader of the Opposition pointed out, the programmes were not carried out. That leads me again to have little confidence in the future handling of this issue by the Government.

As is indicated in the next paragraph, the Minister said in May last year—

This will require extensive negotiations with the Perth City Council and the Metropolitan Region Planning Authority in particular. Any final decision to locate the casino complex in a defined area within Burswood Island may also require parliamentary sanction.

I will not comment about what happened with the Perth City Council; that is, for it to talk about. However, I will comment about what happened with the Metropolitan Region Planning Authority. I quote again what the Minister said last May: "This will require extensive negotiations". That was confirmed in August last year when Hon. Phillip Pental asked a question of the Minister for Planning.

In the *Daily News* of 21 February, under the heading, "Casino: MRPA not told" these comments were reported—

The Metropolitan Region Planning Authority has not been told formally that a casino is to be built on Burswood Island . . .

"In the normal course of events any development abutting a reserve would have to come before the MRPA," Mr McKenzie said today.

"There has been no formal approach."

Mr Pearce: As the responsible Minister, I personally discussed the casino's placement on Burswood Island, on a number of occasions. Although it is the case that no formal approach was made to the MRPA seeking a decision, it was not necessary to do that because a decision had been made to present the issues to the Parliament in the form of a Bill. That is why it was not approached in a formal way. However, it knew because I had discussed the matter with the head of the MRPA.

Mr MacKINNON: That may be the case, but the Chairman of the MRPA said in the article, "No formal procedures have been followed in the approach to me". The Minister could well have met him at a social function and talked to him there.

In May last year, the Minister at the time indicated that there would be extensive negotiations which would lead to the proper processes being followed. That has not occurred, no matter what the Minister might say otherwise.

The Chairman of the MRPA, the Government's appointee, has confirmed that publicly. Perhaps the most important point from my point of view, comes on page 4 of the Minister's speech.

Mr Pearce: You were going to quote only from the first three pages, but we will not quibble.

Mr MacKINNON: I am sorry; I have turned up the fourth page. That, again, was an inane interjection. The Minister stated—

Parliament will be afforded the right to deliberate on the terms of any agreement reached between the Minister and the developer. Part III of the Bill provides that a casino agreement is not enforceable by any party thereto unless and until it has been ratified by an Act, and no action or other proceedings may be brought in relation to a casino agreement until it has been so ratified.

Again, it seems that that privilege has not been accorded to the Parliament.

I draw the attention of the House to information that is defined in the Bill but was not provided. For example, question on notice 2496 asked the Minister representing the Minister for Racing and Gaming—

Will the Minister table in the Parliament a copy of the "Foundation Agreement" referred to on page 7 of the Casino (Burswood Island) Agreement Bill?

We are not to have access to that. I asked similar questions in relation to the operation management agreement and the project management agreement. The answer from the Minister was "No". I would have thought that all of those pieces of information would have been provided to the Parliament so that we could make a reasoned decision on what the development proposals were. I would have thought the same would have applied in relation to the operation management agreement and the project management agreement. Those are important issues about which the Parliament should be acquainted. The public has a right to know about those agreements.

I come back to the one area about which the Minister said I could have information. It relates to the actual development proposals and in question on notice 2499 I asked whether the Minister could supply me with a copy of those proposals. The answer was, "No". He said that only one copy was available and, on behalf of the Minister for racing and Gaming, he was prepared to make it available for perusal by any member. It seems strange that the Government has only one copy available. It is so strapped for funds that it can spend \$120 000 on a land rights advertising campaign but cannot run off one copy of those proposals!

I then asked my secretary to ring the Minister's office. The secretary's note states—

Spoke to Mike Cole who has spoken to the Minister who now has the development proposals locked in his safe.

Mr Dans is happy for you to examine these in his presence and would he please nominate several dates to see which one is suitable for the minister.

Dates offered i.e. Wednesday and Thursday of this week not satisfactory.

Hardly what I call a reasonable approach for the Government to take on a matter which is now before the Parliament. I was not aware when I asked for the information that we would be debating the issue today. I still have not had access to what are important pieces of information at a time when members of Parliament are debating a Bill of such importance.

It seems to me that Parliament has not been afforded the right to deliberate on the terms of those relevant agreements.

Another inconsistency which concerns me relates to the purchase of the land. I refer to an article which appeared in *The Western Mail* and

which was written by Martin Saxon who drew the attention of the public to the fact that the Premier had said that Cabinet thought it was not appropriate to sell the land. If my memory serves me correctly, and from the documents to which Martin Saxon had access, I do not think any other developer wanted to buy the land because most of them wanted to lease it. We were subsequently told that the land would be sold because it would be the only way the project could be financed. It was a surprising turnaround in light of the fact that the successful developer was chosen because of his financial strength.

Mr Pearce: And the cleanliness of the operation was a major factor.

Mr MacKINNON: I am not reflecting on that. I am referring to the inconsistencies that I have already explained.

Mr Pearce: Did you handle an agreement in which you did not get everything you wanted?

Mr MacKINNON: I have never handled an agreement which was as important as this issue.

Again I go back to the point which I believe is most important; that is, the lack of information which has been available to the Opposition. I have covered each of those areas which I feel are important and I will refer to them again during the Committee stage.

I did not see anything in the agreement which states that the Government should be provided with any justification on how the revenue estimates of the casino are reached. We have heard that \$6 million or \$8 million will be received by the Government, but where does the agreement say that a cash flow document or budget should be provided to the Government in order to ascertain whether the project should proceed or whether some change should be made? I would have thought that would have been an important issue regardless of who the successful developer may have been, especially if the best interests of the State were to be taken into consideration.

Where is there any justification or explanation in regard to how the figure of \$30 million was arrived at for the purchase of the land or how the 15-year term of the exclusiveness of the operation for the developer was reached? No doubt there must be some period of exclusiveness, but I understand that both figures were specified by the now successful developer. Bearing in mind that this State and the people of Western Australia have an interest in the casino development, how were the figures arrived at and what evidence do we have to prove that they are appropriate?

A further point I would like to raise concerns the use of Burswood Island as the site for the

casino. It appears that the Government has not closely looked at alternative uses for Burswood Island. While it has been used as a rubbish tip, it is equally true to say that most of the banks of the Swan River which have now been developed were originally rubbish dumps. One need look only at the parks in Attadale and the various parks on the banks of the Swan River as well as what has happened in South Perth and on Heirisson Island to see what development has taken place. It concerns me that the Government has not considered all the options available for the development of Burswood Island. Not one of the options open to the Government has been given any consideration. More thought should have gone into the exact location of the casino and alternative uses for Burswood Island should have been considered in relation to its benefit to all Western Australians in the long term.

All the issues I have raised show the inconsistency of this Government and the way it has gone back on the commitments it has made. It does not give me great confidence in the ability of the Government to ensure that the development will proceed in the best interests of Western Australia. I cast no aspersions at all on the people who are undertaking the development, but I am referring to those people who are entrusted with looking after the interests of the people of Western Australia. I will watch with interest to see how this project develops in the future and how the Government will ensure that it keeps a close watch on the development in the interest of all Western Australians.

MR PETER JONES (Narrogin) [8.17 p.m.]: What the deputy Leader of the Opposition has said illustrates what this debate is all about. I was not present in this House when the basic casino legislation was presented to the Parliament late last year. Due to a bereavement in my family, I was in Tasmania. Had I been present at that time I would have made my position clearly known and I would have opposed what was put forward to this Parliament by the Government. However, that has no relevance to the situation with which we are now faced and which we are now discussing. The Parliament has decided that a facility of this kind will be created.

What we are now being asked to ratify is a negotiated agreement which brings that facility into being. The detail that is involved in that is, as far as I am concerned, of little or no relevance. As far as I am concerned, other speakers have dealt with that matter and I have no need to go over it.

The main point is the way in which the Government goes about the business of the people of this State—the way in which projects should be dealt

with and the way in which developments, quite significant developments such as the one associated with this project, are chosen. Unfortunately, the way in which this proposal has been developed follows the pattern that has emerged in several other areas where clear undertakings which have been given in advance have not been honoured. They have not been dishonoured in terms of being forgotten or somehow allowed to drift, but they have been blatantly torn aside and then some excuse is given such as, "We found we could not do it. The MRPA was consulted and we decided to bypass all the plans and procedures which had been promised. We have decided to scrap the procedures, but we will show them in the agreement and the Parliament will agree with it".

Mr Pearce: You can vote against it.

Mr PETER JONES: That kind of remark is exactly what the debate is about—not the detail, but the way the Government goes about the business of the people of this State. Whether the Government likes to acknowledge it or not this whole deal is tainted with a whiff of corruption.

Mr Pearce: Rubbish!

Mr PETER JONES: It is exactly what the Minister has said—the whole thing is a load of rubbish.

In this instance the Government has not gone about the people's business in an open and honest way, or in accordance with its own undertakings. One of the basic requirements of any elected Government is that the decisions it makes on behalf of the people, and for which it answers every time it goes to the people, and the total business of Government should be conducted openly with confidence and integrity so that any decision that is subsequently questioned or disagreed with can be dealt with by the Government with integrity and honesty. Not everyone will agree with those decisions; that is one of the advantages of the political process—people can question and disagree with decisions. In this case, I do not agree that we need a casino in the way it is proposed to establish one. However, I am not arguing that point; it is behind us and the decision has been made. We are now talking about the way the Government, in conjunction with those wrapped around it, has gone about carrying out a decision made by this Parliament in the latter part of last year. The Government has ignored the advice of those it appointed to advise it and that has been clearly indicated. Also when questioned about why it has not honoured the undertakings given, the Government has refused to give reasons. Perhaps tonight the Minister handling this Bill might tell us exactly why the Government chose not only to

ignore the advice of its appointed advisers but also to go back on the undertakings given. The answers to those questions have not yet been given.

I remind the Minister that on 22 August last year Mr Dans said that foreign investment would not be permitted because these people were not the sort we wanted running our casinos. Perhaps the Minister handling this Bill can tell us why. There may be a valid reason, but there is no need to treat the Parliament and the State with contempt; the Government ignored an undertaking given by the Minister responsible for this matter.

As we have heard tonight, the Premier gave a specific and clear undertaking about what would happen—the type of studies, surveys, inquiries and procedures that would take place. Without exception those undertakings have not been honoured. Not just one or two have been ignored; nothing he promised on 4 April 1984 has been completely honoured, including the transport study and the full environmental procedures that would be open for public consideration and comment. The Minister for the Environment was heavily embarrassed on this subject because he answered a question in Parliament saying that all the procedures would be undertaken. He made a commitment and we know that he was later told in Cabinet that these procedures would not apply.

Mr Pearce: You do not have any idea what went on in Cabinet. You did not even know what went on in your own Cabinet.

Mr PETER JONES: Perhaps the Minister can tell us by what method and on what occasion the Minister for the Environment was overridden. He certainly has been overridden and he has acknowledged the fact in the Press. He admitted that the procedures which were to be undertaken and to which he had made a commitment by way of answer to a parliamentary question and by letter had, in fact, been aborted on orders from a higher place.

In this matter of taint we have the question of the way freehold or leasehold land is to be made available. In fact, as late as last November, Mr Dans made it clear that no freehold land would be involved. He made that absolutely clear on 20 November 1984. However, it is now known that some weeks prior to that date the successful applicant was aware that freehold land would be involved.

Mr Pearce: That is not true either.

Mr PETER JONES: Would the Minister for Education like to place the comment he has just made by way of interjection on record when he speaks?

Mr Pearce: I will stand up in 21 minutes and make my speech.

Mr PETER JONES: If the Minister places that on record I shall be delighted because the statement will come back to haunt him.

On 20 November 1984 Mr Dans said that Cabinet did not think it appropriate to sell Crown land and that it had been agreed to make Burswood Island available on a 99-year lease. That was his last statement with regard to leasehold and freehold land. There were earlier statements but I will not waste the time of the House by going through all the statements. I am merely using that as an example, as other examples have been given by the Leader of the Opposition and the Deputy Leader of the Opposition, of undertakings that have been given and are now tainted with the whiff of corruption.

This is not some idle speculation by a person in the media or from somebody commenting from a remote position on what might happen. This was made by a Minister of the Crown, the Minister responsible for the development who went to Malaysia and was in cahoots with the people involved. This Minister gave the undertaking a few short weeks ago. By way of interjection the Minister for Education—and also the member for Scarborough from the wrong seat—said that we all knew that the development could not be built on leasehold land.

Mr Pearce: That is not what he said.

Mr PETER JONES: I am not talking to the Minister for Education. I understood the interjection from the member from Scarborough to say that we all knew that it could not be built on leasehold land.

Mr Burkett: I said by way of interjection that in my opinion it is certainly difficult to fund the development of leasehold land as against freehold land and I knew the people who have built on shopping centre land developments such as Karrinyup on 40-year leases. That is what I said.

Mr Court: The whole of Canberra is built on leasehold land.

Mr Pearce: That is not Western Australia.

Mr PETER JONES: Now that the member for Scarborough has made his point clear, I query whether he drew that point to the attention of the responsible Minister when this matter was under discussion in Caucus. Was it discussed with his Minister? Obviously the Minister of the Crown appointed by the Government to give birth to this development did not know what the member for Scarborough knew and has indicated is common

knowledge of which any Tom, Dick or Harry would be aware.

The Minister for Administrative Services made a clear undertaking on 20 November. I do not think it matters a crumpet whether the development is built on freehold or leasehold land. That is not the issue.

Mr Burkett: It matters more than a crumpet. There is nothing like a title deed when you are looking for funding.

Mr PETER JONES: That is not what I am talking about.

Mr MacKinnon: Every other developer said he would do it on leasehold land.

Mr PETER JONES: To get back to the debate: The manner in which the land is available is not the point I am making. The point I am making is that the Government publicly indicated it would not be freehold but leasehold. It kept indicating that past the time when the now successful persons knew they were going to get permission—

Mr Pearce: That is untrue.

Mr PETER JONES: I want the Minister to spell this out in detail. I want him to spell out exactly when Dallas Dempster knew he would have freehold land. I know when he knew.

Mr Pearce: I know when he knew, too.

Mr PETER JONES: The Government gave undertakings and made promises to the people of this State and it has not kept them. That is what the debate is about: The way in which the Government goes about the people's business. No matter what the Minister might say, the question still remains that this whole development may well lead to the beautification of Burswood Island; that is not questioned by me.

The honesty, openness and integrity of the Government has not in any way been honoured by this Government on its own undertakings; the promises it gave have been broken.

What of the role of the Perth City Council, the body which espoused its responsibilities? It did that quite properly. It said, "We have not been consulted". It went on to say, "Before we agree we want to do certain things" Members may recall there was a hurried meeting when the Government moved in. "We understood the Perth City Council had been made aware", the Government said. It has been repeated with all this nonsense about a building in the Supreme Court Gardens. In the morning one hears the Acting Lord Mayor at the time expressing shock, horror and alarm at what he reads in the paper. Later the same day, when the heat has gone on, what happens? It is said, "We will talk about it". He backs off.

The same thing happens here, because certain members of the Perth City Council were persuaded it was in their interests to support this.

Mr Evans: More corruption!

Mr PETER JONES: The Minister is absolutely right. Let us be quite clear *Hansard* has now recorded that the Minister said, "More corruption".

Mr Carr: It did not record the laughing tone of his voice.

Mr PETER JONES: Do not cover for him. That is what the argument is all about: A list of promises, a list of undertakings given.

I could not care less at this moment whether a casino or a rabbit hutch is built. That is not what I am talking about. As with the smelter development, promises have been made which have not been honoured. As with this particular development, very substantial promises have been made and undertakings given, and without exception those which have been enumerated and which were contained in the Press release from the Premier's office have not been honoured in the way they were originally uttered.

In fact, the whole question has been nothing more than a farrago of deceit, deception, and broken undertakings about the way in which the people's business has been undertaken. No mouthing by the Minister in response can in any way hide the fact that, whether they like it or not, the whiff and wind of corruption has blown through the development. It is about time that the Government started to give some answers about the way it goes about the people's business. The Government will not survive if it maintains its present record as epitomised by the kind of decisions made in this case, where it has trodden over the undertakings which have been given.

The Government thinks that the bloke in the street forgets, or he does not have a long memory, and those sitting on the other side of the House think that the people are not concerned. Many people who have spoken to me in my own electorate are in favour of this, but they are well aware from what has been printed and what they have been told by the Premier and others such as Mr Dans that the broken promises just do not go on being forgotten. The broken promises are not swept under the carpet, because electors have longer memories than the Government credits them with. Certainly in a situation such as this, where basic, fundamental promises have been made and are absolutely contradictory in the most corrupt way, electors do not forget.

MR LAURANCE (Gascoyne) [8.35 p.m.]: Mr Speaker—

Mr Pearce: Here we are, another corrupt speech. Or are you to become a National Party member?

Mr LAURANCE: What is the member referring to?

Mr Pearce: The way the parties swap around.

Mr LAURANCE: I do not swap them.

Several members interjected.

The DEPUTY SPEAKER: If members would stop interjecting the member for Gascoyne might commence his speech and we might make some progress.

Mr LAURANCE: The Government has much to answer for in this matter, as has been well and truly pointed out by my colleagues. However, I want to say that I support this legislation, and I am prepared to see it pass through the House.

Like the member for Narrogin, I was not here when the previous legislation for the establishment of a casino passed through the Parliament, although it would have had my support at that time. I think that is known by many people. I have followed the matter very closely over recent years, particularly since I had a period as Minister for Tourism in this State.

I have also followed very closely the environmental aspect, since I also had a period as Minister for Conservation and the Environment in this State. For those reasons I think it can be a very desirable development.

However, it was always to be a sensitive issue and one which would be subject to the claim that it had not been handled properly. The Government stands condemned for falling into the trap that it has not handled the issue well. The claims which it has had levelled against it today could have been expected. The record shows a very inept Government in the way in which it has handled the situation.

Many of the things brought out by the previous speaker, the member for Narrogin, were claims made by the Government. If the Government originally claimed the lease was on freehold land, that claim would not have been made in Parliament. The Minister himself said the casino would be built on leasehold land.

I agree with some of the interjections of members opposite about the difficulty of carrying out developments on leasehold land. Anybody who has had experience of leasehold land, particularly in the north of the State, and has tried to borrow money against that leasehold, would know the difficulties facing this sort of development.

Why did the Government say it would be leasehold in the first place? We did not ask it to make

that statement. These are indications of the ineptness which has riddled the whole question. It clouds the real issue, because the real issue should be whether the development is desirable for the State, and I believe it can be and should be.

The other aspect is whether it can be controlled properly. I will return to that later, but the handling of the matter by the Government so far does not leave one with a great deal of confidence that the control of the whole situation will be particularly that effective. This is disappointing, from the point of view of the people of Western Australia and from the point of view of the developers, because I am sure the developers want to deal with a competent Government; not an inept one.

The people of this State demand that the Government be competent in its dealings. The Minister responsible for this project (Mr Dans) has been quite incompetent in his handling of this matter. That is unfortunate, because I support the project. I indicated my support for the original Bill which sought to establish a casino.

I am prepared to support the establishment of a casino on Burswood Island, although I know there is some controversy about it. However, I am pleased to belong to a party which allows me to have my say in this matter in a free and unfettered way without being disciplined, as I would be were I sitting opposite, as Government members know well.

The Leader of the Opposition is quite right in his statement that the matter should have been handled at arms length to a greater degree. Many people in the community have an impeccable record. They are free of any taint in this regard and the allegations made tonight could not have been made against them. It would have been better had the Government handled this matter in the way suggested by the Leader of the Opposition.

The environmental considerations have been handled badly. They could have been handled much better. It should be recorded clearly that this Government has thrown the environmental textbook out of the window in its actions in respect of this project. I have been a Minister for Conservation and the Environment and I believe Governments should be able to set aside environmental requirements. The Environmental Protection Authority has been in existence in this State for many years. However, it should be a servant of the Parliament; it should not be Parliament's master.

People are appointed to the membership of the EPA. If the Government of the day decides to set aside environmental requirements, that decision should be on its head. Indeed, the Minister interjected to that effect earlier.

It is a beautiful part of our democratic system that, if the Government sets aside any requirements, environmental or otherwise, it can pay the supreme penalty if the people of the State feel strongly enough about the matter. Governments should have the right to set aside such requirements. However, I point out to Government members that, if members on this side of the Chamber were involved in approving a major project of this sort or any other sort and decided to set aside the environmental requirements, there would be loud howls of protest from them. Members opposite would be howling uphill and down dale about the matter, and they all know it.

Let it be recorded that, if future Governments decide to do exactly what this Government has done, a very clear precedent was set in this case. This Government has said, "We do not want to go through the environmental hoops, nor do we want to meet all those requirements. We shall set them aside".

As a Government, members opposite have been right in their decision to do that, but they should remember that they have set a precedent in this regard. This is an important project. The Government wants it to proceed on time for a number of reasons, not the least of which is that it must face the people fairly soon and also because the America's Cup is to be held here in the near future. I tend to favour the latter reason.

The Government has important reasons for wanting the project to proceed. Therefore, it has made the decision to set aside these requirements. The Government has forgotten all its commitments and undertakings and has decided to proceed. Good luck to the Government for doing that. The Government should proceed, but it should remember that, when it is in Opposition and Governments of another political colour make decisions which are in the interests of the people of this State, I might need to remind it of the actions it is taking now. If members opposite yike and yowl about such decisions in the future, I shall remind them of this time when I told them that Governments have a right to do this, but they must face the consequences.

The administrative arrangements leading to the establishment of a casino have not been handled as well as they could have been and that is unfortunate. As I have said all along, I support the concept of a casino. However, I make it quite clear that I do not support the establishment of a casino for the reason that I am a gambler; in fact I am not a gambler.

I have been concerned that recently in this State Governments of all political colours have gone

much further down the gambling track than I would want to see us go. However, I learnt a long time ago that government is the art of the possible. In the democratic process, one does not always have one's way and no individual should. However, I draw the attention of members to the expansion of gambling in this State in recent years. Governments of all political colours are equally to blame. This Government has enabled the soccer pool game of "6 from 36" to be conducted. We have legislation before the Parliament currently in respect of beer tickets which I do not particularly support. I realise charitable institutions rely for their income on the money such games produce, but I do not particularly favour them.

I know many members opposite have said that they are opposed to providing easy forms of gambling which may be placed in front of the ordinary working person and which have the capacity to take his pay away from him. However, those members are quiet at present.

I do not favour the extension of gambling. We have the Instant Lottery, favourite numbers—

Mr Pearce: Who started the Instant Lottery?

Mr LAURANCE: I was being fair in that I mentioned a couple of areas of gambling introduced by the Minister's Government and a couple which were introduced by the previous Government. I do not particularly support increasing the forms of gambling available. However, I support the introduction of a casino as a major fillip for our tourist industry, as long as it is controlled carefully and we have only one casino.

I emphasise that all Governments should make very strenuous efforts to ensure we do not have illegal gambling or illegal casinos in Western Australia. If we have a legal casino, the State is in a very strong position to stamp out illegal gambling. That is a most important part of this operation.

The previous Government eventually tackled the operation of illegal casinos in this State. It is inherent in the passing of this legislation that Governments in the future should ensure illegal casinos do not operate and are not tolerated in any shape or form in Western Australia, because we shall have a legal casino.

I have faith and confidence in the successful developer. I believe him to be a man of integrity. He is a man who has given a considerable amount of his time and talent in the interests of this State. I have had the pleasure to work with him on at least one Government agency which operates for the good of this State. He developed in a very responsible way the Floreat Waters residential estate on Herdsman Lake as well as the Herdsman

industrial estate. Those are examples of the way in which a sensitive area can be developed. Indeed, they represent an Australia-wide first in the sensitive handling of the environment in an inner city and wetland situation. It is something of which everyone in this State can be proud. This developer has the runs on the board which must make people confident that he will do the right thing with the development of the casino.

I am pleased also that we have a very substantial Western Australian interest in the casino through Mr Dallas Dempster and his associates. I also do not have any reason not to support the overseas developer involved. There has been some controversy about Genting Berhad, particularly in respect of its relationship with the Queensland Government. That was an issue which had potential to cause me anxiety, so I discussed it personally with the Premier of Queensland.

I asked the Premier of Queensland about accusations which had been made in Western Australia that Genting Berhad was found to be an unsuitable developer in Queensland. He told me that was not the case and in fact a fundamental breakdown in relationships occurred because of the different ethnic origin of the Genting Berhad group. A misunderstanding arose as to the requirements of the Queensland Government and the Genting Berhad group felt that, in some way, it had suffered a loss of face and withdrew from the Queensland proposal.

The Premier of Queensland told me also that he was sorry a misunderstanding had occurred with this company and he would have been quite happy for Genting Berhad to be the successful developer in Queensland. I take the word of the Premier of Queensland on that.

The next point of interest is public participation. I am pleased that the opportunity is being presented for Western Australians to become personally involved, because they will have the opportunity to subscribe for \$50 million worth of shares in this development. Also, they will have the first option to subscribe to this stock.

A reasonable comparison with this casino is the Jupiter casino recently established in Queensland for which there was \$40 million-worth of equity offered to the public with the first option going to Queenslanders. It is interesting to note that the 40 million \$1 shares were taken up on the first day; the shares were oversubscribed. So it appears that Queenslanders, when asked to support the development financially, did so to the fullest extent. I understand that Queensland is a bigger financial centre than WA although I hope that will not always be the case. It will be interesting to see

whether the people of WA support this development as fully. The development requires public participation and the financial involvement of Western Australians.

Another important consideration is the jobs that will be provided. I particularly support the project on the basis that it will provide a huge number of jobs for young people. All of us in the Parliament know how difficult it is to find projects which are labour intensive, service orientated, and reliant to such a large extent on the employment of young people.

Hopefully the Government will ensure that it will be a magnificent structure, one of which the people of WA will be proud.

The legislation provides that the area chosen for the development will be beautified in a way which will make it a development to further enhance this already beautiful city. I am sure the public will have the right and the option to enjoy and appreciate the area in a way they cannot now. I know there are other alternatives, but frankly if it had not been for previous Governments having guarded the area so zealously, it would not be available today. I have sat in Cabinets where private developments were considered for that land. So, if past Governments had not so zealously guarded that area, but had decided to release the area to a developer on a freehold basis, it would not be available today.

Another matter I will refer to briefly concerns an interjection earlier tonight about the cement works. The cement works are the last of those types of basic industries right at the city doorstep. A number have been successfully relocated, and I refer to the Swan Brewery and the ACI East Perth glass plant, both of which have been removed to Canning Vale. It was appropriate that when the cement works were first established they be situated close to the city. Today that is not appropriate. The development of this casino provides the opportunity for the Government to assist with funding to relocate the cement works. I do not wish the cement works any harm, but this movement to relocate these sorts of establishments should keep going. When we consider the huge sums of money being talked about with this casino development, with the resultant benefits for the people of this State, the Government should keep in mind the provision of assistance to help in the relocation of the cement works. The old gasometer previously situated right across the river was a landmark for many years, but that has now gone. The whole area has taken on a totally different perspective, and what is being proposed in this Bill will assist that.

Tourism is the real key to my support, and has been since I was Minister for Tourism. I have entered a number of casinos and looked at them closely, not just those around Australia but those in other parts of the world. I do not claim to be an expert on casinos. I have not visited the casino in the Genting Highlands of Malaysia or any of the mainland US casinos. Nevertheless the casinos I have seen I looked at closely, and not as a gambler.

The Wrest Point casino in Tasmania is the only one in which I gambled, and I turned out to be successful in a minor way. I did not find any evidence of graft or corruption there. It has not lived up to what was promised in terms of bringing in overseas visitors. It has brought in a considerable number of them but nowhere near the number expected. It was originally thought that 80 per cent of visitors would be from overseas or interstate with the remaining 20 per cent being local visitors, but the reverse has been the case. Nonetheless, that 20 per cent of overseas and interstate tourists to the casino has meant a lot to the Tasmanian economy. The flow-on benefits have been enormous in terms of increased restaurants particularly and increased accommodation around the city.

So besides these benefits, I was unable to detect the downside. I saw no evidence of an increase in crime. There were increases in social difficulties with families being overcommitted, but I guess they are matters which can be handled. The casino has survived and has done so in a small and remote city, which has at least doubled its accommodation. I think we can say that it has been successful and has done a lot for Tasmania.

That does not mean to say that I would support a casino in Sydney or Melbourne. I would not. One of the great attributes of the Tasmanian casino is its remoteness from people on the mainland, although it is still reasonably cheap to get there. It is a similar situation to the Las Vegas casinos, which are remote, not near major cities and suffering all their current crime, the Tasmanian casino is remote.

We must acknowledge that Perth is very isolated and remote from the rest of the world and that we are trying to attract a lot more interest among people in South-East Asia. This facility will help greatly in bringing these people to WA. We have not concentrated on them before. We did not understand them and we did not want them. It was difficult for them to get visas to come here. But one has only to look at Perth's skyline to see the benefits of the capital these people bring in. A lot of members opposite have said before that they do not like Asian development. They have not

been consistent. We have seen a considerable amount of Asian investment in WA, particularly in the hotel industry, and I see the casino development as an extension of that. It will help to bring in more South-East Asian visitors and it will help to cement our relations with those parts of the world. It will increase trade and bring a lot more investment and visitors from that area. It will increase job opportunities and help us become a far more cosmopolitan city. It will all go towards being another factor to convince people to make the big investment decision to invest in Perth.

I know that when I was Minister for Tourism our investigations showed that Eastern States people thought of Perth as the most desirable capital to visit, but that the reason they had not made the visit was cost. We need to be able to offer them some additional attractions to make them visit here, and this casino development is one.

I was a guest of the Northern Territory Government at the opening of the Alice Springs casino. I did not have a bet, but I spent a considerable time investigating the security and control arrangements. I thought they were excellent, and it was all under the control of a gaming commission. These are vital parts of the whole operation of a casino.

The Government here has left loopholes in this aspect of its own legislation and it has given the public of Western Australia no cause for confidence that it will be able to handle problems in the future.

Mr Pearce: Do you realise that although you might be giving the Government a slap on the wrist you are giving your leader a big rebuff?

Mr LAURANCE: No, my leader pointed out that we on this side would have a free vote on this subject. I am proud to belong to a party whose leader can say that. It would not happen on the other side.

Mr Pearce: What he said was there was crime in almost every casino in the world.

Mr LAURANCE: That is one of the problems. There have been problems in Australia, and I think it is a matter of "operation overkill"; if we have too many casinos, they lose their effectiveness. I think it was thought it would always be difficult for the Northern Territory Government to have two viable casinos, although the casino at Alice Springs is still operating, even though it has had its difficulties because of its remote location.

A lot has happened in the centre of Australia since the establishment of the casino. If we consider the associated Yulara development, the casino itself, and the extra accommodation provided there, as well as the flights from Perth to

Townsville, and so on, we see that a tremendous amount has happened since the casino was built. The casino is not the reason for it all happening, but it played an integral part, I believe, in the airline's decision to operate through that area.

So, a casino can be of immense value to us, as long as the operation is done well and its control is tight. I know that at the end of every day, when the casino closes—which is usually very early the next morning—the manager has to front up to a Government inspector in a sealed room. The Government inspector sits on one side of the table and the manager of the casino sits on the other side. Both wear clothes which have no pockets in them so they cannot pocket any money.

The cash is carefully controlled; every game is closely supervised, and the people who work there are closely monitored through security arrangements.

I understand the security staff are people who have worked for the Police Force in the past and the staff usually comprises one person from each State, so that if a query arises about a person from another State, the security officer from that State could telephone his friends—I presume it is an informal arrangement—to check whether that person has a record. It is an effective method of control. The cash is locked away until the end of the day when it is counted in a sealed room. The people are under the surveillance of a camera. The whole counting procedure is recorded on film and can be referred to at any time in the future.

The control is tight, as it must be. Such a system is not necessary only in the day-to-day operation of the casino, it is also required that the ownership of the casino is tightly controlled as well.

For the sake of the Minister, I am in agreement with my leader about the threat of the removal of the licence. That has to be the linchpin of the whole operation, and this legislation does allow for it. The Bill could be deficient in that it relies on one person, the Minister. As I said before, it is probably better to have the casino at an arm's length from the Government—with the commission composed of different people who have an impeccable record, and who could be relied on to remove that licence if that were required in some circumstances in the future. There could be some reason for questioning this legislation on that particular ground.

That has to be the linchpin of the whole control mechanism; that the licence is an annual licence which can be removed at any time if the necessity arose. I am sure the operators of the casino would

appreciate that fact because they would want to know where they stand; it has to be clear.

I have outlined my support for the measure. I believe the Government has a lot to answer for because it has not handled the matter as well as it should under these circumstances. I hope the Government will lift its game in the future and ensure that the whole development goes forward according to proper procedures and ends up as a development of which we can all be proud. It has a lot to offer the people of this State.

I believe the developers will satisfy their undertakings to the people of Western Australia. The casino will provide a tremendous boost to our tourist industry, and as long as the casino is handled properly it is something we will not have to be sorry about in the future, but something of which we can say, "That was a turning point for Western Australia; the casino has been of great economic benefit for all our citizens".

MR JAMIESON (Welshpool) [9.05 p.m.]: In the first place the Government must be indebted to the member for Gascoyne for his securing the Government so well in its present position! The member mentioned he did not have much faith that the casino would be competently run in the future. I am assuming the member is expecting the present Government to be responsible for running the casino indefinitely. If that is the case then he might be correct. He is talking along the right lines when he says he is not confident that his party will be in Government to do all the things he believes should be done and to ensure that the running of such an organisation is in accordance with what he believes to be near to perfect.

Another matter for which the Government should be indebted to the member is that if the Government has not crossed all the "t's" and dotted all the "i's" set out in the original legislation, then he has somewhat justified the necessity for some changes.

It is imperative that changes be made as we go along to meet the circumstances that arise with developing negotiations. Probably on such occasions changes were found to be necessary. However, that is not the principal reason I rose to speak. I rose to speak about some criticism which was made earlier in regard to the location of the project on Burswood Island.

Quotations from local newspapers were read to indicate the number of people who did not wish this development to go ahead. In the history of Burswood Island the only areas which have been developed have been those utilised for some form of gambling. I asked some people who were hotly discussing this matter, and who had said the area

should not be developed for the purpose of a casino, whether they would agree to a racecourse being located there. They said "No", but of course there is a racecourse there. At one time there were two racecourses on Burswood Island; the Goodwood racecourse and the Belmont racecourse.

As a child I saw many races run on the old Goodwood racecourse. The only development which has really taken place on that island has been for some sort of gambling and, to the credit of the Western Australian Turf Club, the Belmont course has been a wonderful development out of something that was pretty much an eyesore at one stage in the early days of the colony.

Many of us have heard that the island is situated on a flood plain and is in danger of this and that. We have heard it called a great piece of real estate that could have been sold, developed, or subdivided, but that is a little doubtful. Many people may have put out feelers, but when they established the type of terrain there and what it would cost to develop it, they thought it would not be a very good proposition.

Indeed, the Turf Club has found it difficult to get vegetation growing in the area. It has not been as easy as some would imagine, being so close to the river. That problem seems to be able to be overcome by the agreement whereby the developers are required to undertake all this class development in the form of park lands, golf courses, etc. The necessity for it, to my mind, is the fact that the Burswood Bridge will be there in a few years' time, and it will be one of the entrances to the city. As I mentioned when the original legislation was before the House, we should not bring people into the city on a route such as they are using now coming from the airport or along Great Eastern Highway.

Mr Blaikie: Are you suggesting the cement works will go too?

Mr JAMIESON: Eventually it will. Like the member for Gascoyne, I believe the cement works will go. Real estate prices will increase around that area with the development of the casino complex because other developments take place to tone in with these sort of ventures. Eventually that piece of real estate will become so valuable by comparison with the product coming from the cement works—plus the fact that periodically the machinery has to be restructured—that the works will go. It is a long way from its supply of raw materials which all have to be brought in. It is not like the Cockburn Cement Ltd. works which are virtually sitting on a heap of limestone and is able

to dredge from Cockburn Sound without much trouble.

When the Portland cement works set up there in the first place, its cement was made from the shell dredged from the river. It was brought around by barge to the works, off-loaded at the jetties, and taken up the hill to be turned into the product. That stopped a long time ago. There is no longer dredging from the river because it is more convenient to make cement from raw materials which are readily available around the city environs.

It will not be many years before the cement works close. They stopped making cement for a time then it was making mainly hydrated lime and the other cement works were supplying orders through a mutual arrangement. It is my understanding that the works are now making cement as well, but with less calamitous effects for the local inhabitants because of the use of electrostatic precipitators. They are not as objectionable as they were.

They will go like the breweries mentioned by the member for Gascoyne. He referred to the Swan Brewery, but the one best got rid of was the Emu Brewery—when the wind was in the right direction and the malt was at its greatest stench we used to get the smell even here. It has now closed and we do not get the smell. Nobody seems to know what to do with the brewery, but that is not our worry now. When the cement works plant has to be replaced and there is an opportunity for somebody to look at it as real estate, it will move on.

The main reason I would have supported this move if I were a member of the Perth City Council would be the tremendous saving to the rate-payers of the City of Perth. It would cost millions of dollars to develop and maintain that area in the manner outlined in the schedules associated with the agreement for this proposal. It provides that so much money must be allocated each year.

Mr Rushton: What happens to the Entertainment Centre under this proposal? Has that been assessed, or does it just get closed down?

Mr JAMIESON: The member might as well ask me what happened in Sydney to the Opera House and the Hordern Pavilion when the Entertainment Centre was built there.

Mr Blaikie: Your Government arranged for the building of the Entertainment Centre. Now we have the legacy of a problem.

Mr JAMIESON: I think there will still be a need for the Entertainment Centre as well as the casino complex and the type of entertainment that goes with it.

Mr Blaikie: There is a need for additional toilets at Parliament House, but we do not have them.

Mr JAMIESON: I do not think so; we have more toilets now than has any other Parliament House. I do not think that is a problem. It was, when I first came here. I have often related the situation of the times I used to sit in the gallery before becoming a member of this place. If it was a cold night and one needed to go to the toilet, it was into the bush at Hale School because this was the only public building which was constructed that way.

The DEPUTY SPEAKER: Order! This is all very interesting, but I am not sure what it has to do with the Bill.

Mr JAMIESON: Perhaps it is tied up with Burswood Island because it had a history of having filter beds through which all the sewage went at one time!

These sort of development areas are not attractive propositions for councils. The area from the Rivervale railway line to the Causeway has developed very well, but as has been pointed out by others, it was not developed by the Perth City Council. It was a project for the 150th anniversary celebrations and was carried out by the Bell Group and the other machinery companies which used their machinery to carry out a plan given to them by the Perth City Council. It was part of their donation towards that celebration, and it is a delight now.

Mr Laurance: It was a magnificent gesture on their part.

Mr JAMIESON: Yes, it is a delight.

Mr Rushton: We are just going to break an agreement we made at the time.

Mr JAMIESON: I do not know about that, but when Herb Graham was Minister for Town Planning he trotted in here with grandiose plans for Burswood Island and he had all sorts of things planned for it. Sometimes these are dreams and they do not come to fruition. We can bring this to fruition.

Mr Rushton: When we developed Heirisson Island we got on and did the job.

Mr JAMIESON: And a long time that took!

Mr Rushton: It was done quickly after we came into Government in 1974.

Mr JAMIESON: It took a long time to get anything off the ground. There were 20 years of argument.

Mr Rushton: It was not long after we came into Government in 1974.

Mr JAMIESON: There was a necessity to develop it at that time because of what had occurred.

Mr Rushton: That is rubbish!

Mr JAMIESON: I remember when Heirisson Island was all rubbish, and if the member had been taken down there a little more rubbish would have been added to the pile.

The proposed development incorporating this casino will be an asset and a delight for the people of Perth to see. Whether they like casinos has nothing to do with it. The parkland, the buildings, and the making of an attractive approach to the city is of vital importance to me as a citizen of Perth, and it should be to all of us irrespective of any arguments we might get into of a political nature about whether the person developing it is the right one or whether the developers are going the right way about it. Only the future will tell. I am sure the Governments of the day, whether they be Labor as the member for Gascoyne seems to think will exist for evermore, or whether they change occasionally as they have in the past, will see the casino developers live up to the agreement. The developers are obliged to do all things necessary to make sure the casino runs properly and does not encourage a bad element we would not want to see here.

MR BLAIKIE (Vasse) [9.20 p.m.]: This Bill relates to an agreement for a casino to be built on Burswood Island. It also proposes the cancellation of certain reserves and the modification of certain planning laws to be incorporated with the decision to build a casino on Burswood Island. The debate really ought not to be about whether there should be a casino in Western Australia. That matter was decided many months ago. At that time I let my opinion be known about the proposed development by opposing it.

Tonight I wish to indicate very clearly that I oppose the development of a casino on Burswood Island.

Mr Jamieson: Do you know where it is?

Mr BLAIKIE: I have been there quite a bit. The Minister might be interested to know that the Clerks at the Table have a series of maps that I handed to the Minister this evening relating to Burswood Island. I have been over the area on a number of occasions. I am very familiar with it. In April last year when the announcement was made by the Government that Burswood Island was the site, I made it my business to understand the area in question fully.

Mr Jamieson: How much of Burswood Island is below the cement works?

Mr BLAIKIE: Are you talking about the vacant Crown reserve or the area near the traffic bridge?

Mr Jamieson: The area near the traffic bridge.

Mr BLAIKIE: That would involve quite a considerable amount of land and it is an eyesore at this time. However, while it is an eyesore, that does not mean that a casino should be developed there. That land should be kept for public use and not for commercial use.

I think one of the sad factors with the whole casino development and the use of public land for that development is the fact that the Government is deserving of the strongest condemnation for the way it has handled this affair and the affairs of the State. It should be ashamed of the way it has dealt with the people who made application for the casino licence. It is certainly deserving of condemnation for the way it has left the successful applicants, the Dempster-Genting Berhad consortium, high and dry. It has left that consortium in an embarrassing situation.

I will recap the chain of events for the Minister because, when he replies I will be looking for answers to a number of queries I will raise with him. I want explanations as to why the Government took certain actions and why it was not completely honest in its dealings with the public and other casino applicants and with the answers to questions it gave in Parliament, and why it was being particularly evasive with the Press.

Let me go back to the genesis of the reason for the establishment of the casino. A committee was formed in Western Australia to consider whether a casino should be built. The report of that committee was divided. Two members were in favour of the establishment of the casino and two members were against it. Mr Keith Shimmons and Mr Noel Semmens of the Western Australian Tourism Commission supported the development of a casino in Western Australia. The Deputy Crown Solicitor and the Commissioner of Police opposed the development of a casino. They gave strong and valid reasons for their decision. Notwithstanding those reasons, the Government pursued its objectives and the Parliament eventually made a determination in that regard. In relation to the site, in January 1984 the *Daily News* ran the headline, "Casino gets land on Burswood". The article by John Arthur states—

Burswood Island has become the most likely site for a Perth casino.

That information was the result of a leak. It is rather interesting how documents fall off the back of trucks! We believe, though, that it was not a leak. A Minister would have had to make that

information available to the Press for that article to be written.

At the same time, the Opposition, through the Deputy Leader at that time, asked for a full report on the casino. The *Weekend News* of that day's date carried the Press release put out by the Acting Leader of the Opposition (Mr Hassell) on the speculation about Burswood Island. It said that the Government had an obligation to advise the public whether it was to be the site or not. However, the Government made no reply.

Again, through the media—the only way that the Opposition has been able to get information is through the media and that is not always overly reliable—on 23 January, *The West Australian* ran the story that 32 sites were under consideration for the establishment of a casino in Western Australia. That figure included 19 metropolitan sites and 13 country sites. Places included in the list of country sites were Bunbury, Albany, Karratha, Two Rocks, Lake Preston, Leschenault, and Halls Head. A host of other sites were considered or proposed. However, of all the sites that were indicated, Burswood Island was not one suggested to or by the Press. I will make this Press cutting available to the Minister in order for him to see that Burswood Island did not get a mention.

The plot had started to thicken because, at all times, the Government maintained the veil of secrecy with the Press occasionally getting documents falling off the backs of trucks.

On 3 April in the Legislative Assembly, the member for South Perth asked a question without notice of the Premier as follows—

- (1) Has a decision been made yet in respect of—
 - (a) the siting of a casino in the metropolitan area;
 - (b) the recipient of the licence to conduct a casino?
- (2) Is he aware that a strong rumour is circulating in share market circles that the mining company Mallina Holdings Ltd. has been, or will be, awarded the licence and that as a consequence the shares of the company have sharply increased in price on a large turnover during the last few days?
- (3) Is there any factual basis for the rumour?

I ask members to bear in mind that no Government comments had been made. The only information that was forthcoming was the occasional newspaper report leaking from time to time from a

document falling off the back of a truck. No other comment was made in relation to Burswood Island. The Premier replied—

No decision, that I know of, has been made in respect of the granting of a licence to anyone for the running of a casino in Western Australia. As the Opposition knows, we have received and have been in possession of a report on this matter from a committee established by the Government and subsequently reviewed by a subcommittee of the Cabinet. I anticipate that the current considerations will continue probably for this week, and we will then be in a position to make some statement about that matter.

That was on 3 April. It is interesting to note the change of tone and the change of pace that took place within 24 hours. Members should bear in mind that the Premier said that no decision had been made but that a committee had been set up and a subcommittee of Cabinet would be investigating its recommendations. He said that the decision would be made in a week's time.

I ask the Minister to advise, in his reply to the second reading debate, whether he now wants to revise what the Premier said in the light of what the Premier said the following day, again in answer to the member for South Perth. I will not read the full context of the question.

Mr Pearce: And quoting selectively!

Mr BLAIKIE: With that sort of comment from the Minister, I will read the entire question. The Minister should not say that I leave pieces out from my quotes to make my argument more convincing.

On 5 April the member for South Perth asked the Premier the following question—

In view of the fact that the Dallas Dempster-Genting Berhad organisation, together with any other individuals or organisations which may be involved with that organisation, had many months prior to last November when details of their proposed \$250 million casino-hotel complex on Burswood Island were disclosed, and five months since that date, to work on their proposed complex, and for that reason alone have a flying start—

At this point he was interrupted. He continued—

—on all other applicants for a casino complex on the site, and must therefore be regarded as the front runners, will he extend the two month period—which he has announced as the period during which other applicants will have the opportunity to revise their proposals

and adapt them to the Burswood Island site—to six months, in order that all applicants may compete for the casino complex on a more equal basis?

The reason the member for South Perth asked that question 24 hours after the Premier made a statement that no decision would be made within a week was that on that very day the Premier had said the Government had selected Burswood Island for the site of the proposed casino. The Government gave until 31 May for all those tenderers who had not chosen Burswood Island as a site to revise their plans and submit new ones to the Government.

The member for South Perth had asked the Premier whether he would be fair to all the applicants and give them an opportunity to submit plans by extending the time of the closure of applications by another two months. What the Premier said is history—that is, that no time extension would be granted. The member for South Perth was the first person to suggest there was a smell about the casino.

The member for South Perth asked why the price of shares in Mallina Holdings was rising and whether it was because the Government was to give the contract to the Genting-Dempster syndicate. The member for South Perth asked that question on 3 April and the Premier said that there was no foundation in what the member for South Perth had asked. It is unfortunate for the Genting-Dempster syndicate that the Government's decision was made in a veil of secrecy.

Mr Pearce: That is rubbish!

Mr BLAIE: If the Minister wants to say that there was no veil of secrecy over what the Government has done, I suggest he go through *Hansard* and read what the Premier said, because if he wants to take the Premier on I would be delighted—I will take him on also. The Premier was being dishonest to the Parliament.

Mr Pearce: He told the truth. He said that no decision had been made to grant a licence.

Mr BLAIE: On 3 April the Premier said that a site had not been determined and within 24 hours he said that it had been determined. On 3 April he said that a subcommittee would make a decision in a week's time, but 24 hours later he said that the casino would be built on Burswood Island.

In *The West Australian* of 5 April the following article appeared—

The Premier, Mr Burke, last night ignored a chance in the Legislative Assembly to con-

firm or deny that Burswood Island had been chosen as the site for a casino.

I ask members to bear in mind that the Premier had already said that he would make an announcement the following day. Further on the article continued—

Mr Burke replied that a series of decisions were being made and an announcement was imminent.

Outside Parliament he indicated that an announcement would be made today.

The Premier told the Assembly that "some people might have egg on their faces" as a consequence of the report yesterday afternoon linking the casino, Burswood Island and a Perth businessman, Mr Dallas Dempster.

Who has finished up with egg on their faces, dripping from head to toe? It is none other than the Premier and the Government.

Mr Tonkin: Some of us like eggs.

Mr BLAIE: The Premier will have a lot of egg to lick because he said no decision had been made that Genting-Dempster would be the successful tenderer and history records now what has occurred!

It is unfortunate that the syndicate has become involved with a Government obsessed with secrecy and a Government that oozes secret deals and secret negotiations in regard to a project which should have been squeaky clean. It smells and it is a real smell that has been brought on by the Government.

Mr Pearce: Are you saying that the developers smell?

Mr BLAIE: I am saying that the Government smells.

Mr Pearce: How can the Government smell when it is the developers?

Mr BLAIE: I am not labelling the developers. I will let the Minister do that. The Government's handling of this whole casino deal stinks.

All the other developers who wanted to submit their plans were given some six weeks by the Government to revise their plans to conform to the Burswood Island site. I believe that was totally unscrupulous and unfair. How on earth can any developer be expected to submit plans for a project in excess of \$100 million within six weeks and at the Government's whim? At the drop of a hat the tenderers were expected to alter their plans from the Majestic site or other anticipated sites to Burswood Island.

Of course, the developers who had initially decided on Burswood Island as the site for the casino project had a head start on the other tenderers. It was morally wrong and the Government's handling of the casino deal to that stage stinks. What took place after this debacle heightened my concern even further. This legislation will override all planning principles and all those principles in which the public should have an input. The Government has brought it to the Parliament knowing that it has the numbers on its side in the Legislative Assembly, and I have no doubt that it will use those numbers and that it believes the people can go to hell.

Mr Pearce: What happened in the Legislative Council?

Mr BLAIKIE: The Legislative Council passed the legislation, but the Government will ride roughshod over the planning principles and will not go to the people of Western Australia in order that they can make an input as to whether the Burswood Island site is suitable. This would normally occur with legislation involving planning principles which concern the Perth City Council, the MRPA or the Department of Conservation and Environment. The Government has assured the House that such avenues will be open to the public. However, in this instance it has gone back on its word and it has denied that opportunity to the community.

I was interested to read in *The West Australian* on 21 March an article headed, "Government goes back on ERMP deal", which reads as follows—

The Minister for Racing and Gaming, Mr Dans, yesterday went back on a State Government commitment that a formal environmental clearance would be sought before the \$200-million Burswood Island casino went ahead.

Surely that in itself is damning. Why did the Government make such a decision when it boasted immediately after its election that it would be an open Government where people would be free to communicate and consult and that it would be a Government of consensus? What an interesting consensus approach this is. It was one opportunity that the people could have had to make an input on the use of land that is certainly not the Government's land. It has never been Government land; it is the people's land. It is held by the Crown, not the Government of the day, and Parliament determines what will happen to the land. The Government is now running roughshod over the people and the Parliament. One of the former supporters of the Government, the Chairman of the MRPA, Bill McKenzie, commented that the MRPA had

not been told of the Government's proposal. Can the Minister indicate whether that is incorrect?

Mr Pearce: If the member for Vasse had been in the Chamber earlier he would know that all the questions he has raised have been asked by other members and he would have heard the answers I gave.

Mr BLAIKIE: I have heard all the comments and the debate.

Mr Pearce: You would have heard the member for Narrogin, whichever party he currently belongs to, raise this point and I told him that I discussed the question of the casino on Burswood Island with the Chairman of the MRPA several times.

Mr BLAIKIE: The present chairman or the former chairman?

Mr Pearce: The present one. I was not the Minister when the former chairman was in office. The present chairman was aware of all that was going on but because the Government had in principle made the decision that planning matters would be legislated upon rather than going through the MRPA channels, no formal approach was made. The consent of the MRPA was not sought as a result of the Government's decision. However, on several occasions I discussed precisely what the proposal was.

Mr BLAIKIE: Notwithstanding what the Minister has said the Government has ensured that the process of consultation, communication and co-operation with the public has been subverted.

Mr Pearce: It has not been subverted. We legislated to expedite the process and we are following the precedent established by the Court Government.

Mr BLAIKIE: In relation to public open space and reserves?

Mr Pearce: By overriding normal planning processes for large projects.

Mr BLAIKIE: In relation to overriding these types of decisions, we are talking about a commercial development being established on what I term people's land. It is a commercial development and I understand the cost of the project will be \$250-plus million. The developers of a project of that size should have had no difficulty securing a commercial site for the development. We are not discussing a Government reserve on which there is bauxite, jarrah, timber, gold or iron ore; we regard this site and project to be of a completely different nature. I am sure the Minister would not tell the House that the developers had only this site on which they could build and none other was available. This site has been chosen because it suits the

Government; it will be able to have an equity in the casino and it is part of its socialist policy to be involved either by total ownership or percentage-wise. I do not support that policy or what the Government is doing in this matter. That is my right and I intend to express my opinion.

The editorial of *The West Australian* on 22 February made a series of pertinent comments in relation to the Government's handling of this matter. It is important that at least part of this editorial be recorded. I quote—

Undue haste

The State Government is wrong in deciding to push ahead with the Burswood Island casino without first having a full environmental inquiry into the project.

For Mr Dans to promise a formal environmental study, only to go back on his commitment at the last minute, is not the way to satisfy the public that the Burswood Island development is in the State's best interests. Mr Dans's handling of the matter will create a suspicion that the proposed casino is less environmentally sound than the Government says it is.

The editorial contained further comments which I will not detail but the final paragraph stated—

But by changing its mind on a formal environmental clearance, which would have involved public submissions and debate, the Government leaves itself open to the charge that it has something to hide.

These are not my comments. They are made in the editorial of *The West Australian*.

Mr Pearce: That does not make them right.

Mr BLAICKIE: The Minister may say that but the implication in *The West Australian* is that the Government is leaving itself open to suspicion and that it has something to hide by the way it is acting. There was no real need for the Government to act in the way it did.

The Minister will be called upon to make a positive explanation of why the Government has acted in this manner and with seemingly undue and unnecessary haste. To date we have not been given satisfactory reasons for the haste and the urgency. The Minister may say that it is to get the casino developed in time for the America's Cup in 1987. If that is the case I challenge the Government by saying that the legislation could have been introduced to Parliament last October or November and it could have lain on the Table of the House until now so that the people of Western Australia had an opportunity to understand the legislation. A \$250 million development will be

constructed on people's land, yet I do not believe the developers would have had any difficulty finding a commercial site even though the cost may have been substantially higher. However, with the sort of money involved in this project that should not have created any problem.

I oppose the use of this site on a number of grounds: Firstly, the area is adjacent to the river and the city. One of the greatest attributes of the city of Perth is its open planning, and its parks, reserves and river system. I make it clear to the Government that whatever decision is made at this stage, the Government will rue the day that it proceeded as it has.

It is interesting to note that in 1927 a concerted move was made to locate the Royal Perth Hospital in Kings Park. That move was defeated at the time. On that occasion Premier Collier had the following to say—

It cannot be pleaded in a new city such as ours, that land conveniently situated cannot be found on which to build our public institutions, and that we are therefore forced to utilise our open spaces. What we want, in fact, is not only to preserve all our available parks and reserves, but to make greater provision, as opportunity offers, for the immensely greater population which our metropolitan area must carry in the future.

They were the words of a Labor Premier. I believe the people of Western Australia are grateful for the opinion Premier Collier expressed in 1927. I believe the people of Western Australia will regret the decisions made by Premier Burke and his colleagues in 1984 and 1985.

With those comments I totally reject any support for the Bill.

MR STEPHENS (Stirling) [9.49 p.m.]: I indicate the National Party's point of view on this legislation. I think the public generally doubt the relevance of Parliament in this day and age. If they want an example to support that, we have one in front of us at the moment. While we are debating the Bill work has already started on the project. Work started before the Bill passed through the upper House and came to this House. Yet Parliament is now debating the issue. What relevance is there in debating the issue? The decision has been made. Many people agree with the statement that Parliament rubberstamps what the Executive decides; here is a classic example of that.

We are debating an agreement, yet work has already started. No wonder the public of Western Australia does not have much respect for this institution. It is an insult to the people of Western

Australia that its Government has allowed work to start before the Bill has been passed.

We wonder why the casino is necessary at all. I know that the debate on the establishment of a casino took place earlier, but it is as well to remind the House that it is questionable whether a casino is necessary. If we are to have legalised gambling, why should it be legal to gamble in Perth but not in the rest of the State?

I will qualify that. I know we have traditional forms of gambling such as racing, trotting, dogs and so on. But it appears to me to be wrong to set up an institution in Perth where new forms of gambling will be permitted which will not be permitted in the rest of the State. Why should citizens of Albany, Carnarvon, Broome, Bunbury or Busselton have to come to Perth to participate in the forms of gambling which will be available at the casino?

If the Government wants to allow more forms of gambling, this could be done by setting up a registrar of gambling who would license clubs throughout the State on the basis of their being correctly and adequately run and conducted. That would then make the law the same for people throughout the State. I can see no justification for special treatment of people in the metropolitan area.

The other issue is the siting of the casino on Burswood Island. This is a very retrograde step. For that reason I would like to place my personal comments on record, and certainly those of the National Party, in opposing the siting of the casino on Burswood Island. This is very short-sighted, and I am afraid that in the years to come it will be regretted by the citizens of Western Australia, and it will certainly be regretted by those members of Parliament supporting the move.

I would like to make some reference to a letter written by Professor Appleyard. I understand the letter was sent to the Press but they did not see fit to print it. I think his letter sums up the feelings of many people in Western Australia, and I would like to place at least part of it on record.

Mr Blaikie: He gave a very good talk on ABC talkback radio this morning.

Mr STEPHENS: Unfortunately I did not hear that programme, but other people have made the same comments. His talk was particularly succinct.

Mr Blaikie: It was one of the rare occasions on which I agreed with what he said.

Mr STEPHENS: I always said if one lived long enough there would be hope for one. By that comment there is some hope for the member.

Mr Burkett: Not much!

Mr STEPHENS: To return to the letter, Professor Appleyard starts off by saying—

I feel that many Western Australians, not just a so-called vocal minority, are very concerned about possible social and environmental consequences of a casino on Burswood Island.

I endorse those comments. Further on he says—

However, I did, and still do, harbour considerable doubts concerning the wisdom of establishing it on Burswood Island. These doubts have lingered because each evaluation of impacts so far made seems to address only one aspect of the total issue. What is needed is a comprehensive enquiry which integrates and adds to existing knowledge and viewpoints of all social and environmental impacts.

Let us have a comprehensive look at the situation. This has not yet been done; we are rushing into this agreement. It does not have to be completed at any given time. I know excuses are being advanced, but they are only excuses, not reasons.

Professor Appleyard goes on to say—

For example, recent debate on environmental protection has focused on possible effects of seepage into the river from the island, in many parts a former rubbish tip. The Environmental Protection Authority, dedicated to preventing any act or omission which causes, or is capable of causing, pollution will in due course evaluate this concern.

However, the Burswood Island issue is much broader than this. Central Perth, relative to many European cities, has few small parks where people may sit, read or contemplate. But it has a compensating asset greatly coveted by people in those same cities: a magnificent sweep of open space along the river shore from King's Park to Burswood Island.

Little imagination is needed to envisage what could be done to utilise this precious asset for the peoples' recreation. John Oldham has pointed the way with his plan to relocate east-west traffic from Riverside Drive to Terrace Road and so make that part of the foreshore more accessible for boating and other forms of recreation.

In due course, the landscaping and trees which now adorn the Narrows interchange and Heirisson Island, could extend to

Burswood Island, making Perth one of the most beautiful and environmentally balanced cities in the world.

Although models of the proposed casino reveal a building spectacular in concept and design, there is no doubt that it will dominate the eastern end of the "magnificent sweep".

And while it may be unfair to describe the building as "visual pollution", it will nonetheless be little more than a temple of avarice on the city's doorstep and therefore much less acceptable to me, for one, than the open-space alternative.

Of equal, if not greater, concern is that possible social impacts of the casino's presence on the city's doorstep (a doorstep which could be city centre by the end of the twenty-first century) have not been adequately evaluated.

He goes on to point out that, as we know, members of the Government Casino Advisory Committee which reported on the matter were equally divided on the issue of a casino and the social and economic impact that such a casino would have.

At this point I would like to add that the State of Victoria saw fit to reject the casino concept. If it is such a magnificent economic advantage to a State, how was it that Victoria chose to ignore it? This casts doubt on the validity of the claims of the economic bonanza which it will bring to Western Australia.

Professor Appleyard's letter continues—

A negative decision would not spell the end of a casino in Western Australia. Mr Dallas Dempster, W.A. partner in the venture, was quoted recently (*Sunday Times*, 24/2/85) as saying that he has other sites at his disposal if Burswood Island is rejected.

Why are we rushing ahead when this man, one of the principals in the development concept, says there is other land available?

Mr Blaikie: The Government would have known that.

Mr STEPHENS: It should have known it, even if it was not told directly.

Mr Blaikie: It reads the *Sunday Times*.

Mr STEPHENS: It has an army of PR men who read all the papers, and this was in the *Sunday Times*.

The concluding paragraph written by Professor Appleyard is this—

The issue is far too important, and the potential consequences too great to be decided in haste. It is certainly too important to

be justified, as it has been, by the need to have a casino established on the island in time for the America's Cup.

I read that letter, because it summarises very succinctly my own point of view and that of the National Party.

We would like the Government to tell us why it has been necessary to race ahead with such haste. I suggest that the Government should come up with new ideas, not rehash these stories we have heard already, stories which are not acceptable and which we do not believe. Why has not the Government carried out a fully integrated environmental study not only of the physical aspects, but also of the social and economic aspects, of establishing a casino on Burswood Island?

We oppose the Bill. We hope that in the interests not only of present Western Australians, but also of future generations of Western Australians, the Government will hold its horses and have a thorough look at the position. It may be that having had that thorough look at the situation, it will come up with the same answer—although I doubt it—but at least the people of Western Australia would rest assured that all the physical, social, and economic aspects of the position had been examined before proceeding with the decision.

I place on record my opposition to something which future generations of Western Australians will regret.

MR RUSHTON (Dale) [10.02 p.m.]: Had the contempt that this Government has for planning and environmental considerations existed in the past, we would not have the beautiful city we have today. I heard Professor Appleyard's remarks this morning. He is obviously a concerned person and there are many more like him. The average citizen is concerned about this development, but anyone who is involved in the financing aspects of it is not.

The Government is responsible for this act of piracy which is taking place at the present time. It is not the developers who are responsible; it is not other people; it is the Government which is responsible.

Wherever they can, developers will always take part in developments. Our experience in the past has been that the more prime the land, the more developers will seek to develop it.

I was the person responsible for taking the lead to develop and beautify Heirisson Island. I also took part in the upgrading of Burswood Island. Therefore, I am very disappointed at this legislation. The agreements with the Perth City Council have been broken, and I confirm that agreements were made, because this was something

which was negotiated with that council over a considerable period.

A committee was appointed to look after the foreshore development in the central city area and it considered this matter carefully. It made certain proposals and it was my privilege to take those proposals to Cabinet so that they could be approved. Negotiations then occurred with the Perth City Council which agreed to the proposition.

Not many people would disagree with what transpired on Heirisson Island. Indeed, the impetus for that development to proceed resulted from my own experience when I crossed the Causeway driving to work and looked across and saw how well the trees had grown at Trinity College. I considered that we could obtain a similar result on Heirisson Island if we proceeded in the same way. There was a very positive reaction from the council, the development proceeded, and it is now a joy for all to witness.

We then saw the gradual development of Burswood Island which occurred without undue cost. The proposals contained in the legislation are a further affront to the good people who, during our 150th anniversary celebrations, provided hundreds of thousands of dollars-worth of work to beautify that area.

The plan was to make this area a people's park. It would have been open to the public and it would include a golf course which everyone who desired to could use. It is questionable that will occur under this new development.

I deplore the false argument used by so many that Burswood Island is just a rubbish dump, therefore, we should not worry about it; we can put a casino on it without considering the social impact, the traffic impact, and the like which it will have on our wonderful city.

I deplore the statement made by the Premier and others that Burswood Island is a rubbish dump and we do not need to give it any great consideration. It is one of the most valuable pieces of real estate in the city, it is aesthetically unique, and visitors to Perth find it very pleasing.

The Government should be condemned for riding roughshod over the rights of the public to have a say in this development.

I will not repeat the other things the Government has done wrong on this issue, because they have been mentioned by others, but I shall refer to the aspects of this development which are the most dangerous for the future well-being of this city.

As far as the Government is concerned, this project has a number of objectives. Obviously the Government is interested in the money which will

flow to it from the establishment of a casino. Indeed, that seems to be its only concern and that is the avenue it is pursuing now. As far as jobs are concerned, that is a nebulous issue, because the jobs would have been provided had the casino been constructed on another site.

The casino is being built as a monument to this Government's administration. It does not expect to be in office for long, and it hopes to have the casino as its monument.

A similar situation applied when the Entertainment Centre was constructed. It was badly sited and badly thought out by the then Government. The next Government, the Court Government, had to deal with that matter and it got the blame for being involved. However, a financial guarantee had been given and it had to be met by our Government. The project had been ill-thought out by the previous Government.

The Government has used a certain strategy on the people to bring about this coup of developing a casino on Burswood Island. That strategy has involved, firstly, the maximum use of its media component, and, secondly, the conditioning of the minds of the public to accept the fact that nothing other than a casino should be established on Burswood Island. Indeed, the Government so conditioned the Perth City Council that senior councillors have been reported as saying, "It is no good voting any other way. The Government will do this, so there is only one thing to do; that is, support it."

It is deplorable and very upsetting that the Perth City Council should have been treated in this way. The rights of the people have been waived, because the provisions of the Metropolitan Region Town Planning Scheme Act and the Environmental Protection Act have been overridden.

It saddens me that the provisions of the Metropolitan Region Town Planning Scheme Act have been overridden, because I introduced the amendments which gave the public the right not only to object to a development, but also to express support for a development. If applied, those provisions would have been most worthwhile in this situation. They would have ensured that the public were involved in this development.

One of the other aspects of this successful coup brought about by the Government is that money has talked very loudly. I fear that the same strategy could be used in respect of Kings Park.

Mr Pearce: Don't be silly.

Mr RUSHTON: The same situation could occur, and the Minister should worry about that. An Act of Parliament could be used and the minds of the public could be conditioned. We have the

precedent and this could occur in respect of Kings Park.

I would think that because of this Government's actions developers will be emboldened to have a go at Kings Park next. This Government has waived the rights of the public to comment on this development and it has laid Kings Park open to be next.

Mr Evans: John Forrest did that sort of thing, but he was on your side.

Mr RUSHTON: I know this worries the Minister for Agriculture because he is a reasonably conservative person, but the ardent socialists do not mind taking away the heritage of the people and leaving nothing behind. I hope the casino is seen to be a Labor Party monument, because the people who are hurt by it both socially and environmentally will remember the discredit the Labor Party brought on itself.

Other members have already commented on the Government's waiving of the metropolitan region scheme requirements, and I will not go further into aspects of the Environmental Protection Act. But other questions are raised and those I have asked in the Parliament have been partially unanswered.

This legislation waives the requirement to obtain the preliminary approval of the Minister for the development before the public have a right to respond. This is all laid out in section 31 of the Metropolitan Region Town Planning Scheme Act. This needs to be followed through unless it can be demonstrated that there is a need for these requirements to be waived, but that has not been demonstrated yet. All the Government has done has been to bring to the Parliament this waiver in an attempt to prevent the public from expressing themselves, and I will demonstrate that this is so in a moment. I will refer also to the metropolitan region scheme and explain how insufficient attention has been given to all aspects of the forward planning of this development.

We do not know at this time how many car parking bays will be provided on Burswood Island. I understand there will be 6 000 or 7 000. As a previous Minister for Urban Development and Town Planning I understand the impact these parking bays will have on traffic along the Causeway.

I was fully aware that when I put before the Parliament a plan for the reduction of traffic using Riverside Drive, it was a holding position so that the city, the Government and authorities such as the Main Roads Department could work out the long-term needs of Riverside Drive and the link road between the western end of the Causeway and the interchange at Burswood Island. This

work has not been done and the questions I have asked in the House go unanswered.

I am saddened and surprised that the city councillors, who were very sensitive about those matters during the time I was the Minister responsible, have not had a word to say about these matters affecting Riverside Drive. The editor of *The West Australian* who was most sensitive about anything that took place on Riverside Drive must have retired or died, because any time that the most minor event was predicted for Riverside Drive we would have a leading article the next day telling us that we should not touch it.

The future of Riverside Drive should be as a feeder road to the city. The bypass is on the northern side of the city, but this casino development could easily change all that. The Government must explain to the Parliament and to the people what consideration has been given to traffic in the area and to future road requirements.

Members will remember that the proposal was not to have the link road between the western end of the Causeway and Burswood Island, and that the very land we are now to see developed for a casino was to be considered in the development of the regional road linking the eastern end of the Causeway and the eastern end of Burswood Island. The matter has not been completed; it is still up in the air. This development will thwart that altogether.

What of the eastern access to the city? What of the future of Riverside Drive? What do the Perth City Councillors think about this? All these matters are being ignored in the headlong pursuit to develop a casino on Burswood Island. It is deplorable that the real needs of the city, needs which in the past have been always considered, should now be sidestepped. We will pay the price.

We will not be able to change this development. This is a sad day indeed. Future generations will judge it but they will not be able to change it. They will be unhappy to think that alternative sites were not properly assessed. The Government has presented this legislation in a manner which has not given an opportunity for us to assess alternative sites.

For a long time now the Perth City Council has been presenting a case to keep the city alive at night. While I agree with a previous speaker that, if it were practical, the casino should go into the country, if that is not practical it should be in the city. But I believe it should be sited in the Northbridge area, an area which lends itself admirably to the development of a casino. A comprehensive development bounded by Beaufort Street, James Street, Stirling Street and the railway

would have produced the maximum benefit for the city and would have provided an opportunity to increase the population of the city. We would have had a natural and effective transport system based on the transfer station.

I can say now that there needs to be, and there was being, considered a redevelopment of the area because a lot of it is owned by Westrail. At the same time, I can say that I deplore the development of the multi-storey car park on the railway land. It is a negative step. This total casino project could have included that parking requirement because, after all, the casino will be a commercial operation. We are told that this is all about jobs, jobs, jobs; jobs are being used to sell the development of the casino on Burswood Island. Those jobs would have been looked after in these other developments on a more suitable site. And if anything went wrong with the casino operation, the buildings could have been redeveloped for other uses. Burswood Island then would have been still open to the public. The vistas we so much admire would have remained and the traffic impact on the city, especially Riverside Drive, would have remained as it was and we would have had options to consider in the future. The car parking would have been evaluated and could have been taken on at the city station, as I mentioned.

The benefits of the central city site are easily understood and there are many supporters of it. However, the Government has not evaluated that properly. It may be another action like that of the Perth Entertainment Centre which just happened and the city had to embrace it.

The Government's attempt to keep the public in the dark is evident by its response to some of my questions in this place. I asked the Government to have the boundaries pegged for the various activities on Burswood Island. Apart from the abuse from the Premier, the Government said I should get in touch with the developer who would carry out that task. It is not the responsibility of the developer to show members of this House what it proposes for Burswood Island; it is the responsibility of the Government. As far as I am concerned it is just another cover-up and another sidetracking by the Government of its responsibility.

About a year ago, I asked whether the Government had taken this issue to the Ministers' liaison committee which was set up in my time to consider issues such as this. The answer was, "No". However, the following week *The West Australian* newspaper reported a commitment by the Government to take this issue to the liaison committee. Apparently the Government was under some

pressure from the Perth City Council to let it know what was going on.

A few days ago I asked the same question—whether the issue had been before the liaison committee—and of course it had not. The subject of the Supreme Court building has not been placed before the committee either. That is another example of the roughshod approach of this Government to issues of vital importance to the city and the community.

The Government has refused to explain the matter to the people of the State or to allow them to participate in this large development. If all those processes had taken place and the answer had been the same I would have no beef about the matter. I am not a casino supporter, but I accept the fact that the Parliament has taken a vote on the issue and that a casino will be built. We are now dealing with the matter of the site for the casino.

If this matter had been fully evaluated in the normal way—through the planning processes and the EPA—and if Burswood Island had been found to be a creditable site and the best reasons were placed before us to illustrate that, I would not be having a beef about the issue now. It is quite a different matter for the decision to be put upon us without the community being able to voice its opinions. We will be landed with a development, and we have no alternative but to accept it.

I have asked questions about roads, traffic, and the environment as they relate to the area. However, I have received no answers. It is quite amazing when we realise that traffic, roads, and planning are mentioned in the second reading speech—the environment does not get a mention—but no explanation is given. The second reading speech just indicates that those areas are in the Bill. The Bill waives all requirements for people to have a say on this issue. I am upset indeed that that has occurred.

Our city is recognised for its unique beauty, which to a large extent results from sound planning, and which has been carried out by people of integrity over many years. People who love this city have paid great attention to its planning, without personal gain for themselves. They have made sure that each stage of development which has taken place has been in the best interests of and for the long-term future of this city. The aesthetic and social situation of the city has been considered. At some times the development may have seemed to be slow. If one hastens slowly with the future development of the City of Perth, one will finish up with the best result for all people. The sound planning of this State is under threat from

the roughshod approach of this Government to the development of our city.

We could quite easily have seen a casino development take place in Kings Park. We must ensure that the Government does not go along with the building of a unique monument to itself by having some magnificent structure in Kings Park. At least we have been saved that, for the time being. Burswood Island is a quarter of the size of Kings Park, but I am sure the citizens of Perth should be apprehensive about such developments. It is not so much a question of what the developers are to do with a casino, because developers do their job and are entitled to take whatever steps they wish to develop land, but I believe the people of the community should have a say when such issues arise.

It is true the city will be disadvantaged by this development. It is the grave responsibility of the Government to evaluate a situation and consider it in the best interests of the public. The interests of the public should be protected, but that is what this Government has not done.

I strongly oppose this legislation.

MR CRANE (Moore) [10.28 p.m.]: While I realise that this is possibly an exercise in futility I must reiterate my objections to a casino in Western Australia and to this legislation before the House.

Many people have said that we are making fools of ourselves in this place by talking about something which has already occurred. I think this issue has been adequately canvassed in all areas, but the previous speaker, the member for Dale, has confirmed what has been said by many people; that is, the undesirability of building a casino at Burswood Island.

We have at the end of the Causeway a unique area of public open space which should be preserved for the use of the City of Perth.

Mr Bryce: Do you know how many people use that open space?

Mr CRANE: I know that not too many people have used it in the past because it has been a rubbish tip.

The Deputy Premier was talking while he was walking to his seat. That is something we do not usually accept, and I have not the slightest intention of being put off what I was saying. The Deputy Premier has used tactics which I do not use. If he sits quietly, I will carry on as I was before by voicing my objections to the Bill before the House.

The Burswood Island area is unique. In future it will be used a great deal by the public if they have the opportunity to do so. Over the last few years it has been beautified and turned from what the

Government is quick to remind us was a rubbish tip into a unique area for this lovely city of ours. That it should be abused in such a way and taken away from the City of Perth is something the present Government will regret in time to come, and so will the people of Perth.

Mr Bryce: The people of Perth have never used it.

Mr CRANE: If we are looking for a better site it might be better if we decided that the casino should be placed on Sandy Island in Scott's Reef. I am sure that would be a much more attractive place; there is a beautiful coral lagoon around the island and it is an idyllic setting in the Indian Ocean.

Mr Bryce: Can I make a comment?

Mr CRANE: The Minister has had his say. I am not going to take the slightest notice of what he is saying.

The member for Dale has suggested that perhaps Northbridge would be a better place for the casino. I do not think it is necessary for us even to consider whether it should be there. This Government has most effectively used bulldozing tactics to force what it wants through this Parliament onto the people of the State. Perhaps we should call the Premier "Bulldozer Brian" or "Bulldozer Burke", because this Government is standing on its record and bulldozing its way through on this matter. The environmental people have not had an opportunity to play their part and the Perth City Council has already been overrun by this Government's bulldozing tactics.

Mr Evans: He could not bulldoze it through the Council, you twit.

Mr CRANE: No, but it was not our fault that some trendies in the Council decided to go along because it happened to suit them at the time. Maybe there was a good reason for it; there could have been a pecuniary interest involved for some of them. We know that when the report came out on casinos a few people in another place were very enthusiastic about supporting them, and one wonders why. I suppose there is nothing wrong with wondering. The fact remains that it does not mean that we in this place must go along willy-nilly and support what is before the Chair simply because others have done so. I am not one who subscribes to the attitude of the girl who says if rape is inevitable, relax and enjoy it. I do not intend to relax and enjoy this Bill being forced through this Parliament and the manner in which it is being done.

There is no reason for doing so, and the people of my electorate have told me on many occasions—the majority of those who have bothered

to voice an opinion—they feel that by talking about casinos at a time like this when a record number of people are on the dole, the great rural industry of this State is in tatters and the Western Australian economy is in such a parlous situation, is tantamount to fiddling while Rome burns. This Government seems to be extremely adept at dragging red herrings across the trail and causing suspicion and diverting public opinion away from the matters which should be of greatest concern to them.

I have referred to the economy of Western Australia, and these are matters which we as a Parliament should address most seriously. Whether we like to admit it or not, Australia is bankrupt. Yet here we are talking about spending millions of dollars as a Government to assist people to invest in what will eventually be a white elephant. When the time comes and the casino needs to be bailed out with money, as others have needed, and when the profits people imagine are not there, I will not support any Government which wants to come to the assistance of this ill-conceived venture.

We should be addressing ourselves and using our valuable time to discuss matters of greater importance to the welfare of Western Australia. We seem to be suffering from "America's Cup-itis". I think we are going overboard with regard to what people expect us to do for the America's Cup. I remember reading an article by Mr Bond who emphasised how little was done for him when he first went to America in an attempt to compete for the America's Cup. They did all they could to make it difficult for him, but here we are bankrupting ourselves to make provision for people who we believe will be flooding into this State.

Charity begins at home and it is our responsibility to look after our unemployed and our rural industries and to spend our money and talents in areas where they are most needed. I reiterate that this is an exercise which makes us look ridiculous in the eyes of the world. We are validating something which has already happened. The Government was unable to restrain itself; it had to carry on and do the job before we passed the necessary laws through Parliament. That is an indictment on the honour of this House and we as a Parliament must oppose the Bill.

MR PEARCE (Armadale—Minister for Education) [10.37 p.m.]: This has been a strange debate in many ways, particularly as so many members of the Opposition have not had the courtesy to inform the House at the end of their orations which way they intend to vote.

The debate has been characterised by half-truths, misinformation, and innuendo. Nothing is more a half-truth or misinformation than the point upon which the member for Moore concluded—and it was repeated by several other members—that the Government did not have the courtesy to get the Bill through Parliament before work on the casino commenced. That is totally and utterly untrue and shows how little members opposite know about what is involved in the project and where it fits on Burswood Island.

The works currently being undertaken on Burswood Island are being done by the Main Roads Department and are the beginning of work on the approaches for the Burswood Island Bridge. No work is being undertaken on the casino at all. The Main Roads Department is undertaking some work on the bridge approaches, but that is not news, or should not be news to members. To suggest anything else is being done is totally false.

The sorts of arguments put forward this evening are much of a muchness with regard to that. I do not intend in my reply to address myself to each of the speakers who has spoken. I intend to comment briefly on the three main themes that have underlain the speeches of members.

Mr Rushton: You want to avoid the issue.

Mr PEARCE: I do not. I am going to face the issue.

Three main points have been canvassed by members opposite: Firstly, the question of the approach to environmental considerations in relation to the casino; secondly, the question of freehold land versus leasehold land; thirdly, the question of a taint of corruption which some members have alleged, without any supporting evidence at all, has underlain this whole deal.

Mr Rushton: What about the planning issues?

Mr PEARCE: They come in with the environmental issues. I have written "environment" and "planning" down here.

Mr Peter Jones: The basic issue of the speeches I heard was the undertakings that were given and not honoured.

Mr PEARCE: I reject the fact that undertakings were given and were not honoured; the Government does not accept that at all. We do not accept the position that it has been done hurriedly and in secret. If one listened to the speeches of various members, one would see how confused members are in this regard. On the one hand, members accused us of rushing this Bill through with undue haste. Other members accused us of dragging the whole thing out to the detriment of the developers. One member went so far as to say

that the Government had been corrupt in its handling of the matter, but that the developers were squeaky clean. Those were the kinds of self-contradictory statements that cannot survive under any examination.

The fact is that there was every intention to carry out a proper environmental review of the site. That is currently under way.

Mr Peter Jones: You promised that before.

Mr PEARCE: Until such time as there was a firm proposition with designs and drawings and the whole lot, it was not possible to make an assessment of the way in which the environmental problems of the area might be managed.

It is still humbug for members opposite to talk about environmental aspects when the placement of the casino back from the river foreshore is the equivalent to the width of two Esplanades. No-one suggested, when the new Esplanade Hotel development was being considered, that there ought to be an environmental study on the impact of that development on the river foreshore. The fact is that the casino will be twice as far away from the river as that development. Nevertheless, because of the sensitivity of this site and previous usage, the Government is having a public environmental report made of the site. That process is to be expeditious on the one hand but allows—

Mr Peter Jones: But it is not an ERMP as the Premier promised.

Mr PEARCE: The public environmental review allows for public input and ensures that issues will be properly considered in the context of the whole development.

Of all the documents and speeches that were quoted from this evening, all members can say is that undertakings were given to consider questions of environment, of planning, and of road transport patterns when the casino is set in place. In fact, an environmental review is already being carried out. As far as I am aware, a commitment was not made specifically to an ERMP in the way that has prevailed with other projects. We undertook to give consideration to environmental aspects and that is being done currently.

A decision in relation to the planning processes was that the planning arrangements would be made by way of legislation and not by the processes which are followed if legislation is not involved. It was not our intention, at an early stage, to do that. However, time presses with regard to the casino. To suggest that the whole thing has been rushed overlooks the fact that we had, in our policy before the last election, the proposition that there would be a casino in Western Australia. That was put to the people before we were elected.

We presented legislation to this Parliament to obtain approval for the general concept of a casino. It is not, therefore, news to the Parliament that there is to be a casino.

Speakers have indicated that the decision to put the casino on Burswood Island was made last April, almost a year ago. That has hardly been sprung on anybody. There has been a tremendous amount of information and public input.

Mr Peter Jones: The Premier said there would be egg on their faces if the casino was placed on Burswood Island.

Mr PEARCE: The member for Vasse said the announcement was made in April last year. There is nothing new about the Burswood Island site. In fact, we have debated in this House before the placement of a casino on Burswood Island.

Mr Rushton: But you cannot make the decision. The decision has to go through the processes.

Mr PEARCE: The Parliament, this evening, will have the opportunity to make its decision on whether the casino should be placed on Burswood Island or not because that is included in the legislation that is before the House. The members of the House are elected by the people of Western Australia and they are here to manage the business for the people of Western Australia. They are elected in the same way as, but with more fairness than, the members of the Legislative Council. I do not allege that those Liberal members who voted for the legislation in the Legislative Council were motivated by pecuniary interests which was the claim made by the member for Moore, who is a new convert to the Liberal Party. I wonder whether the lady who withdrew from pre-selection yesterday will regret that decision when she finds out that the member for Moore is alleging that Liberal members in the Legislative Council voted in favour of the casino legislation, not because they believe in it, not because they thought there should be a casino, and not because they thought that Burswood Island was the best place for a casino, but because they had a pecuniary interest in the matter.

Mr Crane: I suggest you check my speech.

Mr PEARCE: I listened carefully and that is precisely what the member alleged.

Let me discuss the question of freehold land versus leasehold land about which the member for Narrogin, in making his maiden speech, as a Liberal—what a tawdry and sullied speech it was—made his point. The Government makes no secret of the fact that its preference was for the land at Burswood Island to be made available to the developers on a leasehold basis. When the successful applicant for the licence put up a pro-

posal—it named Burswood Island—the proposal was that the land should be freehold. That was not the Government's preference. However, we were aware that Dempster's proposal was for freehold land.

Mr Peter Jones: It was in the proposal, was it?

Mr PEARCE: That is right. We had hoped, until quite a late stage, that we would be able, in the agreement, to reach a situation where the land to be made available would be leasehold land.

Mr Peter Jones: What do you call "a late stage"?

Mr PEARCE: It was certainly as late as the statement which was made by the Minister for Racing and Gaming and which you said was made on 20 November and later.

The question was asked: When did Dempster know he was to get freehold land and not leasehold land? I can place a date on that precisely. It was 19 February of this year because it was on that day that Cabinet met in the Cabinet room at 7.00 a.m. on a Tuesday and went through the proposed agreement line by line. Until 19 February there was no agreement and no commitment by the Government to anything other than leasehold land. However, at that meeting on 19 February, the freehold land and the cash compensation for it was agreed to. That was when Dempster would have known precisely the recommendations.

However, another element of this matter bears interestingly on the approach the Leader of the Opposition took on the whole issue. In November, when the Casino Control Committee, which the Leader of the Opposition said should control the whole operation without any reference or accountability to the Government, went through Mr Dempster's application and advised the Government on the form the agreement should take, it advised the Government also that it should accede to Mr Dempster's request for freehold land. That was the advice of the committee in November of last year. In fact, the negotiations that went on with Mr Dempster would have gone on with Mr Dempster knowing, I guess, that that was the Casino Control Committee's recommendation and, no doubt, confirmed him in arguing for the freehold position.

Mr Peter Jones: Was any consideration given to the Government's going back and asking the other applicants who made proposals in relation to leasehold land to put in fresh proposals on a freehold basis?

Mr PEARCE: No.

Mr Peter Jones: So in other words, Dempster's proposal on a freehold basis was the only one

considered by the Government and that persuaded the Government's advisers to change their minds?

Mr PEARCE: We must look at what the Casino Control Committee decided because its role has been important in this matter. The committee went through the revised applications and made a recommendation to the Government about who should be the successful applicant. It then advised the Government on what should be the form of the agreement. In all essential terms the Government has followed the advice of the independent Casino Control Committee. It has recommended the kinds of things about which some members opposite are complaining.

The irony of the situation is that if the Leader of the Opposition had had his way the Casino Control Committee would have been able to do these things without reference to the Government.

The committee, when recommending the successful applicant, took into account what would be the best for this State in terms of investment and of what the Government would make on the sale of the land, and other considerations. The successful applicant was able to offer an investment of nearly \$250 million and that is of great importance to Western Australia.

I sat thunderstruck when the member for Moore said that we should not be talking about a casino when there were so many people unemployed. That is the reason we are talking about a casino because there will be 1 700 jobs available for young Western Australians in the casino and associated hotel projects when both are operational. That is what underlines the Government's determination to go ahead with the development.

Mr Peter Jones: What you have said apart from the number of jobs that will be available is that Mr Dempster's proposal was the only one concerning freehold land and not leasehold land.

Mr PEARCE: I did not say that it was the only application received involving freehold land.

Mr Peter Jones: The other point you made was that it was outside the Government's guidelines. The Government advised on the basis of that proposal because of the leasehold land. Mr Dempster was not only late with his application, but also his application was outside the Government's guidelines.

Mr PEARCE: The Casino Control Committee went through the applications.

Mr Peter Jones: You are the Government.

Mr PEARCE: The Government makes the decisions. No-one is ducking away from that and that is the difference between the Government and

the Opposition because the Leader of the Opposition's point of view was that the Casino Control Committee should be a statutory independent body which makes all the decisions without reference to Government. We do not operate on that basis. We take advice from groups we establish to give advice, but we make the decisions and stand by those decisions.

Mr Peter Jones: No, you do not. That has been the decision tonight. You said that the Government stands by its decisions.

Mr PEARCE: It does.

Mr Peter Jones: The whole point is that you have not stood by your decision. The Premier gave an undertaking in regard to what studies would be undertaken and the Government has not stood by that.

Mr PEARCE: There were negotiations and as a result of the negotiations some of the newer decisions, such as the desire to have the development freehold rather than leasehold have changed. However, that does not mean we have not done what is best for Western Australia and the Government stands by the agreement it has put to the Parliament.

The revenue from the casino to the State will be considerable both in terms of direct input to the Government for the sale of the land and in the cost of the licence—I guess one could say it is a kind of a *de facto* licence fee which will be charged to the casino.

The continued return to the Government from the turnover which the casino will generate is a big factor and the public of Western Australia will be pleased to see the number of jobs that will be provided to young Western Australians who would otherwise languish in the dole queues. That is why the Government made its decision. The Government did not get as much as it wanted in some areas, but it received more in other areas. The Government had to keep in mind the matter of financial viability from the point of view of the developers and there was no point in squeezing them; we had to ensure they could operate profitably. The Opposition is a guru of profit; surely it would understand that the operation must be viable.

Mr Rushton: The amount you make on the casino you will lose on the Perth-Fremantle railway every year. That is how good your Administration is.

Mr PEARCE: That shows how little the member for Dale understands because that is precisely the approach we take in so many ways.

The Government ensures its share of viable and profitable enterprises goes towards subsidising social services for the State. That is the philosophical approach this Government has adopted.

I have answered the question concerning the freehold and leasehold of the land on which the casino will be built and there are no suspicions about it. The successful developer advised that without the title to the land he would not be able to assemble the capital necessary—\$250 million—to go on with the venture.

It may well be that some of the other tenders received were for much lesser amounts. One tenderer was proposing an investment of less than \$100 million. It may well be that they could assemble that level of capital for a development on leasehold land rather than freehold land. However, looking at the whole picture it was the Government's decision to go for a maximum investment because it would give a maximum return to Western Australia.

I have addressed the point of control and the fact that the Government has an overriding say, so that it will leave the Casino Control Committee without any accountability. It would be easy for the Government to say, with the innuendos put around by the Opposition, that it has no say in the casino and that one should talk to the Casino Control Board. However, there are two flaws in that statement. Such a board would not be accountable in terms of its being corrupt. Some members opposite alleged that in other countries in the world organised crime was centred around casinos and that they lead to bribery and corruption. If the Government were corrupt in so far as the casino is concerned, the people of Western Australia would have the final say because they have the option to remove the Government at various intervals.

How does one deal with a statutory control board in regard to an allegation of bribery and corruption? The Government remains at arms length from the day-to-day operations of sensitive issues like licensing and the continuation of licences, but in the end it makes a decision and stands by it. If the people disagree with what the Government is doing and believe it is corrupt, the ultimate sanction lies with them. The Government is prepared to carry that responsibility for that reason—it is prepared to be accountable.

It has been a great disappointment to me that members opposite have tried to allege that the Government is involved in corruption in regard to the casino. There is no truth at all in those allegations. No member from the Government has

profited financially or in any other way from the proposed development.

Several members interjected.

Mr PEARCE: I am sorry that members opposite are prepared to make reference to certain things without offering a shred of evidence. In fact, the most outrageous of allegations was not directed at the Government in the way the Leader of the Opposition and the Deputy Leader of the Opposition attempted to say, but against the Liberal members of the Legislative Council.

Mr MacKinnon: Who was that?

Mr PEARCE: It was the member for Moore.

Mr Peter Jones: You said the Leader of the Opposition and the Deputy Leader of the Opposition had directed aspersions against the members of the upper House.

Mr PEARCE: No, I did not. I said that the Leader of the Opposition, the Deputy Leader of the Opposition and others, including the member for Narrogin, directed innuendos against the Government, but the most outrageous statement was made by the member for Moore when he alleged that Liberal members in the upper House had a pecuniary interest in regard to the casino.

Several members interjected.

Mr PEARCE: The member for Moore said that they were motivated by a pecuniary interest.

Point of Order

Mr RUSHTON: I ask the Minister to withdraw the remark which improperly referred to the remarks by the member for Moore.

The SPEAKER: There is no point of order.

Debate Resumed

Mr PEARCE: The debate concerning the casino has continued for nearly two years and much of it has been by way of public discussion. It is not news to the public of Western Australia that this Government wants a casino established in Western Australia. It is not news that the Government wishes it to be established on Burswood Island and that we think Burswood Island is the best place. At the moment it is primarily a rubbish tip and cement works. It is the eastern approach to this city and anybody driving from the airport drives past the cement works and the rubbish tip. Anybody travelling down the river realises what a mess Burswood Island is. We have the opportunity of this development and the tremendous public parks and recreational works associated with the casino to clear up that eastern foreshore once and for all.

It is our belief that the development is something that Western Australians will be very proud of in the future. They will look back on the decisions made by the Government and the Parliament tonight to allow the development to proceed—when they are able to use the golf course and the foreshore in a way they cannot do now, to enjoy the many hectares of public open space and parkland that will cover the rubbish tip, the unsightly, messy, unsafe and unhygienic place that Burswood Island now is—and they will be very glad indeed.

Mr Court: Will the speedboats be allowed to continue there?

Mr PEARCE: I do not know that the question has been addressed. There has been no proposition that they be stopped.

Mr Bryce: We should shift them to the waterfront at Nedlands.

Mr PEARCE: There is no proposal of which I am aware to relocate those speedboats and I do not see why there should be.

The area needs to be cleaned up and the Government stands behind the decisions it has made in this regard. We note that the Bill has been approved by a majority in another place and we look forward to the development proceeding expeditiously in the near future.

Question put and a division taken with the following result—

Ayes 27

Mr Barnett	Mr Hughes
Mr Bateman	Mr Jamieson
Mrs Beggs	Mr Tom Jones
Mr Bradshaw	Mr Laurance
Mr Bridge	Mr McIver
Mr Bryce	Mr Pearce
Mrs Buchanan	Mr Read
Mr Terry Burke	Mr D. L. Smith
Mr Carr	Mr P. J. Smith
Mr Cash	Mr Tonkin
Mr Davies	Mr Troy
Mr Evans	Mrs Watkins
Mr Grill	Mr Burkett
Mr Hodge	

(Teller)

Noes 13

Mr Blaikie	Mr McNee
Mr Court	Mr Rushton
Mr Cowan	Mr Stephens
Mr Crane	Mr Trethowan
Mr Hassell	Mr Tubby
Mr Peter Jones	Mr Williams
Mr MacKinnon	

(Teller)

Pairs

Ayes	Noes
Mr Taylor	Mr Coyne
Mr Wilson	Mr Thompson
Mr Parker	Mr Watt
Mrs Henderson	Mr Spriggs
Mr Gordon Hill	Mr Grayden
Mr Brian Burke	Mr Clarko
Mr Bertram	Mr Mensaros

Question thus passed.

Bill read a second time.

BILLS (4): RETURNED

1. Parks and Reserves Amendment Bill.
2. Town Planning and Development Amendment Bill.
3. Coal Mines Regulation Amendment Bill.
4. Mines Regulation Amendment Bill.

Bills returned from the Council without amendment.

House adjourned at 11.07 p.m.

QUESTIONS ON NOTICE

COMMUNICATIONS: VIDEO TAPES

"R"-rated: Prosecutions

2503. Mr HASSELL, to the Minister for Police and Emergency Services:

In respect of "R"-rated video tapes classified as such by the Commonwealth Film Censorship Board, is it fact that our police have no powers to prosecute if, in this State, such video tapes are hired or sold to those under 18 years-of-age because the tapes have not been gazetted by actual title or by reference to titles published by the Film Censorship Board and/or gazetted in Commonwealth gazettes?

Mr CARR replied:

In May 1984 there was a successful prosecution when a plea of guilty was entered to a charge. However, since then doubt has arisen over police powers and a legal opinion is being sought from the Crown Law Department.

PLANNING: PUBLIC SUBMISSIONS

Waiver: Precedent

2518. Mr RUSHTON, to the Minister for Planning:

- (1) (a) Has there been a precedent to the Government's action introducing the Acts Amendment and Validation (Casino Control) Bill which waives the legal requirements of the Metropolitan Region Town Planning Scheme Act for the public to make submissions for and against the siting of a casino on Burswood Island;
- (b) if "Yes", will he please list these developments in the metropolitan region?
- (2) Is he aware that the Government could allow development in Kings Park using the same procedure as it has to develop a casino on Burswood Island, denying the rights of the public provided for within the environmental and planning Acts?

Mr PEARCE replied:

- (1) (a) Yes, the Nickel Refinery (Western Mining Corporation Limited) Agreement Act 1968 specifically

bound Western Mining Corporation to construct a refinery at Kwinana without providing for the possibility of the development being refused under planning legislation. Another example was the Industrial Lands (CSBP and Farmers Ltd) Agreement Act 1976 where the State agreed to make land available to enable the expansion of CSBP's plant at Kwinana. That legislation included a clause whereby the agreement was to take effect notwithstanding the provision of any Act or Law.

(b) Answered by (a).

- (2) It is not a valid exercise to relate the proposed Casino on Burswood Island with some hypothetical development in Kings Park. The Casino site comprises unalienated Crown land and freehold land whereas Kings Park is an "A" Class reserve. Under the Land Act any excision of land from an "A" Class reserve must be the subject of an Act of Parliament and under the Parks and Reserves Act any development in Kings Park on a leasehold site would similarly need Parliamentary approval.

DISCRIMINATION: SEXUAL

Booklet: "Our New Principal"

2521. Mr CLARKO, to the Minister for Education:

- (1) (a) Has he read the booklet "Our New Principal";
- (b) if "Yes", is it not regarded as thoroughly scurrilous, unjustified and unscrupulous, and in particular, an extreme feminist attack on male school principals?
- (2) Will he refer a copy of the booklet to the appropriate anti-discrimination authorities, both State and Federal, in Western Australia, for their consideration and action?
- (3) Since it has been reported that the booklet has been distributed in at least one Western Australian school, what action, if any, would he propose to take regarding its distribution in our schools?

Mr PEARCE replied:

- (1) (a) Yes.

- (b) No, but I do accept that it is not necessary to promote undesirable male stereotypes in order to present desirable female stereotypes.
- (2) The member may take this action if he wishes.
- (3) As a general principle this Government trusts principals of Government schools to select materials which they consider to be of use to children in their schools. I would be prepared to intervene only in exceptional circumstances. However, the department is conducting courses designed to help teachers identify sexist material and if the member's comments are accurate this publication may serve as an example of the type of material which should be avoided.

CRIME: CHARGES

Withdrawal: Attorney General's Actions

2525. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) How many times did it happen during the last ten years that the Attorney General of the State denied indictment on his own initiative in a case of police prosecution on an indictable offence?
- (2) What were these cases and what dates were the respective indictments denied?

Mr GRILL replied:

- (1) and (2) Statistics on these matters are not maintained.

JUDICIAL APPOINTMENTS: ELIGIBILITY

Female Lawyers

2528. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) How many female lawyers are practising in Western Australia who statutorily are eligible to be appointed to the Bench as Supreme or District Court Judges or Stipendiary Magistrates?
- (2) How many female Stipendiary Magistrates are there in Western Australia?

Mr GRILL replied:

- (1) I am advised that the Barristers' Board's records are not maintained in a way which would enable it to accurately provide the necessary information in respect of eligibility for appointment as a Judge. With respect to Stipendiary Magistrates the Board advises there are 222 female

lawyers currently practising and therefore eligible.

- (2) None.

CHEMICAL

Spillage: Medical Attention

2535. Mr OLD, to the Minister for Minerals and Energy:

- (1) Further to question 2486 of 1985, concerning chemical spillage on Fremantle wharf, did any member of the team engaged in the clean up of xylene require medical attention?
- (2) If "Yes", what was the result of the medical consultation?

Mr PARKER replied:

- (1) Yes.
- (2) Under observation—sent home within two hours.

PRISONS: PRISONERS

Bunbury: Dangerous

2537. Mr BRADSHAW, to the Minister representing the Minister for Prisons:

- (1) How many prisoners at Bunbury prison are regarded as dangerous?
- (2) (a) Did the Minister give an assurance earlier this year or late last year that prisoners considered dangerous would not be kept at Bunbury;
- (b) if so, why was the prisoner who escaped last Monday, who is described as dangerous, kept at Bunbury?
- (3) (a) Does the Minister intend to move any other prisoners considered dangerous from Bunbury prison;
- (b) if not, why not?
- (4) Does the Minister intend to increase security at the Bunbury prison?

Mr GRILL replied:

- (1) to (3) The Prisons Department applies a security rating system which is distinct from the Police Department classification of "dangerous".

Bunbury Regional Prison is rated as a low medium security prison. Prisoners assessed at this security rating or lower are detained in the prison. The only exceptions are prisoners detained in the maximum security section of the prison

on a short-term basis (for example, while awaiting trial).

- (4) Improvements to the structure of the maximum security section have recently been completed. No further modifications are planned at this time.

HEALTH: HOSPITAL

Princess Margaret: Intensive Care Unit

2539. Mr HASSELL, to the Minister for Health:

- (1) Can he confirm that the intensive care unit at Princess Margaret Hospital does not have sufficient staff or space to care for more than four children at any one time?
- (2) Is it fact that this space is considered inadequate by hospital staff?
- (3) Is any change contemplated?

Mr HODGE replied:

- (1) The intensive care unit of Princess Margaret Hospital has six beds. This is in addition to the neo-natal intensive care beds provided in the neo-natal unit.
- (2) The number of children requiring intensive care fluctuates considerably. If the number of children requiring intensive care is greater than usual, then additional staff are taken from other parts of the hospital to assist in the care of these children in the intensive care unit.
- (3) The hospital is involved in a major redevelopment programme. As part of the stage two redevelopment, there is a ten-bed intensive care unit with adequate space.

ALUMINIUM SMELTER: HILL SAMUEL REPORT

Publication

2543. Mr PETER JONES, to the Minister for Minerals and Energy:

With reference to his media statement of 22 February 1985, in which he said that before any decision is made to go ahead with an aluminium smelter, "the people of Western Australia will be given the fullest possible information on which to make a proper assessment of the project", when is it proposed to make available the Hill Samuel report which the Premier has repeatedly indicated contains the advice that any smelter in

Western Australia "will be at the lower end of the cost scale compared with international competition" and upon which the State Government is considering risking taxpayers funds through equity investment in the project?

Mr PARKER replied:

The member for Narrogin is referred to replies to questions 2353, 2351 and 1724. Details of a number of studies which have been undertaken into aspects of the proposed aluminium smelter will be made available in a responsible manner when it is commercially prudent to do so. The information will be provided when an appropriate stage of the confidential negotiations has been reached.

KUKJE-ICC CORPORATION

Korean Involvement

2544. Mr PETER JONES, to the Premier:

Having regard to the statement that the Government was aware in November 1984 that the Korean company Kukje ICC was in financial difficulties, on what basis and after what reassurances did he issue his statement of 10 December 1984, that following talks with Kukje ICC senior executives, confirmation had been given regarding the strength of the Korean involvement in the project and that access to the Korean market was assured?

Mr BRIAN BURKE replied:

In December 1984, I also met with senior Korean Government officials who indicated there was a strong commitment by the Korean Government to take metal at competitive prices from the Western Australian aluminium smelter.

ALUMINIUM SMELTER: POWER

Tariff: Cost-benefit Analysis

2545. Mr PETER JONES, to Minister for Minerals and Energy:

- (1) Is he still intending to honour his undertaking published on 11 July 1984, that before any agreement was signed for the aluminium smelter project, or any power tariff arrangements entered into, he would release a full cost-benefit analysis and audit of the project for public consideration?

- (2) If "Yes", when is it anticipated that such studies and analyses will be released?

Mr PARKER replied:

- (1) and (2) The member for Narrogin is referred to replies to questions 2543, 2353, 2351 and 1724.

ALUMINIUM SMELTER: EQUITY

Government Involvement

2546. Mr PETER JONES, to the Premier:

- (1) Does he still maintain his contention, stated on the Bob Maumill radio talk-back programme, that the Government would not be considering equity investment in an aluminium smelter, because "all of those things the Opposition said were true about our plans, and that we denied, would prove to be true . . . "?
- (2) Does he still consider it to be politically inadvisable to invest public funds in such a project, as stated on the same programme on 20 February 1984?
- (3) If not, what circumstances have changed to warrant such an investment, especially considering the decline in the price of aluminium on the international longer term market, and his statement that there are other Australian equity partners interested in participating in the project?

Mr BRIAN BURKE replied:

- (1) The member for Narrogin has misinterpreted the intent of the discussion from which he is partially quoting.
- (2) and (3) The member for Narrogin was recently informed in detail on these matters in response to question 2355.

MINERAL: IRON ORE

Exports: Japan

2549. Mr PETER JONES, to the Premier:

When does he anticipate that the Western Australian market share of Japan's iron ore imports will reach 55 per cent?

Mr BRIAN BURKE replied:

Statistics quoted for iron ore exports to Japan have traditionally referred to the Australian share of the Japanese market rather than the Western Australian share. The Western Australian share comprises approximately 97 per cent of the Australian share. The Australian

share of the Japanese iron ore market has improved over last year to an all-time high. For the nine months to December 1984, it reached 48.9 per cent compared to the previous peak of 48.2 per cent in 12 months ending 31 March, 1976. For the month of April 1984, a level of 54.5 per cent was reached (Tex Report 27/2/85).

Given the considerable improvement in industrial relations in the Pilbara and the competitive position of our industry, it is anticipated that our market share will continue to increase and that an annual level of 55 per cent is well within reach.

TRANSPORT: FREIGHT

Wool: Deregulation

2550. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to the future regulation of wool carting to Westrail, is it the intention of the Government to deregulate wool cartage?
- (2) If not, for what reason is this benefit and improvement being delayed?
- (3) Is it intended to make any changes to wool transport arrangements that will improve the present restrictive arrangements?
- (4) If "Yes" to (3), what changes are proposed?
- (5) When is it anticipated that wool will be deregulated as intended by the previous Government?

Mr GRILL replied:

- (1) I am presently holding talks with various transport agencies and interested groups on the question of further transport freedoms. I recently deregulated transport of wool east of Kalgoorlie.
- (2) There is no delay. I have previously stated that future deregulation will not proceed without a full knowledge of the social and economic impacts.
- (3) and (4) Westrail has been having a series of discussions with growers throughout the State with a view to introducing a system of consolidated wool receival facilities at nominated country centres in order to improve present wool transport methods. There have been reductions of freight rates for wool on rail from centres including Albany and Esperance

as a result of initiatives from these ongoing discussions and a new wool depot will be opened in Geraldton in April.

- (5) I am not aware that the previous Government declared its intention to deregulate wool.

MINERAL: IRON ORE

Processing: Studies

2551. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) With regard to studies into iron ore processing potential in Western Australia, what companies are currently engaged in any studies?
- (2) When is it expected that any such studies will be completed?
- (3) What specific form of processing is being studied?

Mr PARKER replied:

- (1) There are a number of iron ore processing studies currently in train, some of which have not been made public by the companies concerned. CRA and Finsider of Italy are carrying out a joint study into the establishment of a direct reduction plant in Western Australia. BHP are studying the prospects of reopening their plant at Kwinana to produce pig iron. Negotiations are proceeding with the Chinese at the present time on this project.
- (2) Studies are continuing and no specific date has been set for finalisation.
- (3) See (1) above.

EDUCATION: AGRICULTURAL COLLEGE

Narrogin: Renovations

2553. Mr PETER JONES, to the Minister for Education:

- (1) Is it intended to undertake repairs and renovation work at the Narrogin Agricultural College?
- (2) What are the details of any such works?
- (3) When is it anticipated any such work will be undertaken?
- (4) What is the estimated cost of any such works?

Mr PEARCE replied:

- (1) Yes.

- (2) (a) Internal repair and renovation work on two dormitories.
- (b) Internal and external repair and renovation work on 10 houses.
- (3) The proposed work is expected to commence next month and be completed by September this year.
- (4) \$74 400.

PORTS AND HARBOURS: JETTIES

Fees: Increases

2554. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to fees and general administration of the Jetties Act, have fees under the Act been increased since March 1983?
- (2) If so, by what amounts and percentages?
- (3) How many persons are involved in administering this Act?
- (4) Does the Government expect a licence under this Act to be levied against a person who has a retaining wall on river front private property?
- (5) Does such a private landholder need to be a boat owner to become liable for payment of a jetty licence?
- (6) What is the definition of a "jetty" or "land backed" landing place currently being used by the Marine and Harbours Department?
- (7) What is the total estimated revenue which will accrue from fees charged under the Jetties Act in the current fiscal year?

Mr GRILL replied:

- (1) Yes.
- (2) I refer the member to the answer to questions No. 2207 and 2388 of Wednesday 20 and Thursday 28 February, respectively.
- (3) The majority of the staff of the Department of Marine and Harbours are involved in the administration of the Jetties Act in some way. There are, however, 8 persons with a substantial involvement.
- (4) No.
- (5) No.
- (6) The definition of a jetty is contained within the provisions of the Jetties Act.

- (7) I refer the member to the answer to question No. 2207 on Wednesday 20 February.

That figure does not include revenue derived from public jetties within operational ports.

INDUSTRIAL RELATIONS: DISPUTE

Fremantle Waterfront: Duration

2555. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to the dispute between unions at the Port of Fremantle involving the vessel *Negara*, what was the duration of the dispute?
- (2) At what stage did the Government become involved?
- (3) Who approached the Government seeking assistance in resolving the dispute?
- (4) Who were the Government officers involved in attempting to resolve the dispute?
- (5) What were the additional costs to the ship's owners resulting from the delays caused by the dispute?

Mr GRILL replied:

- (1) 6 days, 15 to 20 February.
- (2) The Government was advised of the dispute on 15 February.
- (3) Fremantle Port Authority and, I understand, Seatainer Terminals Ltd.
- (4) The Premier's Industrial Relations Adviser, an Industrial Officer from Office of Industrial Relations and the Personnel and Industrial Officer from the Fremantle Port Authority.
- (5) This question should be directed to the ship owners concerned.

PORTS AND HARBOURS: ALBANY

Charges: Increases

2556. Mr PETER JONES, to the Minister for Transport:

- (1) With regard to the future operations at the Port of Albany, is the Government intending to support a further increase in some port charges this calendar year?
- (2) Is it the intention of the Government to actively promote the increased use of the port?

- (3) What action has, and is, the Government taking to develop increased trade and throughput within the port?
- (4) Is the Government prepared to regulate more live-sheep shipments through the port and less through the Port of Fremantle, in order to assist the development of the port and Albany region?

Mr GRILL replied:

- (1) The only increase in charges contemplated at this stage for the Port of Albany relates to mooring charges. These might be increased by up to 10 per cent for 1985-86. A 10 per cent increase in mooring charges would represent an across-the-board increase in Albany Port Authority charges of something like 0.3 per cent.
- (2) Yes.
- (3) A public sector/private sector committee chaired by the Co-ordinator General of Transport carried out a review of the future of the Port of Albany. It reported in August 1984. Since then, efforts have been concentrated on reducing or holding in check the costs of using the Port of Albany, particularly costs related to waterside labour. The Government has agreed to write off \$2.5 million in accrued interest liability. In addition, a sliding scale of concessions on port authority charges has been introduced to encourage the export of live sheep through Albany.
- (4) Refer to answer to question (3).

While the Government would like to see more live sheep exports from regional ports, it has not contemplated the introduction of regulations which could constrain the operation of market forces in the transport sector, or force producers away from the port which is closest to them. This would be contrary to the spirit of the Government's user oriented transport policies.

RURAL YOUTH MOVEMENT

Structure: Changes

2562. Mr PETER JONES, to the Minister for Education:

- (1) Is the Government giving consideration to changing the structure and independence of the Rural Youth Movement in Western Australia?

- (2) If so, what changes are proposed?
- (3) When is it intended to institute any proposed changes?
- (4) For what reasons are any changes proposed?

Mr PEARCE replied:

- (1) to (4) The Government is reviewing the role and structure of a number of bodies, including the Rural Youth Movement Council, through the Functional Review Committee.

No timetable has been established in respect of Council and in view of other priorities it is unlikely that a decision will be made this year.

2565. *Postponed.*

EDUCATION: HIGH SCHOOL

Leeming: Contracts

2566. Mr MacKINNON, to the Minister for Education:

- (1) Have contracts yet been let for the construction of the Leeming High School?
- (2) If not, when is it likely that the contract will be let?
- (3) When is it anticipated that the initial works will be completed?

Mr PEARCE replied:

- (1) No.
- (2) June 1985.
- (3) Year 8 Block: February 1986. The balance of Stage 1 will be completed in June 1986.

EDUCATION: HIGH SCHOOL

Lynwood: Undercroft Enclosure

2567. Mr MacKINNON, to the Minister for Education:

- (1) Has documentation for the enclosure of the undercroft area at Lynwood Senior High School been completed?
- (2) If not, when will it be completed?
- (3) When is it anticipated that this work will be let for tender?
- (4) When is it anticipated that the work will actually be completed?

Mr PEARCE replied:

- (1) Yes.

- (2) Not applicable.
- (3) 16 March 1985.
- (4) Mid-September 1985.

EDUCATION: PRIMARY SCHOOL

South Lakes: Tenders

2568. Mr MacKINNON, to the Minister for Education:

- (1) Have tenders yet been let for the new primary school to be built at South Lakes?
- (2) If so, when were the tenders let?
- (3) If not, when will tenders be let?
- (4) When is it anticipated that construction will commence on the first stage of the school?
- (5) When is it anticipated that construction will be completed on the first stage of the school?

Mr PEARCE replied:

- (1) Yes.
- (2) 11 February 1985.
- (3) Not applicable.
- (4) Work has commenced.
- (5) August, 1985.

MR VIV JAMES: ESTATE

Books and Papers

2572. Mr MENSAROS, to the Minister representing the Attorney General:

What is the result of the Attorney General's and the Parliamentary Commissioner's reported investigation into the circumstances of the disappearance and resurfacing in secondhand shops of the books and papers of Mr Viv James, whose estate was handled by the Public Trustee?

Mr GRILL replied:

- (1) The Attorney General's investigation was unable to establish any further information regarding the books and papers reported to have been recovered from a rubbish tip and sold. This was confirmed in writing in a letter from the Attorney General to the Hon. I. G. Medcalf, MLC., on 15 January, 1985.
- (2) I am advised that no advice has yet been received of the outcome of the investigation by the Parliamentary Commissioner for Administrative Investigations.

MR ALESSANDRO LEONE

Police: Report

2574. Mr MENSAROS, to the Minister for Police and Emergency Services:

- (1) Has he received the report from the Police Department about the case of Mr Alessandro Leone, whose conviction of wilfully misleading the Police was set aside by the Supreme Court?
- (2) If so, what is the resume of the report?

Mr CARR replied:

- (1) and (2) Advice has been received from the Commissioner of Police to the effect that Mr Leone may make a further application for costs in respect of his second appeal.

The Commissioner of Police is of the view that there should not be an *ex gratia* payment made to Mr Leone in respect of any shortfall of costs recovered.

WASTE DISPOSAL: TRANSFER STATION

Graylands Hospital Site

2577. Mr MENSAROS, to the Minister for Health:

- (1) Can he explain the reported insistence of his department for participants of the Western Refuse Disposal Zone to form a "Regional Council" before they would be allocated land from the Graylands Hospital site for the purposes of a disposal transfer station?
- (2) What is the definition and statutory basis of a "Regional Council"?
- (3) Is the reported requirement a condition for a seemingly different purpose based on statutory provisions, or is it only a discretionary decision?

Mr HODGE replied:

- (1) The Western Refuse Disposal Zone is not a corporate body and it was considered desirable, if not necessary, that any negotiation regarding a lease be with a corporate body.
- (2) I refer the member to the Local Government Act, Part XXIX, Division 1, Section 695-729.
- (3) No, it is a discretionary decision.

ENERGY: PETROLEUM

Exploration: Canning Basin

2578. Mr MENSAROS, to the Minister for Minerals and Energy:

- (1) How many applications have been received for Petroleum Exploration area in the Canning Basin L84-73?
- (2) Have the applications been assessed yet by his department and has he received a recommendation?
- (3) If so, has he decided to whom to allocate the area, and who is, or are, the successful applicant(s)?
- (4) If "No" to (2), when is it anticipated that a decision will be made?

Mr PARKER replied:

- (1) Two.
- (2) No.
- (3) Not applicable.
- (4) A decision is expected within the next month.

MINERALS: INDUSTRY

Conservation and Rehabilitation: Working Party

2579. Mr MENSAROS, to the Minister for Minerals and Energy:

- (1) Who are the members of the working party to assess the effectiveness of conservation and rehabilitation measures in the State's mining industry—reportedly established by him?
- (2) What are their terms of reference?
- (3) When is it expected that their report will be submitted to him from this working party?

Mr PARKER replied:

- (1) Membership of the work party has not yet been finalised.
- (2) The terms of reference are to report on the following:

—The status of conservation and rehabilitation practice in the Western Australian Mining Industry;

—environmental standards that should be achieved by the industry;

—measures required to ensure that these standards are met;

—whether it is desirable to pre-determine end uses for mined areas after rehabilitation and, if so, how this can be achieved; and

—the extent of illegal mining activity, its environmental consequences, and measures needed to eliminate this practice.

- (3) Reports on segments of the industry will be submitted progressively.

CRIME: PROSTITUTION

Discretionary Enforcement: Criteria

2581. Mr STEPHENS, to the Minister for Police and Emergency Services:

- (1) Further to question 2429 of 1985, in exercising discretionary enforcement in respect of brothels, what are the criteria used by the Vice Squad?
- (2) Where brothels are given Vice Squad approval, are limits placed on the number of girls who may work in that brothel, and if so, how are the numbers ascertained?
- (3) Have members of the Vice Squad subscribed to the oath of office under section 10 of the Police Act?

Mr CARR replied:

- (1) The Commissioner of Police has advised me that the criteria used by the Vice Squad when exercising discretionary enforcement in respect to brothels are the general exclusion of the criminal element and males from control of premises, the suppression of drug abuse among the inmates, the control of the general behaviour of inmates and clients, to ensure that women under twenty-one years of age are not employed as prostitutes, and also to contain the number of premises operating in the metropolitan area.
- (2) The Vice Squad does not take part in the managerial control of brothels. The number of women employed in any particular house is the sole concern of the proprietor.
- (3) Yes.

WESTERN AUSTRALIAN FLORAL EXPORTS LTD.: EXIM CORPORATION

Investment

2582. Mr SPRIGGS, to the Premier:

- (1) Did he approve the EXIM investment in the flower producing and export business, Western Australian Floral Exports?

- (2) If so, did he consult any industry representatives prior to granting the approval?

- (3) If so, who were they?

- (4) If not, why not?

Mr BRIAN BURKE replied:

- (1) No. EXIM's investment decisions are taken by the Board of that company.

- (2) Not applicable.

- (3) Not applicable.

- (4) Not applicable.

2583. *Postponed.*

EDUCATION DEPARTMENT: STAFF

Secondment

2584. Mr MacKINNON, to the Minister for Education:

Have any officers of his department been seconded to other agencies or been requested to prepare papers relating to the establishment of the casino in Western Australia?

Mr PEARCE replied:

No.

PLANNING: CANAL DEVELOPMENT

Dawesville Cut: Property Purchase

2585. Mr MacKINNON, to the Premier:

Has the Government yet purchased any properties which are in the area proposed for the Dawesville Cut?

Mr BRIAN BURKE replied:

The Government has agreed to purchase one property in the area proposed for the Dawesville Cut and settlement will take place shortly.

ENERGY: GAS

Liquid Petroleum Gas: Cylinder Explosion

2586. Mr CRANE, to the Minister for Minerals and Energy:

- (1) With reference to the accident at Sandy Cape on Friday, 22 February, involving a fire and explosion of a liquid petroleum gas cylinder, was the explosion caused by bad or inefficient fitting of the gas installation?

- (2) If not, what caused the explosion?

- (3) Was the gas cylinder which exploded—
 (a) the normal type gas cylinder used on such installations;
 (b) the gas cylinder of a type used for refilling small gas bottles?

Mr PARKER replied:

- (1) to (3) In view of the fact that the matter is the subject of a coronial inquiry, it would not be proper for me to pre-empt the Coroner's verdict.

ENERGY: GAS

North-West Shelf: Premier's Comments

2587. Mr PETER JONES, to the Premier:

Adverting to reply given to question 2334 on 27 February, is he able to recall his remarks referring to the North West Shelf natural gas project and the SECWA gas purchase contract, made at the premiere of the film "Born in Fire" at the University of Western Australia, on Thursday, 10 March 1983?

Mr BRIAN BURKE replied:

No.

HORTICULTURE: FLOWER GROWING INDUSTRY

Position Paper: Mr Philip Watkins

2588. Mr COURT, to the Minister for Agriculture:

- (1) Did Mr Philip Watkins prepare a position paper on the Floriculture Industry in 1984?
 (2) If so, will the Government table that paper?
 (3) If not, why not?

Mr EVANS replied:

- (1) Yes.
 (2) Yes.
 (3) Not applicable.

MR PHILIP WATKINS: SECONDMENT

Department of Premier and Cabinet

2589. Mr COURT, to the Premier:

- (1) Was Mr Philip Watkins seconded to the Premier's Department in September 1984?
 (2) Since the secondment, has he travelled overseas on behalf of the Government?

- (3) If "Yes", did he prepare a report on that overseas trip?

(4) Will the Government table that report?

(5) If not, why not?

Mr BRIAN BURKE replied:

- (1) Yes.
 (2) Yes.
 (3) Information obtained by the officer was not collated into a single report.
 (4) Not applicable.
 (5) Not applicable.

2590 to 2592. *Postponed.*

ROAD: NORTHERN HIGHWAY

Deterioration

2593. Mr PETER JONES, to the Minister for Transport:

- (1) Is he aware of serious deterioration on the Northern Highway (Highway 1) between the Karratha access road turn-off and Roebourne?
 (2) When was this section, or sections that are deteriorating, last resurfaced?
 (3) By whom were the sections where there are now problems, constructed?
 (4) Is it fact that on some sections of this highway, there are places where vehicles have broken through the road surface?
 (5) What action does the Government intend to take to correct this situation?
 (6) By whom will the proposed works be undertaken?

Mr GRILL replied:

- (1) Yes.
 (2) November 1984.
 (3) Main Roads Department.
 (4) Yes.
 (5) Table drains are to be deepened to prevent ponding of water against the pavement and the saturated base is being replaced with rock base and resurfaced.
 (6) MRD personnel are at present carrying out the work.

2594. *Postponed.*

UNION: PORT OF FREMANTLE

Levy: Redundancy Pay

2595. Mr PETER JONES, to the Minister for Transport:

- (1) Does the Government support the intention of a union, presently operating within the Port of Fremantle, in seeking a further financial levy based on gross registered tonnage to finance redundancy pay and other union demands?
- (2) If not, is the Government actively and publicly intending to oppose this demand?
- (3) Is the Government intending to support continuation of the port levy system at the present level?

Mr GRILL replied:

- (1) As a result of a request by the Maritime Workers Union, the Government directed the Co-ordinator General of Transport to carry out a feasibility study on the possibility of introducing a tonnage levy to cover the cost of operating the Registered Ship Painters and Dockers Scheme:

A working party consisting of—

WA Chamber of Shipping;
Association of Employers of Water-side Labour;
Maritime Workers Union of WA;
Fremantle Shipwrecks Co; and
Fremantle Port Authority

was established to assist the Co-ordinator General in conducting his study.

To date no final report on his findings is available.

- (2) and (3) The matter will be further considered by the Government when the final report by the Co-ordinator General is available.

PORTS AND HARBOURS: FREMANTLE

Charges: Increases

2596. Mr PETER JONES, to the Minister for Transport:

- (1) Have wharfage charges within the Port of Fremantle recently been increased?
- (2) If so, by what level have charges increased?
- (3) To what cargoes do the increases apply?
- (4) For what reason have port charges increased?

Mr GRILL replied:

- (1) Wharfage charges were increased on 1 July 1984.
- (2) Eight per cent increase.
- (3) There was an across the board increase in wharfage charges.
- (4) The increase was designed to cover increased costs.

CHEMICALS: AMMONIA-UREA PLANT

Establishment

2597. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) In considering the establishment of an ammonia/urea plant in Western Australia, what companies or organisations are considering the establishment of such a plant?
- (2) Does the contemplated study include considerations of energy feedstock, and the removal of the ethane fraction from the North West Shelf gas stream?

Mr PARKER replied:

- (1) The Government has received expressions of interest in establishing an ammonia plant in Western Australia based upon North-West Shelf natural gas from a number of quarters ranging from engineering constructing companies to purely financial organisations. The Government is negotiating with these various organisations to ensure that an ammonia project will proceed and will be viable in the long term.
- (2) The Government is aware of a number of studies in this area and is conscious of the importance of energy feedstocks to the viability of the ammonia plant. However, the ammonia production process does not necessitate the extraction of the ethane content of the domestic gas stream.

2598 and 2599. *Postponed.*

ENERGY: ELECTRICITY

Powerline: Katanning-Narrogin

2600. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Is the State Energy Commission intending to construct a new

transmission line between Narrogin and Katanning?

- (2) If so, when will the proposed works be undertaken?
- (3) What will be the benefits of any such construction?
- (4) What is the estimated cost of any such works?

Mr PARKER replied:

- (1) SECWA is to construct the following new lines to replace the existing 66kV lines.
 - (i) Narrogin to Wagin Substation.
 - (ii) Wagin to Katanning Substation.

These new lines will be offset 20 metres from the existing lines which will then be removed.

- (2) Construction will occur between approximately July 1986 to December 1986.
- (3) (i) The new lines will cater for a new supply point to the Narrogin-Wagin-Katanning 66kV system from the new 220/66 kV substation at Narrogin which is to be constructed by December 1986 and connected to the Muja-Merredin 220 kV line.
 - (ii) The new lines will provide improved reliability and higher load carrying capacity than the existing 66kV system.
- (4) The estimated cost of the Narrogin to Wagin line is \$2.2 million and the Wagin to Katanning line \$2.0 million.

ENERGY: ELECTRICITY

Hydroelectricity: Kimberley

2601. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) What hydro-electric schemes and/or developments are currently being considered in the Kimberley region?
- (2) What companies are involved in any schemes or developments?
- (3) What are the estimated costs and associated benefits of any such schemes?

Mr PARKER replied:

- (1) The development of a small hydro-electric project on the Diversion Weir at Bandicoot Bar near Kununurra has been approved to proceed to supply much of

the power requirements of the township of Kununurra and nearby surrounding areas.

Extension of supply from the approved hydro-electric scheme to Wyndham can not be economically justified at this time and will be the subject of future review in the event of possible changed circumstances. The development of the larger scale hydro-electric prospects of the Ord River Dam remains under review.

- (2) The State Energy Commission will be developing the Bandicoot Bar hydro-electric project. It is anticipated that a consultant will be appointed within the next few months to undertake detailed design work and contracts will be placed for supply of equipment and the construction works within a programme to be completed by the end of 1987.
- (3) The cost of the Bandicoot Bar project will not be finally determined until tenders are called but the studies leading to the approval to the project to proceed have indicated that the project is well justified economically in terms of savings in the cost of diesel fuel that would otherwise be required for power supply to the township of Kununurra.

2602. *Postponed.*

ENERGY: OIL

Exploration: Reduction

2603. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Is it expected that oil and gas exploration within Western Australia, and also offshore, will be maintained during 1985 at the level undertaken during 1984?
- (2) If there is any change, for what reason is activity expected to alter?
- (3) As there have been suggestions of reduced exploration activity, is the Government concerned sufficiently to take whatever action is necessary to arrest any decline?

Mr PARKER replied:

- (1) It is expected that oil and gas exploration within Western Australia and offshore during 1985 will be maintained at about the same level as 1984.
- (2) See (1).

- (3) The Government will continue to give maximum encouragement to petroleum exploration.

MINERALS: DIAMONDS

Agreement Act: Obligations

2604. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) With regard to the Diamond (Argyle Joint Venture) Agreement Act, have all participants honoured their various obligations under the original Agreement Act as negotiated and ratified?
- (2) If not, what obligations are in arrears or under discussion?

Mr PARKER replied:

- (1) No.
- (2) The Joint Venturers are outstanding in their submission of certain reports. The parties responsible are attending to these matters and submission is expected in the very near future.

2605. *Postponed.*

LOCAL GOVERNMENT: TAX-SHARING ARRANGEMENTS

Increased Share

2606. Mr PETER JONES, to the Premier:

- (1) For what reason are the local government associations in Western Australia seeking a greater share of Federal revenue from the tax-sharing arrangements?
- (2) Does the Government support the efforts of local government to receive "as of right" a greater direct share of the Federal/State tax-sharing formula?
- (3) Is it the intention of the Government to support the ambitions of local government in this matter when the tax-sharing arrangements are being reviewed later this year?
- (4) Does the State Government support the efforts of local government to become exempt from the Federal fuel tax impost it is now required to pay?

Mr BRIAN BURKE replied:

- (1) The associations of local government in their joint submission to the National Inquiry into Local Government Finance sought an increased share of Common-

wealth general purpose personal income tax sharing grants to local government. The argument for an increase was made on the basis that the present largely per capita distribution to the States neglects the disabilities which exist for local government as a whole in any one State as compared to the position of local government in other States. The associations submitted that if State shares were based on equalisation principles then Western Australia would receive more than its current 9.39 per cent.

- (2) Tax sharing grants to the States and to local government are determined under different Acts of Parliament. The State supports the efforts of local government to receive a greater share of funds available under the Personal Income Tax Sharing Scheme.
- (3) Yes. The State submission to the inquiry argues that local government in WA should get 10.6 per cent of the total funds available under the Personal Income Tax Sharing Scheme.
- (4) Presumably the member is referring to the amendments to the fuel oil excise arrangements introduced by the Commonwealth in the 1983 Budget. The State Government has argued strongly for the Commonwealth to exempt State authorities from this charge and would similarly support local government efforts in this respect.

INDUSTRIAL DEVELOPMENT: STEEL PRODUCTION

Japan

2607. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Is the State Government aware of the anticipated steel production in Japan during the current steel year?
- (2) If "Yes", what is the anticipated production?
- (3) What is the Western Australian market share for iron-ore into the Japanese steel industry expected to be this year?

Mr PARKER replied:

- (1) Yes.
- (2) Forecast steel production in Japan for the 1985 calendar year is 105 million tonnes. This forecast was made by Amax in September 1984 and a similar forecast

has been made more recently by the Japanese.

In 1984 (calendar year) Japan's crude steel production was 105.6Mt. Steel production in Japan appears to have levelled out and only slow growth to the year 2000 is expected.

- (3) For 1985 Australia's market share is expected to be at least 48 per cent and possibly over 50 per cent following recent improvements in market share as discussed in my response to an earlier question No. 2549 from the member on the same topic.

SIR LENNOX HEWITT

Employment: Consultant

2608. Mr PETER JONES, to the Premier:

- (1) Is Sir Lennox Hewitt still employed by the Western Australian Government as a consultant?
- (2) If so, what are his current duties on behalf of the Government?
- (3) What is his current level of remuneration?
- (4) What duties has Sir Lennox performed on behalf of the Government and people of Western Australia since 1 July 1984?
- (5) If Sir Lennox is no longer a consultant to the Western Australian Government when did his appointment cease?

Mr BRIAN BURKE replied:

- (1) to (5) There has been no change in the contractual arrangements relating to Sir Lennox Hewitt's consultancy. See answers to questions 394 and 847.

ENERGY: FUEL

Price: Increase

2609. Mr PETER JONES, to the Premier:

- (1) Adverting to the reply given to question 2411 of 1985, concerning rises in fuel costs in Western Australia, what discussions is the Minister for Consumer Affairs intending to have with the Federal Minister for Resources and Energy regarding fuel prices in Western Australia?
- (2) As Federal budget revenue estimates were made on an estimated oil price of \$A35 bbl, and current price is approximately \$A44 bbl, will the Government move with some expedition

to establish its policy regarding fuel prices in Western Australia as promised in March 1983?

- (3) Is the Government also intending to implement its election policy regarding the relationship between fuel prices in the metropolitan area and the country?

Mr BRIAN BURKE replied:

- (1) The Minister for Consumer Affairs has written to the Federal Minister for Resources and Energy and in addition, has raised the matter for Parity Pricing Policy at recent Federal State meetings.
- (2) The Government's policy on petroleum pricing is based on the recommendations of the Advisory Committee into Petrol Prices and Related Matters in Western Australia. This Committee was appointed on 25 March 1983 and referred to the Government on 22 September 1983. The legislation to enable this Committee to be established was passed at a special sitting of Parliament in March, 1983.
- (3) See (2) above.

2610. *Postponed.*

ENERGY: EXPLORATION COMPANIES

Offices: Removal from Western Australia

2611. Mr PETER JONES, to the Minister for Minerals and Energy:

- (1) Is it fact that several energy exploration companies have removed, or are intending to remove, their office establishments away from Western Australia?
- (2) If so, for what reason is this movement occurring?

Mr PARKER replied:

- (1) Yes.
- (2) One company has moved because it discovered petroleum in another State and wished to establish offices nearer the discovery. Another has moved to enable better organisation of its exploration activities, although it will continue to operate in Western Australia. In two other cases, companies have been taken over and the offices are to be or have been closed down. It should be pointed out that, balancing these removals, several companies new to Western

Australian exploration are moving or are contemplating moving into this State.

CREDIT LEGISLATION

Advertising Campaign

2612. Mr MacKINNON, to the Minister representing the Minister for Consumer Affairs:

- (1) Is the Government planning an advertising, educational or promotional programme which will coincide with the introduction of new Western Australian credit laws?
- (2) If so, who will fund the campaign?
- (3) When will the campaign begin?
- (4) What is the estimated total cost of the campaign?
- (5) Will the Minister or the Premier feature in the advertising campaign?

Mr TONKIN replied:

- (1) Yes.
- (2) Industry and Government.
- (3) It has begun.
- (4) Costing estimates are still in progress.
- (5) No.

CRIME: COSTIGAN REPORT

Recommendations: Implementation

2613. Mr MacKINNON, to the Minister representing the Attorney General:

Is the Attorney General or the Government studying the recommendations of the Costigan Report with the view of possibly implementing those recommendations which are relevant to Western Australia?

Mr GRILL replied:

Yes.

CREDIT LEGISLATION

Proclamation

2614. Mr MacKINNON, to the Minister representing the Minister for Consumer Affairs:

When will the new Western Australian credit laws legislation be proclaimed?

Mr TONKIN replied:

31 March 1985.

TRANSPORT: BUSES

Services: Forrestfield

2615. Mr GORDON HILL, to the Minister for Transport:

- (1) Is it a fact that the Metropolitan Transport Trust has agreed to operate a bus service between Forrestfield and Kalamunda and Forrestfield and Perth direct?
- (2) If "Yes"—
 - (a) when is it intended that the service will commence operation; and
 - (b) when will discussions be held with the local residents' association on the routes and frequency of the service?

Mr GRILL replied:

- (1) I am told that direct bus services between Perth and Forrestfield and Forrestfield and Kalamunda have been operating for many years. Route No. 304 operates via Forrestfield to Maida Vale and Route No. 297 follows the same route but extends to Kalamunda.

In order to improve services to the area, it is the intention of the Metropolitan Transport Trust to rationalise these services and introduce a new "City Link" service for the Forrestfield area.

- (2) (a) Target date for the new service is July 1985.
- (b) An MTT officer made contact with the Secretary of the Forrestfield Progress Association approximately 2 weeks ago and gave the Secretary a broad outline of the MTT proposals. It was also agreed that meetings with the Association would be appropriate and an undertaking was given that this would be done. The Trust will be approaching the Association to finalise arrangements shortly.

GAMBLING: CASINO

Planning: Preliminary Approval

2616. Mr RUSHTON, to the Minister for Planning:

- (1) Has he given preliminary approval to amend the Metropolitan Region Town Planning Scheme to allow the casino development on Burswood Island reserve?

- (2) If "Yes", on what date was this approval given?
- (3) If "No" to (1), why has the law not been upheld?
- (4) Has an amendment to the scheme to allow the development of a casino on Burswood Island—
 - (a) been prepared; and
 - (b) published in the *Government Gazette*?
- (5) (a) Has a three months' period for submissions been completed; and
 - (b) have submissions by the public been considered by the Metropolitan Region Planning Authority?
- (6) If amendment to the scheme has not been considered or dealt with, what consideration has been given to the—
 - (a) short-term;
 - (b) long-term,
 planning requirements in the metropolitan region resulting from the casino and associated developments to take place on Burswood Island?
- (7) What consideration has been given to the traffic impact from the Burswood Island developments upon the—
 - (a) Causeway;
 - (b) Riverside Drive;
 - (c) link road connecting western end of Causeway and Burswood Island bridge?

Mr PEARCE replied:

- (1) No. Under the Casino (Burswood Island) Agreement Bill, the Metropolitan Region Scheme does not apply to the Resort Site on Burswood Island.
- (2) to (5) Answered by (1).
- (6) and (7) The developers' consultants have consulted, and will continue to discuss, requirements with the appropriate bodies. Furthermore, your attention is directed to the proceedings in the Legislative Council on Thursday, February 21 (*Hansard*, page 169) when my Cabinet colleague the Hon. Des Dans (Leader of the House) advised during the Second Reading of the Casino (Burswood Island) Agreement Bill that—

The developers have agreed to the establishment of a Burswood Park technical committee. This committee will advise the Burswood

Park Board on management, development, and environmental matters related to Burswood Park.

The technical committee will comprise membership from each of the Department of Conservation and Environment, the Swan River Management Authority, the Perth City Council, the Town Planning Department, the Main Roads Department and the Metropolitan Region Planning Authority, the environmental consultant of the developers, and a representative of the Casino Control Committee. The function of the committee will be to advise the board on environmental traffic and other issues. Such membership will achieve a co-ordinated approach and resolution to any issues which may arise.

2617. *Postponed.*

WOMEN'S INTERESTS: PEACE CAMP

Graffiti: Removal

2618. Mr MacKINNON, to the Minister for Sport and Recreation:

- (1) Has he received a bill from the Rockingham Shire Council for the cost of security services provided and for the cleaning of graffiti from roadways caused by the Sound Peace Camp at Point Peron?

(2) How much is the bill?

(3) Does he intend to pay the account?

Mr WILSON replied:

- (1) Yes.
- (2) \$1 650.
- (3) The Government will underwrite the cost of the Rockingham Shire and will seek to recoup this expenditure from WAND.

HOUSING: RENTAL

Rebates: Unemployed Tenants

2619. Mr MacKINNON, to the Minister for Housing:

How many unemployed tenants of the State Housing Commission were listed as requiring rebate of rentals as at 28 February 1985?

Mr WILSON replied:

Figures relating to February 28 are not yet available. As at 31 December 1984, a total of 2 576 recipients of unemployment benefits were receiving a rebated rent from the Commission.

2620 and 2621. *Postponed.*

TAXES AND CHARGES: ESTATE AND GIFT DUTIES

Reintroduction

2622. Mr MENSAROS, to the Treasurer:

- (1) Is he aware of the report that key sections of the Federal Government are canvassing proposals for the reintroduction of Commonwealth Estate and Gift Duties as a possible trade-off for lower levels of payroll taxes by the States?
- (2) Does he support such a move or would he actively oppose it by making representations to the Commonwealth Government?

Mr BRIAN BURKE replied:

- (1) and (2) While I am aware of this proposal it is but one of many that have been raised in the context of the forthcoming National Tax Summit. It is not considered appropriate to pre-judge the outcome of the Summit or to elevate any particular proposals in importance by advancing a State Government view on proposals by other parties on changes to the tax structure before listening to all the argument at the Summit.

COURTS: REMANDS

Extension: Cost

2623. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) What is the anticipated saving in cost for the—
 - (a) Police Department;
 - (b) Prisons Department;
 - (c) Crown Law Department,
 if the maximum period of remand is extended as provided for in the amending Bill presently before Parliament?

- (2) How many officers are expected to be transferred to other duties or dismissed as a result of extending the remand period?

Mr GRILL replied:

- (1) It is impossible to cost the potential savings as these are dependent upon the number of persons on remand at any time.
- (2) None.

MR J. J. O'CONNOR: CHARGE

Solicitor General: Opinion

2624. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) When requesting the report from the Solicitor General about the question of indictment of Mr J. J. O'Connor, has the Attorney General asked the Solicitor General in any form or shape or has he implied to him that unless he can make a firm recommendation for *nolle prosequi*, he should leave his report open without any recommendations?
- (2) If "No", can the Attorney General please say how often he receives reports from the Solicitor General for some action/decision of his (as opposed to for information only) without recommendations in proportion to those reports which contain recommendations?

Mr GRILL replied:

- (1) No.
- (2) No.

DRAINAGE: BENDER

Board

2625. Mr MENSAROS, to the Minister for Water Resources:

- (1) Is it a fact that the Bender Drainage Board is going to be absorbed in the Water Authority of Western Australia?
- (2) Was it factually reported that the drainage of the swamp area near Bender was going to be delayed which in turn would disadvantage farmers?

Mr TONKIN replied:

- (1) The Benger Drainage Board was dissolved on March 1, 1985 as notified in the *Government Gazette* of November 23, 1984. The Benger Drainage District is to be united with the Harvey Drainage District (under section 12 of the Land Drainage Act) and will be under the control of the Public Works Department until July 1, 1985 when it will change to the Water Authority of Western Australia.

An Advisory Committee, comprising four farmers and one officer each from the Department of Agriculture, Conservation and Land Management Authority and the Water Authority, will be formed to make recommendations to the Minister for Water Resources and the Water Authority on matters affecting the swamp. In contrast to the policy of the previous conservative government in respect of committees of this nature, I have directed that local people have a majority on this Committee.

- (2) No. The timing of the drainage of the swamp will be one of the main activities for consideration by the Advisory Committee.

ROTTNEST ISLAND: WATER SUPPLIES

Quality

2626. Mr MENSAROS, to the Minister for Water Resources:

- (1) What is the expected quantity of water—
 - (a) per year; and
 - (b) per day at peak amount periods, needed at Rottnest Island via the proposed pipeline supply?
- (2) What is the proposed diameter of the main pipeline connecting the mainland with Rottnest Island?
- (3) How many and what capacity pumps are proposed to be used to convey the water to the island?

Mr TONKIN replied:

- (1) (a) Approximately 550 000 cubic metres;
- (b) approximately 2 000 cubic metres.
- (2) Approximately 170mm internal diameter.
- (3) Two pumps with a capacity of 11.5 litres per second.

EDUCATION: TERTIARY

Tertiary Institutions Governance Committee: Report

2627. Mr MENSAROS, to the Minister for Education:

- (1) Has the "Hetherington Committee" submitted its report to him yet?
- (2) If so, would he table the report?
- (3) If not, when is he expecting the report to be submitted?

Mr PEARCE replied:

- (1) to (3) See reply to question 2182.

EDUCATION: PRINCIPALS

Promotions: Female Applicants

2628. Mr MENSAROS, to the Minister for Education:

Would he please table the prevailing promotional rules within the department which allegedly give undue advantages to female applicants for promotion to the position of principal?

Mr PEARCE replied:

Two significant changes concerning the access of women to positions as principals of schools have been implemented or proposed recently. The first, which operated in the promotions made for 1985, related to secondary schools. The change removed a restriction which had previously applied to women and allowed them access to promotion lists after the same qualifying period of promotional service as men.

The second change, which will be implemented in 1985, relates to primary schools. It seeks to provide access to positions as principals of Class I schools for female teachers who, at the time of application, have completed fifteen years of service, have held promotional positions at the level of Class I Deputy Principal or above for at least ten years and who hold the Teachers' Higher Certificate. These promotions will involve formal evaluation and will be merit-based. To be eligible for such special promotion teachers must be prepared to serve at any location in the State.

As a result of the latter change, nine women have become eligible. Their average length of service is 27 years and their average length of time in a promotional position is over fourteen years. This is comparable with male teachers who will be seeking promotions to these positions.

SPORT AND RECREATION

Indoor Sports Centre: Site

2629. Mr MENSAROS, to the Minister for Sport and Recreation:

- (1) Was it factually reported that despite the frequent announcements and publicity given to an indoor sports centre in Graylands/Swanbourne, not even the site of this project has been decided yet?
- (2) If that is so, has the change of mind by the Government been brought about by the realisation that proper traffic routes and access have to be planned and built for the originally announced locality so that the residents of the area should be able to retain their peaceful suburban lifestyle?

Mr WILSON replied:

- (1) The Graylands location remains the preferred site for the Sports Centre.
- (2) Final confirmation of the selected site has always been dependent on planning considerations.

COMMUNITY SERVICES: DIRECTOR GENERAL

Vacancy: Advertisements

2630. Mr MENSAROS, to the Minister for Community Services:

- (1) How widely and how often have the positions of Director General and Assistant Director General of the Department of Community Services been advertised?
- (2) How many persons did apply?
- (3) How many were on the short preferred list?
- (4) Who interviewed the applicants on the short list?
- (5) Who made the recommendation to the Public Service Board for the appointments?

Mr WILSON replied:

- (1) Separate display format of the Early General News Section of *The West Australian* on Saturday July 14 and 21, 1984.

The Australian on Saturday July 14 and 21, 1984.

The Guardian newspaper (U.K.) on Thursday July 12 and 19, 1984.

The New Society (U.K.) on Thursday July 12 and 19, 1984.

The Public Service Notices of July 18, 1984.

- (2) Director General—34 (4 from within the Service, 30 outside).

Assistant Director General—42 (9 from within the Service, 33 outside).

- (3) Director General—7 (2 overseas applicants, 3 interstate applicants and 2 Western Australian applicants).

Assistant Director General—6 applicants (all from Western Australia).

- (4) Mr W. A. Carson (Chairman)—Member, Interim Community Service Board

Mr F. J. Campbell—Commissioner, Public Service Board

Prof. D. Hawks—Director, Alcohol and Drug Authority

Ms K. Miller—Supervisor, Australian Broadcasting Commission

Mr H. Sorenson—Managing Director, Perth Building Society

London Panel—for those short listed in the U.K.

Mr H. Sorenson

Mr C. Miller

Ms C. Hallett

Ms J. Court

Dr J. Ife.

- (5) Following on from the above, the interviewing panel made recommendations to the Public Service Board.

CONSUMER AFFAIRS: LIFE MEMBERSHIP

Health Studios

2631. Mr TRETHOWAN, to the Minister representing the Minister for Consumer Affairs:

- (1) Has the Minister received many complaints concerning life memberships in—
 - (a) health studios;
 - (b) video hire firms?

- (2) If so, how many complaints regarding
 - (1) (a) and (1) (b) have been received and during what period were those complaints received?
- (3) Is it the Government's intention to legislate in regard to life memberships in either—
 - (a) health studios; or
 - (b) video hire firms,
 and, if so, when?

Mr TONKIN replied:

- (1) (a) Yes.
- (b) Yes.
- (2) Health studios—30;
Video hire firms—60.
- (3) (a) and (b) The matter is under consideration.

2632. *Postponed.*

DAIRYING: PRODUCTION

Statutory Reduction

2633. Mr BLAIKIE, to the Minister for Agriculture:

Did the State Government agree to an Australian Dairy Industry proposal that does not include a statutory reduction in total dairy production?

Mr EVANS replied:
No.

MR J. J. O'CONNOR: CHARGES

Withdrawal: Crown Prosecutor's Advice

2634. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) Was the Attorney General aware of the Crown Prosecutor's advice in the O'Connor case before he made his decision not to prosecute?
- (2) Were any other official advices given in that matter bearing on his decision?
- (3) Will he table all advices received or sighted by him in the O'Connor case including the advice of the Crown Prosecutor?

Mr GRILL replied:

- (1) Yes.
- (2) Yes, the tabled advice of the Solicitor General.
- (3) No.

2635. *Postponed.*

QUESTIONS WITHOUT NOTICE

GAMBLING: CASINO

Cord Holdings: Settlement

800. Mr HASSELL, to the Premier:

What was the cost to the State of the settlement with Cord Holdings?

Mr BRIAN BURKE replied:

I have had no notice of the question and I cannot give the Leader of the Opposition an exact answer, but my understanding is that, following an approach, the Crown agreed to pay its costs and the other side agreed to pay its costs of the unfinished action. To the best of my knowledge, the amount of costs incurred by the Crown for its participation was in the region of \$2 000.

ABORIGINAL AFFAIRS: LAND RIGHTS

Legislation: Opposition

801. Mrs WATKINS, to the Premier:

- (1) Is he aware of yesterday's reports that the Opposition was likely to oppose the Aboriginal Land Bill, although it had not seen the Bill.
- (2) Has the Opposition been given the opportunity to view the contents of the Bill prior to its introduction today?

Mr BRIAN BURKE replied:

- (1) and (2) I do not think any member could have missed the latest in a series of rather difficult-to-understand decisions of a tactical or strategic nature by the Leader of the Opposition. The latest in that series was his decision to announce his opposition to the Bill sight unseen on the basis of what he had heard about it. I remind the House that the decision made by the Leader of the Opposition followed the invitation we issued to the Opposition last year to take part in the drafting process which saw the production of the Bill. Not only did the Opposition refuse to participate, but also it decided, having failed to participate and in its ignorance of the provisions of the Bill, to oppose what it feared because, I guess, it was unknown.

This is simply the latest in a series of rather strange steps taken by the Leader of the Opposition. I remind the House that the Opposition was given the opportunity to co-operate with and involve it-

self in the management of Parliament Week and refused to do so. It was also invited to make a submission to the Royal Commission on parliamentary deadlocks and it refused to do so. It also failed to contribute in any meaningful way to the preparation of electoral reform proposals.

On each of those occasions, the Leader of the Opposition has seen fit to take his cricket bat and ball and go home. Last Tuesday, because he was upset at the decision of the umpire in this House, the Leader of the Opposition rounded up his colleagues and staged a mock walkout.

On Thursday the Leader of the Opposition became testy because his colleague, the Chief Minister in the Northern Territory, refused to go along with the Western Australian Opposition's views on Aborigines and Mr Tuxworth supported the Government's moderate and commonsense approach in this matter.

On Saturday last the Leader of the Opposition refused to have anything to do with a matter of such national importance as the proposed tax summit. Yesterday the Leader of the Opposition and his colleague, the spokesman for the Opposition on Aboriginal affairs, as I have indicated earlier, decided unilaterally, on the basis of a Bill they had not seen, to oppose that Bill.

I guess that letter writers to the newspaper who question the sincerity and seriousness of the Opposition's actions have every right and reason to do so.

INDUSTRIAL DEVELOPMENT: WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

Board: Resignation

802. Mr HASSELL, to the Premier:

- (1) Is it correct that Sigrid Edwards has resigned from the board of the Western Australian Development Corporation?
- (2) If so, does the Premier know why?
- (3) Has a replacement been appointed?
- (4) If so, who is that replacement?

Mr BRIAN BURKE replied:

- (1) to (4) No replacement has been appointed. Sigrid Edwards is the State Manager of Lloyds, the international

banking corporation which was awarded a banking licence when the Federal Treasurer decided to issue 16 licences, and, in so doing, take another step to revolutionise financial management and financial institutions in this country.

As the State Manager of Lloyds, Mrs Edwards informed me that she thought there was a conflict of interest between her role in that position and her role in the WADC, because the WADC, as a member of a consortium, had been given a banking licence.

On that basis, Mrs Edwards informed me that she would not continue as a director of the WADC, and, very reluctantly, the Government accepted her resignation.

No appointment has been made to fill this casual vacancy and it is with great reluctance that we accepted the resignation, based as it was on the conflict of interest that Mrs Edwards quite properly drew to our attention following the allocation of banking licences by the Federal Treasurer.

ABATTOIR: LINLEY VALLEY

Closure: Developments

803. Mr TROY, to the Minister for Agriculture:

What have been the recent developments in regard to the announced intention by the Eastern States based Smorgon family group to close down the Linley Valley abattoir this week?

Mr EVANS replied:

I thank the member for some notice of this question, the answer to which is as follows—

The Government is closely examining the circumstances that led to the closure of the Linley Valley abattoir this week.

The reasons given by the owners, Smorgons Consolidated Industries, for the closure cannot be sustained. The company claimed it could not continue to compete with Robb Jetty and that the decision to upgrade that works to EEC standard was "the last straw". In fact, the decision to upgrade Robb Jetty only returns the situation to the status quo.

Because of the delay in deciding to restore Robb Jetty to EEC standards Linley Valley had a windfall gain in 1984. For example, between June last year and February, a period of just eight months, they killed more than 200 000 lambs, compared with 54 000 in a full year two years ago.

On the question of subsidised killing charges—a claim made by Smorgons—there has been general concern in the industry that the company was undercutting prices. Other abattoirs, including Robb Jetty, have reacted to this price cutting, not caused it.

The Government is very disappointed that Smorgons made the decision to close Linley Valley this week. Senior officers of the company had met Government representatives last week and left them with the strong impression that the works would remain open for at least another two weeks.

The problems at Linley Valley are not due to Robb Jetty, but are indicative of the current depressed conditions in the meat industry. The Government is conscious of those conditions and had already taken steps to improve the efficiency of its own operation at Robb Jetty.

The Government is most concerned for employees at Linley Valley who have gone well beyond normal expectations to support this company in the past. They are now to be totally disregarded by Smorgons in this decision to close the abattoir.

GAMBLING: CASINO

Cord Holdings: Settlement

804. Mr BRIAN BURKE (Premier):

I seek permission to clarify the answer I gave the Leader of the Opposition a little earlier.

In replying to the Leader of the Opposition about the matter of the costs in the case brought against the Crown by Cord Holdings, I am not sure that I made it clear to him that, in respect of the first action, costs were awarded by the court

against Cord Holdings, and those costs will be borne by Cord Holdings. In the case of the appeal lodged by Cord Holdings against the first decision, in which case no costs were awarded, costs will be borne by the respective parties to that appeal, which has now been withdrawn. I am informed that the amount of money involved is considerably less than \$2 000, but the costs relate not to the first case in which costs were awarded to the Crown, but only to the second case in which no award for costs was made.

GOVERNMENT CONTRACTS: TENDER

Simto Australia

805. Mr HASSELL, to the Minister for Works:

Why did the Government refuse to accept the lowest available tender—that is, the lowest available, not the lowest tender—from Simto Australia for \$919 000 and instead accepted the \$997 510 tender from WA Limestone and Italia Limestone company?

Mr McIVER replied:

The Leader of the Opposition would be well aware of the fact that the lowest tenderer is not always accepted in these cases. The company which was awarded the contract was successful because of its outstanding record of work with the Government on many projects. The company has completed projects for the Government over many years, as was highlighted in today's Press. In the department's evaluation that company is the successful tenderer because it has the department's confidence and has done an excellent job in the past. We are confident that the company will do an excellent job on the Jurien Bay project.

WATER RESOURCES: DAM

Harris River: Fraser Government's Approval

806. Mr D. L. SMITH, to the Minister for Water Resources:

- (1) Is it correct, as claimed by the member for Lower Central Province (Hon. A. A. Lewis), during the debate on the Estimates last year, that the Harris River Dam project was approved by the Fraser Government?
- (2) Is it correct also, as stated by Hon. A. A. Lewis, that when the Hawke Govern-

ment came to power it told the Minister for Water Resources that there was no money available for the project?

Mr TONKIN replied:

- (1) and (2) Both statements by the member for Lower Central Province (Hon. A. A. Lewis) are incorrect. The Harris River Dam project was one of several projects proposed by the Fraser Government for which Commonwealth funding would have been considered under the proposed bicentennial water resources programme.

However, that programme was not formally established and the Harris River Dam project was not formally submitted for approval by the O'Connor Government. Nevertheless, engineering studies and environmental investigations for a dam on the Harris River have continued. These studies have now been completed and are being used in the preparation of a salinity control policy for the Wellington Dam catchment area.

GOVERNMENT CONTRACTS: TENDER

Simto Australia

807. Mr HASSELL, to the Minister for Works:

Subsequent to my previous question about a contract that has been awarded, and given that the question is answered when the Minister says that the Government is completely satisfied that WA Limestone and Italia Limestone will perform to expectations in the construction of the Jurien Bay project for \$997 510, the basic question remains: Was there any suggestion that the lower tender of \$919 000 from Simto Australia would not have been satisfactorily performed? In other words, by accepting the tender of the first-mentioned company, is the Government suggesting that the lower tenderer could not perform or had a record of non-performance?

Mr McIVER replied:

The matter of performance did come into the question of which company should receive the contract. I repeat that WA Limestone and Italia Limestone is a well-established company and has an outstanding record—

Mr MacKinnon: Who are the principals of the company?

Mr McIVER: I cannot answer that because I do not know. However, I am confident that the contract was awarded to the right firm. I cannot say whether Simto Australia could or could not perform, but we are confident that the right company was awarded the contract.

If the Leader of the Opposition looked at the amount of work done by the company which received the contract and if he were in my position he would have awarded the contract to the same company.

HEALTH: HOSPITAL

Broome District: Stage 2

808. Mr BRIDGE, to the Minister for Health:

Will he give details of the stage two redevelopment of Broome District Hospital?

Mr HODGE replied:

Yes. A \$2 million contract has been let for stage two redevelopment of Broome District Hospital. The Government has accepted the tender of \$2 282 000 submitted by Jaxon Construction for the redevelopment. The stage two redevelopment is expected to get under way in the next few weeks and be completed early in 1986. The work will provide a four-bed maternity area, and improved administration, casualty, outpatient and operating facilities.

This \$2 million second stage of redevelopment follows completion of a \$1 million project at Broome District Hospital which was officially opened on 1 February. That first phase created a new 20-bed general ward and converted a previous eight-bed adult ward to a modern 12-bed children's ward. When the second stage is completed, Kimberley residents will have a major district hospital at Broome of which they can all be very proud.

TOURISM: BUNGLE BUNGLE

Management Capability

809. Mr MacKINNON, to the Minister for the Environment:

- (1) Is it correct that in question 2571 of 7 March 1985, when speaking of vehicular access to Bungle Bungle the Minister said—

It is not intended that vehicular access tracks are upgraded until an on-site management capability exists.

- (2) When is it expected that the on-site management capability will be established?
- (3) In the meantime what action will he take to ensure the safety of those people who enter the Bungle Bungle range as tourists, which they are not precluded from doing?

Mr DAVIES replied:

- (1) to (3) The Deputy Leader of the Opposition seems to want to see people in the Bungle Bungle area as quickly as he can, with scant regard for the unique structure of the area. With regard to the management of the area, we are proceeding as fast as we can with the resources available to us from the Department of Conservation and Environment and the Department of Conservation and Land Management.

This will be one of the first matters to receive the attention of the Department of Conservation and Environment and the Department of Conservation and Land Management. In the meantime we are not encouraging people to go there, because we cannot take any responsibility for their safety, any more than we can take responsibility for any person who wants to drive a vehicle anywhere in the Kimberley. Of course the Government would not be expected to do so, and I am sure the Deputy Leader of the Opposition would not expect the Government to accept that kind of responsibility. If people want to do these things at their own risk, they are fully entitled to do so. We will advise people, as far as possible, by way of pamphlets and signs, the condition of the roads and the area.

We would expect people to act with a degree of commonsense in order to protect themselves and this great natural reserve, which we hope we will have under some kind of organised management before the end of the year.

HEALTH: HOSPITAL

Murray District: Future

810. Mr READ, to the Minister for Health:

Following the report of the consultants, Pearce Thomas, on the health needs of

the Rockingham-Mandurah-Pinjarra area and the agreement in principle by the Government to build a hospital in Mandurah, can the Minister advise what is the future of the Murray District Hospital?

Mr HODGE replied:

I am pleased to advise the member that I have only yesterday given assurances that Murray District Hospital will not be downgraded as a result of the decision to build a hospital in Mandurah. In fact, an extensive upgrading programme will begin at the Murray District Hospital in Pinjarra later this year.

The chairperson of the board of the Murray District Hospital, Mrs Jan Guilfoyle, had been in touch with my department; and I was aware that some concern had been expressed that the hospital would be downgraded. I assured Mrs Guilfoyle that Murray District Hospital would continue for the foreseeable future to be the main centre for acute medical, surgical, and obstetric services in the region. I have also given similar assurances and provided details of the proposed upgrading programme to representatives of the Waroona and Murray Shires.

The general upgrading of the hospital which I have approved will form part of the 1985-86 programme. The new programme will cover more than a dozen items requested by the board including upgrading electrical capacity and emergency power facilities, upgrading sewerage lines, replacing the kitchen floor, work on the entrance and corridor areas, improving utility areas in the maternity section and improvement to road works and car parks. These renovations will ensure that Murray District Hospital is able to maintain a high level of medical service to the community for many years to come.

PARLIAMENT WEEK

Minister's Comments

811. Mr MENSAROS, to the Minister for Parliamentary and Electoral Reform:

Having been given a sermon instead of an answer to my question on notice 2199, will the Minister now give a reply to the following simple question—

Is it a fact that in a radio interview he stated, "Parliament Week is too important to be handled by politicians" or words to that effect?

Mr TONKIN replied:

I do not recall every one of the golden words that pours from my lips. It may be possible that I said something to that effect.

It was announced last week that, because the people who had worked on Parliament Week last year did not engage in dog fights such as we have in this Chamber—those people included representatives from the Museum, the Education Department, and your representatives, Mr Speaker, and of the President of the Legislative Council—and had done such a good job in the smooth running of Parliament Week, the same thing would happen again this year. As a consequence, there was no better reason for keeping the same recipe that was so successful last year.

The Premier earlier spoke about the Leader of the Opposition's taking his marbles home like a sulking schoolboy last year. However, many of his backbenchers and at least one shadow Minister were dragged into the arena. No doubt the alluring prospect of their having their photographs in the local paper was too much to avoid. Many members of the Opposition took part in Parliament Week. I congratulate them. Parliament is a great institution which will continue for many a long year.

PLANNING: MANGLES BAY-POINT PERON

Proposals

812. Mr BARNETT, to the Minister for Planning:

Will the Minister outline details of the Government's proposals for the Mangles Bay-Point Peron area?

Mr PEARCE replied:

I thank the member for giving me some notice of his question. He has played a considerable part in the decision that has been reached with regard to Mangles Bay.

Some 17 years ago, the Mangles Bay area in the Rockingham-Point Peron region was zoned, under the metropolitan

region scheme No. 1, as a port for container ships. The original proposal would have taken up much of the recreational water space between Palm Beach and the causeway that leads to Garden Island. Under the first plan, that facility would have been capable of taking 17 ships at one time. However, it blocked out a tremendous recreational facility which was available to Western Australian people.

I was never happy with that reservation. I am pleased to say that, in the last week or so, we have made the decision to remove that reservation from the scheme and to remove, for all time, the threat of a container port being built in that area.

We have undertaken also the step to prepare that area more adequately for a series of recreational and tourism concerns. I have established a committee which will have on it a representative of the Shire of Rockingham, and the committee will suggest the best way that that development might take place for the amenities of local people and to help to create tourist potential.

Mr Peter Jones: What is going to happen to the Rockingham golf course?

Mr PEARCE: It has already been moved. That is not part of the Mangles Bay area. In relation to the old golf course, a number of proposals are before the Government at the moment about the way in which that might be redeveloped. The proposal that has been put to me by the Shire of Rockingham is that a portion of it should be used for an extension of office and commercial development and the remainder should be developed as residential. There are a number of problems with that.

Mr Barnett: It is not anywhere near the area we are talking about.

Mr PEARCE: That is right. No decision has been made about the use of the Rockingham golf course.

It was suggested, at one point, that that might be land-swap land that could be compensation for Star Swamp. However, that proposal has been abandoned.

In relation to the Mangles Bay proposition, we are seeking, through the committee, to have a range of tourist and recreational activities which will be job creating in the area of Rockingham. The

committee has been asked to expedite that proposal.

The reservation for recreational use rather than for port use accords also with the study of the economic development of the Rockingham area, a study which was instituted and recently released by my colleague, the Deputy Premier. I pay tribute to the extensive work and lobbying carried out by the member for Rockingham. He has helped the Government arrive at this decision. I feel the decision will have a tremendous beneficial effect on his constituents, both in terms of generating jobs—because levels of unemployment are very high in the area—and also in providing amenities for the people of his and surrounding electorates.

ABORIGINAL AFFAIRS: LAND RIGHTS

Claim: Causeway

813. Mr BLAIKIE, to the Minister for Lands and Surveys:

- (1) Will the Minister tell the House whether the vacant Crown land in the Causeway area adjacent to the Great Eastern Highway and the Swan River, will be available for claim by Aborigines under the Government's legislation?
- (2) Will the Minister advise me why this land will not be available for claim by all other Western Australians? I ask for the opportunity to table a map given to me by the Lands and Surveys Department in order that the Minister may give a proper and serious reply.

The SPEAKER: Order! The request anticipates a debate on some legislation.

Mr McIVER replied:

- (1) and (2) I will have to study the area in question. However, it may be vested for a specific purpose.

Mr Blaikie: It is vacant Crown land.

Mr McIVER: Yes, but it could be vested for a specific purpose. If the member elects to study the Bill recently introduced by my colleague, he will see, if it is vested for a specific purpose—

Mr Blaikie: There is no vesting at all.

Mr McIVER: If it is not vested, it could not be claimed under the land rights legislation. If the member wishes to pursue the question further for accuracy, I

suggest that he place it on the Notice Paper and I will obtain the information for him.

EDUCATION: TERTIARY

Fees: Reintroduction

814. Mrs BEGGS, to the Minister for Education:

What is the State Government's attitude to the reintroduction of tertiary fees?

Mr PEARCE replied:

The State Government is totally opposed to the reintroduction of fees for students at tertiary institutions in Western Australia. I have made that view known to the Commonwealth Government in the strongest possible terms. I have told it that the introduction of those fees would be totally unacceptable to the Western Australian Government and any attempt—

Mr Court: Have you told Senator Walsh?

Mr PEARCE: I have not told him, but I have sent a message to him. I made it very clear that any effort to reintroduce fees will be resolutely and publicly opposed by the Western Australian Government, although I remain confident that the proposal that has been floating around the Canberra bureaucracy will not come to fruition.

I have taken that position on behalf of the Government for a number of reasons, one of which, obviously, is that any effort to reimpose fees will help to deny access to tertiary institutions to a significant number of Western Australian students who simply cannot afford the fees. I understand that the fees would have to be set at a very high level if there was to be any economic value to the Government in imposing them. I do not believe that any fee structure will benefit tertiary institutions in this State by a single dollar. The Commonwealth, which now has to find the money from its own resources, will merely decrease the Commonwealth input and place the burden on individual students.

It will certainly lead to a range of State Government authorities, including the Education Department, looking at the reintroduction of something akin to the old bonding scheme whereby we pay the fees of people training to be teachers. I

think the Commonwealth would be forced to reintroduce something like the Commonwealth scholarship scheme to ensure that not just the sons and daughters of the rich were able to find their way into tertiary institutions.

I believe the proposal would be divisive and would help restrict access to tertiary institutions only to those who came from families of very considerable means.

Mr Peter Jones: Even if there were a loan scheme?

Mr PEARCE: I do not imagine that a loan scheme for fees would be effective at all. If we were talking of fees in the order of \$2 000 a year for tuition, for example, a three-year course would cost \$6 000 for each student and would have to be repaid at the time the student graduated.

If we add a loan scheme to that to replace TEAS a person graduating from a tertiary institution could find himself with a debt over his head in the order of \$20 000. That would be cheap money for rich parents because the interest rates being discussed are comparatively low. Rich parents funding children through tertiary institutions would have an advantage but the same advantage would not be available to the sons and daughters of poorer parents.

Mr Clarko: They will still get TEAS.

Mr PEARCE: It depends on the proposal. I am confident that the position is such in this State, with the Western Australian Government and with Labor Governments in other States, that it will mean the proposal will be sunk. The Liberal Governments have not been so forthcoming.

FIRES: JERRAMUNGUP

Government Assistance

815. Mr PETER JONES, to the Minister for Agriculture:

- (1) Has the Minister received a report on the fire damage at Jerramungup and a request for Government assistance?
- (2) Is the Minister aware of the generous response by the farming community to an appeal for fodder and agistment to help affected farmers?
- (3) In view of the acknowledgment by fellow farmers of the necessity to provide assist-

ance, will the Government provide immediate relief in the form of freight subsidies and assistance in refencing properties?

Mr EVANS replied:

I take it that this is the question which the member for Katanning-Roe put on notice and with that extensive notice I am in a position to reply as follows—

(1) Yes.

(2) Yes.

(3) Unless natural disasters qualify under the terms of the natural disaster relief arrangement with the Commonwealth Government, aid is generally not given. The Jerramungup fire does not qualify. Relatively small disasters do not attract assistance. In this case a decision is in the process of being made.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Non Full-time Workers

816. Mr COURT, to the Deputy Premier:

- (1) Does the Government support the redundancy provisions currently before the Industrial Commission being applicable to part-time, casual, and seasonal workers?
- (2) Has the Small Business Development Corporation advised the Minister on the effect that the redundancy provisions will have on small business?
- (3) If "Yes", what advice has been given?
- (4) Has the Minister or the Small Business Development Corporation prepared an economic impact report on the redundancy provisions?

Mr BRYCE replied:

- (1) to (3) No, the issue has not been considered by the Government.

The SBDC has tendered an opinion to the Government. That opinion is for the Government's information and it is like information I receive from other agencies in that it is not available for the benefit of any other person.

- (4) No; again, the issue has not been considered by the Government.

EDUCATION

National Conference: Broome

817. Mr BRIDGE, to the Minister for Education:

Can the Minister confirm that a major national education conference will be held in Broome in October?

Mr PEARCE replied:

I am pleased to confirm that the Australian Education Council meeting of Education Ministers and the heads of tertiary institutions in States within Australia and New Zealand will be meeting in Broome in October this year.

Western Australia has taken the initiative here in that the conferences previously held in Australia have met in capital cities.

Mr Clarko: That is not true. One was held in 1982 in Alice Springs.

Mr PEARCE: As Chairman of the Australian Education Council for the next eight or nine months and host for the meeting, I made the decision to hold the conference meeting in Broome so that Ministers from other States could have an understanding of the specific problems faced by Western Australia with regard to education in isolated areas, education for Aboriginal students, and the great extra cost that this State incurs in this area which is not borne by other States. I hope to achieve a better understanding of our problems by the other States particularly with regard to finance in these areas, and that as a result we shall get a better financial deal.

During the course of the conference I have arranged for six tours to remote and Aboriginal communities to be undertaken by other Ministers and the directors general. It is hoped that members from the Commonwealth Government particularly will appreciate first-hand the problems we have. They will be able to speak to the clients of our system—that is, the parents and students in remote communities—who can tell the visitors first-hand of their difficulties.

ALUMINIUM SMELTER

Land: Resumptions

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

- (1) Why has the Government put resumption orders on six properties adjoining the Parkfield aluminium smelter site?
- (2) As this resumption follows the Minister's statement in reply to my question of 22 November 1984 about whether the Government would compulsorily acquire land, that there were no plans to compulsorily acquire any land, I ask: Does this represent a turnabout by the Minister?
- (3) Why is the Government using force through resumption orders for the purchase of properties which may have been better and more amicably agreed to by consent?
- (4) As the Government intends to have a 20 per cent taxpayers' stake in the smelter, how can aggrieved landholders believe they will receive a fair hearing?
- (5) Why is the Government acting with such unnecessary haste to compulsorily acquire the land adjoining the proposed smelter site when an aluminium consortium has not been finalised?
- (6) Will the Government stop the resumption order and buy land on the open market?
- (7) If not, why not?

Mr PARKER replied:

- (1) to (7) I take this opportunity, as I did in my letter to the member for Murray-Wellington, of suggesting to him that before he quotes me as having said certain things he check that what he claims I have said is, in fact, what I have said. For example, he quoted me as having given an undertaking that there would be no resumptions. When I drew his attention to what I had said in my answer it was quite clear that no such undertaking was given. I said at that stage there were no plans for any resumption. The answer to the question was very carefully worded in order to retain all the options that might need to be available to the Government.

The Government has been negotiating since November with landowners in the area for purchase of land. It has undertaken several successful purchases, some of which have been settled and

some of which are in the process of being settled. However, there are two categories of land in relation to the smelter site: One is the category which will form part of the freehold site on which the smelter will be constructed. Of course, we had to have the land for those areas and one way or another—as has happened in many other agreements in the past between consortia and the State Government and as was undertaken by this consortium and the former Minister for Resources Development, the member for Narrogin—if it became necessary, it was always something which might have to be done through the agreement Act process or in some other way. On this occasion we have sought to do it in this way which is perfectly proper.

In relation to (3) with regard to agreement to matters by consent, for the last four or so months we have been negotiating with a range of people in the area. Some of those negotiations have been successful and I believe some will continue to be successful.

The notices which have been published—which are not orders, by the way—are one stage in a fairly lengthy process required under the Public Works Act, which becomes operative by virtue of a section of the ILDA Act. That requires us to go through an extremely lengthy process. In order to protect the time by which we want this project off the ground and to get work into the Western Australian industry as a result, we felt it necessary to ensure that all the background was available. In fact, I do

not believe that resumption will ultimately be necessary in almost all of the cases.

The other areas of the potential smelter buffer zone land are not actually going to be used for the smelter site; they are for the buffer zone far away from the 400 hectare site. We are very unlikely to resume land in these areas and no orders have been placed.

With regard to any fair hearing, there are provisions in the Public Works Act which ensure that in any resumption situation it is not the decision of the Government or of the Valuer General which prevails as far as the valuation is concerned and on which offers have been made. It is on the basis of an independent judicial determination and, therefore, any taxpayer or landowner can be sure if it comes to that point—and it would obviously not be in anyone's interest for it to come to that point—he will receive a hearing in the normal way through the judicial process.

We are very keen to purchase this land on the open market. Some ridiculous amounts have been suggested by some landowners, and those amounts are quite out of keeping with the valuations of land in the vicinity, and out of keeping with both the valuations which we had from the Valuer General and private valuations, some of which have been undertaken by the owners themselves, and which do not come anywhere near the values which have been suggested.
