

Legislative Council

Tuesday, 30 October 1990

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 7.30 pm, and read prayers.

EDUCATION AMENDMENT BILL

Assent

Message from the Lieutenant Governor and Deputy of the Governor received and read notifying assent to the Bill.

STIPENDIARY MAGISTRATES AMENDMENT BILL

Order Discharged

HON J.M. BERINSON (North Metropolitan - Leader of the House) [7.36 pm]: I move -

That Order of the Day No 34 be discharged from the Notice Paper.

I will briefly explain the position, as I have already to Estimates Committee A last week. The purpose of withdrawing the Stipendiary Magistrates Amendment Bill currently on the Notice Paper is to allow a replacement Bill to be introduced which will deal with an additional issue.

Question put and passed.

Order discharged.

MOTION - STATE GOVERNMENT INSURANCE CORPORATION

Capital Increase Regulations - Disallowance Motions Withdrawal

HON PETER FOSS (East Metropolitan) [7.39 pm]: On Tuesday 8 May and Wednesday 9 May I gave notice to this House that I intended to move a motion to disallow regulations intended to increase the authorised capital of the State Government Insurance Corporation. On 15 May I was contacted by the Deputy Premier, Hon Ian Taylor, with regard to those motions which I was about to move the following day. He advised that if I proceeded with the motions and the regulations were disallowed, the effect would be that the State Government Insurance Corporation would have to close its doors as it would not meet the solvency requirements of the Insurance Act of the Commonwealth. He asked me to meet Mr Frank Michell, Chief Executive of the State Government Insurance Office and the State Government Insurance Commission. The following day I met Mr Michell, in company with Hon Max Evans and Mr Max Trenorden. We took with us a series of questions that we had formulated and wished answered. We had discussions with Mr Michell with which I will deal later. As a result of those discussions, we returned to this place where further discussions took place which resulted in an agreement being struck with the Government, which was represented by the Deputy Premier, Hon Ian Taylor, and the Leader of the House.

Following that a written undertaking was given to Opposition parties as to certain actions that would be taken by the Government. They were discussed in a debate on 17 May. That undertaking was never put fully before the House, although I quoted from various aspects of it in a speech I made that day. I therefore seek leave to table the written document which constitutes the undertaking signed at that stage.

Leave granted.

[See paper No 665.]

Hon PETER FOSS: As a result of that undertaking having been given I sought leave of this House on 17 May to withdraw the motion I had before it to disallow the two increases of capital of the SGIO. Subsequently, certain things happened. I will deal, firstly, with the terms of the undertaking.

The first thing to happen was that the Government gave an undertaking to provide answers to questions proposed to the Leader of the House and the SGIC. On that day the Leader of the

House gave answers as requested. We did not on that day receive answers from the SGIC; they were received at a later date. Again, the answers given by Mr Michell were not tabled in this House. The questions were annexed to the *Hansard* of that day and members will find them at page 1079 of *Hansard*. The answers received from Mr Michell were to questions slightly different from those. These questions and answers also have not been put before the House and I seek leave to have them tabled.

Leave granted.

[See paper No 666.]

Hon PETER FOSS: The first thing that emerges from those questions and answers is the fact that the questions answered by Mr Michell were slightly different in form from those actually asked in this House. I will read the material part in which they differ. The questions answered by Mr Michell were as follows:

Has the Government at any time in the past been telling you how you are to invest your funds?

That is the most important part of the question. The question asked in this House was -

Was the composition of the SGIC Board such that the Government was able to influence investment decisions of the Board by reason that certain Commissioners were close to and allied to the decision making processes of the Government?

That was followed by question 1.1 -

Who were these Commissioners?

Then, generally speaking, the questions continued in the same way in which they were answered by Mr Michell. The reason for the difference in the questions is as follows. When Hon Max Evans, Mr Max Trenorden and I attended Mr Michell we asked the question that he answered in the document that I have tabled. His answer to that question was no, the Government had not been telling the SGIC how to invest its funds. When Hon Max Evans, Mr Trenorden and I expressed some concern and disbelief that there had been no contact between the SGIC and the Government, Mr Michell volunteered that the reason why the investments had gone through in that form was that there was no need for the Government to tell them what to do - it was because the composition of the SGIC Board was such that the Government was able to influence investment decisions of the board by reason of the fact that certain commissioners were close to and allied to the decision making processes of the Government.

It was because of that we said to Mr Michell, "Well, if we change the first question and asked you that, would your answer be yes?" He said, "Yes, my answer would be yes." We asked him to name the commissioners and his answer was Mr Rees, Mr Edwards and Mr Lloyd. Having understood that from Mr Michell we changed the questions so that they asked specifically what I asked in the House in order that we would get the answers, "Yes," and, "Rees, Edwards and Lloyd." That was the nature of the questions that were agreed at the time we discussed the matter with the Government when Mr Michell came here.

Those are the questions I delivered in the House and that was the question I expected to be answered and the answer I expected to get. I was somewhat disappointed when the actual answers came dealing with the old questions. Those answers were written around 16 May. I followed up on the matter with the Government and subsequently, on 26 June, because of my insistence, I received answers to the questions formulated in this House. I have those answers in writing signed by Mr Michell. On 26 June 1990 I received a letter containing the following answers to the questions regarding the ability of the Government to influence the SGIC -

The Questions seek for me to speculate as to the relationship of individual Commissioners to the Government. In fact, I do not know of any special relationship. Each member of the Board of Commissioners was appointed by the Minister responsible for the State Government Insurance Commission from time to time.

Therefore, in response to your specific Questions:

- 1.0 I do not know whether the Government was able to influence any Commissioner on investment matters;

- 1.1 Commissioners who could have been deemed to have been allied to decision-making processes of the Government by reason of holding current or past senior public service positions were:

R. Bowe: Under Treasurer, Treasury Department

R. Boylan: Immediate past Under Treasurer

L. Brush: Chairman, Government Employees Superannuation Board.
Consultant WADC

K. Edwards: Director, Policy Secretariate, Department of Premier & Cabinet

T Lloyd: Assistant Under Treasurer,
Board Member WADC

F. Michell: Manager-Director, SGIC/SGIO;

W. Rolston: Immediate past Auditor-General.

There was no mention of Mr Rees. To say that I was disappointed with that answer is putting it mildly. I raised with the Deputy Premier the fact that we considered we had been given an undertaking that we would be given those answers. Mr Michell led us to believe that the answers we would be given would be in a specific form. We had specifically altered the questions so that he could answer specifically, "Yes", and give us certain names, yet we received what appeared to be an evasive answer. That appeared to us to be departing seriously from the true spirit of what had been agreed on that occasion.

I raised that matter and was given a copy of a briefing note which was undated but which contained the following answer -

On returning from overseas on 25 June, 1990, Mr Michell wrote to Mr. Foss to advise that appropriate responses to the Questions would be provided to him on 26 June . . .

These replies were provided in a letter to Mr. Foss on 26 June, 1990. Copies of the letter were provided to the Deputy Premier and the Attorney-General.

The answers Mr. Michell provided were true and factual and reflect Mr. Michell's recollection of conversations held between Messrs. Foss, Evans and Trenorden on the 16 May, 1990.

I checked this with Mr Trenorden and Hon Max Evans. Their recollections are exactly the same as mine, that the answers we were given at that time were, "Yes," and the names I have mentioned, and that the question was altered specifically and presented to Mr Michell at that time, and that we secured his undertaking that those were the answers we would get. I am disturbed by that. I have raised this matter with the Government and I have not received what I consider to be a satisfactory explanation why it did not receive an answer from Mr Michell. The second undertaking states -

2. To arrange for the immediate provision to the Auditor General of the services of the Commonwealth Insurance Commissioner to enable him to determine whether the SGIO meets the prudential solvency ratios of the Insurance Act 1973.
3. To introduce legislation to include the following features of the Trenorden legislation:

Mr Trenorden had already drafted legislation to amend the State Government Insurance Commission Act and was ready to introduce that legislation in another place. We asked the Government if it would give an undertaking to support Mr Trenorden's legislation. His legislation was ready to proceed and all we needed was the Government's endorsement that it would support the Bill. The Government said that it would prefer to put forward legislation itself and it assured us that it would undertake the passing of that legislation. That undertaking must be seen in the context that the Opposition had legislation to amend the State Government Insurance Commission Act ready but the Government said it wished to introduce the legislation itself. That was agreed to on the basis that the Government would proceed with the legislation. That legislation was to have certain things included, which I have referred to in paragraph 3 of the undertakings. The fourth undertaking was -

4. To ensure the provision of Statutory Corporations (Directors' Liability) Bill

go into the SGIC Bill not including section 237 of the Companies Act in so far as it relates to insurance.

That was to impose on the directors of the SGIC and the SGIO the obligations to which a director of a private corporation would be subject. The Deputy Premier was to make a statement, and he made that statement. The sixth and seventh undertakings were -

6. To satisfy the Auditor General (as advised by the Insurance Commissioner) that the SGIO does meet the prudential solvency ratios of the Insurance Act 1973 and if unable to do so to undertake to remedy the same immediately and to undertake to implement measures related to the SGIC should it be necessary. Any measures taken re: The SGIO should be both fixed immediately and agreed to by all parties.
7. The Government will also take up the suggestion of the Auditor General to consider implementing the Statutory Corporations (Directors' Liability) Bill.

A number of matters had to be dealt with and I had hoped that they would be dealt with expeditiously. To determine whether this was the case I asked the Attorney General on 4 July -

What measures is the Government taking to honour its undertaking to look into the implementation of the Statutory Corporations (Directors' Liability) Bill.

The Attorney General replied -

That matter has not been the subject of recent consideration by the Government. I believe that, at the current state of this session, it is unlikely that anything useful could be done before the recess. I will ensure, however, that any previous undertakings in respect of this matter are reviewed and updated.

On 22 August 1990 I asked the Leader of the House -

What is the state of each of the undertakings given by the Government with regard to the State Government Insurance Commission on the basis of the withdrawal of the motion for disallowance of the SGIC's capital increase regulations.

Hon Joe Berinson replied -

As members will be aware, I am not the Minister responsible for the State Government Insurance Commission and accordingly I can take it no further at this stage than to undertake to have the Minister provide me with a report on that. I acknowledge that I was a party to the agreement, and I can add that my understanding from generalised observations by the Deputy Premier is that the undertakings have been met - or would have been met by now; it is some time since I raised the question with him. I cannot say that precisely, though, and I undertake to obtain that information.

On 30 August, having not heard anything more, I directed a question without notice to the Leader of the House -

I asked the Leader of the House the other day about the progress of the Government's undertaking regarding the State Government Insurance Commission and he indicated that he would investigate the matter and advise me. Could he now advise me?

The Leader of the House replied -

I acknowledge that I gave that undertaking. In accordance with that, I sent the relevant extracts of *Hansard* to the Deputy Premier's office on either the day immediately following the question, or certainly not later than the day after that. Perhaps because of other matters that have intruded, this question has not come to my mind again and I apologise for that. I have not chased it up. Now that it has been brought to attention, I will ensure that a reply is forwarded to Mr Foss direct without waiting to place a reply on the Notice Paper.

I did receive a reply on 3 September 1990. It is important that the House be advised of what was involved in this answer and I seek the leave of the House to table the Minister's reply. It takes the form of a letter from the Attorney General dated 3 September 1990 and would normally have been an answer to a question.

Leave granted.

[See paper No 667.]

Hon PETER FOSS: The letter stated that answers to question had been provided to the Leader of the House and Mr Michell. However, at that stage the Government knew perfectly well that we were not happy with the answers supplied by Mr Michell and that they were inconsistent with what he had said to us on the day. The letter from Hon Joe Berinson further stated -

SGIC replies to the original questions were sent to you on 7 June and replies to the amended questions were provided on 26 June.

2. The Auditor General is seeking confirmation that the arrangements made between the Parliamentary Committee and the Insurance and Superannuation Commissioner can be put in place in preparation for the audit of the 1989/90 State Government Insurance Corporation accounts.
3. Legislation to amend the State Government Insurance Commission Act 1986 is in its final stages -

That was in September -

- of preparation and will be introduced into the Parliament as soon as possible this session.

4. The Government has given an undertaking to review the Statutory Corporations [Directors Liability] Bill and until this review is complete it is premature to include provision of the SGIC Act.

The undertaking by the Government was in two parts: Firstly, that the Government would definitely include it in the State Government Insurance Commission Act. Not that the Government would think about it or that it would be part of the review. The undertaking was that the Government would definitely include it in the State Government Insurance Commission Act.

Secondly - this was referred to in the early replies by the Leader of the House to questions - the Government seemed to indicate that it was being done; that the drafting was in its final stages. Hon Joe Berinson also stated in his letter -

5. The Deputy Premier made a statement on 16 May concerning the agreement.
6. The Auditor General intends to review the solvency of the Corporation during the audit of the 1989/90 financial statements.
7. The Government has given a commitment to consider the recommendation of the Auditor General concerning the Statutory Corporations [Directors Liability] Bill.

It is one thing to give a commitment and another to do something about it. On 11 September 1990 I raised a question about the two undertakings and asked the Attorney General -

Am I to understand from the Attorney General's letter to me that it is no longer the Government's intention to carry out the undertaking that it would incorporate the Statutory Corporations (Directors' Liability) Bill in the State Government Insurance Commission Act immediately?

Hon Joe Berinson replied -

The member will understand that, although I replied to him on the basis that he had directed the question to me, I replied in a representative capacity and on the basis of material which was provided by the Deputy Premier. The follow-up question which Hon Peter Foss now asks can really be put only to the Deputy Premier as the responsible Minister, and I would ask that it be put on notice. I will obtain a response to that at the first opportunity.

I then asked another question which stated -

Does the Attorney General realise that the undertaking referred to in my previous question was also given by him, and does he regard himself as having a personal obligation to ensure the undertaking is carried out?

Hon Joe Berinson replied -

I have always acknowledged that I was a party to those undertakings. It has always been my understanding that the fulfilment of those undertakings is being actively pursued. I simply do not have the knowledge as to where this matter is at present and, as I have indicated, I suggest that the best way of proceeding would be to have the further question put on notice and I will answer it promptly.

Following that there were statements in the newspaper by the Deputy Premier that corporatisation of the SGIC and the SGIO was being considered and that, for the time being - and this is how he was reported - the question of the previously announced legislation would be put on hold while that review was taking place.

I do not know precisely where we stand on this matter. This is the reason I have formulated this motion. I wish to give the Government the opportunity to inform this House clearly and distinctly what it has done to carry out its undertaking. I have raised repeatedly a number of matters with the Government. The Leader of the House may like to have a look at the questions that I have asked and the further undertakings that he has given when keeping the matter in mind. He will notice that I have raised this matter on several occasions without receiving a satisfactory answer.

I have never had a satisfactory answer in relation to Mr Michell's questions, nor as to how the Government is proceeding with the drafting. We were given an indication that something would happen this session, but I have seen nothing whatsoever of that. We have not been consulted with regard to the solvency of the State Government Insurance Office, and certainly we have not been advised of the situation in that regard.

I do not wish to make too much of this before I have given the opportunity to the Government to respond. I believe I have given the Government a number of opportunities to show how it is honouring its undertaking, but the time has come when the Leader of the House and this Government must be told to particularise what measures the Government has taken to honour his and its undertaking, as set out in paragraph 1(a) of my motion.

I note that somebody has changed my Notice of Motion, probably in the interests of clarity. I originally gave notice that I would have Hon J.M. Berinson directed with regard to paragraph 1 and the Leader of the House directed with regard to paragraph 2. I do not know how that was changed by the officers of the House, but I specifically worded it in two different forms because the undertaking that was given by Hon Joe Berinson was a personal undertaking. He personally signed it and I looked to him and believed in the strength of his word that he would carry out that undertaking. Therefore I intended that the first part of my motion would direct Hon J.M. Berinson, and the second part would direct the Leader of the House and could then be carried out by any person acting in the capacity of Leader of the House from time to time. I notice the motion has been changed, but I believe that distinction should be made because it was a personal undertaking by Hon Joe Berinson and I regard that as an important part of the reasons that those people who were at that meeting were prepared to work on the basis of that undertaking, with the Deputy Premier and Hon Joe Berinson being the people who had personally given that undertaking.

Therefore I might ask that someone look at my original wording, and I might seek leave of the House to amend my motion in order to return to my original wording. However, I want Hon Joe Berinson to particularise the measures by which the Government secured the withdrawal in this House of motions to disallow regulations under the State Government Insurance Commission Act; and, secondly, to advise as to the stage of drafting that any pertinent legislation has reached. We were told some time ago that legislation was in the final stages and that it looked as though it would not be ready before the recess but would probably be ready immediately after the recess, and certainly in this session. We are now drawing to the end of the session and there is no sign of the legislation. I also want Hon Joe Berinson to advise what timetable has been made for the further steps to be taken in order to honour the undertaking. We were given to understand it was Government priority. If that is the case, one would hope that a timetable has been set and that deadlines would have to be met by the various people who have been instructed in this matter, and that they would be working towards those deadlines.

I would also like Hon Joe Berinson to tell us what obstacles, if any, there are to the

immediate carrying out of the undertaking and the manner in which they have been imposed. That specifically refers to the fact that Hon Ian Taylor is reported as saying - and I say "reported" because I have not heard the words from Ian Taylor himself - that he has put this on hold while Mr Rees carries out his review. However, if one has given an undertaking, one cannot unilaterally decide that one will not carry it out. It may be that the Government believes there are obstacles which stand in the way, and they may be obstacles the Government feels we should understand; but if there are obstacles to the carrying out of the undertaking we must be asked whether we will agree to the undertaking's being varied. One does not unilaterally vary an undertaking simply because at a later stage it appears possible that it was not such a good idea to give it. I would also like Hon Joe Berinson to tell the House when he considers the Government will carry out the remaining parts of its undertaking. Therefore, I want to know what the Government has done so far, what the timetable is for the rest, and when the Government thinks it will finish it.

I raise one other point, on the question relating to Mr Michell. Another event that has occurred in the meantime is the report by Mr Rees. Strangely enough, what has Mr Rees said with regard to the investments of the SGIC? He has said they were due to certain commissioners of the SGIC - the very answer that Hon Max Evans, Mr Max Trenorden and I gained from Mr Michell but which, for some reason, has disappeared in between the giving of the answer by Mr Michell and its arriving in this House. It is interesting that Mr Rees himself has used this very same excuse. I do not know what happened between Mr Michell's giving us the answer and his giving a different answer in writing. I have been given to understand that he did so at the direction of Mr Rees. I would like the Leader of the House to investigate that, because it seems to me most interesting if Mr Rees on one hand tells Mr Michell not to carry out the proper answers to the very questions he gave us, and on the other hand, when it suits his purposes, later gives that very same excuse himself. It is interesting also that that answer was similar to an answer given to the Pike committee, as was reported in its report, as the reason that the investments took place. So there are a number of questions that must be answered by the Leader of the House and on the basis of those answers we will be able to make up our minds whether the Government is appropriately carrying out its undertaking and how soon it will finish carrying it out.

The second part of the motion asks the Leader of the House to table all draft legislation relating to the carrying out of the undertakings. If it has been drafted, we should see it. Let us see what advanced stage of drafting it has reached. Secondly, I ask the Leader of the House to table all correspondence with the Commonwealth Insurance Commissioner relating to the provision of his services. What is being done to get the assistance of the Commonwealth Insurance Commissioner? Thirdly, I ask the Leader of the House to table all position and discussion papers relating to the carrying out of the undertaking. Let us see what has been done physically; what has been actually produced by way of paper to carry out this undertaking. I would also like the Leader of the House to table all timetables relating to the carrying out of the undertaking; that is, the actual, written timetables, if there are timetables. Let us see the timetables, and let us see how earnest the Government is in carrying out its undertaking. I would also ask the Leader of the House to table any other documents that may assist the House in determining the degree to which the undertaking has been honoured and the immediacy or otherwise of its being completed.

Why is this important? Why is it that the Opposition can no longer be fobbed off on this matter? It is a very fundamental point of the running of this House: If we are to be able to carry out the business of the House properly, it must be possible for undertakings to be given and relied on; not given as a way of fobbing people off and then forgotten, not given and then answers turning up which put us off to the next day, not to keep feeding answers out which do not really answer the question or deal with the problem, and which do not really permit the Government to do what it said it would do.

I believe the Government should honour any undertaking that it gives - and this is not just any undertaking. I believe even verbal undertakings should be honoured, but this was not a verbal undertaking; it was a written undertaking, signed by the Leader of the House and the Deputy Premier of this State, on a matter of considerable importance. The reason we were told we should not go ahead with this is that if we did so the SGIO would have to close its doors the following day; and this was one week before the Maylands and Fremantle by-elections.

Hon P.G. Pental: It was probably just a coincidence!

Hon PETER FOSS: It would have been extremely damaging to this Government had the SGIO had to close its doors, but the Government did nothing to deal with all these important matters until we in this House moved the disallowance of the regulations. I then received what could best be described as a somewhat anxious phone call from the Deputy Premier.

The Opposition is not in the business of seeking to pull down the State Government Insurance Office. The Opposition is in the business of ensuring that the money of the people of Western Australia is properly looked after and that the Government of Western Australia is properly checked. We take a responsible attitude. We moved in this way because we understood that the proper corrective measures should be taken. This was understood because we had received a written undertaking from the Deputy Premier and the Leader of the House.

What are we to do in future if we move measures such as this and we cannot rely on the Government to carry out undertakings with full enthusiasm and spirit? Do I have to draft an agreement which quotes the Act? Do I have to draft an agreement which contains the timetable step by step, or do I trust the Government, as though comprising people of honour, to carry out the undertaking? If one cannot trust this Government to carry out its undertakings faithfully, what does one do? The Government should not carry out the undertaking because it is eventually pushed into it or because I ask questions in this Chamber every month or so; the Government should do so because it gave the undertaking! Government members should do so as persons of honour who are supposed to be trusted to rule this State. The Government should regard the undertaking as binding.

I have read to the House question after question which I have asked on this matter, and I have indicated that I raised the matter with the Deputy Premier and the Leader of the House, yet I have not received an indication to my satisfaction that the Government is taking its undertaking seriously. What are we to do if the Government gives an undertaking and does not carry it out? Unless this Government shows that it can carry out its undertaking, the next time we move a motion to disallow regulations which may cause considerable pain to the SGIO or some other Government organisation we will have no alternative but to say that we do not trust any undertaking the Government may give. In that case we would go ahead with the disallowance, as the business of this Parliament cannot be conducted unless the Government can be trusted to carry out its undertakings. This is fundamental to the proper order and good government of this State. Unless we can believe in the Government, this Parliament will not function properly.

The last part of my motion states -

and that the consideration of the statement, tabled documents and motions arising therefrom and relating to the undertaking, be dealt with as a matter touching the privileges of the House.

This is a matter touching on the privileges of this House. It is not proper that people gain from the way this House conducts its business on the basis of an undertaking, and for those people to then resile from that undertaking. This must be a matter which touches on the privileges of this House. One cannot more fundamentally attack the proper conduct of the business of this House than through a failure to carry out those undertakings. However, as fairness is the first precept, this motion does not in any way seek to prejudge the matter.

This motion indicates to the Government that the undertaking raises questions: Will the Government tell this Parliament what it has done? Will it indicate what it is doing and what it will do in the future? It is important that the Government have the opportunity to indicate in writing to the House what it has done, and to produce for inspection by this House the product of what it has done. Obviously, the Government should indicate to this House how it sees the undertaking working.

Notwithstanding the constant niggling by which I have expressed my concern to the Government about the carrying out of this undertaking through to its completion, I am concerned with the answers given by Mr Michell. This is a matter that I am pursuing. The Government should be pursuing me and other members of this House to indicate how it is carrying out the undertaking. If a delay has occurred, it should be seeking us out to say, "We are sorry, but there is a problem which is unavoidable." It should indicate why that has

happened. However, on every single occasion on which I have obtained information from the Government regarding this undertaking, it has been as a result of my inquiries.

On occasions this matter has been regarded so seriously by the Leader of the House that he has forgotten about it - he has said so in this House! I could understand that happening once, but the Leader of the House has done so on a number of occasions. I understand that he has the heaviest workload of any Minister in the whole Parliament, and I sympathise with that. However, after apologising to me about the failure to follow up the matter, I had hoped that he would have placed a high priority on ensuring that the Opposition was fully satisfied that the undertaking had either been carried out, or that full measures were undertaken to see that it was carried out.

If a need exists for the Government to understand how seriously the Opposition regards this matter, it can be determined by the process through which we have proceeded tonight. It is the responsibility of the Government to tell the Opposition how the Government has or has not carried out its undertaking. The Opposition should not have to chase up this matter. It is for the Government to honour its undertaking and to take an active role in ensuring that this House is satisfied that it was not put upon when it gave leave for the motion. Of course, I had to seek leave of this House to withdraw those two motions. Therefore, every single member of this House -

Hon P.G. Pendal: Took you on trust.

Hon PETER FOSS: - took me on trust and took the Government's undertaking on trust. Had one voice been raised against that question, the motions had to be put. The Government gave that undertaking to every member of this Chamber. I hope that the seriousness of that undertaking is realised. I hope that, as a result of this motion, I will receive from the Leader of the House a full assurance that everything is not only under control and will be cleared up before the end of this session, but also that full documentation and evidence will be provided to indicate that this matter has been taken seriously at all times, and will continue as such, so that we can restore faith in this House with the giving of undertakings and so that the business of this House can be properly conducted.

Mr President, I seek leave to move my original motion, because the one shown on the Notice Paper is in a slightly different form.

Leave granted.

Hon PETER FOSS: I move -

This House directs -

1. Hon J.M. Berinson within three sitting days of order to make a statement to the House -
 - (a) particularising what measures the Government has taken to honour his and its undertaking by which it secured the withdrawal in this House of motions to disallow regulations under the State Government Insurance Commission Act for the increase in the capital of the State Government Insurance Corporation;
 - (b) as to the stage of drafting that any pertinent legislation has reached;
 - (c) what timetable, if any, has been made for the further steps to be taken in order to honour the undertaking;
 - (d) what obstacles, if any, there are to the immediate carrying out of the undertaking and the manner in which they have been imposed; and
 - (e) as to when he considers that the Government will carry out the remaining parts of its undertaking.
2. The Leader of the House to table within three sitting days of order -
 - (a) all draft legislation relating to the carrying out of the undertakings;

- (b) all correspondence with the Commonwealth Insurance Commissioner relating to the provision of his services;
 - (c) all position and discussion papers relating to the carrying out of the undertaking;
 - (d) all timetables relating to the carrying out of the undertaking;
 - (e) any other documents that may assist the House in determining the degree to which the undertaking has been honoured and the immediacy or otherwise of its being completed.
3. That the consideration of the statement, tabled documents and motions arising therefrom and relating to the undertaking, be dealt with as a matter touching the privileges of the House.

HON MAX EVANS (North Metropolitan) [8.26 pm]: In the few minutes available I will strongly support Hon Peter Foss. Hon Peter Foss, Mr Max Trenorden and I took this matter very seriously when the circumstances of the State Government Insurance Commission were put to us. We could have brought about, as stated by Hon Ian Taylor, the closure of the doors of the State Government Insurance Commission. We were responsible and we realised that it had a problem. It had authorised capital of \$40 million of which \$30 million had been used, and it had some large losses coming up on the Bell shares. It had a claim of \$211 million against the Bond Corporation on the indemnity of the Bell shares. A claim was made because a deal was done with the State Government Insurance Commission in collusion with the Bond Group when it bought the Bell shares, which resulted in this indemnity being taken up. That could result in a loss of up to \$211 million if, at the end of the day, the Bond Corporation is not solvent. We acted responsibly. We did the Government, the SGIC and the public a favour in sorting out the affairs of the SGIC.

My main point is that our decision could have been implemented without legislation. The boards of the SGIC and the State Government Insurance Office could have been split the next day. There could have been two separate boards to look after the investments of each body, for the benefit of each body alone and not involving the other corporation. The funds invested through the commission did not stand as assets of the corporation under the rules of the insurance commissioner. The investments could have been split immediately with no trouble at all. It was thought there may have been some stamp duty problems, but we learnt that the Government always lets the R & I Bank off, so no stamp duty problems would have arisen when splitting the assets between the two. The Government now has the power to bring the capital up to \$100 million, so it will be a while before the matter is brought before this House to rectify.

This matter is very serious. It goes back to May, and the Opposition has done much to bring this in line, but nothing has happened. I will repeat my two main points: Splitting the boards; and splitting the investments. Mr Michell said that was the best thing we could do, and that it did not need a change in legislation. We requested that the corporation have special contact with the insurance commissioner on how to assess the assets, because the net worth of the corporation must be 20 per cent of the total insurance premiums. That is what we were looking at. I strongly support the motion moved by Hon Peter Foss. An answer from this Government about what is happening is well overdue. A major statutory authority has been at risk for a long time and we must get these financial matters straightened out and straightened out fast.

Debate adjourned, on motion by Hon Fred McKenzie.

[Questions without notice taken.]

STATEMENT - BY THE MINISTER FOR POLICE

Speed Limit Penalty - Road Traffic Amendment Regulations Agreement

HON GRAHAM EDWARDS (North Metropolitan - Minister for Police) [8.55 pm] - by leave: I wish to inform the House that following discussions with Hon Eric Charlton a compromise agreement has been reached between the Government and the National Party to deal with that party's objection to the Road Traffic (Drivers Licences) Amendment Regulations 1990 and the Road Traffic (Infringements) Amendment Regulations

(No. 4) 1990. The arrangement agreed to is that there be a fresh amending regulation which provides for a modified penalty of \$25 to apply where motorists are fined for exceeding the speed limit by one to nine kilometres per hour with no loss of a demerit point, and that motorists who exceed the speed limit by 10 to 14 kilometres per hour will face an unchanged penalty of \$50 with a loss of one demerit point. It is expected that the necessary amendments can be drafted in time to be dealt with at the next meeting of the Executive Council scheduled for 6 November 1990 with a view to gazettal on Friday, 9 November 1990.

I add that I am pleased that agreement could be reached, and in particular with the spirit in which we were able to deal with the matter. There is always room for differences of opinion on matters relating to road safety and the balance to be struck between road safety and other legitimate community considerations. It is my view that the risk with the approach reflected in the agreement is that an effect may be produced which will see people raise their average speeds and traffic safety implications may attach to that behaviour.

I also respect the view of Hon Eric Charlton that the present penalty, in theory, could be inflicted upon a motorist who exceeded the speed limit by a mere one kilometre an hour. However, I do not see that as a problem simply because I have faith that police officers approach their job in a commonsense way, and there are checks and balances in place to ensure that this is for the most part the case. But I do not claim to have all the answers, and I am pleased that the accommodation has been made. I hope that in this case I shall be proved wrong.

FINANCIAL INSTITUTIONS DUTY AMENDMENT BILL

Receipt

Bill received from the Assembly.

First Reading

HON J.M. BERINSON (North Metropolitan - Leader of the House) [8.58 pm]: I move -

That the Bill be now read a first time.

HON R.G. PIKE (North Metropolitan) [8.59 pm]: I wish to take the unusual step of speaking on the first reading of this Bill because a copy of it has just been delivered to me. I refer in particular to clause 2(2), which says that, if this Act receives the Royal assent after 2 November 1990, it shall be deemed to come into operation on 2 November 1990. I acquaint the Leader of the House with the fact that bearing in mind today is 30 October, notwithstanding the fact that large amounts of money are involved, this could very well catapult this House into a situation where it will be passing retrospective legislation. As a consequence of that I have spoken to the Clerk and given him a draft amendment stating that clause 2 will come into operation on the day that the Bill receives Royal assent. That covers the objection I have to the principle. If the Leader of the House is expeditious in his desire to progress the Bill through the House, that covers the matter, bearing in mind that under normal procedures a Bill does not become law until 28 days after Royal assent is received.

Hon J.M. Berinson: That is not right either.

Hon R.G. PIKE: That covers this House on a matter of great principle. That great principle is that the Liberal-voting people and National Party-voting people in this State would never forgive us if we took the step of passing legislation which could effectively become retrospective legislation. Therefore, it is proper that I give the Leader of the House some notice so that an amendment may be drafted accordingly. Also, this action must involve a request to the Assembly for an amendment, because we cannot amend a money Bill. The matter involves a grave principle. I repeat, it could effectively become retrospective legislation. Therefore, the House ought to be acquainted with the fact.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.02 pm]: I accept the question of principle that Hon Bob Pike has raised but I point out to him that this has previously been addressed. We are in a position of requiring some expedition with the legislation because, frankly, I did not realise early enough the effect on the legislative program which would arise from our decision not to sit as a House last week but to devote that week to committee considerations. If not for that, the Assembly would have arranged for the Financial Institutions Duty Amendment Bill to reach us on Tuesday last week. We would have had the normal seven days until Tuesday of this week and the Bill, in that case,

as originally drafted would have introduced the new FID rate from 1 November. As members may be aware, that was in fact foreshadowed in the Budget speech, and the planning of the legislative program was always with the view to making 1 November possible.

When I realised the position that had been created by our procedures last week, I approached the Leader of the Opposition - I tried very hard to approach the Leader of the National Party, and I did discuss the matter with another member of his party in the hope that would be relayed to him.

Hon E.J. Charlton: Come to the country; I was out there.

Hon J.M. BERINSON: The member will find messages all over the place when he goes back again. However, I was able to obtain the agreement of the Leader of the Opposition to adjourn the debate today until Thursday of this week rather than our normal process on Tuesday next week.

On the basis that we would deal with it this Thursday, being 1 November, it is no longer possible to have the Bill in its original form - that is, providing for an implementation date of 1 November - and it was accordingly amended before being transferred to us from the Assembly to provide for an effective date of 2 November.

I appreciate that this does shorten the normal time provided between the moving of the second reading and the full consideration of it, and I appreciate the acceptance of the special circumstances which made that possible. It would of course always be open to us to attempt an argument that we are not really introducing retrospective legislation where the implementation date has been announced as far in advance as was done in this case.

That is not a satisfactory solution for two reasons: Firstly, it is always open to attack in principle; secondly, there is the practical consideration that the financial institutions must be given reasonable notice to adjust their technology to deduct FID payments. That has been done on the basis of the understanding that was reached last week.

To repeat the position, while accepting the principle that Mr Pike has advanced, I believe that the arrangement made by the parties preserves that principle while at the same time cuts across as little as possible the Budget requirements.

Question put and passed.

Bill read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.07 pm]: I move -

That the Bill be now read a second time.

This Bill amends the Financial Institutions Duty Act to bring into effect the only taxation increase contained in the Budget. The rate of financial institutions duty payable by financial institutions will be increased from 3.5¢ per \$100 to 6¢ per \$100. Associated with that increase is an increase in the maximum duty payable on a single deposit from \$500 to \$1 200. That maximum amount corresponds to a single deposit of \$2 million.

As was indicated by the Treasurer in her Budget speech, the broad based nature of the duty ensures that the increase will not greatly affect individuals; for example, a person depositing \$20 000 over a year would have to pay only an extra \$5. These increases will bring Western Australia into line with New South Wales, Victoria and Tasmania. The new rate will be substantially below the 10¢ per \$100 announced by South Australia.

The increases are to apply from 2 November this year and are expected to yield additional revenue of \$27 million in 1990-91 and \$46 million in a full year.

The Bill also introduces a maximum limit for any amount which is incorrectly deposited into an exempt account. A person who contravenes the Act by incorrectly paying an amount into an exempt account is liable to pay duty on the amount involved. But for this amendment, the maximum duty limit would not apply in these circumstances.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Max Evans.

MOTIONS - DISCHARGE FROM NOTICE PAPER***Road Traffic (Drivers' Licences) Amendment Regulations - Road Traffic (Infringements) Amendment Regulations (No 4)***

HON E.J. CHARLTON (Agricultural) [9.09 pm]: I move -

That Orders of the Day Nos 1 and 2 be discharged from the Notice Paper.

I wish to thank the Minister for Police for indicating to members earlier tonight that he has responded to our concerns regarding these regulations.

The situation has been well canvassed on previous occasions. Simply put, the matter is of great concern to us and particularly to people in country areas. I have been contacted by many people, both prior to my moving the motions to disallow the regulations and since, wanting to inform me of their circumstances. That information has demonstrated that the regulations are iniquitous. They would not be in the best interests of the public or road safety; nor would they create a harmonious relationship between the police and the public.

As a consequence, I am pleased that the Minister has made that decision. In moving this motion, we accept what the Minister has said and that we will now have in place an allowance of nine kilometres with no loss of a demerit point, and the attraction of only a \$25 fine. There will be tolerance of the fact that it is physically and humanly impossible for the motoring public to keep within speed limits on many of our roads and that traffic policemen will not have the opportunity to issue infringement notices if speed limits are broken.

I suggest in all seriousness that traffic patrolmen have to change their attitudes. We cannot continue with the ludicrous situation described to me in letters and verbal statements of patrolmen issuing infringement notices which impose a loss of three demerit points and a \$75 fine for the failure of a motorist to literally, but not technically, stop at a Stop sign. That does nothing to improve the three areas to which I referred earlier; that is, road safety, police and motorist relationships, and the road toll. Patrolmen should concentrate on the people who blatantly disobey the road rules. Those motorists should receive road education and those things to which the Minister often refers in this place. I will continue to be vigilant and will continue to promote -

The PRESIDENT: Order! The member is not debating his motion to discharge matters from the Notice Paper. He should be telling the House why it should support him and not talking about the merits or demerits of traffic regulations.

Hon E.J. CHARLTON: If I were a swearing man, I would swear that that is what I was doing.

The PRESIDENT: Order! The member was not even close.

Hon E.J. CHARLTON: In this day and age, many of us like to take every opportunity to make the most of these occasions. I thank you, Mr President, for your direction.

I am sure that members will support my motion because we have been able to demonstrate what can be done with a little commonsense. I ask the Police Department and, particularly, the traffic section, to encourage its officers to recognise the areas that need to be pursued. I thank the Minister and members for their attention and hope that they will support my motion.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [9.15 pm]: In supporting the motion moved by Hon Eric Charlton, I recognise the negotiations that he had with the Government. The Opposition has not had an opportunity to indicate its stance on the motions, so I indicate now that I have made it very clear to Hon Eric Charlton that the Liberal Party supports his motion to disallow the Road Traffic (Drivers' Licences) Amendment Regulations and the Road Traffic (Infringements) Amendment Regulations (No 4).

I am pleased that his negotiations with the Government have borne fruit and that the motion can now be discharged from the Notice Paper. I am pleased that the Government has seen sense in Hon Eric Charlton's arguments.

Question put and passed.

ACTS AMENDMENT (CONTRIBUTIONS TO LEGAL AID FUNDING) BILL*Assembly's Amendment*

Amendment made by the Assembly now considered.

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

The amendment made by the Assembly was as follows -

Page 3, line 29 - To delete the line.

Hon J.M. BERINSON: I move -

That the amendment made by the Legislative Assembly be agreed to and the following amendment be substituted and transmitted to the Legislative Assembly for its concurrence -

Page 3, line 28 - To insert after the line the following -

(4) This section expires on 30 June, 1994.

I understand that the Opposition is agreeable to this motion. I will, therefore, be brief. A number of important matters were covered by the original Bill and it is fair to say that when the Bill left the House in an amended form only one outstanding issue between the Government and the Opposition remained. This concerned an amendment moved by Mr Foss to impose a sunset clause of three years on the provisions of the Bill. The Government required that 60 per cent of the recurrent income, in any year, of the Law Society's public purposes trust should be allocated to the Legal Aid Commission. Mr Foss argued that, although he accepted that current factors justified the special allocation to the Legal Aid Commission, it should be open to review in 1993. He was successful in gaining the Council's agreement to insert a sunset clause to that effect.

My view was that if the situation to which we were moving required amendment in three years' time, that should be by a substantive Bill rather than by the automatic effect of a sunset clause. One could argue indefinitely the merits of each side of the argument and, at one stage, I thought that Hon Peter Foss and I would argue it indefinitely. In the end, I am sure I did not persuade him to my point of view and, similarly, he did not persuade me to his.

One thing that Mr Foss did accept in discussions held since the original debate in the House was that, for practical reasons, a sunset clause effective 30 June 1993 would have to be determined a year earlier for Budget purposes and that would provide only two years' experience before a decision was made. The motion involves an extension of the sunset clause by only one year, but it at least allows a more reasonable period of three years' experience to be gained before the issue is reconsidered.

I stress, as I did in the original debate, that the Bill as amended by me during its initial passage through the House had the support of the Law Society of WA, whose members are effectively the trustees of the public purposes trust. The Law Society agreed to the Bill in a form which did not include a sunset clause, and when it looked like becoming a major issue I was informed and authorised to indicate to the House that the Law Society had no difficulty with the proposition that the Bill should proceed without a sunset clause. Nonetheless, this is not a matter on which intransigent positions need be taken on either side and I move the amendment on the basis of previous discussions with a view to providing a more practical period of experience before the position requires attention again, but accepting nonetheless the sunset clause approach which was the basis of Mr Foss' original amendment. I commend this motion to the Committee.

Hon DERRICK TOMLINSON: It is true that the Law Society gave support to the Bill, but when it was being considered by the Legislative Committee the Law Society made it clear that its support was, to some extent, conditional support. I will explain what is meant by conditional support because it is necessary to understand it in order to understand the reason for the sunset clause. Because of an increase in the number of requests for legal aid and an anticipated decline in the Commonwealth's proportion of funds for legal aid, the Government anticipated either increasing the allocation from the Consolidated Revenue Fund

or finding an alternative source of funds to provide legal aid. It looked upon the contributions to the Law Society trust account as a source of those funds and the Law Society supported that prospect. However, the Law Society considered that another source of funds might exist; that is, the real estate trust fund. The Law Society's reason for stating to the committee that that was a legitimate source of funds for legal aid was that a major part of the moneys which were held in the real estate trust fund were proceeds from conveyancing by settlement agents. Prior to the passage of legislation enabling settlement agents to conduct conveyancing and to receive fees for that, those funds were a major source of bread and butter income for legal practitioners. In some States of Australia, they continue to be a major source of legal practitioners' incomes. Because that money was derived from a source which was originally monopolised by legal practitioners, the Law Society submitted that a portion of that fund might be legitimately directed towards the legal aid funding for which the Government was looking.

No doubt there is already considerable conjecture among members as to whether that is a legitimate direction for the real estate trust funds. The Attorney General expressed some reservations about the legitimacy of that situation.

Hon J.M. Berinson: I would have supported the argument that it should be put to better public purposes.

Hon DERRICK TOMLINSON: I am sure the Attorney General did that and I think he indicated that better public purposes for that money were being considered. That is a proper consideration. However, even though there are better or other public purposes to which those funds could be put, an agreement had been made that the matter would be considered. To ensure the matter would be considered the committee moved for and adopted the sunset clause to focus the mind of Government on this matter. We accept the argument presented by the Attorney General that the initial sunset clause provided insufficient time to make a proper assessment of the effects of the Bill, and we have agreed in discussions outside this Chamber to the amendment proposed by the Attorney General.

Question put and passed; the Assembly's amendment agreed to and a further amendment substituted to be transmitted to the Assembly for its concurrence.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

ABORIGINAL HERITAGE AMENDMENT BILL

Second Reading

Debate resumed from 21 August.

HON DERRICK TOMLINSON (East Metropolitan) [9.32 pm]: The impetus for at least a part of this Bill was a decision of the High Court that the Aboriginal Heritage Act was binding upon the Government. As a consequence of that decision the Government introduced into this Parliament a Bill to amend the Interpretation Act. Because of an undertaking that the Government had given to certain Aboriginal citizens of this State, it introduced at about the same time legislation to ensure that the Aboriginal Heritage Act was binding upon the Government, even though the amendment to the Interpretation Act would not have made it so. It was the Opposition's expectation that the two Bills - the Bill to amend the Aboriginal Heritage Act 1972 and the Bill to amend the Interpretation Act 1984 - would be debated in tandem. However, the Government is proceeding with the Aboriginal Heritage Amendment Bill, an amendment to the Aboriginal Heritage Act, before it proceeds to the Bill to amend the Interpretation Act, even though the Bill to amend the Aboriginal Heritage Act is consequential upon the Bill to amend the Interpretation Act. Again, the Attorney General has explained that he wants to honour the undertaking given, and to be seen to be honouring that undertaking to those people he will legislate to bind the Crown to the Aboriginal Heritage Act before the Interpretation Act is amended. Hence that Bill is before the House at this time.

It is important to look at the background of the High Court decision, because the history leading to the introduction of this Bill is extremely important to an understanding of the other parts of the Bill. The contentious issue in the Bropho case, as is well known, is whether the

provisions of section 17 of the Aboriginal Heritage Act are binding on the Crown. Bropho claimed that the Swan Brewery site was one of Aboriginal significance in terms of section 5 of the Act and, therefore, was subject to the constraints described in section 17. Consequently, he applied for a restraining order to prevent redevelopment of the site, and in his application he referred to erection of walls or buildings or digging or tunnelling or in any way altering that site. The respondents to his claim, the Western Australian Development Corporation, applied for orders striking out the claim and dismissing the action. Master White of the Supreme Court made the orders in support of the WADC's claim on the ground that the provisions of the Act did not bind the Crown; in other words, the Crown was not bound by the constraints in particular of section 17 of the Act. That decision of Master White, on appeal, was upheld by the Full Supreme Court; in other words, it dismissed the appeal by Robert Bropho. The basis of the decision of both Master White and the Full Court was that the relevant provision of the Aboriginal Heritage Act did not apply to the activities of the respondents, WADC, on the basis of the entrenched presumption that a Statute does not bind the Crown. The decision of the High Court quite clearly put that to rest. I quote from the decision of the High Court of Australia in the case of *Bropho v the State of Western Australia*, 20 June 1990, page 16 -

There is no difficulty in discerning in the provisions of the Act a legislative intent that those provisions apply generally to Crown Land and to objects on such land.

It proceeds at a later point to say -

Indeed, in a context where ninety-three per cent of Western Australian land is Crown Land and approximately fifty per cent of Western Australian land is what is described as "Vacant Crown land", the Act would be extraordinarily ineffective to achieve its stated purpose of preserving Western Australia's Aboriginal sites and objects if it applied only in respect of the comparatively small proportion of the State which is not Crown land.

By that decision not only was the Aboriginal Heritage Act shown to be binding upon the Crown and therefore the action by Robert Bropho to prevent the redevelopment of what is known as the Swan Brewery site upheld, but also many years of precedent for the interpretation of Statutes binding upon the Crown were overturned; hence the initiative of the Government to introduce legislation to amend the Interpretation Act and the concurrent initiative of the Government to introduce legislation to make the Aboriginal Heritage Act binding upon the Crown. However, the Bill does not do only that. The provision to make the Aboriginal Heritage Act of 1972 binding upon the Crown is, in fact, dealt with in a single line in this Bill. In clause 6, new section 4A states -

Subject to this section, this Act binds the Crown.

It is as simple as that. Clause 18 amends the proceedings for the consideration of use of land for certain purposes; in other words, it amends the procedures set down in the original Aboriginal Heritage Act of 1972. Clause 18A makes provision for appeal by an owner against a decision of the trustees. Clause 18B makes provision for a review of the decisions on the petition of interested persons who have a proven standing in the process.

Clause 7 provides for a retrospective validation of decisions of the Aboriginal cultural material committee. The Bill, in fact, goes well beyond that initial purpose of binding the Crown to provisions of the Aboriginal Heritage Act. Again, to understand those provisions it is necessary to look at the history of the Swan Brewery site. I do not want to go into the ancient history of the site, looking at the sale and purchase and sale again by the Government to other persons, and so on. Those matters are of interest to other aspects of Government activity and do not really impinge on the matter before us.

I think the pertinent events commenced with the Aboriginal protests led by Robert Bropho and Clarrie Isaacs occupying the Swan Brewery site, which they claim is a sacred site of the Wagyl serpent dreaming. Part of their claim was a legal challenge in the Supreme Court to the redevelopment of the site. That was the first initiative which led to the High Court decision on 20 June 1990. As I have said already, the decision of Master White struck out the action by Robert Bropho on the ground that the Aboriginal Heritage Act was not binding on the State Government.

The second legal process that the Aboriginal protesters took to give them what has become a

common or popular appellation was commenced on 2 May when, again, Robert Bropho sought an injunction in the Supreme Court restraining Western Australian Development Corporation and the Western Australian Government from further work on the Swan Brewery site. The second challenge was based on common law custom, original ownership possession, and the right to protect Aboriginal heritage. Therefore, there were two actions by a group of interested Aboriginal persons who were trying to assert their right to protect what they deemed to be a part of their heritage.

In protecting that which they deemed to be their heritage, they used the legitimate processes of the law. They appealed to the Supreme Court to prevent the Government doing what they would perhaps describe as desecrating a sacred site. As citizens of Western Australia they had that right to those legitimate processes of the law. The protest became something of a cause celebre in Western Australia, certainly in Perth, and there was a great deal of toing and froing, sometimes amounting to confrontation, between the protesters, those who opposed their position and, of course, the Government and representatives or agents of WADC who were trying to proceed with the redevelopment of the site.

On 21 June the former Federal Aboriginal Affairs Minister, Mr Hand, declared the whole of the Swan Brewery site a site of significance under Commonwealth legislation. That declaration under the Federal Aboriginal and Torres Strait Islanders Heritage Protection Act meant that any activity which disturbed the ground for the proposed car park or actual brewery site could proceed only with the Commonwealth Minister's written approval. There was then a complication in the legal process in that Commonwealth law was invoked to protect Aboriginal heritage. A month later, on 19 July, the former Federal Aboriginal Affairs Minister, Mr Hand, revoked his declaration after the then Premier, Mr Dowding, agreed to follow the procedures of the State Aboriginal Heritage Act when considering development of the site. When I say the Aboriginal Heritage Act I am referring to the State Act, as opposed to the Federal Aboriginal and Torres Strait Islander Heritage Protection Act.

In effect, therefore, Mr Dowding accepted that sections 17 and 18 of the Aboriginal Heritage Act bound the State Government. This is particularly important, because up to this stage we have had two cases before the Supreme Court in which Mr Robert Bropho, as the representative of the Aboriginal group, claimed that the Crown was bound by the provisions of the Act and the Western Australian Development Corporation, as an agent of the Government, disputed that claim and argued that the Crown was not bound by the provisions of the Act. Then, in this decision of 19 July, Mr Dowding in effect accepted that the Crown was bound by the provisions of the Act.

The next interesting phase in this history of the legal position of the Swan Brewery site was a statement by the Minister for Aboriginal Affairs, Dr Carmen Lawrence. In a report in the *Daily News* of 1 August 1989 it was claimed that the Western Australian Aboriginal Heritage Act was to be changed because of the Swan Brewery sacred site dispute. The report stated in part -

The Minister said that in the long term the Government planned to establish a State-run Aboriginal Heritage Commission in line with ALP policy.

At another point the report said -

Dr Lawrence said the revised Act would increase Aboriginal representation on the Aboriginal Cultural Material Committee.

The Minister is quoted directly as having said -

"As a longer-term prospect we are also looking at bringing the Aboriginal Sites Department more directly under Aboriginal Affairs," Dr Lawrence said.

"At the moment to a considerable extent it is under the museum."

In a Press release dated 6 August 1989 the Minister for Aboriginal Affairs, Dr Lawrence, is quoted as saying -

We hope these two amendments will help provide more protection for sites which are significant to Aboriginal people and their culture.

That statement on 6 August 1989 contrasts with the statement made on Tuesday, 23 October 1990 in *The West Australian*.

Hon Kay Hallahan: In what way?

Hon DERRICK TOMLINSON: Let me give members the contrast. The article begins -

PREMIER Carmen Lawrence says she will amend the Aboriginal Heritage Act to stop it being used to frustrate developments in the metropolitan area.

She said yesterday the Act was under review because it was being used in a way that was never intended.

Dr Lawrence, who is also Aboriginal Affairs Minister, said the Act had been drafted in 1972 to protect Aboriginal sites, mainly in rural areas.

The Minister for Planning asked in what way did the statements contrast. I put it to the Minister that what we have here is a decline from a magnanimous Minister directing her energies to protecting Aboriginal heritage to a petulant Premier who is hell bent on directing her energies now to limiting the protection that Aborigines might have of their heritage.

Hon T.G. Butler: That is a ridiculous statement.

Hon DERRICK TOMLINSON: It is a ridiculous statement for the Premier to make, particularly in the light of what she said just 12 months before.

Let us proceed to the decision of the second action by Mr Robert Bropho. That second action resulted in a Full Court confirmation that the Swan Brewery site was not protected by the Aboriginal Heritage Act because it was Crown land; and again, by a 2:1 majority, the Supreme Court held that the ordinary principle of common law was that an Act did not bind the Crown unless the intention that the Crown be bound appeared clearly in the Act.

So there is a confirmation of the opinion that the provisions of the Aboriginal Heritage Act were not binding upon the Crown; and it is important to remember that that decision of 27 September came after an acceptance by Mr Dowding on 19 July that the Aboriginal Heritage Act did in fact bind the Crown.

Following the decision of the Full Court it was announced that the brewery job would go ahead. *The West Australian* of 29 September reported -

Work on the old brewery in Mounts Bay Road will go ahead as soon as possible after a Full Court decision that the site is not protected by the Aboriginal Heritage Act. . . .

The Minister for Planning, Mrs Beggs, said the Aborigines should leave and allow the area to be used in a way which respected its significance to all sections of the community. . . .

The Minister for Aboriginal Affairs, Dr Lawrence, said the development would not disturb areas of ceremonial significance to Aborigines.

The report went on to say -

The WA Museum's Aboriginal cultural material committee found that the proposed \$28 million development was part of a bigger complex which was important and of special significance to Aborigines.

Dr Lawrence is then quoted as saying -

But the committee also said that it did not consider the development would disturb the important ceremonial areas or the known track of the Wagyl.

So there are some doubts about the extent to which the Government honoured the previous acceptance by Mr Dowding that the provisions of the Aboriginal Heritage Act were in fact binding on the Crown. In spite of the position taken by the Aboriginal protesters, it was determined to press ahead with the redevelopment of that site. Mr Bropho, on the other hand, was equally determined that the development would not proceed, and he sought permission to proceed with a High Court appeal against the decision of the Supreme Court. On 26 October five High Court judges granted Mr Bropho special leave to appeal against the State Full Court's decision of 27 September. In other words, he was granted standing to proceed with an appeal before the High Court.

Two other significant actions have taken place. On 10 October Mr Justice Wallace of the Supreme Court granted four Aboriginal protesters an injunction to stop the Government from proceeding with work on the Swan Brewery site. This was due to an apparent failure of

natural justice, and once again the Aboriginal people used the due process of the law to confront the Government and to use the court to direct that these people had legitimate rights which were not being properly protected by the Government. On 23 November 1989 the Supreme Court ordered that no further work be carried out on the Swan Brewery site until the actions brought by Robert Bropho before the High Court came to trial. The *Daily News* reported that Mr Justice Franklin sought that the application brought by the site custodian Corrie Bodney and others be to prevent any further work on the site under the authority of the Minister for Works.

I am laboriously going through this detail to impress on members the facts in all the stages of this matter. As the Aboriginal people were determined to prove their case, they proceeded through appeal to the High Court; it was only the High Court which could give an ultimate decision on this. As the Aboriginal people used the due process of the law and the due process of the courts to establish their case, so the Western Australian Development Corporation and the Western Australian Government used the process of the law and the process of the court to establish their claim that the Aboriginal Heritage Act was not binding upon the Crown.

On 25 February the Federal Minister for Aboriginal Affairs, Mr Gerry Hand, interceded in the case on behalf of the Aboriginal people and authorised a special payment of \$50 000 to the Western Australian Aboriginal Legal Service to finance the court challenge to the Swan Brewery development site. On 1 March the appeal to the High Court commenced. Once again Mr Bropho pressed his claim that the State Government and the WADC were bound by the provisions of the Aboriginal Heritage Act, and before they could proceed to redevelop the site they were bound to seek the approval of the WA Museum. To be more correct, the Government had to seek the approval of the WA Aboriginal Cultural Material Committee. This had to be done before the Government could begin excavating the site. Again the Government was persistent in its claim that it was not bound by the legislation. The decision handed down on 20 June, to which I referred earlier, upheld the position argued by Robert Bropho and dismissed the claim of the Crown.

In the meantime one other action was heard which has some bearing on the legislation before us: On 8 March this year the Government conceded in the Supreme Court that the Aboriginal Cultural Materials Committee's recommendation to renovate the site was invalid because the committee had not been given the appropriate authority to make that decision. So, on a technical procedure the decision of the committee was invalidated. On that technicality it was claimed that the delegation of authority for decisions on sacred sites had not been properly processed.

The State Government had not properly adhered to the provisions of the Act. Then on 10 June we had that momentous decision in which the Aboriginal claimants' position was confirmed by the High Court. In spite of that fact the Deputy Premier announced on 21 June that the decision which bound the Government to its own Aboriginal Heritage Act would not spell the end of the project to redevelop the Swan Brewery site.

We have been waiting for some time for the report of the Aboriginal Cultural Material Committee on the status of this site. A report in *The West Australian* on 25 July claimed that the report was imminent. I asked a question in this Chamber on 25 September as to whether the report had been completed and whether it was before Cabinet, and the answers were no and no. In question time in this House this evening the Minister indicated that the committee still had not made a decision regarding this site. She indicated that the Government was waiting for a decision from the committee before a final decision could be made about the future redevelopment of the site.

I reiterate that two Supreme Court challenges were pursued by Robert Bropho acting on behalf of the Aboriginal people claiming that the brewery was on a sacred site. The second of those was pursued as far as the High Court, which overturned the decision of the Supreme Court of Western Australia and ruled that the Crown was bound by its own legislation.

We now come to the provisions of the Bill before the House. Upon consideration we find that the provisions impose some constraints. The simplest of these relates to proposed new section 4A. I referred to this part of the Bill earlier, and in simple language it says that subject to proposed new section 4 the Act will be binding upon the Crown. We were told that that was the intention of the Bill because it was the Government's intention, in

accordance with the Interpretation Act, to protect Aboriginal sites by binding the Crown to the provisions of the Aboriginal Heritage Act. However, having made that simple statement that this Act binds the Crown, proposed new section 4A proceeds to impose some conditions on that. It states -

The Minister may, if he or she considers it necessary for the health or safety of the public or any section thereof that certain works be undertaken as a matter of urgency, ...

The Minister may make decisions under certain circumstances, and the provisions of the Aboriginal Heritage Act may be waived. We have already had an example of that, and I referred previously to the Aboriginal people who were protesting about the development and opposing the work to erect street lights along that section of Mounts Bay Road. That was deemed to be in the public interest and one would assume that that is the intention of this clause. It binds the Crown to the provisions of the Aboriginal Heritage Act, but it allows the Crown to waive those provisions if the Minister considers that some works are for the health or safety of the public or are matters of urgency which need to be undertaken. That waiver or declaration can be made under circumstances or conditions that are specified and published. There is nothing really sinister in that, other than the doubt that must be in the minds of some people about the extent to which the Government is bound by its own legislation.

Proposed section 18B(7) imposes very real constraints upon the legitimate rights of the Aboriginal people before the law. Those constraints are not only against the Aboriginal people but also against any citizen who is affected by an action or a decision of the Aboriginal Cultural Material Committee, and who disagrees with it and wants to appeal against it. That proposed section 18B(7), subject to proposed sections 18A and 18B, says that the decision of the Minister under subsection (5)(b) is final and without appeal, that no writ shall issue, that no declaratory judgment shall be given, and that no injunction shall be granted to restrain the implementation of such a decision. It has been put to me by legal practitioners of some standing in our community that that section is a denial of common law remedies available to ordinary citizens in Western Australia.

Let us put that denial of common law remedies in the context of the Aboriginal Heritage Act, and members must bear in mind the High Court's observations that 93 per cent of the land in Western Australia is Crown land, that some 50 per cent of that land is held in lease of one form or another, and that the remaining 43 per cent is uninhabited Crown land. Only seven per cent of the land in Western Australia affected by the Aboriginal Heritage Act is freehold land. Therefore, in any action covered by the Aboriginal Heritage Act the very high probability is that the Crown or in fact the Minister will be involved. It is also a very high probability that in the case of an appeal against the Minister's decision the appellants will be Aboriginal people. Even though I made the point that proposed section 18B(7) is binding upon all citizens in Western Australia, because it has peculiar reference to the Aboriginal Heritage Act its implications are most real for the Aboriginal people.

Proposed section 18B(7) denies the Aboriginal people common law remedies of grievances against the State. They are being denied the legitimate legal rights and privileges of other citizens of Western Australia. We should view that seriously. Any action to deny a minority group the rights and privileges of the majority must be viewed with considerable disquiet. The disquiet grows when we proceed to proposed sections 18A and 18B, as they set out the procedures for an appeal by an owner against a decision by the Minister under section 17 of the Aboriginal Heritage Act. In amending the original Bill proposed section 18A specifies clearly what the procedures will be. It will eliminate any uncertainty that might have been contained in the general procedures of the original Act. Likewise, proposed section 18B sets out clearly the procedures for an appeal against the decision of the Minister by the claimants, in this case, one would assume, Aboriginal claimants. In proposed section 18B(2) the standing of a person who might make an appeal is specified, and a person who has standing to proceed with an appeal is one who has made a submission in writing referred to in proposed section 18(2)(d). That states that the Minister shall consider the initial information and any submission in writing in respect of the requirement received during the advertising period. Nowhere else is such a proviso upon a person or an appellant before the Supreme Court restricted in this way; that is, that a person has standing only if he has made a written submission in the original hearing. That in itself must cause concern. It compounds the

concern I previously raised with regard to proposed section 18B(7) and it is compounded even further when one realises we are talking about Aboriginal people. Members must recognise that there are a large number of illiterate Aboriginal people. The process demands that if they are going to have standing before the Supreme Court to proceed with an appeal they must have made a written submission to the original hearing. I put it to you, Madam Deputy President (Hon Muriel Patterson), that it is simply a further erosion of the normal rights of ordinary citizens of this State to access to the courts for redress of grievances.

Rather than proceed to expound upon those concerns that the consequences of these amendments to the Aboriginal Heritage Act is to deny or, at least, to restrain the Aboriginal people from access to the courts to demonstrate their proper claims for the protection of their Aboriginal heritage, I will turn to clause 7. This amendment retrospectively validates the decisions purported to have been performed by the Aboriginal Cultural Materials Committee between 11 August 1983 and 21 December 1989. That retrospective validation is a direct consequence of the decision of the Supreme Court of 9 March 1990. It was not merely a decision of the Supreme Court; it was a conceding by the Government before the Supreme Court that the Aboriginal Cultural Materials Committee's decisions were not valid because the committee had not been properly delegated the authority to make those decisions.

Again, by this process of retrospective validation the consequence is that any aggrieved person who might want to challenge a decision of Government which was not legitimately made in the period 11 August 1983 to 21 December 1989 is denied that right. The Government failed to meet the requirements of its own legislation and by failing to conform to its own legislative provisions it opened itself to challenge before the Supreme Court. To deny such a challenge it is now asking this Parliament to validate its decisions retrospectively. In other words it wants to make right that which, by its own fault, was wrong and to make right a fault which exposed it to an action in the Supreme Court. Once again, because we are dealing with the Aboriginal Heritage Act, the conclusion which must be drawn is that it denies those people a right to the court for legitimate redress of a grievance.

Apart from proposed section 4A, which is intended to make the Aboriginal Heritage Act binding upon the Crown - unnecessarily so at this stage because the High Court has already ruled and it is refutable law that the Aboriginal Heritage Act is binding upon the Crown in this State - all other provisions of this Bill operate to constrain the legitimate right of the Aboriginal people to use the courts to demonstrate their claim to their own heritage.

I put it to the House that if we were to deny those rights we would deny the spirit of the original legislation - that is, the protection of the Aboriginal heritage - and it would deny the Aboriginal people the due processes of the law to protect that heritage. Members should relate that to the history I recited at considerable length - the history of 12 months; the history of two Supreme Court challenges, the second of which was taken as far as the High Court; and the High Court's decision upholding the claim of the Aboriginal people. It was a claim which they had demonstrated through every process of the courts available to them. In the period of that happening they used the Supreme Court for injunctions to prevent the Government from proceeding in works on the sites which they were claiming to be Aboriginal heritage sites.

Two conclusions are invited from that. First is that the Government was frustrated in its intentions to redevelop the Swan Brewery site by a group of people who used the process of the law and the courts to establish their rights to their heritage. Having been frustrated by that the Government has turned around and said, "If we cannot have our way through what are the legitimate processes of the law, we will change the law. If we cannot have it one way, we will have it another." The second conclusion that must be invited is that, because this legislation deliberately and intentionally denies a minority group in our society the due processes of the law, what we have here is transparently racist legislation. There is no way in which a legitimate Parliament, which is established to legislate for the good government of Western Australia, can legislate against the proper and established rights of a minority group of citizens in Western Australia. I put it to the House that we should not and could not in all conscience support this Bill. Therefore, the Opposition opposes the Bill.

HON J.N. CALDWELL (Agricultural) [10.31 pm]: I notice that Hon Derrick Tomlinson included the National Party in that opposition. I think I can probably concur with his words.

The Aboriginal Heritage Amendment Bill has come before this House because of the problems the Government has experienced with Aboriginal sites, practically all of which have been in the metropolitan area. One site that springs to mind is the old Swan Brewery site, which I have mentioned a number of times in this House during debate on other Bills. It is very disappointing to all of us to drive along Mounts Bay Road and see the devastation that has been caused because of the problems with the old Swan Brewery and its history. The previous Governments of Western Australia are to be condemned because they did not make sure that sites of significance to Aboriginal people, particularly sites in the metropolitan area, were registered. I am sure that had there been a register of sacred sites, this Bill would not be necessary.

Hon D.J. Wordsworth: Are you sure there is not a register of such Aboriginal sites?

Hon J.N. CALDWELL: There does not appear to be because I do not think the Aboriginal people know anything about these sites until development is contemplated. If there were a register of sacred sites and if it were well publicised and discussed with Aboriginal groups, I am sure this type of problem would not have developed.

Hon D.J. Wordsworth: Would it sort out all those things?

Hon J.N. CALDWELL: I am sure it would sort out a fair few. It seems to be the case that every time the Government attempts to build houses and shopping centres in an area, the sites are of significance to Aboriginal people.

When we look at the old Swan Brewery it is very easy to see the enormous number of cement blocks and slabs that have been put along that stretch of Mounts Bay Road to safeguard the public. That has always been a difficult area, and many accidents have occurred. I suppose Robert Bropho would be the first to admit that the enormous weight of those slabs of cement is causing the Wagyl some discomfort. However, I guess that would not be his main concern. His main concern would be to protect Aboriginal heritage sites. I am sure that were the Government to resolve its difficulties with the old Swan Brewery site and swallow a bit of pride by demolishing that horrible looking building on the banks of the Swan River, it would go a long way towards appeasing some of the Aboriginal people, and also many of the white people in the community, who condemn any resurrection of a building on that site. No matter what type of building is put on that site, it will always appear to be something that has just been put there and is completely out of character with the beautiful river foreshore.

In 1989 litigation concerning the old Swan Brewery was struck out by the Supreme Court as disclosing no cause of action on the basis that the Aboriginal Heritage Act did not bind the Crown. I will not discuss that at length because Hon Derrick Tomlinson has given the House an enormous amount of history about what has happened to that site and why this Bill is necessary. There was a series of complicated court cases because the Interpretation Act had been amended but not the Aboriginal Heritage Act. There had also been some confusion about the powers of delegation of the trustees. Action had been taken by the Aboriginal Cultural Materials Committee, under the authority of the trustees, when in fact they may not have had that power. So the purpose of this Bill is to bind the Crown to the provisions of the Aboriginal Heritage Act.

I would now like to reiterate some of the problems that may confront landowners, as well as Governments, when Aboriginal sites are not well known or recorded in a register. At one stage we had a significant Aboriginal site on one of our properties. A site may be declared to be of significance not necessarily because of the Wagyl but for other reasons. A burial site is a sacred site, but a site can also become significant for many and varied reasons. It could be a place where ochre is found. Ochre is a type of clay which has all sorts of colours in it, and the Aboriginal people adorn their faces and bodies with that clay for corroborees. I suppose one could call it a ceremonial greasepaint.

That is a site of significance. Many others could be, such as places from where they collect water, especially from trees which they hollow out. They used to have a little stone below at the edge of these trees and they collected the water when it rained. In many areas they placed rings of stones. The ring of stones is also very significant to Aborigines. At our place there was a ring of stones, and it was declared a site of significance. Some time after that a mining company came along and decided to investigate a mineral claim. There was a

conflict between these two groups of people - those who were trying to look after the interests of Aborigines because of this site of significance, and the miners. It is an amazing thing to see two groups of people fighting over an area of land which happens to belong to a landowner who has title deeds to it. The person who has title deeds does not appear to have any right to that land because the other two want to scrap over who has the right. This is a strange coincidence of human life, especially in Western Australia.

To get back to the Bill, I have not got together with Hon Derrick Tomlinson, but he underlined exactly the same clauses in this Bill as I have. I refer particularly to proposed section 18B, which refers to a review of decisions made under proposed section 18(5). Subsection (2) states -

(2) A person -

- (a) who has made a submission in writing referred to in section 18(2)(d)(ii); and
- (b) whose interest (being an interest that is greater than the interest of other members of the public) is affected, directly or indirectly, to a substantial degree by a decision,

Proposed section 18(2)(d)(ii) states that the trustee shall consider any submissions in writing in respect of that requirement received by them during the advertising period. The Bill states earlier on that the advertising period is 28 days. I quote from proposed section 18(1)(a)(iv) -

stating that submissions in writing in respect of that requirement may be made to the Trustees within the period of 28 days commencing on the day of that publication;

Any of us who has had experience with members of the Aboriginal community would know that not many of them are well qualified or learned people. They are only a minority group of Australians. There is not a great number of them, and not many of them go through universities and manage to read things such as this Bill. In fact it takes many of us a long time to study these Bills and find out what they mean. To expect Aboriginal people to study this Bill and make a submission in writing in that 28 day period would be absolutely impossible. They could not comprehend such a document. Not only that; one section of this Bill states that it will be advertised only once. I feel sure that that is correct.

Another confusing part of the Bill states that a person whose interest is greater than that of the other members of the public is affected directly or indirectly to a substantial degree by a decision. The Bill becomes more complicated than ever. One part provides that a person may apply to the Supreme Court for an order calling on the Minister, or any other person interested in supporting the decision referred to, to show cause why that decision should not be reviewed under this section. I guess that sounds pretty good to a learned chap, but it sounds very complicated to me. I suggest many Aboriginal people would be very puzzled by it.

That is the only part of the Bill I want to comment on, because Hon Derrick Tomlinson has conveyed to the House the great concerns that the Opposition parties have about this Bill. It is a Bill which would not have been necessary if the Government of the day had played its part.

Hon Kay Hallahan: Would you be prepared to hear my argument?

Hon J.N. CALDWELL: I am always prepared to hear anybody's argument.

Hon P.G. Pandal: Spoken like a statesman!

Hon J.N. CALDWELL: That is probably what we are here for: To argue our case. Anybody who closes his mind and is not prepared to listen to somebody else's argument should probably not be in this place.

Hon Kay Hallahan: Hon Derrick Tomlinson sounded as though he had a very closed mind, I thought, but I am pleased to hear that you are prepared to listen to the Government's argument in the light of the argument you have put tonight.

Hon J.N. CALDWELL: It is probably the way I was brought up. My mother always taught to me to listen to her advice, and if I did not listen to her advice I would get a jolly good whack.

Hon P.G. Pandal: That is probably what the Minister will do to you.

Hon J.N. CALDWELL: I hope the Minister does not do that sort of thing.

Hon Kay Hallahan: I do not believe in violence in the home.

Hon J.N. CALDWELL: In summing up, the Opposition has great doubts about this Bill. It puts enormous problems on a portion of our community, a minority group of people who have been disadvantaged all their lives.

Hon Kay Hallahan: This Bill is supposed to improve things.

Hon J.N. CALDWELL: Well, that seems pretty doubtful, from what I have read. National Party members are prepared to listen to the Minister and we will make our final decision after that.

Debate adjourned, on motion by Hon Peter Foss.

GOLDFIELD-ESPERANCE DEVELOPMENT AUTHORITY BILL

Second Reading

Order of the Day read for the resumption of debate from 19 September.

Debate adjourned, on motion by Hon N.F. Moore.

House adjourned at 10.50 pm

QUESTIONS ON NOTICE

ENVIRONMENTAL PROTECTION AUTHORITY - COMMITTEE CHAIRMAN

Environmental Agency Executive Head - Two Positions Policy

627. Hon GEORGE CASH to the Minister for Planning representing the Minister for the Environment:

- (1) Is it correct that the Labor Government was elected in 1983 with an environmental policy that stated that the positions of Chairman of the autonomous Environmental Protection Authority Committee and Executive Head of the Government's Environmental Agency be maintained as separate positions and be held by different persons because of a conflict of interest in these positions?
- (2) If the answer is yes -
 - (a) why are these positions now held by the same person; and
 - (b) is there a conflict of interest in the one person holding these two positions?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) I understand the Australian Labor Party election platform did not contain a promise of this nature.
- (2) Not applicable.

PORTS AND HARBOURS - VICTORIA QUAY, FREMANTLE

Redevelopment

805. Hon GEORGE CASH to the Minister for Planning representing the Minister for the Environment:

- (1) Is the Minister aware of the proposal to consolidate shipping on North Quay thereby making Victoria Quay available for redevelopment?
- (2) Will the Minister undertake to initiate a departmental assessment of the environmental impact on the proposal in relation to traffic congestion in Fremantle and adjoining suburbs?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) No proposal of this sort has been referred to the Environmental Protection Authority.
- (2) Not applicable.

FAMILY CENTRES - FRANK KONECNY FAMILY CENTRE

Contact Person Replacement Concern

~~843. Hon P.G. PENDAL to the Minister for Planning representing the Minister for Community Services:~~

- (1) Is the Minister aware of the concern of the Frank Konecny Family Centre regarding the recent, sudden replacement of their contact person, within his department, whose assistance they valued greatly?
- (2) What are the reasons for this sudden replacement?

Hon KAY HALLAHAN replied:

The Minister for Community Services has provided the following reply -

- (1) Yes.
- (2) The Department for Community Services must constantly review the management of its programs and projects. This at times requires that the duties of individual officers have to be adjusted to meet changing

| | | | |
|------|-----|-------------------------------|---|
| (3)* | (a) | Teaching Hospitals | 1987-88 - \$552 1988-89 - \$598 1989-90 - \$673 |
| | | Non-teaching Public Hospitals | 1987-88 - \$317 1988-89 - \$324 1989-90 - \$366 |
| | | Private Hospitals | 1987-88 - Not known 1988-89 - Not known 1989-90 - Not known |

* Represents average daily bed costs.

(b) Data is not collected under this category.

ABORIGINAL SITES - LAKE KUNUNURRA FORESHORE SURVEY
*Western Australian Heritage Committee - Wyndham-East Kimberley
 Shire Council Allocation*

934. Hon P.H. LOCKYER to the Minister for Heritage:

- (1) Is the Minister aware that the Western Australian Heritage Committee allocated \$15 000 to the Wyndham-East Kimberley Shire Council for a survey of Aboriginal sites on the Lake Kununurra foreshore?
- (2) If so, is the Minister aware that the following tenderers submitted tenders to the Wyndham-East Kimberley Shire -
 - (i) Quartermaine \$8 200;
 - (ii) McDonald, Hales \$11 942; and
 - (iii) Resource Consulting \$14 850?
- (3) Does the Government agree with the decision by the Wyndham-East Kimberley Shire Council accepting the lowest quote by Quartermaine Consultants of \$8 200?
- (4) Does the Western Australian Heritage Committee recognise the competence of Mr Rory O'Connor of Quartermaine Consultants?
- (5) Why then did the Western Australian Heritage Committee write to the Wyndham-East Kimberley Shire requesting that Resource Consulting be given the tender at \$14 850?
- (6) Why was a request that the Waringarri Aboriginal Corporation be involved when it has a vested interest?
- (7) Will the Minister order an inquiry into the actions of the Western Australian Heritage Committee?
- (8) If not, why not?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) No. On 22 August 1990 the WA Heritage Committee received correspondence from the Shire of Wyndham-East Kimberley enclosing full details on the three tenderers for the project and indicating that the shire had endorsed the selection of Quartermaine Consultants. In accordance with the grant conditions the shire sought the committee's comment on the council's choice of consultant. I am also advised that the McDonald Hales cost estimate for the project was \$13 562, not \$11 942 as stated in the parliamentary question.
- (3) The Australian Heritage Commission (Federal administrators of the national estate grants program) policy in relation to project consultants is that State administrators (ie WA Heritage Committee) take responsibility for ensuring that suitable consultants are appointed on national estate projects. The Government therefore has a responsibility to ensure the national estate projects are undertaken by the most suitable consultant available to do the work.

The Shire of Wyndham-East Kimberley initially sought \$20 000 for this project. The committee, in considering the application accepted the advice of the WA Museum that \$15 000 was the appropriate amount necessary to ensure that the requirements of the project were adequately met. In its most recent correspondence to the shire, the committee neither endorsed nor rejected the appointment of Quartermaine Consultants on the project. The council was requested to consider several points raised by the committee during its discussion of the matter, prior to reaching a final decision on the consultancy.

- (4) It is not appropriate for the WA Heritage Committee to comment on the competency of one individual or agency over another.
- (5) The WA Heritage Committee did *not* write to the Shire of Wyndham-East Kimberley requesting that resource consultancy be given to the tender. After consideration of the matter of the project consultant at the September committee meeting, the council was requested in writing to consider several points raised by the committee, prior to reaching a final decision on the matter. I am advised that no instruction was given to the shire to appoint resources consulting services and that subsequent to the Heritage Committee's correspondence, the shire confirmed that appointment of Quartermaine Consultants.
- (6) In the letter of grant-offer to the shire dated 26 February 1990 and subsequent correspondence, the council was advised that the WA Museum had suggested utilisation of the services of the Waringarri Aboriginal Corporation and other Aboriginal groups in Kununurra in undertaking the project. This was considered appropriate as the survey and documentation of Aboriginal sites is a sensitive issue achieved best with the support and cooperation of the local Aborigines.

(7)-(8)

No. It seems that the committee has acted appropriately in the matter, in accordance with the guidelines for the national estate grants program.

WESTRAIL - NEW P CLASS LOCOMOTIVES
Facility Modifications - Cranes and Ramps Assistance

936. Hon MARGARET McALEER to the Minister for Police representing the Minister for Transport:

In order to accommodate the new P class locomotives it is necessary to modify a considerable number of Westrail facilities throughout the wheatbelt. As these modifications will necessitate the relocation of a number of cranes (which are owned by the shires) -

- (1) Can the Minister assure me that Westrail will assist shires both financially and practically to make satisfactory arrangements so that the cranes can continue to be utilised?
- (2) Where affected shires have requested that arrangements be made to allow continued use of the ramps, can the Minister advise whether these requests will be met?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The cranes referred to by the member are presumably those redundant Westrail cranes no longer used or required for Westrail business and sold to shires. The sale agreement clearly provides for the shire to remove the crane from railway land forthwith should the operation or use of the facility in any way obstruct or interfere with railway working. It is therefore the shire's responsibility to make satisfactory arrangements to ensure that the cranes can still be utilised.
- (2) Provided there is no interference with railway working Westrail would be prepared to allow continued use of the ramps.

WATER BORES - KIMBERLEY*Assistance Applications*

937. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) How many applications for assistance with water boring in the Kimberley have been received?
- (2) How many applications have been approved?
- (3) What is the lead time from receipt of applicant and approval?
- (4) Is the Minister aware of the frustration with red tape being experienced by applicants in the Kimberley?
- (5) What steps is the Government taking to speed up action so that water bores can be drilled to water thirsty cattle?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) Nine applications received for drilling and three requests for hydrogeological assistance for bore site selection.
- (2) Seven applications have been approved.
- (3) Less than one week.
- (4) Yes, but I am happy with the current progress.
- (5) Arrangements with the Department of Mines have been finalised. A highly experienced hydrogeologist and two drilling supervisors from the Department of Mines commence in the Kimberley next week and will be operating with three drilling contractors.

BLOWHOLES - DEVELOPMENT PROPOSALS, CARNARVON AREA*Blowholes Protection Association - Department of Land
Administration Discussions Commitment*

942. Hon P.H. LOCKYER to the Minister for Lands:

- (1) Is the Minister aware that a commitment was given by DOLA to the Blowholes Protection Association that a departmental planner would have discussions with it prior to proposals for development of the blowholes area near Carnarvon?
- (2) Why then was no contact made with the association prior to the present proposal being presented?
- (3) Will the Minister direct a planner to instigate immediate discussions with the Blowholes Protection Association?
- (4) If not, why not?

Hon KAY HALLAHAN replied:

- (1) No. If the honourable member is referring to the Blowholes Progress Association, the answer is still no.
- (2) Not applicable.
- (3)-(4) DOLA's planning branch manager has arranged to meet with the Shire of Carnarvon and the Blowholes Progress Association later this month as part of the ongoing resolution of this long running and controversial issue.

JOONDALUP COMPUTING CENTRE - CONSTRUCTION PROPOSAL*Cancellation*

945. Hon REG DAVIES to the Minister for Planning:

Has the proposed construction of the Joondalup Computing Centre been cancelled?

Hon KAY HALLAHAN replied:

No. Construction of the proposed Joondalup Computing Centre has been temporarily deferred.

PORTS AND HARBOURS - FREMANTLE HARBOUR

Ship Names and Arrival Dates - Revenue

955. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to the Minister's answers to question on notice No 708 of 28 August 1990 which sought advice on the use of the deepened harbour, would the Minister advise -

(1) In respect of part (1), the names of the vessels and the dates of arrival at the port?

(2) In respect of part (2), a detailed break down of the revenues collected?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

A detailed breakdown of revenues collected for each vessel and its date of arrival would disclose private and confidential commercial information.

I have previously provided aggregated information which does not contravene the requirements of the Fremantle Port Authority not to disclose commercial information pertaining to its customers' and clients' business affairs.

PORTS AND HARBOURS - PORT OF FREMANTLE

Second Terminal Development - Government Funding Commitment

956. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

(1) Further to the Minister's answer to question on notice No 700 of 18 August 1990, and accepting the Minister's advice that no direct commitment has been made to the National Terminals (Australia) Limited, will the Minister recognise that no answer has been provided to part (b) of the question?

(2) Considering the expenditure detailed in the answer to question on notice No 699, part (3), will the Minister now recognise that without these expenditures the National Terminals (Australia) Limited terminal cannot operate on North Quay and that therefore Government funding can now be directly linked to the provision of a second terminal?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1) There is no part (b) in question No 700.

(2) The two major areas of expenditure referred to in question 699 part 3 and in the answer provided were -

* The upgrade and relocation of No 1 crane.

* The reconstruction of No 3 berth.

The reason for the upgrade and relocation of No 1 crane was clearly stated and is to provide adequate container cranes at the deeper draft berths resulting from the recent inner harbour dredging project.

No 3 berth reconstruction is not necessary to accommodate the second container terminal.

PORTS AND HARBOURS - VICTORIA QUAY, FREMANTLE
Question 701, 714 Referral - Inadequate Answer

957. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to the Minister's answer to question on notice No 701 of 28 August 1990 which sought advice on matters relating to Victoria Quay -

- (1) Would the Minister recognise that the answer given referring the question to information supplied as part of question on notice No 714, does not properly address question on notice No 701, part (2) and part (3).
- (2) In addressing part (2) and part (3) is the Minister aware that the independent report referred to in question on notice 803 to the Treasurer, develops rational criteria for assessment of berth requirements?
- (3) Would the Minister advise which technique the port authority used to assess actual berth needs in support of its conclusions?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) No. The answer to 714 clearly states that if Victoria Quay is relinquished for cargo handling purposes -
 - * the shipping and cargo volumes on North Quay would be increased;
 - * unacceptable levels of congestion on North Quay would occur much earlier than would be the case if Victoria Quay was to remain available; and
 - * a very significant investment would be required prematurely to develop additional port facilities to the inner harbour, which in all probability would negate any short term benefit from releasing Victoria Quay.

The answer to question 714 also advised that the future of Victoria Quay could appropriately be reviewed when plans for the long term future of the port had been completed in 1991.

- (2) The independent report is the report commissioned and controlled by Fremantle Terminals Limited. The report represents the results and conclusions drawn from theoretical modelling of shipping in the Fremantle inner harbour using base data from 1986. A copy of the report was presented to me on 14 September and I am awaiting final comment and advice on it from the Department of Transport and the Fremantle Port Authority.
- (3) The Fremantle Port Authority analyses berth requirements and takes into account utilisation issues such as have been addressed in the computer modelling exercise and report which was commissioned by Fremantle Terminals Limited. However, it also takes into consideration medium and long term planning issues which were not considered in the report and which include -
 - * berth suitability and load carrying capacity;
 - * berth condition, maintenance requirements and useful life;
 - * location and provision of other facilities, including cranes;
 - * berth upgrade and reconstruction needs;
 - * commercial considerations of market competitiveness and tight shipping schedules versus theoretical average ship waiting times for berths.

PORTS AND HARBOURS - VICTORIA QUAY, FREMANTLE
Redevelopment Task Force - Member for Fremantle

958. Hon GEORGE CASH to the Leader of the House representing the Premier:

- (1) Further to the Minister for Transport's answer to question on notice No 702 of 28 August 1990 which sought advice as to the status of the current member for Fremantle on the task force dealing with the Victoria Quay redevelopment, would the Premier undertake to include the member for Fremantle on the task force to ensure that issues likely to affect the Fremantle electorate are able to be dealt with effectively at a local level?
- (2) Would the Premier also consider involving the members for Cottesloe and Melville both of whose electorates are directly affected by the redevelopment concept?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(2)

Following the submission of preliminary recommendations of the task force to Cabinet, it is anticipated that the structure of the task force will change. At that time the question of involvement of local members will be considered.

PORTS AND HARBOURS - PORT OF FREMANTLE
"Berlin Express" - Cargo Discharge Milestone

959. Hon GEORGE CASH to the Leader of the House representing the Premier:

- (1) Is the Premier aware of a report in the *Port of Fremantle News* of September 1990 which gives an account of an event that took place on 29 August 1990 in which the *Berlin Express* on her maiden voyage to Fremantle allegedly discharged the port's 500 millionth tonne of cargo?
- (2) Is the Premier aware how difficult it would have been for the port authority to have concluded that this milestone was going to occur on that day, given that since 1897 -
 - (a) cargo has been variously measured by lot, by sack, by bale, by pallet, by gallon, by hogshead, by barrel, by hoof, by head, by carton, by case; and
 - (b) the weights of containers are not accurately recorded, the basis of measurement being instead volumetric with maximum gross weight limits?
- (3) Is the Premier also aware that in celebrating this event, the Fremantle Port Authority has spent an estimated \$20 000 on signage, literature and lavish receptions promoting the visit of the *Berlin Express*?
- (4) Can the Premier justify expenditure of scarce Government funds at a time when so many budget cuts are being predicted in vital Government service areas?
- (5) Is the Premier also aware that this promotion has been generated within the port authority's vastly expanded public relations/marketing section which has an annual operating budget exceeding \$1 million per annum?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) I am advised that the September 1990 issue of the Port of Fremantle magazine contained an article about the ship *Berlin Express*.
- (2) The Fremantle Port Authority each year publishes the port's total trade in mass tonnes. Aggregation and extrapolation showed when the 500 millionth tonne would be handled in the port.

(3)-(4)

I am advised that the Fremantle Port Authority did not hold any function for the *Berlin Express*, nor make any expenditure in this regard. Nor did it produce any literature, or any signage to promote the visit of the *Berlin Express*. The Fremantle Port Authority provided limited signage around the port showing the achievement of 500 million tonnes of cargo.

(5) The port authority's marketing division includes a public affairs branch. However, the total number of staff in marketing/public affairs has not varied in the past 12 months. The current year's budget for marketing, public affairs and tour guides for the public is \$655 000 which is fully funded by the Fremantle Port Authority.

PORTS AND HARBOURS - FREMANTLE PORT AUTHORITY

GENERAL MANAGER

Overseas Trip, June 1989

961. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Did the General Manager of the Fremantle Port Authority travel overseas for a period of four to five weeks in May/June 1989?
- (2) If the answer is yes, what was the purpose and cost of the trip?
- (3) Will the Minister provide an itinerary of the places visited?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The general manager undertook an approved overseas trip of approximately eight weeks between 7 April and 3 June 1989.
- (2) The purpose was to -
 - attend the 1989 International Association of Ports and Harbors Conference in Miami.
 - to develop the port's international network and investigate and analyse significant factors in the operation of major overseas port authorities.
 - promote and market the use of the Port of Fremantle with shipping companies and major importers and exporters.

The cost of the trip was approximately \$14 500.

- (3) The places visited include -

San Francisco, Oakland, Los Angeles, Long Beach, Kansas City, Miami, New York and New Jersey, Boston, major UK ports, Zeebrugge, Ghent, Antwerp, Rotterdam, Amsterdam and Singapore, along with meetings with major shipping lines including P & O, ACTA Pty Ltd, Maersk, Sealand and American President Lines.

PORTS AND HARBOURS - PORT OF FREMANTLE

Berth Rebuilding Program - Berth Metre Hours

962. Hon GEORGE CASH to the Leader of the House representing the Premier:

Further to the Treasurer's reply to question on notice No 713 of 28 August 1990 which sought advice on the Fremantle Port Authority's justification for expenditure on its berth rebuilding program, is the Treasurer aware that -

- (1) The port authority maintains a quay of sufficient length to offer 32 million berth metre hours to service an actual shipping requirement of 7 million berth metre hours per annum?
- (2) That current berth development programs will increase the port's capacity to 40 million berth metre hours whilst world standards suggest a 50 per cent berth utilisation level, or 14 million berth metre

hours, would be adequate to meet peak demands, within acceptable limits for ship queuing?

- (3) That if the port were operated with the same efficiency as ports in Europe and Japan it would require only 4 million berth metre hours to service its major trading functions?
- (4) Given the potential for huge savings in both capital and current maintenance costs, will the Treasurer undertake an independent assessment of the State's real needs in this area thus providing the opportunity to significantly reduce port charges currently borne by struggling local exporters?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(1)-(4)

The data quoted in parts (1) to (3) are representative of a highly theoretical assessment of a situation which, in practical terms, is significantly more complex and subject to many constraints and influences. The Government is aware of the Fremantle Port Authority's commitment to achieving efficiencies, productivity improvements and savings in line with the State and Federal Governments' policy in relation to waterfront industry reform, so that the benefits are available to port users.

NATIONAL TERMINALS (AUSTRALIA) LTD - PORT OF FREMANTLE

Berth No 9 Rebuilding Cost Contribution

963. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to the Treasurer's answer to question on notice No 715 of 28 August 1990 which sought information on the development of a second container terminal on North Quay, will the Minister advise whether National Terminals (Australia) Limited, in seeking to upgrade their presence in Fremantle, have been asked to contribute to the cost of rebuilding No 9 berth such expenditure not being required without their presence?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

I refer to question 713 and the answer provided. The reconstruction of No 9 berth is part of the Fremantle Port Authority's ongoing program to ensure that there are adequate modern, suitable and efficient facilities available to cater for both current and future needs. The reconstruction of No 9 berth was on the Fremantle Port Authority's development program and the decision to proceed was independent of the potential establishment by National Terminals (Australia) Limited of an upgraded and competitive terminal facility.

The normal practice for terminal operations is that the land behind the berths is leased by the operator, but the berths remain under the control of the Fremantle Port Authority.

An example of this practice is the case of the current major terminal operator within the port who leases land which has frontage to 720 metres of berth, but is not required to contribute directly to the cost of provision of the berth.

PORTS AND HARBOURS - FREMANTLE PORT AUTHORITY

Berth Needs - Fremantle Terminals Ltd Study

964. Hon GEORGE CASH to the Leader of the House representing the Treasurer:

I refer the Treasurer to question on notice No 803 of 28 August 1990 and ask -

- (1) Now that the Minister for Transport has had the independent report for some time would the Treasurer now answer the questions originally posed on 4 September 1990?

- (2) Is the Treasurer aware that the answer already provided is not correct because -
 - (a) the Fremantle Port Authority refused Fremantle Terminals Limited assistance with the study and delayed its preparation by restricting access to shipping data;
 - (b) Fremantle Terminals Limited have simply facilitated a mathematical port simulation model, and had prepared a non-prescriptive analytical report which establishes a case for careful examination of a range of options and an informed reallocation of berth space; and
 - (c) the report invites use of the simulation model to explore other scenarios?
- (3) Will the Treasurer advise whether the Fremantle Port Authority has a similar rational system for assessing berth needs which can take into account the dramatic reduction in average time that ships spend in port in the 1980's versus the 1950's?
- (4) Will the Treasurer undertake an independent rational assessment of the berth needs of the port authority?
- (5) If not, why not?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) Question No 803 has been answered.
- (2) The answer to question No 803 was accurate.
- (3) The Fremantle Port Authority does undertake a detailed analysis of berth requirements and take into account utilisation issues such as have been addressed in the computer modelling exercise. However, they also take into account medium and long term planning issues which include -
 - . berth suitability and load carrying capacity;
 - . condition and maintenance requirements;
 - . location and provision of other facilities, including cranes;
 - . upgrade and reconstruction needs;
 - . commercial considerations of market competitiveness and tight shipping schedules versus ship waiting time for berths.
- (4) No.
- (5) I am confident that the Fremantle Port Authority is capable and is effectively addressing both the current and future needs of the Port of Fremantle and that the benefits will be passed to port users.

PORTS AND HARBOURS - CRANE DRIVERS

Stoppages - Fremantle Port Authority's Action

967. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) How many stoppages or work disruptions have occurred in the last three years as a direct result of action by the Fremantle Port Authority's crane drivers?
- (2) Has the port authority taken any action to remedy the problem?
- (3) Has this action been effective?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) There have been 18 stoppages and work disruptions as a direct result

of action by crane drivers (Construction Mining and Energy Workers Union) since 1 July 1987.

- (2) The following action has been taken on various occasions -

Industrial Commission conferences
Port Conciliator conferences
Union/Fremantle Port Authority conferences

the Construction Mining and Energy Workers Union has also taken part in restructuring meetings and has representation on both the Enterprise Restructuring Committee and Workplace Consultative Committee.

- (3) Over more recent times more industrial disputes have been settled pursuant to the dispute settling procedure agreed to under the 1987 four per cent productivity agreement. This procedure has proven to be particularly effective due to the procedural requirement that work should continue whilst discussions on the industrial dispute take place.

PORTS AND HARBOURS - FREMANTLE PORT AUTHORITY

Landbridging - Independent Assessment

968. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to question on notice No 706 of 28 August 1990 which sought advice on the relationship between landbridging and funding for a second terminal and in consideration of the expenditure detailed in the answer provided to the related question on notice No 699 part (3) -

- (1) Is it correct that without these expenditure the National Terminals (Australia) Limited terminal cannot be made to work on North Quay?
- (2) Given the proposed expenditure is directly related to the Fremantle Port Authority landbridging concept will the Minister now undertake an independent assessment of landbridging economics based on properly researched empirical evidence?
- (3) Can the Minister confirm that Westrail support the port authority's view that an assessment of landbridging economics is unnecessary?
- (4) If not, will the Minister cause Westrail to complete an assessment and provide the results of that assessment to the Parliament when completed?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The relocation and upgrade of No 1 container crane is necessary to fulfil a need and commitment to provide increased crange at the deeper draft berths Nos 4 to 9. It is intended that the crane will be available on a common user basis to all operators, including Fremantle Terminals Limited.

While the availability of No 1 crane to the proposed National Terminals (Australia) Limited terminal and to the Fremantle Terminals Limited berth 4/5 terminal will enhance the service available through those terminals, National Terminals (Australia) Limited are planning to provide a container crane of their own, and Fremantle Terminals already have one crane in the vicinity.

Berth No 3 reconstruction is not necessary to permit the second container terminal to be established and to operate effectively on North Quay.

- (2) The proposed expenditure is not directly related to landbridging.
- (3) The Australian railway systems (including Westrail) view

landbridging as a commercial opportunity. Moreover, any landbridging operation would need to be financially viable.

- (4) Not applicable.

PORTS AND HARBOURS - FREMANTLE INNER HARBOUR

Dredging Funding - Rous Head Industrial Park Project

969. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to the Minister's answer to questions on notice Nos 708 and 709 of 28 August 1990 which sought advice on dredging funding, will the Minister provide details in relation to -

- (1) Where the sum of \$15 389 million came from to fund the difference between the project cost of \$35.9 million, the borrowings of \$12.45 million and the amount of \$8.061 million due to the Fremantle Port Authority?
- (2) When the port authority expects to receive payment of the \$8.061 million and whether interest is being paid by the debtor?
- (3) When does the port authority expect the businesses which occupy a lease on the Anchorage site to relocate to Rous Head industrial area?
- (4) If the port authority unions have agreed to indemnify any businesses seeking to occupy the Rous Head industrial area against port related industrial action?
- (5) What amount, if any, has been paid to the port authority in respect of leases signed for land in the Rous Head industrial area?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Borrowings for the inner harbour deepening and reclamation project amounted to \$24 million, of which \$14.5 million was in 1988-89 and \$9.5 million was in 1989-90. The balance, excluding the \$8.061 million was internally funded.
- (2) Before the end of 1990. As previously advised, the amount does not constitute a debt.
- (3) There were originally three businesses which occupied Crown leases on the Anchorage site -
 - * Stirling Marine, whose lease expired and who moved to alternative premises (not Rous Harbour) without the requirement for compensation negotiations.
 - * Ritma Pty Ltd, with whom a compensation package has been negotiated to relinquish its lease, but at this stage there is no agreement in place for that company to relocate to Rous Harbour.
 - * Ball and Sons, whose compensation package includes provision of an alternative site at Rous Harbour. It is expected to relocate on or soon after 30 November 1990.
- (4) No.
- (5) The land subdivision and servicing has been completed since July 1990 and has been available for the development of lease improvements since then. Lease payments to date amount to \$15 708.

PORTS AND HARBOURS - CONTAINER TRANSPORT COSTS

Westrail Charges - Landbridging

972. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to question on notice No 704 of 28 August 1990 -

- (1) Is the Minister aware that the current Westrail charge to move a container from Perth to Sydney is in the order of \$1 500, and that from Singapore the differential cost of Sydney over Fremantle is \$200-\$300?
- (2) Is the Minister aware of an article published in the port authority magazine in July 1990 which targets a 50 per cent increase attributable to landbridging?
- (3) Will the Minister accept that the article is written in such a way as to imply the likelihood of the target being achieved, justifying a second terminal to meet the projected flood of new business?
- (4) Would the Minister now provide an answer to part (3) of question No 704?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The Westrail charge to transport a container from Perth to Sydney depends on the net mass being transported between the two locations. Because of the conference arrangement between shippers the price differential may be \$200 to \$300. However, the differential cost from Singapore to Sydney compared with Singapore to Fremantle is substantially higher than \$200 to \$300 a container.
- (2) An article in the July 1990 issue of the Fremantle Port Authority magazine states the port authority's aim of gaining an additional four per cent to five per cent of the total Australian container market.
- (3) The article makes no such implication.
- (4) Not applicable.

PORTS AND HARBOURS - PORT OF FREMANTLE

Container Rail Traffic - Speed and Height Limits

973. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

I refer to the answers provided to parts (f) and (g) of question on notice No 782 and ask -

- (1) Is the Minister aware of the 30 kilometre speed limit which applies on sections of the Fremantle railway line?
- (2) Given the height of a loaded wagon is approximately 4.3 metres, what will be the clearance below the overhead passenger train power lines between North Quay and Fremantle stations?
- (3) Is this a safe clearance or are other measures being considered?
- (4) How is it intended to double stack and transport two containers each with a height of approximately 2.4 metres under the height impediment caused by the overhead rail power lines?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The safe speed limit over limited sections of the Fremantle railway line is 40 kilometres per hour.
- (2)-(4) The design of the suburban rail electrification comprehended an

opportunity to double-stack containers on well-type wagons, providing a minimum 600 millimetre safe clearance from the overhead power lines.

EDUCATION MINISTRY - STUDENTS

Role Model Program - Rural Areas and Aboriginals

981. Hon GEORGE CASH to the Minister for Planning representing the Minister for Education:

- (1) Does the department operate a role model program for students?
- (2) If so, will the Minister provide details?
- (3) Does this role model program extend to rural Western Australia and does it include Aboriginal persons who are high achievers?
- (4) Which Aboriginal role models and high achievers have visited Kalgoorlie, Leonora and Wiluna and other eastern goldfields towns during this year?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following answer -

- (1) There is no role model program in a formal sense but -
 - (a) All teachers are considered to be positive role models for students and this is stressed throughout all levels of the organisation.
 - (b) In the area of Aboriginal students -
 - (i) 159 Aboriginal education workers (AEWs) are placed in schools throughout the State; 23 Aboriginal liaison officers (ALOs) are in district education offices and 34 teachers are employed by the Ministry of Education. Role statements for both AEWs and ALOs specify that they are to act as role models for students.
 - (ii) This year \$30 000 has been allocated to various schools in the Aboriginal speakers program whereby schools contract Aboriginal speakers to address students both primary and high school on a variety of subjects.
 - (iii) National Aboriginal Week is celebrated in most schools with Aboriginal students. Aboriginal community members and other prominent Aboriginal people give freely of their time during this week of activities.
- (2) As above.
- (3) The majority of AEWs and ALOs are located in the rural areas. At the present time 12 of these rural AEWs are undertaking teacher training in the external mode through WACAE and have completed year 1 of a BA (Education). A further 25 are expected to commence this degree course in 1991. Another AEW has actually completed training and is awaiting graduation prior to placement as a teacher. All AEWs must have community approval before appointment and all have considerable community standing.
- (4) Most schools in this area have an AEW - some more than one. Kalgoorlie district education office has two ALOs. Members of the Aboriginal Education Liaison Unit and the Western Australian Aboriginal Education Consultative Group have visited the area on numerous occasions.

STATESHIPS - MECHANICAL ENGINEERS
Redundancies

982. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) How many mechanical engineers were recently made redundant by Stateships?
- (2) What was the average period of their employment with Stateships?
- (3) What was the average annual amount paid in wages and salaries to these persons?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Ten.
- (2) Four years and four months.
- (3) \$38 805.

"PILBARA" - "KOOLINDA"
New Ownership - Modifications.

983. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) When did the *Pilbara* and the *Koolinda* reach their final port of destination for hand over to their new owners?
- (2) Were any modifications required prior to redelivery?
- (3) If so, where were these modifications carried out?
- (4) What was the cost of the modifications?
- (5) On what date were the vessels handed over to their owners?
- (6) What charter period was unexpired for each vessel at hand over?
- (7) What financial arrangements were agreed in respect of the unexpired charter period?
- (8) What was the cost to Stateships?
- (9) Was any intermediary used to finalise the settlement of each charter?
- (10) If so, who, and at what cost?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) MV *Koolinda* ceased trading Singapore 24 January 1990. MV *Pilbara* ceased trading Singapore 14 August 1990.
- (2) Under the terms of the charter parties both vessels were to be returned to their original state prior to redelivery.
- (3) This restoration work was carried out at the redelivery port, Singapore.
- (4) Accounts are not yet finalised, but indicative costs are in the order of -

| | |
|--------------------|------------|
| MV <i>Koolinda</i> | A\$300 000 |
| MV <i>Pilbara</i> | A\$350 000 |
- (5) MV *Koolinda* 2 October 1990.
MV *Pilbara* 16 October 1990.
- (6) Charter of MV *Koolinda* ran to 20 August 1991.
Charter of MV *Pilbara* ran to 23 September 1991.
- (7) A proportional reimbursement to Stateships of charter hire was agreed to for the unexpired periods.

- (2) Mr John Longley (Chairman)
Mr John Cattalini
Mr Bruce Campbell
Mr John Flower
Mr Con Sappelli
Mr Graham Cox
Mr David Evans
Ms Clare Power
Mr Ian Gillon
Mr Max Lamotte
- (3) The committee was essentially required to assess the host port opportunities with regard to the objectives established by the Whitbread organisation and to make a recommendation to EventsCorp. It was considered entirely appropriate to openly assess all opportunities, considering public moneys are involved.
- (4) The committee was established only to make recommendations not appointments. Fremantle Sailing Club is fully informed of the deliberations of the committee and has presented to it. The committee has also visited the club. The committee has now forwarded a recommendation that the Fremantle Sailing Club be the Fremantle venue for the 1993-94 Whitbread Round the World Yacht Race.

**WHITBREAD ROUND THE WORLD YACHT RACE - EVENTSCORP
INVOLVEMENT**
Underwriting Agreement

991. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) What is the involvement of EventsCorp with the next Whitbread Round the World Yacht Race?
- (2) Is EventsCorp underwriting this venture?
- (3) If so, to what amount?
- (4) What are the conditions of the underwriting agreement?
- (5) Why does the event need to be underwritten when the first Whitbread Round the World Yacht Race which called at Fremantle was successfully organised by the Fremantle Sailing Club?
- (6) What profitable gain, which could not be reasonably expected to be made by either the Fremantle Sailing Club or some other private organisation does EventsCorp hope to achieve by its involvement with the Whitbread Round the World Yacht Race?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) EventsCorp has been appointed by the Whitbread race organisers as port manager for the next race. This appointment was an integral part of the successful strategy to see this major event return to Western Australia. Other States bid strongly to attract the race. EventsCorp will administer the Government's underwriting and oversee planning and preparation in cooperation with yachting.
- (2) The Government is underwriting the provision of services to a maximum value of \$500 000. EventsCorp will be required to ensure minimum expenditure by facilitating corporate sponsorship and other event revenues.
- (3)-(5) The essential conditions require that a minimum level of services, facilities and event promotion are provided and administered in return

for the port being selected by Whitbread management. Whitbread recognised the benefits gained by participating ports and the competition by numerous ports to be chosen as venues.

In a departure from past races, and remember Fremantle has participated only once, Whitbread required the port to bear all costs previously paid for by them. Fremantle Sailing Club's participation last year was funded by Whitbread to a level of approximately \$130 000. Whitbread had substantial additional costs associated with the management of the ports. They sought to have these additional costs covered and to appoint a manager.

EventsCorp and the Government have been successful in negotiating a very acceptable arrangement that ensured the race returned, race management will now be coordinated with yachting persons acceptable to Whitbread.

- (6) EventsCorp will not make any profit from its involvement in the race. It will minimise Government expenditure and coordinate income opportunities from sponsorship to offset some of that expenditure. It will help ensure a good return on any taxpayers' funds spent on the visit.

EventsCorp will additionally ensure access and promotion to maximise the tourism potential. The host venue, Fremantle Sailing Club, for instance, would still expect to make profit from the visit of the race as would all associated industry. EventsCorp by its involvement has ensured the race returned to the profit of yachting and industry.

WHITBREAD ROUND THE WORLD YACHT RACE - EVENTSCORP INVOLVEMENT

Fremantle Sailing Club Concern

992. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Has the Minister received a letter from the Fremantle Sailing Club expressing its concern that EventsCorp has become involved in the next Whitbread Round the World Yacht Race?
- (2) If so, does the Government agree with the involvement of EventsCorp?
- (3) If so, why?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

Yes.

- (3) EventsCorp as a Government agency managed by the Western Australian Tourism Commission is the appropriate body to administer the Government's underwriting. EventsCorp is further required to ensure that the visit of the race fulfils the economic and tourism benefits that lead the Government to reach an underwriting commitment with the Whitbread company.

EventsCorp has over a number of years successfully attracted a number of hallmark events to Western Australia including the upcoming World Swimming Championships, Commonwealth Bank Rally Australia, Hopman Cup tennis, the Drug Offensive Masters surfing, to name only some. It has proved very effective in managing the Government's commitment and maximising the benefits to the community.

WHITBREAD ROUND THE WORLD YACHT RACE - YACHTING ASSOCIATION OF WA

Fremantle Sailing Club - Host Club Appointment Support

993. Hon GEORGE CASH to the Leader of the House representing the Premier:

- (1) Has the Premier received a letter from the Yachting Association of Western Australia indicating that the association fully supports the appointment of the Fremantle Sailing Club as the host club and venue for the 1993 Whitbread Round the World Yacht Race?
- (2) Is the Premier further aware of the Yachting Association of Western Australia's concern at the possible involvement of EventsCorp in the 1993 Whitbread Round the World Yacht Race?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) Yes.
- (2) The Premier is aware of concerns by the Yachting Association. These concerns are unwarranted and the Minister for Tourism is replying to the association. EventsCorp is involved in the Whitbread Round the World Yacht Race and was appointed to its role by the race management.

ROTHWELLS LTD - McCUSKER INQUIRY

Further Charges

994. Hon MAX EVANS to the Attorney General:

On 19 June 1990, in response to question on notice 411, the Attorney General gave details of 208 charges laid against certain persons in connection with Rothwells Ltd.

- (1) Could the Minister advise what further charges have been laid as a result of the McCusker inquiry?
- (2) If further charges have been laid, how many?
- (3) Against whom were they laid?
- (4) Under what Acts and sections has each person been charged?
- (5) Who has been tried in court?
- (6) Were they found guilty?

Hon J.M. BERINSON replied:

- (1) Yes.
- (2) Five.
- (3) Mr L.J. Carter.
- (4) Criminal Code sections 412 and 420.
- (5) Mr T.F. Hugall
Mr D.B. Jones.
- (6) Yes.

RAILWAYS - ELECTRIFIED SERVICE

Rail Cargo Height and Gross Weight Limitation

997. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) What is the height limitation imposed on rail cargo due to the electrification of the metropolitan rail system?
- (2) What is the gross weight limitation on the metropolitan rail system?
- (3) Does the height limitation or gross weight limitation of double stacked rail

carriages with two international containers exceed the current capacity of the rail facilities in the Fremantle area?

(4) If so, in which respect?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) There is a 600 millimetre height limit for rail vehicles between North Fremantle and Fremantle, which is the only section of standard gauge freight railway serviced with electrification wiring.
- (2) There is a 23 tonne axle load limit on the section of railway described at (1). This equates to a maximum mass per wagon of 92 tonnes.
- (3)-(4) No, provided the containers are of standard international size and conform to the maximum mass on rail of 92 tonnes.

WESTRAIL - AUSTRALIAN NATIONAL RAILWAYS
Landbridge System Negotiations

998. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Is Westrail negotiating with Australian National Railways in respect of furthering the concept of a landbridge system across Australia?
- (2) What is the current status of such negotiations?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Westrail has jointly worked with Australian National Railways, State Rail Authority of New South Wales and V/Line in Victoria to formulate landbridging options.
- (2) Negotiations are ongoing.

ROADS - CAMBOON ROAD, MORLEY
Closure - Northern Districts Business Association

999. Hon GEORGE CASH to the Leader of the House representing the Premier:

I refer to the Premier's reply and offers of assistance to Mr Max Begley, President of the Northern Districts Business Association, at a luncheon sponsored by the Osborne Park/Balcatta Business Association on Wednesday, 10 October 1990 and ask -

- (1) What action has the Premier taken following her commitment to assist in respect of the closure of Camboon Road, Morley?
- (2) Has the Premier been able to determine why the Minister for Transport has refused to meet with representatives of the Northern Districts Business Association to discuss this matter?
- (3) If so, what are the reasons for the Minister for Transport not responding to correspondence and telephone calls from the association?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) As a result of the approach from Mr Max Begley, I undertook to inquire about a reply from the Minister for Transport to earlier correspondence from the association. My office contacted the office of the Minister for Transport on the afternoon of 10 October and I understand a response from the Minister was faxed to Mr Begley that afternoon.
- (2) The Minister did not refuse to meet with the association. In her

response the Minister suggested that it would be appropriate for the association to attend a meeting organised by the Shire of Swan on 16 October to discuss the matter. Camboon Road is under the control of the Shire of Swan and the City of Bayswater.

- (3) I am advised that all correspondence and telephone calls from the association have been attended to by the Minister or her office.

WEEDS - "WANNEROO TIMES"

"Poisonous Weed Plague Yanchep" Article - Community Service Orders Assistance

1000. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) Is the Minister aware of an article published in the *Wanneroo Times* on 21 August 1990 entitled "Poisonous Weed Plague Yanchep"?
- (2) If so, will the Minister advise -
 - (a) whether the Department of Corrective Services will continue to allow persons, the subject of community service orders and other work release related orders, to assist in ridding public open space in particular at Oldham Reserve and Anchor Park in Yanchep of this plant; and
 - (b) will the Minister ensure that equipment such as a brush cutter and suitable "Whipper Snippers" are provided to assist in this work?

Hon J.M. BERINSON replied:

- (1) Yes.
- (2) (a) Balcatta CBC has negotiated with the City of Wanneroo a scheme to involve offenders in the city's Green Plan. The possibility of Oldham Reserve and Anchor Park being included in the Green Plan has been discussed with the works supervisor of the City of Wanneroo's Parks and Reserves Department. It has been agreed that if a request is received to undertake further removal of the Geraldton carnation, the work would receive favourable consideration by the City of Wanneroo for inclusion into the Green Plan.
- (b) If the department is requested to assist further, it is unlikely that mechanical cutters would be used for the work due to the noxious nature of the plant.

BUSES - SCHOOL BUSES

Educational Institution Ownership - Transport Commission Plates Requirement

1001. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Are school buses owned by educational institutions and used to carry students on school related excursions required to carry Transport Commission plates?
- (2) If so, what special conditions apply to the maintenance of such vehicles to ensure that the vehicle complies with the requirements which are attached to such Transport Commission plates?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) No.
- (2) Not applicable.

SEWERAGE - MINDARIE KEYS

Land Developer Conditions

1002. Hon GEORGE CASH to the Minister for Planning:

- (1) What conditions were imposed on the developers of land at Mindarie Keys in respect of the discharge of sewage from the development?

- (2) Were any conditions in respect of sewerage requirements the subject of an appeal to the Minister for Planning?
- (3) If so, which conditions were the subject of appeal and were these conditions upheld or dismissed?

Hon KAY HALLAHAN replied:

- (1) As a condition of subdivision the State Planning Commission required that subdivision development within Mindarie Keys be connected to an adequate sewerage service, to the satisfaction of the Water Authority of Western Australia.

- (2)-(3) No.

HANDICAPPED - INTELLECTUALLY HANDICAPPED PERSONS
Mental Health Services Department - Independent Care Facilities
Criteria

1003. Hon GEORGE CASH to the Minister for Planning representing the Minister for Health:

What criteria are required to be met before intellectually handicapped persons under the care of the Department of Mental Health Services are released from institutions into independent care facilities in the community?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

There is no such department as the department of mental health services. The Authority for Intellectually Handicapped Persons, established by an Act of this Parliament in 1985, is responsible for the movement of people from institutional to community based settings. This movement is no longer based on the need for them to meet specific criteria.

It is now the case that each individual's needs and aspirations are considered in a planning process called An Individual Service Design. This process takes into account any special support needs the individual may have, where and with whom the person may wish to live and the most appropriate type of accommodation and level of support (both formal and informal), which will be required to facilitate their integration into the local community.

SETTLING PONDS - MARMION AVENUE, MINDARIE

1004. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) Is the Minister aware of the settling ponds located on Marmion Avenue, Mindarie?
- (2) What is the purpose of these settling ponds?
- (3) Which areas discharge into these settling ponds?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) Yes.
- (2) They represent the Mindarie temporary waste water treatment plant.
- (3) The sewered areas of Mindarie Keys and Quinns developed by Smith Corporation.

SEWERAGE - MINDARIE KEYS AND QUINNS ROCK
Major Sewerage Trunk Line Connection

1005. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) When is the sewerage system which services the Mindarie Keys and Quinns

Rock area to be connected to the major trunk sewers for further treatment and discharge into the ocean?

- (2) Did the developers of land at Mindarie Keys or at Quinns Estate or adjoining residential estate contribute to the connection of the existing sewerage systems to the major sewerage trunk lines?
- (3) If so, were they advised when such a connection to the major sewerage trunk line would be made and, if so, what was that date?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) The Water Authority's target date for phasing out the Mindarie waste water treatment plant is 31 March 1991, depending on earthworks and construction progress.
- (2) When the Mindarie Keys and Quinns development was started the developers were required to provide a local sewerage scheme which included provision of a waste water treatment plant. With the extent of development subsequently planned for the North West Corridor, the area is now being linked to the metropolitan system and all new developments are required to contribute towards sewerage headworks.
- (3) LandCorp were advised as in (1) above via letter dated 12 October 1990.

SEWAGE - DISCHARGE POINTS, QUINNS ROCK *Collection Contractor Payments Responsibility*

1006. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

- (1) Who is responsible for the payment to the contractor for the collection of sewage at the discharge points in Greyhound Drive, Lurgin Place and Littleham Loop, Quinns?
- (2) Where is this sewage discharged?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) The developer was responsible for payment to the contractor. All tankering ceased early October 1990.
- (2) The sewage was discharged into the tanks located on Marmion Avenue, Mindarie.

GERALDTON CARNATION WEED - PLANT DECLARATION

1009. Hon GEORGE CASH to the Minister for Police representing the Minister for Agriculture:

- (1) In which areas of the State is Geraldton carnation weed (*Euphorbia terracina* L) declared a plant?
- (2) Why is the plant Geraldton carnation weed (*Euphorbia terracina* L) not a declared plant in the City of Wanneroo?
- (3) What is the category of the declaration in respect to Geraldton carnation weed (*Euphorbia terracina* L)?
- (4) What factors are considered in categorising declared plants?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) The entire State, with the exception of the northern agricultural area and the metropolitan area.
- (2) It is not an agricultural problem in that area.

- (3) P1 - not to be introduced, and P2 - must be eradicated. In the Esperance region it is declared P4 - to prevent spread.
- (4) Economic importance to agriculture, difficulty of control, public attitude and environmental impact.

GERALDTON CARNATION WEED - YANCHEP
Eradication Action

1010. Hon GEORGE CASH to the Minister for Police representing the Minister for Agriculture:

- (1) Further to the answer to question on notice No 829 of 11 September 1990 in which the Minister has acknowledged that he is aware of the article in the *Wanneroo Times* of 21 August 1990 titled "Poisonous Weed Plagues Yanchep", will the Minister advise what action can be taken to rid the township of Yanchep of infestation of the plant known as Geraldton carnation weed (*Euphorbia terracina* L)?
- (2) Is the Minister aware that a number of children who have come into contact with the plant Geraldton carnation weed (*Euphorbia terracina* L) suffered temporary blindness and severe skin burns and blisters?
- (3) If so, what action does the Minister propose to take to alleviate this problem?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

(1)-(3)

Control is impractical, given the widespread distribution in the area and elsewhere. Individual land holders can achieve control by spraying.

(2) No.

GERALDTON CARNATION WEED - YANCHEP
Eradication Action

1011. Hon GEORGE CASH to the Minister for Police representing the Minister for Agriculture:

- (1) Is the Minister aware that the plant Geraldton carnation weed (*Euphorbia terracina* L) is growing in that has been described in a local newspaper as "plague proportions" and that the plant is overtaking established pastures and overgrowing and killing areas of native shrubs in the urban area of Yanchep?
- (2) What action does the Minister propose to take to alleviate this problem?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) While aware of the Press reports, Geraldton Carnation weed normally only invades disturbed areas, where competition from other plants is limited.
- (2) Control is impractical.

BUSES - SCHOOL BUSES
Education Institution Ownership - Maintenance, Safety and Driver's Licence Responsibility

1012. Hon GEORGE CASH to the Minister for Planning representing the Minister for Education:

Who is responsible at a primary school or high school or other educational institution in determining whether a school bus owned by an educational institution is -

- (a) properly maintained and safe to carry passengers; and
- (b) that the driver of a bus owned by an educational institution has the appropriate driver's licence?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following answer -

(a)-(b)

The principal.

BUSES - SCHOOL BUSES

Education Ministry Employee Drivers - Inappropriate Driver's Licence Liability

1013. Hon GEORGE CASH to the Minister for Planning representing the Minister for Education:

- (1) What liability attaches to either teachers or other persons employed by the Ministry of Education if they drive a school bus without the necessary F class driver's licence?
- (2) What procedures are in place to ensure that the persons employed by the Ministry of Education and others who are required to drive school buses are the holders of the appropriate current driver's licence?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following answer -

- (1) Teachers or other persons employed by the ministry, who drive a "School Bus" without the appropriate licence, will be subject to penalties as prescribed by law.
- (2) Principals are advised via the Education Circular of the statutory requirements relating to drivers' licences for school buses. They must ensure that only school personnel with appropriate licences drive school buses.

TYRES - USED TYRE DUMPING REGULATIONS

1014. Hon MARGARET McALEER to the Minister for Planning representing the Minister for the Environment:

I refer to my earlier question to the Minister and her letter dated 4 September 1990 in response, advising that the Environmental Protection Authority was presently preparing regulations to control the problem of tyre storage and disposal. Can the Minister advise how soon the regulations will be in place to control the dumping of used tyres?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

The regulations are presently being drafted. Some details will need to be discussed with the tyre industry but I am hopeful that the regulations will be in place by the end of November.

FIRE BRIGADE - BINDOON BUSH FIRE BRIGADE VOLUNTEER MEMBERS

Burning Tyres Control Work - Toxic Fumes Treatment

1015. Hon MARGARET McALEER to the Minister for Planning representing the Minister for the Environment:

- (1) Is the Minister aware that volunteer members of the Bindoon Bush Fire Brigade undertaking preliminary control work in June 1990 for the Environment Protection Authority to contain contamination were affected by toxic fumes from burning tyres and that medical treatment was necessary?
- (2) Is the Minister also aware that it was found that they were not covered by insurance under these circumstances?
- (3) Can the Minister confirm that the appropriate arrangements are in place to ensure suitable protection for volunteers carrying out similar works in the future?
- (4) If the answer to (3) is no, can the Minister advise when such arrangements will be put in place?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Volunteers of the Bindoon Bush Fire Brigade did not undertake preliminary control work in June 1990 at the behest of the Environmental Protection Authority, but were involved in the action before the EPA became aware of the Bindoon tyre fire.

Although the EPA was not advised of any significant problems caused by toxic fumes, medical examinations were suggested as a precautionary measure and results of these examinations indicated that volunteer fire fighters suffered no ongoing effects.

- (2) I am advised by the Minister for Police, and Emergency Services that because the Bindoon tyre fire was not a Bush Fires Act activity - yes.
- (3)-(4) I am advised by the Minister for Police, and Emergency Services that the matter is being investigated and details are currently being finalised.

LAND - MT LESUEUR NATIONAL PARK PROPOSAL

Progress - Vehicle Damage

1016. Hon MARGARET McALEER to the Minister for Planning representing the Minister for the Environment:

Concerning the proposed Lesueur National Park area, can the Minister advise -

- (1) What progress has been made to declare the Mt Lesueur area a national park?
- (2) Is the Minister aware of the damage being caused by sightseers in four wheel drive vehicles?
- (3) If so, what action can be taken to introduce effective management measures to protect the environment against this degradation?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Government is currently considering the proposal to declare the Mt Lesueur area as a national park as part of its review of all existing and proposed national parks and nature reserves. A decision is expected to be made in the near future.
- (2) Yes.
- (3) The company holding land under mining tenement is obliged to manage the land to conserve its natural values, and it is hoped that an early decision can be made toward reservation of the general Mt Lesueur area so that it can be protected.

MARINAS - EXMOUTH PROPOSAL

Funding Allocation

1017. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) What will the funds allocated in the 1990-91 Budget for the proposed Exmouth Marina be used for?
- (2) When is it anticipated that excavation work will commence on the proposed Exmouth Marina?
- (3) What is the proposed completion date?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) To cover contractual payments and consultant fees committed in the 1989-90 financial year.
- (2) Various funding options for this project are currently under consideration. The commencement of excavation work is dependent upon the outcome of these considerations.
- (3) Approximately four years after the commencement of the marina proper.

SCHOOLS - CARNARVON

Air-conditioning

1020. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for Education:

When will all schools in Carnarvon be air-conditioned?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

An amount of \$200 000 was allocated in the recently announced Budget to continue the ongoing program of providing air cooling in the schools in Carnarvon. The completion of this program estimated to cost \$2 million will depend upon the future availability of funds.

AGRICULTURE DEPARTMENT - AUSTRALIAN CONSERVATION FOUNDATION

Liaison Officer - Appointment Funding

1022. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) Is the Department of Agriculture funding the appointment of a liaison officer from the Australian Conservation Foundation?
- (2) If so, what is the cost of this funding?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) The Government provides funds through the Agriculture vote to the Australian Conservation Foundation to assist in the funding of a rural liaison officer.
- (2) \$30 000.

PET FOOD - PROCESSING LICENCE STATISTICS

Government Assistance

1024. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for the Environment:

- (1) How many pet food processing licences are there in Western Australia?
- (2) Is it the intention of the Government to assist with the expansion of the pet food processing industry in Western Australia?
- (3) If so, why?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Minister for the Environment is not responsible for the licensing of pet food processing. Under the Wildlife Conservation Act the Minister is responsible for licensing the processing of fauna, and there are 18 processing licences for kangaroos.

(2)-(3)

There has been a long standing policy on kangaroo processing licences, endorsed by the Kangaroo Management Advisory Committee, which effectively places a ceiling on the number of licences. That policy is to be reviewed following receipt of the report by ACIL Australia Pty Ltd, entitled "The Kangaroo Processing Industry in Western Australia". Questions regarding assistance with the expansion of the pet food processing industry, other than those relating to the Minister for the Environment's responsibilities under the Wildlife Conservation Act, would be more appropriately directed to the Minister for Finance and Economic Development.

PASTORAL LEASES - KIMBERLEY AREA

Wilderness Society - Non-viability Comments

1025. Hon P.H. LOCKYER to the Minister for Lands:

- (1) Is the Government aware of comments attributed to the Wilderness Society with regard to 62 per cent of pastoral properties in the Kimberley being not viable?
- (2) Are these figures correct?
- (3) Which pastoral properties in the Kimberley were regarded as being non-viable as at 30 June 1990?

Hon KAY HALLAHAN replied:

(1)-(2)

I am unaware of the comments attributed to the Wilderness Society, nor of any current authoritative documentation or detailed survey substantiating this figure.

- (3) I am unaware of any assessment of non-viable pastoral properties having been made as at 30 June 1990.

TRANSPORT CO-ORDINATION ACT - SECTION 21(1)

Commercial Goods Vehicles - Permits and Licence Fees

1030. Hon D.J. WORDSWORTH to the Minister for Police representing the Minister for Transport:

- (1) What was the total amount collected under the Transport Co-ordination Act, section 21(1), in relation to commercial goods vehicles for -
 - (a) permits; and
 - (b) temporary licences
 in the year 1989-90 and since 29 June 1990?
- (2) Are such fees imposed State wide or in zones?
- (3) What are the rates applicable to the various zones for -
 - (a) farm machinery;
 - (b) grain;
 - (c) stock feed;
 - (d) wooden fence posts; and
 - (e) fertiliser?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The total amount collected for permits/temporary licences in the year 1989-90 was \$1 118 318. The amount collected up to 30 September 1990 is \$271 659.

(2)-(3)

The fee is calculated on the basis of distance, commodity and tonnage carried, and I will supply the honourable member with a copy of the scale of fees.

SCHOOLS - BUSSELTON SENIOR HIGH SCHOOL

Swimming Pool Maintenance and Operating Costs - Education Ministry Responsibility

1031. Hon BARRY HOUSE to the Minister for Planning representing the Minister for Education:

(1) What agreement was reached in respect of the Ministry of Education's responsibilities to the ongoing maintenance and operating costs of the swimming pool at the Busselton Senior High School?

(2) Is this agreement in writing?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

(1) The licence between the Minister for Education and the Shire of Busselton states on page 2, item 3 -

The Minister will at his own cost and expense keep and maintain the facilities in good and substantial order and repair PROVIDED HOWEVER that the Authority will on demand from the Minister pay to the Minister the cost of any repairs occasioned by damage to the facilities occurring during the times of use by the Authority.

(2) Yes.

SCHOOLS - BUSSELTON SENIOR HIGH SCHOOL

Swimming Pool Maintenance and Operating Costs - Building Management Authority Obligations

1032. Hon BARRY HOUSE to the Minister for Planning representing the Minister for Works:

(1) What is the Building Management Authority's obligations to the ongoing maintenance and operating expenses of the swimming pool at the Busselton Senior High School?

(2) What is the proposed BMA expenditure on this facility in the 1990-91 Budget in comparison to expenditure in recent years?

Hon KAY HALLAHAN replied:

The Minister for Works has provided the following reply -

(1) The Building Management Authority acting on behalf of the Ministry of Education undertakes maintenance of the pool and associated pumping and filtration equipment. The shire provides a pool manager and meets the operational expenses during the swimming season.

(2) The Ministry of Education is unable to provide any funding for the maintenance of the pool in 1990-91. It is understood that the shire, who gain an income from the pool via entrance charges etc, are considering funding the extent of maintenance required to open the pool this summer.

FACSIMILE MACHINES - PARLIAMENTARY OFFICES

Electorate Offices - Broadcast Facilities

1033. Hon GEORGE CASH to the Leader of the House representing the Premier:

(1) What brand and model of facsimile machine is provided to and currently located at individual members of Parliament offices?

(2) Which members of Parliament have facsimile machines which incorporate broadcast facilities, located at the electorate offices?

- (3) When were these broadcast facsimile machines installed at the members' electorate offices?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) Members currently have a range of different facsimile machines located in their parliamentary electoral offices including -

Mitsubishi FA2100
Okifax OF10
Okifax OF17
Harris 3M Series 111
Panasonic Panafax 150
Canon 230

- (2) Mr D. Shave, MLA
Mr K. Leahy, MLA
Mr R. Nicholls, MLA
Hon M. Patterson MLC
Mr L. Graham MLA
Hon R. Davies MLC
Hon R. Pike, MLC
Hon P. Pendal, MLC
Hon D. Wordsworth, MLC
Hon K. Wilson, MLA
Mr J. Kobelke, MLA
Hon T. Butler, MLC
Mrs C. Edwardes, MLA
Hon M. Montgomery, MLC
Dr I Alexander, MLA

- (3) March 1989 onwards.

LOTTERIES COMMISSION - FEARBY AND CO PTY LTD

New Agency Agreement Letters

1035. Hon GEORGE CASH to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Did Fearby and Co Pty Ltd write to the Lotteries Commission on 17 January 1990 and on 7 February 1990 in respect of the proposed new agency agreement?
- (2) If so, when did the Lotteries Commission reply to both of these letters?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

- (1) Yes.
- (2) The correspondence received by the Lotteries Commission requested certain matters be considered in relation to agency agreements. The Lotteries Commission is about to finalise the agreement and will then be in a position to respond to Fearby and Co Pty Ltd.

The Lotteries Commission has been instructed to ensure that all correspondence is acknowledged where it is not possible for a substantive reply/response to be provided when the letter is received.

**LOTTERIES COMMISSION - AUSTRALIAN SMALL BUSINESS ASSOCIATION
STATE DIRECTOR**

New Agency Agreement Letters

1036. Hon GEORGE CASH to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Did the State Director of the Australian Small Business Association write to

the Western Australian Lotteries Commission on 2 January 1990, 12 January 1990 and 19 April 1990 seeking advice on the proposed new agency agreement?

- (2) If so, why has the Lotteries Commission not responded to these letters which were written more than 10 months ago in the first two instances and six months ago in the case of the third letter?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

- (1) Yes.
- (2) The correspondence received by the Lotteries Commission requested certain matters be considered in relation to a new proposed agency agreement. As the agreement is in the final stages of drafting, the Lotteries Commission can now provide a substantive response to the matters raised by the Australian Small Business Association. The Lotteries Commission has been instructed to ensure that all correspondence is acknowledged where it is not possible for a substantive reply/response to be provided when the letter is received.

BUSES - JOONDALUP RAILWAY LINE PROPOSAL

Feeder Buses

1037. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) How many buses will be required to serve as feeder buses for the proposed Joondalup railway line?
- (2) Will the extra buses be in addition to the present Transperth fleet?
- (3) What is the estimated cost of the additional buses?
- (4) Have any orders been placed for additional buses?
- (5) If the answer is yes, when is the proposed delivery date?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Current estimates require 130 buses by the year 2001.
- (2) No, this is less than current requirements.
- (3)-(5) Not applicable.

RAILWAYS - JOONDALUP RAILWAY LINE PROPOSAL

Edgewater Power Supply Substation Location

1038. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Where is the new proposed power supply substation for the proposed Joondalup railway to be located in Edgewater?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

Immediately adjacent to the SEC Mullaloo substation which is located opposite Wedgewood Drive in Joondalup Drive, Edgewater.

RAILWAYS - JOONDALUP RAILWAY LINE PROPOSAL

Burns Beach Extension Plans

1039. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Are there any plans to extend the proposed Joondalup railway past Burns Beach?

(2) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

(1)-(2)

Future possible alignments are being investigated as part of the North West Corridor Development Plan, however no plans have yet been prepared.

RAILWAYS - JOONDALUP RAILWAY LINE PROPOSAL

Footbridge and Road Bridge Modifications, Mitchell Freeway

1040. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) How many footbridges along the Mitchell Freeway will require modifications in order that the proposed Joondalup railway line can operate beneath the footbridge?
- (2) Will any road bridges require modification?
- (3) If the answer is yes, will the Minister indicate which road bridges and which footbridges?
- (4) What is the anticipated cost of these modifications?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Two pedestrian bridges located near Oxford Street, Leederville and Leeder Street, Glendalough are to be replaced as part of work on the freeway to accommodate the northern suburbs railway.
- (2) No modifications are needed to existing road bridges. Planning for the freeway provided for future development of a rapid transit system, which included long term use of the existing road bridges.
- (3) Not applicable.
- (4) The estimated total cost for replacement of the two footbridges is \$2.1 million.

HILLARYS BOAT HARBOUR - MANAGER

Position Changes

1041. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Has the position of the manager of the Hillarys Marina been abolished or changed?
- (2) If so, will the Minister provide details of the changes?
- (3) What position will the current incumbent of the "Manager, Hillarys Boat Harbour", now occupy within the department?
- (4) Is the Minister aware of the considerable concern of many of the users of Hillarys Boat Harbour at the proposed staff changes?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The position has changed, following restructuring within the Department of Marine and Harbours.
- (2) The restructure involves a distinction between the day to day operations and the ongoing management of all of the department's boating facilities, and is designed to provide a corporate structure more suited to the delivery of customer services.

In the restructure a business and development branch has been

established to assist all departmental boating facility managers. This branch provides specialist services which the managers require and ensures a uniform approach on management issues.

Greater efficiency in the allocation of human resources has been achieved by placing the management of Hillarys Boat Harbour, Fremantle Fishing Boat Harbour and the Barrack Street Jetty Complex under one single manager.

This solution has necessarily meant that alternative roles needed to be found for the existing managers of these harbours.

- (3) The previous "Manager, Hillarys Boat Harbour", on his return from leave, will be actively involved in a wide range of issues within the business development branch.
- (4) It is believed that customer services will be better provided under the new management system.

RAILWAYS - JOONDALUP RAILWAY LINE PROPOSAL *Aboriginal Sites*

1042. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Have any investigations been carried out to determine if there are any significant Aboriginal sites along the proposed Joondalup railway line north of Ocean Reef Road?
- (2) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes.
- (2) There are no significant Aboriginal sites on land to be acquired for railway purposes along the Joondalup railway line north of Ocean Reef Road. Several trees of significance on a site adjacent to the railway were identified and steps are being taken to ensure the security of these trees.

BELL GROUP SHARES - STATE GOVERNMENT INSURANCE COMMISSION *Share Loss Claim*

1043. Hon MAX EVANS to the Leader of the House representing the Minister for Finance and Economic Development:

- (1) Can the Minister advise the total amount of the claim of the State Government Insurance Commission under its indemnity against Bond Corporation Holdings arising from the loss on the sale of the Bell Group Ltd shares and the interest accrued on the debt?
- (2) What are the full details of the total claim?
- (3) On what date was the claim made?
- (4) Where is the claim at this stage?

Hon J.M. BERINSON replied:

The Minister for Finance and Economic Development has provided the following reply -

- (1)-(2) I refer the member to question 1137 asked in the other place.

- (3)-(4) The claim is the subject of litigation which the SGIC is defending. A date has not yet been set for the trial.

STATESHIPS - ASSETS SALE OR LEASE BACK

1044. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) Can the Minister advise if any sale and/or lease back of assets has been entered into by the Western Australian Coastal Shipping Commission since 1983?
- (2) If the answer is yes, would the Minister advise -
 - (a) what assets were sold;
 - (b) the date of sales;
 - (c) the value of the sales; and
 - (d) the liability under the lease agreements at 30 June 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) No.
- (2) Not applicable.

TRANSPERTH - ASSETS SALE OR LEASE BACK

1045. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) Can the Minister advise if any sale and/or lease back of assets was entered into by Transperth since 1983?
- (2) If the answer is yes, would the Minister advise -
 - (a) what assets were sold;
 - (b) the date of sales;
 - (c) the value of the sales; and
 - (d) the liability under the lease agreements at 30 June 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) No sale and/or lease back of assets has been entered into.
- (2) Not applicable.

WESTRAIL - ASSETS SALE OR LEASE BACK

1046. Hon MAX EVANS to the Minister for Police representing the Minister for Transport:

- (1) Can the Minister advise if any sale and/or lease back of assets has been entered into by Westrail since 1983?
- (2) If the answer is yes, would the Minister advise -
 - (a) the assets sold;
 - (b) the dates of sales;
 - (c) the value of the sales; and
 - (d) the liability under the lease agreements at 30 June 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) No, there has been no sale and/or lease of Westrail assets since 1983.
- (2) Not applicable.

STATE ENERGY COMMISSION - ASSETS SALE OR LEASE BACK

1047. Hon MAX EVANS to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Can the Minister advise if any sale and/or lease back of assets has been entered into by the State Energy Commission of Western Australia since 1983?
- (2) If the answer is yes, would the Minister advise -
 - (a) the assets sold;
 - (b) the dates of the sales;
 - (c) the value of the sales; and
 - (d) the liability under the lease agreements at 30 June 1990?

Hon J.M. BERINSON replied:

The Minister for Fuel and Energy has provided the following reply -

- (1) Yes.
- (2)

| | |
|--------------------------|--------------------------------------|
| Equipment name: | Eastern Goldfields Transmission Line |
| Sale Date: | 22 August 1983 |
| Sale Price: | \$71.9 million |
| Lease Liability 30.6.90: | \$78.1 million |
| Equipment Name: | Mungarra Gas Turbines No 1 and 2 |
| Sale Date: | 3 January 1990 |
| Sale Price: | \$19.8 million |
| Lease Liability 30.6.90: | \$24.1 million |
| Equipment Name: | Kalgoorlie Gas Turbine No 1 |
| Sale Date: | 16 February 1990 |
| Sale Price: | \$10.9 million |
| Lease Liability 30.6.90: | \$13.0 million |
| Equipment Name: | Pinjar Gas Turbine No 1 and 2 |
| Sale Date: | 27 June 1990 |
| Sale Price: | \$21.7 million |
| Lease Liability 30.6.90: | \$26.0 million |

All leases are recorded in SECWA's financial statements in accordance with Statement of Accounting Standards "Accounting for Leases" AAS 17.

PROGRAM STATEMENTS - MISCELLANEOUS SERVICES, ITEM 90

Perpetual Finance Corporation Ltd - Outstanding Payment

1048. Hon MAX EVANS to the Leader of the House representing the Treasurer:

Can the Minister advise under Miscellaneous Services in Program Statements, item 90, the full details in respect of the provision for \$1 096 000 outstanding to the Perpetual Finance Corporation Ltd?

Hon J.M. BERINSON replied:

The Minister for Finance and Economic Development has provided the following reply -

This item makes provision for settlement of a debt owing to Perpetual Finance Corporation Ltd in respect to the financing of a floor plan to fund the marketing of the Acremaster four-wheel drive tractor.

The debtor, Glenfern Holdings Pty Ltd, was associated with Western Australian Exim Corporation and, in accordance with a Treasury recommendation, approval is sought to appropriate \$1 096 000 from the Consolidated Revenue Fund in 1990-91.

As members would be aware, Exim Corporation is being wound up with

proceeds credited to the Consolidated Revenue Fund and, in 1989-90, \$11 100 000 was brought to account.

DAVIES, MR TED - GOVERNMENT EMPLOYMENT

1049. Hon PETER FOSS to the Leader of the House representing the Deputy Premier:

I refer to question on notice No 918 answered on 16 October 1990 -

- (1) For what periods has Mr Davies been employed on short term contracts?
- (2) In what matters and for what purposes has Mr Davies been assisting in collating information?
- (3) Who has Mr Davies been assisting?
- (4) Does Mr Davies' work include
 - (a) disposing of documents which are no longer required;
 - (b) assisting in such disposal; or
 - (c) making recommendations for such disposal?

Hon J.M. BERINSON replied:

The Deputy Premier has provided the following reply -

- (1) 25 September 1989 to 19 January 1990; 2 April to 7 September 1990; 8 October 1990 to current.
- (2) Mr Davies has been assisting in the collation of material for various litigation matters and papers for tabling in Parliament and for parliamentary committees.
- (3) Senior management of SGIC as directed.
- (4) (a)-(c)

The SGIC has advised me that it strongly objects to the gross imputation in question (4) that it is employing a person to dispose of or destroy documents. I am advised that the SGIC is collating information.

GOVERNMENT DEPARTMENTS AND AGENCIES - WASTE PAPER CONTRACT
Tenders - Purchase Inquiry

1050. Hon PETER FOSS to the Minister for Planning representing the Minister for Services:

I refer to question on notice No 917 -

- (1) Were tenders called for the contract?
- (2) Were any investigations made as to
 - (a) who else may have been interested in purchasing the paper; and
 - (b) the prices they would have been prepared to pay?
- (3) Have any other persons than Austissue Pty Ltd inquired as to whether they can purchase Government paper?

Hon KAY HALLAHAN replied:

The Minister for Services has provided the following reply -

- (1) The State Tender Board invited expressions of interest for the collection of waste paper from Government agencies. This practice is adopted from time to time by the State Tender Board to obtain goods and services on behalf of the Government.
- (2) (a)-(b)

Apart from the proponents who responded to the expressions of interest - no.

- (3) There were respondents to the expressions of interest other than AusTissue, and there have been further inquiries since the expressions of interest closed.

**STATE GOVERNMENT INSURANCE COMMISSION - WESTRALIA SQUARE
DEVELOPMENT**
Interest Valuation

1051. Hon PETER FOSS to the Leader of the House representing the Deputy Premier:

- (1) Has the State Government Insurance Commission ever had its interest in the Westralia Square Development valued?
- (2) If so, on how many occasions and when?
- (3) In respect of each such occasion will the Minister provide the information requested in question on notice No 920?

Hon J.M. BERINSON replied:

The Deputy Premier has provided the following reply -

- (1) Yes.
- (2) The Westralia Square Building No 1 development project was valued in the 1989-90 annual accounts at construction and land costs incurred to 30 June 1989. The SGIC has obtained an independent valuation by a licensed valuer at 30 June 1990 for the end of year financial statements.
- (3) The annual accounts are currently being audited by the Auditor General hence it would be inappropriate to provide a detailed reply at this time.

SCHOOLS - MT MAGNET DISTRICT HIGH SCHOOL
Vandalism

1052. Hon N.F. MOORE to the Minister for Planning representing the Minister for Education:

- (1) Is the Minister aware of the considerable damage done by vandals to the Mt Magnet District High School last Monday?
- (2) Does the Ministry of Education carry insurance to cover such damage?
- (3) Are there any items which could be damaged, in a school, by vandals which are not covered by Ministry of Education insurance policies?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following answer -

- (1) Yes. The damage appears to amount to approximately \$50 000 at this time. A more detailed estimate is not yet available.
- (2)-(3) Yes. The ministry has several school equipment insurance policies with the SGIC in relation to items in schools donated wholly or partly by non-ministry sources such as P & C organisations. With regard to school equipment items provided wholly by the ministry itself such items are not covered by the aforesaid policies but are replaced by the ministry where loss occurs.

CARNARVON FASCINE - DREDGING

1053. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) As no funds were provided in the 1990-91 Budget for the dredging of the Carnarvon Fascine, will the dredging be still carried out some time in the future?
- (2) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) The draft report resulting from the study conducted over the past year by the Department of Marine and Harbours is still being considered by the Camarvon Shire Council. The decision to proceed at this stage rests with council. Prior to the commencement of any dredging it will be necessary to gain the relevant statutory approvals including environmental approval.

The Environmental Protection Authority has determined the appropriate level of assessment for the entire development as proposed in the draft report, including dredging. Work on the necessary public environmental report documentation is being carried out through the Department of Marine and Harbours.

- (2) Not applicable.

MARINAS - EXMOUTH *Construction*

1054. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Is the Minister aware of an article in the *Weekend Australian* dated 29-30 September concerning the construction of the Exmouth Marina?
- (2) If so, was the article correct?
- (3) When will construction of the Exmouth Marina commence?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes.
- (2) The reference to the Exmouth marina proposal are the views of the author of the article. I am not aware of the writer's source of information. The article is correct in so far as the location and broad description of the project is concerned. However, the reference to the deferral of the project appears to be the author's opinion.
- (3) Further preparatory work will be undertaken in the current financial year. A decision on the timing of funding for the main capital works has not yet been taken.

BUDGET - TREASURY-BUSINESS UNDERTAKINGS PROJECT AND SURPLUS *Revenue Receipts and Estimates*

1055. Hon MAX EVANS to the Leader of the House representing the Premier:

Can the Minister provide full details in respect of estimated revenue for the year ending 30 June 1991 for Treasury-Business Undertakings Project and Surplus for -

- (a) receipts 1989-90; and
- (b) estimates 1990-91?

Dr LAWRENCE replied:

The Premier has provided the following reply -

| | Receipts 1989-90 \$ | Estimate 1990-90 \$ |
|---------------------------|---------------------------|---------------------------|
| Rural and Industries Bank | - | 15 000 000 |
| Statutory Levies | | |
| SEC | 36 294 118 | 42 500 000 |
| WAWA | 10 497 552 | 11 800 000 |

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Sexual Assault Referral Centre (Perth) -
 1976 - 1985 based at Sir Charles Gairdner Hospital
 1985 - 1990 based at King Edward Memorial Hospital
 Geraldton Sexual Assault Centre -
 Initiated in 1985. Funded from November 1988.
 Bunbury Sexual Assault Centre -
 Opened January 1988.

- (2) Sexual Assault Referral Centre (Perth) -
- | | |
|----------------|----------------|
| 1976 | 80 cases |
| 1977 | 78 cases |
| 1978 | 114 cases |
| 1979 | 152 cases |
| 1980 | 191 cases |
| 1981 | 208 cases |
| 1982 | 196 cases |
| 1983 | 211 cases |
| 1984 | 285 cases |
| 1985 | 372 cases |
| Nov 85 - June | 1986 176 cases |
| July 86 - June | 1987 392 cases |
| July 87 - June | 1988 454 cases |
| July 88 - June | 1989 576 cases |
| July 89 - June | 1990 609 cases |

Geraldton Sexual Assault Centre -

1985 - October 1988
 Volunteers working from their own homes.
 No statistics available.

Nov 1988 - December 1989 102 cases
 Jan 1990 - September 1990 87 cases

Bunbury Sexual Assault Centre -

Jan 1988 - December 1988 47 cases
 Jan 1989 - December 1989 110 cases
 Jan 1990 - September 1990 97 cases

SCHOOLS - WILLAGEE PRIMARY SCHOOL

Covered Seating Area

1066. Hon P.G. PENDAL to the Minister for Planning representing the Minister for Education:

With reference to the Willagee Primary School's endeavours to have a much needed covered seating area built -

- (1) Was a request for the covered seating area put to the then Minister in December 1986?
- (2) How did that Minister respond to that request?
- (3) In 1988, when some building extensions for the school were proposed (but not constructed), why was the needed covered seating area not included?
- (4) Is it correct that in December 1989 and in March this year both the school's P & C Association and principal, respectively, made requests for the covered area?

- (5) What response was given on both occasions?
- (6) As the school is unable to raise funds itself for the project, will he undertake to give a very high priority to the building of the covered area so that the children can at last be provided with protection from the sun?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following reply -

- (1) Yes.
- (2) There are a number of schools which require covered assembly areas. The program of provision, however, is subject to the future availability of funds and the priorities of all other schools.
- (3) The concept plans which were drawn up in 1988, evolved following discussions with the principal and Parents and Citizens Association and addressed the school's needs and priorities.
- (4) Yes.
- (5) No firm commitment was given to the school since the program of provision was dependent on the future availability of funds.
- (6) Willagee Primary School will continue to receive due consideration in relation to the needs of other schools when future capital works programs are being compiled.

QUESTIONS WITHOUT NOTICE

WA INC - ATTORNEY GENERAL *Legal Action - Fiat Exercise Request*

745. Hon GEORGE CASH to the Attorney General:

- (1) Has any request been made to the Attorney General for his fiat in respect of proposed legal action against Messrs Dowding, Parker, Grill and himself for the recovery of a portion of the losses associated with WA Inc?
- (2) If such fiat has been requested, has he sought and received Crown Law advice on that matter?
- (3) If so, does he intend that his fiat be exercised?
- (4) If not, why not?

Hon J.M. BERINSON replied:

(1)-(2)

Yes.

- (3) The advice which I obtained was to the effect that the point of the request was not understood.
- (4) Not applicable.

PERTH THEATRE TRUST - ANNUAL REPORT TABLING *Answers*

746. Hon MAX EVANS to the Minister for The Arts:

Does the Minister have any answers in respect of the accounts which were tabled several weeks ago in relation to the Perth Theatre Trust?

Hon KAY HALLAHAN replied:

I am told that the date on the front of the report was a typographical error. I am waiting on further information; I think the member wanted to know the reason for the delay in tabling the report.

PERTH THEATRE TRUST - ANNUAL REPORT TABLING
Delay Reason

747. Hon MAX EVANS to the Minister for The Arts:

The then Minister, David Parker, signed the report in August 1989, the Auditor General did not sign it until August 1990 and the report was not tabled in this House until a couple of months after that. What was the reason for the delay?

Hon KAY HALLAHAN replied:

I had not been careless with the honourable member's inquiry. I do not have the information with me, but I will ensure I have it for tomorrow's sitting.

WA INC - ATTORNEY GENERAL
Legal Action - Fiat Exercise Request

748. Hon GEORGE CASH to the Attorney General:

Further to my previous question I ask the Attorney General what confusion exists in respect of the request that was made for the Attorney General to exercise his fiat in respect of proposed legal action against him and former members of Parliament?

Hon J.M. BERINSON replied:

That question goes to a legal opinion which I obtained and relayed to the inquirer.

QUEENS GARDENS - CHEVRON-HILTON HOTEL AGREEMENT ACT
Legislation Requirement

749. Hon MAX EVANS to the Minister for Lands:

I refer to Queens Gardens which has been subject to some controversy involving the Perth City Council and I understand that it has something to do with the Chevron-Hilton Hotel Agreement Act.

- (1) Will legislation be required before its legal position can be changed?
- (2) If so, will the legislation be introduced during this session of Parliament?

Hon KAY HALLAHAN replied:

(1)-(2)

I recall that it is necessary to amend the Act to which Hon Max Evans alluded. Legislation will certainly not be introduced this session unless it becomes a matter of extraordinary urgency. It may not relate to my portfolio; it may come under local government. I will check it for the member and I advise him that I have not received a request to introduce such legislation.

WA INC - ATTORNEY GENERAL
Legal Action - Fiat Exercise Request

750. Hon GEORGE CASH to the Attorney General:

Further to my two previous questions, will the Attorney General advise the House as to the identity of the person or persons who requested he exercise his fiat?

Hon J.M. BERINSON replied:

I do not recall.

WA INC - ATTORNEY GENERAL
Legal Action - Fiat Exercise Request

751. Hon GEORGE CASH to the Attorney General:

Will he seek the information I asked for and advise the House at tomorrow's sitting?

Hon J.M. BERINSON replied:

If the honourable member wishes to put the question on notice I will address it.

LEDA LAND - FURTHER SUBDIVISION
Government Intentions

752. Hon P.G. PENDAL to the Minister for Planning:

I refer the Minister to the *Sound Telegraph* newspaper of 26 September wherein it was stated that round 2 of the battle to prevent further subdivision in Leda has begun with a feeling of déjà vu by many Kwinana people. Is it the intention of LandCorp or the Government to achieve a subdivision of the Leda land which was the subject of the recent excisions to legislation considered by this House?

Hon KAY HALLAHAN replied:

Members may or may not remember that most of the Leda land was zoned residential. Concern was expressed about other areas and that is what the proposed amendment to the metropolitan region scheme was about. The Government gave an undertaking not to proceed with the subdivision of Western Reach with a view to it becoming a buffer zone should the industrial project, IP14, proceed. That is where the matter rests, although there are other areas which are not at present zoned residential they are still being considered as residential. There is no question of Western Reach being included in that.

SUBIACO OVAL - AGREEMENT TABLING

753. Hon BARRY HOUSE to the Minister for Lands:

In accordance with the provisions of the recent Reserves and Land Revestment Bill which set a two month limit for an agreement to be reached on the use of the Subiaco Oval reserve, when will the Minister table the agreement reached between the Subiaco City Council, the West Australian Football Commission and the Subiaco Football and Sporting Club Inc?

Hon KAY HALLAHAN replied:

When I am in possession of such an agreement I will table it. I know the member raised this matter previously and said there was a two month limit on it. I assume all members are keen for that agreement to be finalised and I am advised it is progressing. As the honourable member has raised the question again I will point out to those concerned that it has been brought to the attention of the House that there was a limitation on the time for that agreement to be reached. I will ask for a definitive answer on when members might see that agreement. Does that suit the member?

Hon George Cash: I will ask you tomorrow how you are getting on with it.

The PRESIDENT: Order! I advise the Minister that Hon George Cash did not ask the question and she should not carry on a conversation with him.

SWAN BREWERY SITE - REVIEW

754. Hon E.J. CHARLTON to the Minister for Planning:

(1) In view of the acute financial position confronting many areas of Government, including health and education, would the Minister inform the House whether a review has been made of plans for the old Swan Brewery?

(2) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

Nothing has changed with regard to the old Swan Brewery.

Hon George Cash: So we have noticed.

Hon P.G. Pendal: That is what the public are worried about.

Hon KAY HALLAHAN: I understand that the Minister for Aboriginal Affairs is waiting for a report from the Aboriginal Cultural Material Committee and further consideration will be given when that report is to hand.

RESERVES AND LAND REVESTMENT BILL 1990 - IMPLEMENTATION

755. Hon BARRY HOUSE to the Minister for Lands:

- (1) Will there be a 1990 Reserves and Land Revestment Bill?
- (2) If so, when will it be introduced into the Parliament?

Hon KAY HALLAHAN replied:

- (1) Yes, there will be a 1990 Reserves and Land Revestment Bill.
- (2) I propose to introduce it this week.

POLICE - SPEED TRAPS *First Road Junction, Hackett Drive*

756. Hon MAX EVANS to the Minister for Police:

The police regularly set up a speed trap at the first road junction on Hackett Drive, the road leading up to the University of Western Australia. Can the Minister advise why the police would deliberately set up a speed trap in that location when the traffic lights are only 200 yards away? Is it to raise revenue or have there been serious accidents on that road?

Hon GRAHAM EDWARDS replied:

Once again we are dealing with the issue of the police raising revenue, and I wish the Opposition would put that aside. I want to put on record again that the police are not frivolously raising revenue for the Government but are doing a very difficult job in an endeavour to reduce the road toll and to ensure some protection for those people who want to drive on the road without having to fear those people who disregard other road users and speed and do other things that may place people in danger. That is the role of the police; it is not to collect revenue. I do not know that area well enough to say whether people are constantly speeding, but I suggest that the police are there in response to complaints that have been made by other road users.

POLICE - SPEED TRAPS *Ill Feeling and Reaction Consideration*

757. Hon MAX EVANS to the Minister for Police:

I would like the Minister to consider, in his discussions with the police, the reaction and ill will that these speed traps are causing. This morning I saw a young student picked up for speeding, about 300 metres from the traffic light. Does not the Minister consider that this will cause a bad relationship to develop between the police and the public?

Hon GRAHAM EDWARDS replied:

I give greater consideration to the ill feeling that is created in a police officer's throat when he has to advise the parents of a young person that he has been killed in a road accident.

EAST PERTH PROJECT - HERITAGE BUILDINGS

758. Hon PETER FOSS to the Minister for Heritage:

I refer the Minister to the East Perth project outline development plan and to the specific reference by the Premier in the preface to the fact that the East Perth project will be a catalyst for the redevelopment of nearby inner Perth areas.

I draw the Minister's attention to the fact that there are some quite interesting heritage buildings in the areas outside the East Perth project area. Will the Minister ensure that her department will take appropriate planning measures to ensure that that heritage value is not lost?

Hon KAY HALLAHAN replied:

As members know, we do not yet have heritage legislation in this State, and I ask the members of the Standing Committee on Legislation to hasten their consideration of that legislation.

Hon J.M. Berinson: Mr Foss is on that committee.

Hon KAY HALLAHAN: Yes. Mr Foss is on the committee to which the heritage legislation has been referred, so hopefully we can look forward to the committee dealing speedily with that Bill.

If the buildings outside the East Perth project area are owned by the Government they, like all other buildings with heritage value, will be the subject of a protective covenant. If they are not, it does make it somewhat difficult without the legislation, so I urge the members of that committee to speed up their deliberations on the Bill and to bring it back to this House in a workable and proclaimable state.

BURSWOOD ISLAND - RESORT DEVELOPMENT PLANS

759. Hon P.G. PENDAL to the Minister for Planning:

- (1) Does the Minister currently have before her plans for a \$1 billion resort development on Burswood Island?
- (2) Can the Minister say whether any such plans need the approval of the Perth City Council?

Hon KAY HALLAHAN replied:

(1)-(2)

In the interests of giving all members as much information as I have at my disposal, and at the risk of my not being accurate, my understanding is that there is a separate Burswood Island agreement Act which incorporates planning powers for that area. I am not the Minister responsible for that Act; therefore, I do not have responsibility for planning in that area.

Hon P.G. Pendal: So they are overriding you too?

Hon KAY HALLAHAN: Whoever "they" are, but I will check the matter out.

COMMITTEES FOR THE SESSION - STANDING COMMITTEE ON LEGISLATION

Legislative Council Message - Ministerial Leave Granting

760. Hon PETER FOSS to the Leader of the House:

I refer to the motion that a message be transmitted to the Legislative Assembly requesting it to grant leave to enable Ministers to appear before the Standing Committee on Legislation to facilitate the work of that committee. Can the Leader of the House indicate when we will deal with that item of business?

Hon J.M. BERINSON replied:

To tell the truth, I have not given attention to that item. In view of undertakings to allow other business this week, and the hours lost this afternoon, it will not be possible to consider the item this week, but I will look at that question when considering our program when we resume after the recess.

PARLIAMENT - PROROGATION

Earlier Stage Intention

761. Hon PETER FOSS to the Leader of the House:

Is it intended to prorogue Parliament at any stage earlier than shortly before the resumption of Parliament next year; and, if so, is the Government prepared to appoint Honorary Royal Commissions for the present Standing and Select Committees?

Hon J.M. BERINSON replied:

The Government has not considered that matter.

PARLIAMENT - PROROGATION

Standing and Select Committees - Honorary Royal Commissions Conversion

762. Hon R.G. PIKE to the Leader of the House:

Will the Leader of the House give consideration forthwith to that matter, along the lines that he indicated last time; that is, in the event that the Government does prorogue the Parliament, he will convert the Standing and Select Committees, and particularly the Select Committee on State Investments, into Honorary Royal Commissions?

Hon J.M. BERINSON replied:

I had some difficulty catching that question, but I think it amounted to asking whether I would give some consideration to Mr Foss' request -

Hon R.G. Pike: Forthwith.

Hon J.M. BERINSON: We will not do it forthwith but we will do it in good time.

PROROGATION BILL - EXPEDITIOUS TREATMENT

763. Hon GEORGE CASH to the Leader of the House:

I remind the Leader of the House that this House supported a prorogation Bill that was introduced by Hon Norman Moore some time ago. That Bill is now in the other place. Will the Leader of the House ensure that steps are taken to ensure that the Bill is dealt with expeditiously, because that may overcome some of the problems associated with prorogation?

Hon J.M. BERINSON replied:

The legislative program for the remainder of this session has not yet been finalised but I will convey the interest of the Leader of the Opposition in that Bill to the Leader of the House in the Legislative Assembly.

BURSWOOD ISLAND - RESORT DEVELOPMENT PLANS

Further Crown Land Request

764. Hon P.G. PENDAL to the Minister for Planning:

I refer to the Minister's previous answer on the proposal for a \$1 billion resort development on Burswood Island and ask her whether the development, to her knowledge, involves requests for further parcels of Crown land?

Hon KAY HALLAHAN replied:

As I indicated to the member, that relates to an Act which is not my responsibility. If he would put that question on notice I could get that information for him. I do not have it with me tonight.

SUNKEN GARDEN - OLD GRAYLANDS TEACHERS COLLEGE

Preservation Success

765. Hon N.F. MOORE to the Minister for Planning:

Has the Minister had any success in saving the sunken garden at the old Graylands teachers' college.

Hon KAY HALLAHAN replied:

Despite the rather wonderful placard which found its way into this House, not noted by Mr President, I am still giving that matter some attention.

Hon N.F. Moore: Perhaps you could refer it to the Minister for Heritage!

Hon P.G. Pendal: That would be a lost cause!

Hon KAY HALLAHAN: I shall certainly keep the member informed.

BURSWOOD ISLAND - RESORT DEVELOPMENT PLANS
Planning Departments Involvement

766. Hon P.G. PENDAL to the Minister for Planning:

Will any of her planning departments or agencies have any statutory involvement in the \$1 billion resort planned for Burswood Island?

Hon KAY HALLAHAN replied:

As I indicated earlier, I shall have this matter looked into. As I understand it, that Act -

Hon P.G. Pendal: I am not talking about that Act; I am talking about your departments or agencies.

Hon KAY HALLAHAN: I am answering the question. If the member listened he might learn, even if he is not sure that I am right. That Act contains the planning powers for that area as well. If the member would be good enough to put that question on notice he could have a complex, continuing question answered. I shall have the answers for him.

ROADS - PILBARA
Road Network Improvements

767. Hon TOM HELM to the Minister for Police representing the Minister for Transport:

In view of the ever increasing tourist traffic using roads in the Pilbara, and with considerable mining activity in the area, will the Minister representing the Minister for Transport inform the House of the improvements that have been made to the road network in the region and provide information on further planned improvements?

Hon GRAHAM EDWARDS replied:

I thank the member for notice of the question. I have been advised that because of the continued need for improvements to the road network in the Pilbara, a road development strategy for the region was developed in 1987, which outlined a number of major road construction priorities. While the timing of these projects depended on the availability of road funding, the strategy did highlight projects which had priority within the region. These were the sealing of the Paraburdoo access road, work on the Marble Bar road, a constructed road linking Paraburdoo and Tom Price to the national highway, commencement of a north-south link between the Karratha-Roebourne area and the southern Pilbara - Tom Price and Paraburdoo.

The most significant improvements since the mid 1970s have been the completion of a sealed road to Broome in 1981 and the construction of 416 kilometres of national highway between Newman and Port Hedland between 1983 and 1989. Other tasks completed in recent years have been linking of the towns of Tom Price and Paraburdoo by a black top road to the North West Coastal Highway in September this year, bitumen roads to Onslow and Pannawonica from the North West Coastal Highway, and significant improvements to the Marble Bar road.

One project that has been brought forward is the completion of a sealed access road between the Great Northern Highway and Shay Gap. The project cost is to be shared between the Main Roads Department and a private sector company, and if financial arrangements are finalised it is anticipated that sealing of this road could commence during the 1991-92 financial year. Apart from major projects, the Main Roads Department and the four Pilbara local governments are continuing to maintain and improve all important access road and tourist links in the Pilbara.

Point of Order

Hon R.G. PIKE: Mr President, you ruled earlier that where a question of that type is really not a question but ought to be the subject of a statement by the Minister,

it is out of order. In my view this is a bastardisation of the question process and I ask you to rule accordingly.

The PRESIDENT: There is no point of order.

Questions without Notice Resumed

ALUMINIUM SMELTER - PILBARA REGION

Mitchell Plateau Bauxite Resource - Kemerton Aluminium Ltd, Development Discussions

768. Hon GEORGE CASH to the Minister for Resources:

- (1) Has the Minister held discussions with Kemerton Aluminium Ltd or any other private sector entity in relation to the development of -
 - (a) The Mitchell Plateau bauxite resource; and
 - (b) An aluminium smelter in the Pilbara region?
- (2) If so, can the Minister provide details?

Hon J.M. BERINSON replied:

(1)-(2)

I have not been involved in any personal discussions on that matter.
