

Legislative Assembly

Wednesday, 15 May 1991

THE SPEAKER (Mr Michael Barnett) took the Chair at 10.00 am, and read prayers.

PETITION - JUVENILE REMAND CENTRE, MURDOCH PROPOSAL

Review and Relocation Request

MR LEWIS (Applecross) [10.03 am]: I present a petition from certain citizens of Western Australia couched in the following terms -

To: The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia, wish to express concern at the recent announcement of the proposed construction of a Juvenile Remand Centre on the land known as the Lakes Hospital Site (Reserve Number 36727) Murdoch Drive, Murdoch.

We request the Government of Western Australia to urgently review the proposal in the light of its proximity to density residential subdivisions and the valid safety concerns of the residents who live around the proposed centre. We further request that the proposed Remand Centre be relocated to an area further from existing or proposed residential subdivisions.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 574 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 45.]

NOTICE OF MOTION - MATTERS OF PUBLIC IMPORTANCE

Sessional Order Amendment

MR PEARCE (Armadale - Leader of the House) [10.04 am]: I give notice that at the next sitting of the House I will move -

That the Sessional Order relating to Matters of Public Importance be amended by inserting after the words "one hour" the following -

and five minutes

I know it is a little out of order, but I would like to give the House an indication of what is proposed by this motion. It will give the Speaker the capacity to extend the Matter of Public Importance debate discussion by a period of five minutes in addition to the 30 minutes allocated to each of the Government and Opposition sides. This may accommodate, at least in the short term, some of the problems we have had with regard to that matter.

BILLS (8) - INTRODUCTION AND FIRST READING

1. Acts Amendment (Industrial Courts) Bill
2. Western Australian Tripartite Labour Consultative Council Act (Revival and Continuance) Bill

Bills introduced, on motions by Mrs Henderson (Minister for Productivity and Labour Relations), and read a first time.

3. Retirement Villages Bill

Bill introduced, on motion by Mrs Henderson (Minister for Consumer Affairs), and read a first time.

4. Uniting Church in Australia Amendment Bill
Bill introduced, on motion by Mr D.L. Smith (Minister for Justice), and read a first time.
5. Margarine Repeal Bill
Bill introduced, on motion by Mr Bridge (Minister for Agriculture), and read a first time.
6. Acts Amendment (Water) Bill
Bill introduced, on motion by Mr Bridge (Minister for Water Resources), and read a first time.
7. Supply Bill
Bill introduced, on motion by Dr Lawrence (Treasurer), and read a first time.
8. Midland Saleyards Site Bill
Bill introduced, on motion by Mr Omodei, and read a first time.

SELECT COMMITTEE ON THE WATER BILL 1990

Catania, Mr N., Discharge - Leahy, Mr K., Appointment

On motion by Mr Pearce, resolved -

That Mr Catania be discharged from the Select Committee on the Water Bill 1990, and that Mr Leahy be appointed in his place.

MOTION - BANGLADESH DISASTER

Sympathies to Bangladeshi High Commissioner

MR THOMAS (Cockburn) [10.15 am]: I move -

That this House convey its sympathy to the Bangladeshi High Commissioner to Australia following the devastating loss of life and destruction caused by the recent storms in that country and expresses its best wishes to their Government in the task of reconstruction and adjustment.

I understand that this motion will enjoy support from both sides of this House, as it should. All members will be aware of the disastrous death toll and destruction that has occurred in Bangladesh over the past couple of weeks following storms which have occurred in that country. There have been reports of a death toll amounting to hundreds of thousands and some speculation that it may pass the one million mark. Research that I have undertaken through some of the more reliable international Press would suggest that the figure of one million, reported in some Press, will not eventuate. Nonetheless, the death toll will be measured in hundreds of thousands and that puts the Gulf war, for example, into some sort of perspective.

Members will be aware that Bangladesh is particularly prone to devastation by storms - which is partly a function of its geography. It is a low lying country; it is the delta of two major river systems with a confluence within Bangladesh. As a consequence of that, Bangladesh is very prone to flooding caused by storms in the catchment of the two rivers - and more particularly when the two catchments experience rain storms at the same time, resulting in both streams flooding together. That is not normal but on occasions that occurs. On those occasions the consequence is devastating. In addition to being prone to flooding by rain in the catchment of the rivers which feed the delta which comprises the country - and because it is a low lying country - Bangladesh is also prone to flooding by onshore cyclones. The country has the bad luck to be located in the belt of latitudes which is subject to onshore tropical cyclones - as are parts of Australia and other countries in these latitudes in both the northern and southern hemispheres.

Reports in the international Press have indicated that the cyclone that occurred last week in Bangladesh was the worst ever recorded. "Worst ever" is arrived at by taking the difference between the highest pressure point and the lowest pressure point, which produces the wind

velocity that causes the damage. The previous worst ever cyclone, from reliable records of barometric pressures that date back to the turn of the century, devastated Bangladesh in 1970. By virtue of these geographical factors, the country is subject to terrible storms, and the situation is exacerbated by the fact that Bangladesh is the poorest country on earth. So the people whose homes and lives are devastated do not have personal resources to fall back on - in contrast, of course, to a country such as ours which is also in part subject to cyclonic damage. As a result, the Bangladeshi Government does not have a taxation base by which to maintain the infrastructure and emergency relief organisations, such as exist in Australia and other countries that are subject to natural disasters from time to time. Therefore, the Bangladeshi people are very much on their own and very much reliant on aid both from within their country and from elsewhere when they are devastated by this type of situation.

I mentioned earlier that, prior to the cyclone striking last week, the previous worst ever such tragedy was the cyclone which hit what is now Bangladesh in 1970. The devastation caused then, and the inefficiency and inequity in distribution of aid resources, led to civil unrest and dissatisfaction with the Government of Pakistan, of which it was part at that time, and this led to the creation of Bangladesh as a country. Therefore, a precedent has been set for such countries to be vulnerable to civil unrest and political instability as a result of such a cyclone; the country can ill-afford that now. Bangladesh has recently emerged from a period of instability in which a military dictatorship was replaced by an interim Government when a Supreme Court Justice became the Acting President for the purpose of holding an election. A new Prime Minister was elected in February - a woman, incidentally, by the name of Begum Khaleda Zia - and a new Government was formed only two months ago. That Government has the daunting task of governing a country confronted with such a challenging situation; this would challenge anybody involved in public and political administration. While the administration is being established, the last thing needed is the widespread unrest which could follow such a tragedy.

As the motion indicates, the House should express its best wishes to the new Government facing the task of reconstruction and adjustment in the wake of the cyclone. This Government is at a vulnerable stage in its development. The Commonwealth Government has provided quite generously to the international appeal requested by the Prime Minister of Bangladesh. Appeals are also being conducted by voluntary organisations throughout Australia, and I am sure that many people will give generously to them. Immediate relief is required in the aftermath of this disaster; if it is not provided, the situation could become far worse. This can be put into some perspective: The devastation in Bangladesh following the cyclone in 1970 was similar to the current disaster. Cyclone Tracy hit Darwin in 1975, although the level of destruction was of a different magnitude. However, the first country to offer aid to Australia following cyclone Tracy was Bangladesh. We should return the compliment and the people of Australia should give generously to the appeals.

MR WATT (Albany) [10.23 am]: I join with the mover of the motion in extending sympathy to the people of Bangladesh through their High Commissioner. The recent tragedy in Bangladesh ranks among one of the worst human tragedies of modern times. It is amazing how quickly such disasters are erased from our minds as we forget the scale of human tragedy suffered in countries other than our own. It is very difficult for us to appreciate the scale of the tragedy in Bangladesh. I understand that the member for Cockburn has visited that country - I have not - so perhaps he has a greater appreciation of this. I understand that Bangladesh is rather a flat country which is prone to floods in certain circumstances. It has a population of about 110 million people, which is substantially more than this country. However, its economic base is very poor indeed. The average earnings, for those lucky enough to earn, are the equivalent of \$200 a year; when we relate this to the average earnings in this country, the scale of poverty is evident.

The early estimates of the death toll following the first cyclone were between 125 000 and 150 000 people. However, that changed when the authorities became aware of the extent of the problem and the estimates have been increased to as high as one million people. However, it is more likely, from what I have read, that the death toll will be in the order of half a million people. Either way, it is an enormous tragedy. Also, the death toll estimates do not take account of the thousands of people still missing. Something like 100 000 fishermen from 2 000 fishing boats are missing, and as the fishing industry is such an important part of the economy of that country, and as that expertise and those boats enable

the production of an essential food source, it will be a very substantial loss to that country which will be extremely difficult to replace.

As well as the number of people missing, that country must cope with the fact that about two million of the survivors are likely to contract severe diarrhoea. The latest reports suggest that as many as eight million people are suffering from diarrhoea, and in many cases this will lead to cholera. I have read reports which indicate that cholera can be fatal for children who are not treated in four to 12 hours. Therefore, whatever the toll may be thus far, worse is yet to come.

The member for Cockburn referred to the worst previous known disaster of this type which occurred in Bangladesh in 1970. He referred to that cyclone in meteorological terms, such as the barometric measures and so on. However, this tragedy is three times worse than the 1970 disaster when using the measure of the human toll. That indicates the magnitude of the scale of this disaster. It is more than our minds can contemplate because of our relative affluence and our small population. I referred to the treatment of cholera and the importance of treating a child within four to 12 hours. No country, no matter how well resourced it may be, would be able to cope with the disease and health problems of this magnitude. Again, I share the view of the member for Cockburn that this imposes a special responsibility on all people of the world. We must do more than we might initially regard as reasonable; the Commonwealth Government made an initial contribution of \$250 000 which was roundly criticised as being inadequate. Care Australia led in that criticism and I am pleased that the Commonwealth Government responded by providing an aid package of \$2 million. Maybe in the fullness of time it will decide to provide even more aid - I hope so.

This tragedy did not involve a single cyclone, because the initial cyclone was followed shortly after by a second, classified as a tornado, which compounded the problem. The greatest needs of the people of Bangladesh are food, fresh water and medical supplies. These things cannot be provided in Bangladesh and many other countries are providing these supplies, as they should be. A lot of cash has been promised and, interestingly, I read in one of the newspaper reports that more than half of that cash has been promised by one country, Saudi Arabia. That sets an example which other countries and people should follow. Bangladesh is a fellow member of the Commonwealth, and as members of Parliament who share an association with the Bangladeshi Parliament through the Commonwealth Parliamentary Association, we should be especially mindful of the plight of the people of Bangladesh. As the motion says, we extend our sympathy to the people of Bangladesh through their High Commissioner. Our sympathy is not enough and, as the member for Cockburn said in moving the motion, we, as individuals, should put our hands in our pockets. The ANZ Bank is acting as a repository for donations and I hope that all members of Parliament put their hands in their pockets for the Bangladesh relief fund.

MR HOUSE (Stirling) [10.33 am]: The National Party joins with the Government and the Liberal Party to support this motion of sympathy to the High Commissioner of Bangladesh. I concur with the remarks made by the member for Cockburn and the member for Albany. Any feeling and sympathetic person would understand the tenor of those remarks and the pain and suffering that is occurring in that country now. In supporting the motion I will take the opportunity to comment on the form that aid should take.

It is my strong view that the aid provided to countries like Bangladesh should be in the form of food and clothing products that this country produces so well. When the Australian Wool Corporation first initiated a program to slaughter what were supposedly excess sheep and paid farmers to drop them into pits, I suggested that the Government should redirect its foreign aid program to canning that mutton and putting it aside to be used in the sort of disaster that faces Bangladesh. Under the slaughter program good meat has been buried and wasted forever. That meat could have been bought by the Government under a food aid program, stored and used in Bangladesh now. In other words, the money that has been directed to that country and to other countries in the form of cash through foreign aid could have been directed in food aid.

My comments also apply to woollen garments. Australia has a stockpile of wool that could be woven into cloth and sent to people as clothing and blankets, which are so obviously needed. If cash payments from the people of Australia and from the Government were directed in the way that I am suggesting, Australian primary producers who are suffering a

crisis of their own and need some assistance would benefit. The same amount of money could be used to solve two problems, and it is not too late to do that. I urge those who are coordinating this relief program, the Government of Australia and voluntary organisations, to try to direct some of that aid into purchasing mutton and delivering it to countries in need, or purchasing live sheep and shipping them into Bangladesh; some of that mutton could also be canned and sent to Bangladesh. Wheat is another example. Grain could be purchased now, when the wheat farmers are saying they will not plant as much wheat as usual because it is not profitable to do so. The National Party and I support this motion and the comments made by other speakers. We must give serious consideration to how we direct our foreign aid, and to making sure that that aid is maximised and gets to the people most in need. If aid is provided as a cash donation or a food donation, it must not be waylaid. The National Party is happy to support this motion.

Question put and passed.

CRIMINAL INJURIES COMPENSATION AMENDMENT BILL

Second Reading

MR D.L. SMITH (Mitchell - Minister for Justice) [10.37 am]: I move -

That the Bill be now read a second time.

This Bill seeks to amend the Criminal Injuries Compensation Act 1985 in two respects. Under the existing legislation, if a person is charged with an offence and acquitted, a claim for criminal injuries can be brought if the assessor is satisfied that the offence has been committed by a person other than a person acquitted of the offence. Alternatively, the Attorney General may certify that the person charged has not been convicted for some technical reason not going to the merits of the case, and the victim may then make application for compensation. However, in limited circumstances it is quite apparent that an offence has occurred, but because of the differing standards of proof in each proceeding the jury is not satisfied that the person charged was the offender, while the assessor thinks he or she probably was. This has occurred in cases of assault and sexual assault, and a certificate would not be issued because such an acquittal is clearly not merely due to a technicality. The Bill accordingly seeks to amend section 15 of the Act to allow the Attorney General to certify that, notwithstanding an acquittal, a claim may be made where, in the particular circumstances of the case, it would be unjust if the person making the claim was not eligible to make an application. The provision gives the Attorney General a wide discretion, as it was thought that any amendment which simply dealt with the difficulties in identification cases would not adequately deal with the variety of issues which can arise in criminal matters. It is not intended to undermine the general principle that the Act is concerned with criminal injuries only; the Bill will allow injustice to be avoided in rare cases.

The Bill also introduces a new section 38A and also amends section 39. These amendments streamline the procedure of recovery of criminal injuries compensation by the State from an offender where the offender is prepared to pay on receipt of a letter of request from the Under Secretary for Law. Such a voluntary repayment can then be received without the need for a formal application to the assessor. I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

NURSES BILL

Second Reading

MR WILSON (Dianella - Minister for Health) [10.40 am]: I move -

That the Bill be now read a second time.

It is with considerable pleasure that I introduce this Bill, which will reform and update the professional registration of nurses in this State. This Bill is the first stage in the fulfilment of the Government's commitment to amending all health professionals' registration Acts in Western Australia. It has resulted from a comprehensive review of the Nurses Act 1968, first initiated in July 1987 by the then Minister, Hon Ian Taylor. The proposed changes to the legislation are substantial and have warranted the drafting of a new Act.

This Bill will replace the outdated Nurses Act, which was first introduced in 1968. The overall aim of these amendments is to modernise the legislation so that it is consistent with the significant changes that have occurred in the nursing profession in the 1980s. The role of nurses has been expanding over the years to keep pace with the advances in medical science and technology. In the past 10 years particularly, more complex patient care has demanded greater responsibility and training for nurses. New community activities and expectations, the introduction of highly sophisticated medical technology, changing medical practices and higher educational standards have all created a very different environment from that which existed previously. The nursing profession is aware of its responsibilities created by a new environment and has responded positively. It has recognised that the current Nurses Act does not reflect these changes and is inconsistent with modern practices in health care. This new Bill is introduced with the cooperation of the professional organisations and associations representing nurses in Western Australia, the Western Australian Nurses Board and the tertiary institutions responsible for educating nurses in this State.

I turn now to the principal provisions in the new Bill.

Part 1 of the Bill sets out the objects of the legislation. They are to promote standards of knowledge and clinical skills among nurses, to maintain educational standards and to regulate and promote safe nursing practice.

Part 2 of the Bill establishes a new Nurses Board, which will have 12 members appointed by the Minister. Nurses will comprise 11 of the 12 members who, for the first time, will be required to be nurses of at least three years' standing who are currently practising. Nominations will be sought from various nursing organisations and educational institutions so as to ensure the board is representative of nurses with knowledge of and experience in clinical nursing, nursing education and administration. Express provision is also made for a non-health professional member. This linkage with the community expresses the recognition by the nursing profession of its responsibilities to the consumers of care and the community in which it practises.

Two new statutory committees will be provided for in this part. The registration review committee will be primarily responsible for examining issues related to qualification requirements. The professional standards committee will be responsible for investigating and holding inquiries related to a nurse's professional conduct. Both committees will also be empowered to carry out research and investigate any matter on their own initiative or referred to them by the board.

Part 3 of the Bill seeks to simplify and modernise the present registration requirements. The four main features in the registration provisions are -

- (i) portability of registration will be given to nurses who are registered in another State or Territory;
- (ii) a nurse who has not practised within five years will be required to advise the board and undertake a refresher course approved by the board;
- (iii) the board will be able to grant temporary registration to persons who are in the State for a short period of time; for instance, where an "eminent" person is invited to teach in Western Australia or for nurses who do not require full registration;
- (iv) the board will be able to grant provisional registration to nurses who are either awaiting documents verifying their qualifications or required to undertake a course of nursing training or study in order to attain full registration status.

Part 3 of the Bill also provides a new administrative scheme for maintaining the register. Presently there are 10 divisions of the register based on the different branches of nursing and which reflect hospital-based training and qualifications. The Bill replaces this arrangement with a register in which there are only two divisions in which practising nurses will be registered. It is designed to accommodate both nurses who have hospital-based diploma qualifications and nurses graduating from tertiary institutions. Although there is no specification of types of nursing specialities, the register will record all nursing qualifications obtained by a nurse.

The new register reflects the need to provide a legislative framework for nurses who will be

comprehensively trained and who will be employable in a range of nursing care settings. Division 1 of the register will generally cover those currently registered nurses who have qualified by undertaking courses in general, psychiatric or midwifery nursing or are graduates in nursing from a university or college based institution. Essentially, a person registered in this division is capable of practising independently as a professional nurse, and will have had three or more years of training to obtain her qualification. Transitionally, this division will also include currently registered nurses who have qualified through the old hospital-based training. The second division of the register will cover nurses who have taken courses which are less extensive than those included in division 1. This will include enrolled nurses, dental nurses and mothercraft nurses.

Part 4 of the Bill will provide for the regulation of domiciliary midwifery to be transferred from the Health Act 1911 to the new Nurses Act. The Government is of the view that the professional registration board should be responsible for all areas of nursing and there appears to be no rationale for retaining the provisions under the Health Act. Currently, nurses who wish to assist women with home births or hospital deliveries on a contractual basis are required to be registered only with the Nurses Board and to complete form 1 schedule 1 of the midwifery regulations of the Health Act 1911. The new Act will provide that the board be responsible for establishing standards of practice for independent practising midwives and for approving midwives if they intend to practise independently. These practitioners will also be required to comply with a code of practice prescribed by the board.

Part 5 of the Bill streamlines the administration of the board and incorporates the recommendations made by the Burt commission of inquiry. As a self-regulatory authority the board will continue to be able to appoint its own staff and be responsible for its own finances. To ensure proper financial administration all accounts will be audited once a year with a formal report to be submitted to Parliament within 14 days after it has been delivered to the Minister. The annual report must be delivered to the Minister on or before 31 December each year. The tabling of the annual report in this way better informs the community on the direction of the profession and is an additional mechanism of accountability.

Part 6 of the Bill establishes the disciplinary procedures for the board to deal with nurses who do not maintain proper standards or ethics in their practice. The Government considers it necessary both to improve the protection of the public from unprofessional or improper conduct on the part of a nurse, and also to safeguard the rights of the individual nurse. Existing provisions were enacted a number of years ago and experience has indicated that they are, in some instances, unclear and inadequate. The Bill will remove these shortcomings and will bring the control of discipline more into line with that in other jurisdictions, and with principles of accountability, fairness and natural justice. Two distinct procedures are available for dealing with disciplinary matters in the new Act. The board may initiate action when it receives a complaint or when it believes there is cause for concern in relation to breaches of professional standards. The first option that it has is to conduct an investigation. An investigator will be appointed by the board and will be responsible for investigating all disciplinary matters referred by the board. The investigator will report to the board, which may act on his or her findings by dismissing the allegation, ordering a formal inquiry, or reaching a decision as to a penalty with the agreement of the person being investigated.

The second option will be to proceed directly by way of formal inquiry conducted by the professional standards committee. A formal inquiry can also be set up on receipt of a complaint, or the raising of a matter of concern and following an investigation at the initiation of the person to whom a complaint relates, or on the direction of the board. The committee will not be able to suspend a nurse's registration unless a formal inquiry is held. Where no formal inquiry is held the powers of the committee will be restricted to imposing conditions on registration, censure, and a pecuniary penalty not exceeding \$2 500. The formal inquiry will have to follow the rules of natural justice and give the nurse the right to be heard and be represented.

Two new provisions provide for the dismissal of a complaint and the exoneration of a nurse, and empowering the board to suspend a nurse pending the outcome of a formal inquiry. The latter sanction will be invoked only where potential harm to the public may arise if the person continues to practise nursing.

These new powers are not intended to be punitive but to give the Nurses Board a number of alternatives in the interests of a nurse and the community rather than take the extreme step of putting the registration of the nurse in jeopardy. At all stages of a disciplinary procedure the application of the principles of natural justice are emphasised to achieve this objective. The offence provisions in the Bill are essentially the same as those in the current Nurses Act. They include practising in a nursing speciality without the appropriate qualifications, unlawfully using the title "nurse", fraudulently procuring registration, and employing or being employed as a nurse without registration. The penalties, however, have been increased to reflect the severity of the offences. This will bring the legislation into line with other Australian States, for example South Australia.

Finally, provision is made under the Bill for nurses to advertise and incorporate their services. This will enable the board to set a prescribed standard for advertising and give it control over the registration of bodies corporate. Overall the legislation will put Western Australia in the forefront of comparable authorities in Australia. It will enhance the Nurses Board's ability to exercise proper control over the profession as well as provide adequate protection for the community. The introduction of this Bill will provide an accessible reference for those who administer and use it. Accordingly I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

MEDICAL AMENDMENT BILL

Second Reading

MR WILSON (Dianella - Minister for Health) [10.52 am]: I move -

That the Bill be now read a second time.

This Bill provides for an amendment to the Medical Act to enable the Medical Board to review the registration status of those medical practitioners affected by the Medical Amendment Act 1979 and, if the board is satisfied, grant full registration. The 1979 amendment to section 11 of the Medical Act provided that those doctors who held limited registration at the time of the amendment could obtain full registration without the need for any further qualifications or examinations. This did not take into account an agreement between the mental health department and a practitioner who was given the understanding that full registration would be granted once she had completed five years' practice under auxiliary registration which commenced shortly after the 1979 amendment. This amendment will give effect to this agreement by extending the period to within six months of the 1979 amendment's coming into operation.

The Government has consulted with the Medical Board and involved it in the development of this amendment. The Government, in introducing this amendment, has addressed an injustice which occurred when the Medical Act was amended in 1979. Accordingly, I commend this Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

WATERFRONT WORKERS (COMPENSATION FOR ASBESTOS RELATED DISEASES) AMENDMENT BILL

Second Reading

MRS HENDERSON (Thornlie - Minister for Productivity and Labour Relations) [10.54 am]: I move -

That the Bill be now read a second time.

The Bill proposes to amend the Waterfront Workers (Compensation for Asbestos Related Diseases) Act which came into effect on 5 December 1986 and represented the Government's response to urgent submissions by the Asbestos Diseases Society, trade unions and individuals involved with waterfront workers who contracted mesothelioma and asbestosis. The Act recognises the casual employment arrangements which existed in the stevedoring industry prior to 1968 and the consequent problems waterfront workers involved in handling asbestos experienced in identifying the responsible employer to secure an entitlement to workers' compensation for their disability.

Section 4 of the Act provides for payments to be made from the employers' indemnity supplementation fund to workers who can establish that they were employed in the loading or unloading of ships carrying asbestos where it was not known who was the last employer in the employment which caused the disability. Section 9 also empowers the Workers' Compensation and Rehabilitation Commission to initiate recovery action against any employer or insurer identified as having a liability under the Workers' Compensation and Rehabilitation Act, with moneys recovered to be returned to the fund.

Section 41 of the Workers' Compensation and Rehabilitation Act, however, stipulates the last relevant employer is liable but may join others if it is alleged the disease was contracted while the worker was in the employment of some other employer. In practice, the commission has been prevented from taking recovery action against any employer because the last employer in the relevant employment cannot be identified, due to the casual employment arrangements for waterfront employees which existed prior to 1968. As a result, employers of waterfront workers who contracted asbestos diseases have escaped their just liability to finance the compensation paid. This problem has been fully examined by the Tripartite Labour Consultative Council. The council has supported an amendment to the Waterfront Workers (Asbestos Related Diseases) Act to provide that employers, their insurers or owners of any ships which can be identified as having carried asbestos in or out of Western Australian ports be subjected to recovery action by way of contribution to a levy which reimburses the supplementation fund for compensation paid from the fund to asbestos disease victims. This Bill proposes that the commission be empowered to proceed against employers or owners of any ships which carried asbestos in or out of WA ports, without having to establish the identity of the last relevant employer of any worker. This will help ensure all claims paid to casual waterfront workers affected by asbestos related diseases can be recovered from relevant shipowners and insurers and paid back to the supplementation fund.

The amendments proposed by the Bill constitute an improvement designed to reflect the intention of the original legislation that those employers responsible for the incidence of asbestos diseases among waterfront workers should pay the compensation, rather than employers in general. I am sure that all members will agree that this legislation represents a fair and necessary adjustment to the Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr Fred Tubby.

EAST PERTH REDEVELOPMENT BILL

Negotiations

MR PEARCE (Armadale - Leader of the House) [10.57 am]: This Bill, which was to be debated now, is the subject of intensive discussions between the Government and the Opposition in an attempt to obtain a resolution. In the absence of the capacity to deal with any other matter, I suggest, Mr Deputy Speaker, that you leave the Chair until the ringing of the bells.

Sitting suspended from 10.58 am to 12 noon

GRIEVANCE - GRAYLANDS HOSPITAL

Mentally Ill Offenders Unit

MR C.J. BARNETT (Cottesloe) [12.04 pm]: My grievance, which is directed to the Minister for Health, is on behalf of the residents of St John's Wood, and the parents and children associated with John XXIII College, both of which are in the vicinity of the Graylands Hospital.

In July 1989 the Government decided it would build a forensic or secure unit for mentally ill offenders at the Graylands Hospital. For the benefit of members I will make some preliminary comments: This proposed unit will be a 30 bed high security unit; it will cost in the order of \$9.5 million; and its construction is about to commence. Physically it will be surrounded by a five metre high security fence with elaborate security devices. From a physical or architectural point of view it is a prison unit. This unit will be staffed by officers from the Health Department and not by prison officers; yet it is proposed that this unit will

accommodate people who have committed serious offences. They may be sick, but the reality is that they have committed serious offences and they may be considered dangerous people who are a threat to themselves and, indeed, to the wider community.

I will provide to the House a brief background of the history of the Graylands site, so that the whole issue can be seen in its correct context. The Claremont Hospital was opened in 1905. It is certainly true that mentally ill patients have been located on that site since then. That is not in dispute. In 1978 a subcommittee of the Royal Australian and New Zealand College of Psychiatrists recommended that a special secure unit be attached to a prison and be under the control of the Department of Corrective Services. The next significant event was in 1980 when the Claremont Hospital was divided into the Swanbourne Hospital, which housed the mentally ill offenders, and the Graylands Hospital which became the civil hospital for psychiatric patients who had not committed an offence. I emphasise that since 1980 no specialist facility for mentally ill offenders has been available at the Graylands site. In 1983 the Swanbourne Hospital was closed and some of the mentally ill offenders from that hospital were moved to the Fremantle Prison and to other prisons and some were relocated at the Graylands Hospital. It was the intention of the then Court Government to establish a specialist unit for mentally ill offenders away from residential areas.

In 1985 Professors Harding and Cramond delivered their report to the Government and they recommended that a specialist facility be built and attached to a prison, and they had in mind the Casuarina Prison. In the same year the department responsible for prisons prepared and released the Hill report. That report disagreed with the Harding-Cramond report and made the point that it was not appropriate for mentally ill offenders to be treated within the prison system.

In 1988 the Murray committee, an interdepartmental committee from the Health Department and the Department of Corrective Services, reported and it recommended that a facility be built at the Graylands Hospital. In July 1989 the Government decided it would proceed to build a forensic or secure unit at the Graylands Hospital. From that brief history two conclusions can be reached. With respect to the reports commissioned it is true that professional opinion varies, and that is not in dispute. I conclude that the psychiatric opinion tends to favour a unit for mentally ill offenders in a civil hospital. Professional opinion from the area of corrective services tends to favour a unit within the prisons system. It can also be concluded, in general terms, that the independent reports favour a unit attached to the prisons system and the internal reports favour a unit in a civil hospital such as Graylands.

I also emphasise that the nature of the site has changed dramatically. In 1905 the old Claremont Hospital site, now the Graylands site, was certainly isolated but that is no longer the case because of the decisions of this Government. Following the closure of the Swanbourne Hospital in 1983, this Government encouraged residential development at St John's Wood. In fact, through LandCorp the Government subdivided and sold the land. The Government also encouraged John XXIII College to relocate alongside the hospital. Both these decisions resulted in these facilities being established immediately adjacent to the Graylands Hospital. Some people in Government might say, "What are you complaining about? There have always been mentally ill offenders at Graylands." That is true, but since 1980 there has not been a specialist facility for these people at Graylands. Most mentally ill offenders have been catered for within the prisons system. If anything, that tendency has increased since 1980. I also point out that we are talking not only about people who have been put into some facility while on remand for assessment purposes, or about people who have been found not guilty on the ground of insanity; we are talking also about people convicted of offences who subsequently during their prison term develop mental problems. It is proposed to place that additional group of people in this unit. I do not wish to be dramatic, but I would hate anybody in this House not to recognise that we are talking about some very serious offences and some very dangerous people. Some have committed murder, some have committed rape, and others have molested children.

I am very concerned about the consultative process of this Government. The St John's Wood Residents' Association tried repeatedly to get copies of the various reports. These copies were not made available. They had no opportunity to make an input before a decision was made. The John XXIII College repeatedly sought assurances from the Premier that an independent inquiry on security would be held. It has not been satisfied and I am advised that it is opposed to this development. The Nedlands City Council is opposed to the

development; public participation was limited to viewing the plans over two evenings at the council library. The Nedlands City Council resolved to oppose the development, and it advised the Health Department accordingly. The Health Department ignored that advice and went ahead with the development application. On 7 May the council advised the Department of Planning and Urban Development that it was against the application to build the unit, and advised also that it was considering legal action and was taking legal advice on the matter. On the same day, council was advised that the Department of Planning and Urban Development had approved the application by the Health Department. Never before has a proposal been approved so quickly by the department, and it should be noted in this House that when private projects are submitted for approval they are subject to intense scrutiny and public participation in the process. That was not the case with this application.

In conclusion, I emphasise the strong opposition to this project - which does not come from an isolated minority group. The project is opposed by the Nedlands City Council, the school, the parent body of the school, and nearby residents. I emphasise that the opposition is directed not to the civil hospital. Indeed, many of the residents and parents are in the Public Gallery at the moment; they are Christian people who believe in adopting a positive attitude to mental health. They do not oppose the civil facility; they support it and encourage their children to understand it. The proposed development will mitigate against positive attitudes in the community to mental illness. The existing civil patients will face the problem of stigmatisation because dangerous offenders will be put in their environment. That is unfair to the civil patients. Schoolchildren will be confronted with a prison within 100 yards of their school. What effect will that have on forming their attitudes to mental illness? It certainly will not be a positive one.

I sincerely urge the Government to reconsider this project. I am conscious of the recent decision with regard to Heathcote Hospital and, given that decision, it is appropriate to reconsider this matter. There is no easy and cheap solution; the mental illness of offenders and people in the prison system is a serious community problem which cannot be dealt with on the cheap. It requires resources and the appropriate form of accommodation. If it is to be within the Department of Corrective Services - where I believe it should be - professional psychiatric staff will be required. If it is necessary to plead to the Premier and the Minister for Health to have compassion and to reconsider this decision, I do so as the member for the area. I do not suggest that the facility should be located in any other residential area. It should not be located in Graylands, nor near any other school or residential area. We need to spend money, as a community, to ensure that proper care is provided for these people.

[Applause from the gallery.]

The SPEAKER: Order! I have two things to say to the people in the Public Gallery. Firstly, I thank them for clapping for the next speaker, the Minister for Health. Secondly, it is not appropriate for people in the Public Gallery to interfere in any way in the debates of Parliament.

MR WILSON (Dianella - Minister for Health) [12.14 pm]: The member for Cottesloe stands in this place as a local member representing the concerns conveyed to him and, in responding to those concerns, I stand in my place as Minister for Health responsible for providing health services to the whole community of Western Australia, among which are included appropriate services for those people suffering mental illness. I am not surprised at the concerns expressed by a number of local residents and by the parents of children attending the local schools, because a lot of misinformation has been disseminated by people who, as community leaders, should be promoting a greater understanding of and compassion for people with mental illness. Terms such as "homicidal maniac" and "criminally insane", which have been used to describe the people who will receive treatment in the proposed secured unit, are not only inaccurate but are also prejudicial.

The proposed new secured unit will provide assessment and treatment for three broad groups of people with mental illness: Firstly, people remanded by the courts, prior to their cases being heard, for specialised psychiatric assessment and treatment to enable them to properly defend themselves. Secondly, people who are not fit to stand trial because of mental illness or who have been found not guilty by the court by virtue of their mental illness at the time of the offence. Thirdly, prisoners who develop mental illness and require highly specialised psychiatric care that cannot be appropriately provided in the prison environment. The only

group that could be properly described as prisoners is the third group which represents only a small percentage of the people who will receive treatment in the secured unit.

As the member for Cottesloe has said on more than one occasion, mentally ill offenders have been receiving treatment on practically the same site since 1905 when the Claremont Hospital was established. In 1972 Claremont Hospital was divided into two hospitals: Graylands Hospital and Swanbourne Hospital. Graylands Hospital, which became the hospital for adults, took over the management and staffing of Guildford Ward, the unit for the treatment of mentally ill offenders. In 1980 Graylands Hospital transferred this service to Wembley Ward, the new secured unit in the hospital. It is currently providing treatment and care for mentally ill offenders, and has had considerable experience in providing this service over many years. Therefore, I believe it would be misleading and incorrect to describe the proposed unit as experimental or as a prison. The proposal provides for a new facility for the treatment of a group of people who have been receiving psychiatric care on the site for 85 years. I was taken to task on one occasion when it was put to me that I should look into a claim by one of the residents that the Government had promised such a unit would not be developed at Graylands Hospital. I was able to investigate that claim, and to make it known publicly the following week that no evidence had been found of such an undertaking by either the Government or the Health Department.

I understand that the Director of Mental Health at the time, Dr Bell, actually wrote to a number of persons confirming that Graylands Hospital would continue to function on the site and provide the services it had always provided. I believe his response is fully consistent with the Government's present position. It has been claimed that the report prepared by Mr Chris Zelestis undertaken at my request in 1989 identified a long history of mismanagement, violence and poor security at Graylands Hospital and that the Government edited the report - presumably for some "sinister" purpose. This does little justice to Mr Zelestis's inquiry which addressed complaints made by all psychiatric units over a period of 10 years. Mr Zelestis recommended that the parts of his report which related to his investigations of specific complaints against individuals should not be released publicly in their entirety. In his report he supported the Government's decision to develop a separate facility for the treatment of mentally ill offenders.

The belief that a unit for the treatment of mentally ill offenders has been developed at the new multifunction prison at Casuarina is incorrect. An infirmary has been developed to provide non-specialist medical and psychiatric care, but it will not be suitable, nor was it designed, to treat mentally ill people who require more intensive and specialised care. I acknowledge the member's submission that the provision of services to mentally ill offenders has been a source of considerable debate over many years. Experience in other States and countries has shown that the transfer of this service to prisons has not been successful in providing care for the mentally ill in a therapeutic environment. We are talking about people who are mentally ill and need therapeutic care and about mental illness as one which can be treated successfully.

We are talking here of people who can be rehabilitated. We are not talking about a situation of treating mentally ill people as though they were incurable and could not be successfully treated; as though they could never be rehabilitated into the community; or as though the only recourse was for them to be locked away forever in a prison. This point is completely and consistently ignored by the present member for Cottesloe as it was by his predecessor and by those people who refuse to accept that at stake is the proper treatment of mental illness and people who are, first, mentally ill. Unless that is accepted we will go on with this divisive debate about trying to treat acute mental illness in a prison complex. Underlying that view is the view, either correctly or incorrectly, consciously or unconsciously, periodically or otherwise held that mental illness cannot be successfully treated and that people with mental illness cannot be successfully rehabilitated and can only be locked away in a prison. The Government does not accept that view and appeals by the member to values such as compassion and understanding are ill placed when he seeks to treat a debate about the need for appropriate treatment of mental illness as though it were a mere side issue. Those appeals fall on deaf ears and will continue to do so on this side of the House because our concern as a responsible Government is to treat these people in an appropriate way.

Several members interjected.

The SPEAKER: Order! The next person who interjects will take a holiday for the rest of the day.

GRIEVANCE - MEDICAL BOARDS, HOSPITALS

Complaints Handling

MR CATANIA (Balcatta) [12.24 pm]: My grievance is also directed to the Minister for Health and relates to the handling of complaints by the medical boards of hospitals. I believe these boards are set up under the Medical Act and their duty is to ensure that standards of medical practice are high and dispensed with due care and attention. The Act provides that boards will include representation from the medical profession so that they can provide the expertise required when examining cases. If patients or members of the public feel that doctors or medical institutions have not dispensed their duties with appropriate care and attention an application can be made to the board for the matter to be examined and a judgment passed.

The reason for my grievance is that medical boards are difficult to access, appeal rights are not defined and penalties are questionable. This grievance is not designed to be a witch-hunt against doctors or medical institutions in general. I believe the majority perform their duties with absolute care and professionalism and are beyond reproach. However, like all professions, there are those who make mistakes and who do not dispense their services with the due care and attention required. Mistakes and lack of care by medical practitioners and institutions may cause death, so they are more dramatic and of greater concern than mistakes in other professions.

My concern and anxiety was raised when I became involved in the case of Sebastion Conciglia who died as a result of complications after an operation for stomach ulcers performed by Dr Leslie Stagg. Mrs Conciglia was not satisfied with the coroner's report and tried in vain over two years to have the case reopened and re-examined. She eventually came to my office to seek assistance and after two years, a 500 person petition and help from the Attorney General, was able to have the case reopened and the matter re-examined by the coroner and referred to the Medical Board. The result was well publicised. The board examined the case and Dr Leslie Stagg was fined \$10 000 for gross carelessness which was admitted by the doctor. In the Conciglia-Stagg case my concern relates to the penalty, because I disagreed with it and thought it was not harsh enough in the circumstances. That is well documented. Because of my public stance on the matter I received numerous calls from the public about their experiences with medical boards and their doctors. However, I am concentrating today on the actual experience of the Medical Board. Calls were in relation to the inaccessibility of the Medical Board, inadequate penalties, and inability of patients to obtain medical opinions on other medical doctors. They found it very difficult to obtain from one doctor or institution an opinion about another doctor. Patients were generally reluctant to make complaints about doctors or medical institutions because they feared that they might in future require the services of that doctor or medical institution and would be discriminated against; and because when they had made complaints to the Medical Board, they were not heard. Over a period of weeks I received many telephone calls from people who expressed the same concerns and said the same obstacles had been put in their path.

I urge the Minister for Health to review the system of handling complaints from the public. A simpler and more economical system must be put in place where complaints can be judged on the basis of whether they are serious or frivolous and unwarranted, and dealt with accordingly. There is a danger that a number of frivolous cases could be brought before the board, and we would not want those cases to be proceeded with. On the other hand, serious cases should be taken up readily by the board and no obstacles should be put in front of those people who complain in ensuring that their cases are heard. I would not support any process whereby medical practitioners are constantly confronted with law suits, because that is not what my grievance is about. It is now the case in various countries, particularly America, that people are unwilling to enter the medical profession because they fear they will be confronted continually with law suits. We can avoid that by having a system to which complaints can be referred and which can deal with them readily and properly. People must be confident that they can go to the board without any fear of retribution, because that fear was expressed in all the complaints I received during the time this case was being discussed and reported in the newspapers. I urge the Minister for Health to take action to ensure that

those people who have genuine complaints and who are dissatisfied about a particular doctor or medical institution can have their complaint examined and dealt with quickly and sympathetically. That may give some satisfaction to those people who believe they have been dealt with badly by either a doctor or medical institution, and who believe that in many cases they cannot get an adequate result because of the reluctance of the board to hear their complaints, especially if it relates to their own colleagues.

MR WILSON (Dianella - Minister for Health) [12.34 pm]: I thank the member for Balcatta for his comments. I believe that few members of this place or of the community would find a greater tragedy than that of a person who suffers harm or death as a result of negligence in medical care. That is a terrible tragedy in anybody's life and in the life of any family. I guess it is also a bit of a blow to the public perception about the quality of medical care generally. On the other hand, we can certainly be proud of and assured that the quality of care that is provided by health professionals in Australia and Western Australia is probably the best in the world, or certainly amongst the best in the world, in that cases of negligence, fault and bad practice are relatively rare; we can all be thankful for that. I do not intend to comment on the rightness or wrongness of decisions made by the Medical Board of WA, which is an independent body, as the member has said, established under an Act of Parliament. However, at times the Medical Board is criticised because it is too harsh, and at other times it is criticised because it is too lenient. I guess if one were a member of that board one could complain that there was no decision which it could make with which everyone would agree. I have some sympathy for the Medical Board in that regard and for anybody entrusted with that responsibility.

There are many qualms in the community about the way in which complaints about inadequate or defective health care are considered, and I have recently discussed with professional bodies the need for a review of the Medical Act. In fact, at the beginning of this month I wrote to a number of organisations in the community, including the Australian Medical Association, the Royal Australian College of General Practitioners, the Medical Board, the Director of the Centre for Remote and Rural Medicine, the Health Advisory Network, the Faculty of Medicine at the University of Western Australia, and Professor Symmonds at Murdoch University. I invited them to nominate people who would be prepared to comprise a working party to review the Medical Act prior to legislative proposals being put before this Parliament. The terms of reference of that working party include - under the general objective of the need to undertake a comprehensive review of the Medical Act 1894 and the relevant subsidiary legislation, and to prepare proposals for amending the legislation -

1. To review the current legislative arrangements, functions and administrative practices associated with registering medical practitioners in Western Australia.
2. To identify the policy context in which the review is undertaken.
3. To undertake extensive liaison/consultation with the Health Department, Medical Board, Australian Medical Association and other interested parties.
4. To examine interstate legislation regulating the medical profession particularly the NSW 1990 "Proposals for the Introduction of a New Medical Practice Act".
5. To specifically address the following issues -
 - . complaints and disciplinary procedures
 - . registration requirements and procedures for granting registration
 - . administrative procedures of the Medical Board
 - . funding and staffing of the Medical Board
 - . advertising restrictions and regulation of bodies corporate
 - . any other issues relevant to the operation of the Medical Board.
6. To formulate recommendations in relation to the review.

It is my intention that the review group prepare a discussion paper which could be distributed

for public comment prior to final proposals coming before the Parliament for a comprehensive review of the Act and the running of the board.

Secondly, the Government, again in consultation with professional health associations and consumers, has drafted legislation for a new health conciliation commission. This commission will serve the purpose of trying to conciliate between health professionals and members of the public who are consumers of those services to try to come to some agreement concerning complaints about inadequate health services. This conciliation system has been successful in Victoria. It would be a means of reaching agreement about disputes without proceeding to litigation or to expensive cases before bodies like the Medical Board of WA. I understand that in Victoria 80 per cent of the complaints going before the conciliation commission are resolved as a result of conciliation. Legislation to establish a commission to conciliate those disputes is being drafted and will come before the Parliament later this year.

I take up the point made by the member about the tendency for increased resort to litigation. That is the practice in the United States. Recourse to litigation is increasing in our own country, and it is a frightening prospect for health practitioners, particularly those in obstetrics. I am told by the Royal College that there is now a crisis in the recruitment of obstetricians as a result of the enormous potential for litigation in that area of practice. The community itself will face a crisis in that area unless we come to terms with that problem. We have had encouragement from the Federal Government, which is moving towards a system of no fault compensation in medical practice. States cannot achieve that on their own; it must be done on a national basis. We are awaiting further word at a Federal level on the establishment of no fault compensation in Australia, which will give great assurance to medical practitioners that they will not be hit by huge claims for settlement, or ever increasing premiums, to protect themselves against increasing instances of expensive litigation.

The member for Balcatta can be assured that the Government is aware of the concerns that he has raised. While recognising the parameters and the need for giving due recognition to the high level of practice and care in our community, we are proceeding with a review of those procedures and I can reassure the public that those concerns are being appropriately addressed.

GRIEVANCE - GRAVEL, RURAL SHIRES

Minister for the Environment's Treatment

MR McNEE (Moore) [12.44 pm]: My grievance is directed to the Minister for the Environment. I express great disappointment at the manner in which the Minister flippantly treats a very serious problem for rural shires, particularly the Shire of Dandaragan. I refer to his flippant references to a resource like gravel which the shire has a great need to use. As I pointed out last night on more than one occasion, gravel is very important for a rural shire. In fact it is basically what rural shires are all about. Without that commodity they would cease to function, but this Minister pulls on his jackboots and wants to tramp over the top of the shires. The Minister will not do that to the Shire of Dandaragan, and he will not do it to anybody in the electorate of Moore. He can please himself if he wants to ride roughshod over everybody, but he will not do it in my electorate.

Getting information out of this Government is like drawing teeth. We had to drag the Minister for Transport screaming across the line to get information. The flippant Minister for the Environment wants to wipe off the issue and forget about it. He wants to carry on as if nothing had happened. I remind the House of the scant regard the Minister pays to the questions we raise. In his comments last evening the Minister said that gravel is not a scarce commodity in the area. He said, "A huge amount of gravel exists."

I do not know what is a huge amount in the Minister's mind. I do not know whether he thinks two truckloads is a huge amount, or 1 000 cubic metres, or what. I do not know of any country shire which has a huge amount available. I went to the trouble of making some inquiries about the situation this morning, and this is the answer I received from the Dandaragan Shire. The shire wanted documentation of the details if the Minister said that gravel was not a scarce commodity in the area, and a huge amount existed. The shire said it had not been given the information about where all this gravel is in the area. The shire

wanted to know if this huge amount of gravel was all of the same quality and in the same proximity. It is so amazed at the Minister's knowledge that it thinks that when the Minister loses his seat at the next election he should become a gravel scout because he would be the best man to find gravel.

Mr Pearce: You have half the qualifications for finding bead gravel.

Mr McNEE: The Minister can sit on the front bench and tell us there is a huge quantity of gravel in the shire of Dandaragan; that is the Minister's opinion. That is the flippant way in which this Government treats people. The Minister need not worry; the people are only waiting to get the opportunity to give the Government its right and proper justice.

I heard the Minister say last night that the shire will continue to have access to the gravel pit for three years. When I told the Dandaragan Shire that it would not be so bad, it had three years, it did not know anything about that; it had never heard about it. Has the Dandaragan Shire been advised that the Minister has allowed a phase-out period of three years? It seems to me that the Minister may be confused. Most certainly the Shire of Coorow has been given three years to vacate a sandpit. While I did not verify that this morning, I know it is correct because the shire clerk advised me of that a couple of weeks ago. He told me that that was no great problem, although he would be sorry to see it go. The Minister says that Dandaragan has three years.

Mr Blaikie: Sand is not gravel and Coorow is not Dandaragan.

Mr McNEE: True, but one could forgive the Minister for not knowing that sand is not gravel. Look at the Minister's speech! We can see how much the Minister knows.

Mr Blaikie: Do you think the House has been deceived by the Minister?

Mr McNEE: He has certainly treated the House in a very jocular fashion. It is a very serious issue.

Mr Pearce: I missed that bit about Coorow; would you run it by me again?

Mr McNEE: It is like teaching kindergarten! You tell the kids, "Look right, look left" when they stand at the side of the road. Never mind, I shall take the Minister through it gently again. The Minister said to the Shire of Coorow that it has three years to pull out of that sandpit.

Mr Pearce: That is right.

Mr McNEE: That is fair enough, but my advice is that the Minister has not said that to the Dandaragan Shire. If the Minister has, the shire does not seem to know about it. Perhaps the Minister imagines he has. That is fair enough.

Mr Pearce: Is your argument that because I have said yes to Coorow I will automatically say yes to Dandaragan?

Mr McNEE: No, but the Minister for the Environment said in the Parliament last night that the Dandaragan Shire Council has three years to quit its gravel pit, and I am saying that he has not told the Dandaragan Shire Council about it.

Mr Shave: The Minister must know whether he has told them. Has he?

Mr Pearce: I understand they have been told, but I will certainly check, if they say they have not.

Mr McNEE: Also, has the Minister advised the Dandaragan Shire Council where the gravel will be sourced from? If he is going to source gravel in the future, and he indicated that was the case, that should already be being done; so in view of the Minister's comments that gravel is not a scarce commodity in the area and a huge amount already exists, could he please advise the Dandaragan Shire Council as to where its resource is for the future? Obviously it has all been worked out.

Mr Blaikie: The gravel is in the mind of the Minister.

Mr McNEE: Yes, a bit like ball bearings. As well, the Minister carried on about the brand spanking new power station and tried to make a comparison between a power station and a gravel pit. He told us how tough his decision was, and how he was really battling with this horrendous decision about the gravel. He sought to justify his decision by saying there was

something new about this project. I point out to the Minister that the Dandaragan Shire Council has been taking gravel from this pit since 1978; the Minister should make no mistake about it. I also ask the Minister whether, if a power station had been there since 1978, and perhaps a coal mine, he would have moved them out too?

Mr Blaikie: Of course he wouldn't.

Mr McNEE: On his logic he probably would have, and the way this Government runs the finances, of course it would have. The Minister must stop riding roughshod over people. Above all, the Minister must be truthful to this House. As I said before, getting answers out of this Government is like pulling teeth.

Mr Pearce: No it isn't.

Mr McNEE: Yes it is - we are still trying to drag the Minister for Transport screaming over the line. We will get her across, members should not worry about that. I am having a similar problem with the Minister for the Environment. I ask these questions on behalf of the Dandaragan Shire Council and I hope he will provide that information; if not now, then as soon as possible.

MR PEARCE (Armadale - Minister for the Environment) [12.52 pm]: The member for Moore is always good for a bit of light relief. I was one of the very few who were sorry when he lost his previous seat a couple of elections ago, because he was always good for a laugh.

Several members interjected.

Mr PEARCE: For those people who did not require any intellectual content in their jokes the member for Moore was as good as one could get. In fact, I thought at one stage that he might be able to follow the example of the member for South Perth in the House. He was easily the most entertaining speaker when first I came, but he has declined a little. I say that with all due deference to the member for South Perth.

Several members interjected.

Mr PEARCE: He has mellowed in his old age, but the fact is that the member for South Perth did have intellectual content in the things he had to say and it made it very intellectually educating in substance.

Several members interjected.

Mr PEARCE: I do not mean to be critical of the member for South Perth. I thought there might be that same kind of larrikin disregard for the facts -

Point of Order

Mr SHAVE: On a point of order, Mr Speaker -

The SPEAKER: Order! There is no point of order. The member for Melville should just sit down.

Mr SHAVE: Mr Speaker -

The SPEAKER: I am telling the member something - he should just sit down. I will not accept a situation in this House where members are precluded from saying what they have to say. Whether the member for Melville likes what is said is not the point; whether other members like what the member for Melville says is not the point. They have a right to speak in this place. The Minister had not been speaking for one minute when the member for Melville took his point of order and during that one minute he had been subjected to an almost constant barrage of interjections, so much so that I could see - and none of you would care - that the Hansard reporter was having great difficulty. If the member for Melville has a genuine point of order he should stand and make it; if not, let us get on with the debate.

Mr SHAVE: Thank you, Mr Speaker. I did have a point of order.

The SPEAKER: I am talking about a genuine one.

Mr SHAVE: I do have a genuine one. I accept your comments on the matter, Mr Speaker, but I take exception to the Minister's referring to the member for South Perth as an old man.

The SPEAKER: Order! Sit down!

Mr SHAVE: I find that offensive.

The SPEAKER: Order! Sit down! If the member takes another frivolous point of order today I will deal with him under Standing Orders.

Debate Resumed

Mr PEARCE: I understand that the member for Melville is anxious to be the member for South Perth, but I have a great respect for the member for South Perth and when I referred to the fact that he had mellowed in old age, which some people have actually said about me, I assure the member for South Perth that no personal disrespect was intended by that.

With regard to the position raised by the member for Moore, if I can return to his argument - if one can call it that - rather than the member himself, I made it quite clear in the course of the debate last evening that the Dandaragan Shire has the right to gravel resources in its shire for its roads. I do not quibble with that at all. However, when one is faced with a position of allowing no mining in a national park and a coal resource is not being taken out of that park, we are not about to allow a gravel mine in the place of the coalmine which is there. I quite specifically made the position clear with regard to gravel reserves in the intelligent discussion I had with members of the National Party on this issue, apparently unobserved, unheard or not understood by the member for Moore. There is a large gravel reserve which is proposed for Main Roads Department use to the north, directly adjacent to the Mt Lesueur national park, very close to the Cockleshell Gully road.

Mr McNee: Obviously they do not know about it.

Mr PEARCE: For heaven's sake, it is marked on all of the maps. A big section is marked out, showing "Proposed MRD gravel reserve".

Mr McNee interjected.

Mr PEARCE: Hang on a minute. The member for Moore is telling us he will not have things happening in his electorate. He would not know what is happening in his electorate. He says, "The Minister cannot tell gravel from sand", yet there is a huge proposed Main Roads Department gravel lease immediately adjacent to this national park marked on all of the relevant maps in the member's electorate and he says he does not know about it. The member says I might be a gravel scout, but one does not need a four wheel drive vehicle and a shovel to find out where the gravel reserves are in his electorate, one has only to pick up the maps upon which they are marked.

Mr McNee: Is it accessible to local authorities?

Mr PEARCE: Is it accessible? One could dig it up from the side of the Cockleshell Gully road.

Mr McNee interjected.

The SPEAKER: Order!

Mr PEARCE: That is all the member for Moore knows about gravel reserves in his own electorate.

Mr McNee: I know more about it than you do.

The SPEAKER: Order!

Mr Minson: He knows more about gravel than you ever will.

Mr PEARCE: He has plenty of it between his ears; I can hear it rattle every time he shakes his head.

Mr McNee: It is better to have gravel between my ears than mud like you have.

The SPEAKER: Order! Perhaps the Leader of the House could resume his seat for a moment. I do not know whether I have said this for a while, but interjections are disorderly. It may be that some members in this House are not aware of that. I do not mind occasionally having interjections, as they add flavour to the debate. However, the flavour that is being added to this debate, and the form of the interjections, is in my view not appropriate. I would prefer interjections to assist the debate but comments of a personal nature, such as those which I have heard from both sides, really should not take place. If we can have a couple of minutes of nice debate we will stay here until one o'clock, but if not I will leave the Chair early.

Mr PEARCE: In the decisions that have been made about the Mt Lesueur park there has been plenty of room for the provision of gravel for the roads in the Dandaragan shire and I have asked my officers to discuss specifically with the Dandaragan Shire Council what arrangement might be made. I make two caveats on that. The first is that much of the gravel in that area is on private land. It is the case that many shires in this State are obliged to take gravel from private land by making arrangements with private landholders. Obviously shires find it more convenient to draw gravel from public land where that is possible because they deal with a single authority rather than with individual landholders, but many shires are not in a position to do that and we were not prepared to compromise the national park by saying that private land must be sacrosanct in this area. Discussions will go on between my officers and the Dandaragan Shire Council about these matters. My understanding of the position is that the Dandaragan Shire Council has now switched its line with regard to this. Originally it was asking for gravel; now it is asking for the Government to take over the road; that is, not only provide the gravel, but pay for it as well and for the maintenance of it. I do not mind when councils shoot for the moon in that regard. People can put in any kind of ambit claim, and we will look at it.

Mr Omodei: This involves many roads in the national park. Why should it not happen here?

Mr PEARCE: We will look at the position regarding the Cockleshell Gully Road if the shire makes an approach to us. I do not believe the shire has made such an approach formally along those lines.

Mr McNee: The Dandaragan Shire does not know what the Minister is doing. The Minister says that he is doing something, and the shire says that he is not.

Mr PEARCE: If I had received a message over the telephone as faulty as the message I received from the member for Moore, I would ring Telecom and complain. I have had many meetings with the Dandaragan Shire over the years. I have a reasonably good working relationship with the members of the shire council. I do not require the intercession of the member for Moore in order that the Dandaragan Shire and I can sort out the problems. The member for Moore is concerned that his seat is a little gravelly, because other people are casting their eyes in that direction - and I am not talking about anyone on this side of the House when I say that. The seat has not always been held by the Liberal Party, and we have seen over the last few hours' discussion a lot more politics to gravel than to national parks. We are concerned about national parks and the great issues which face this State. The coalition partners, in a strange way, can slug it out over gravel as long as they like. If the Dandaragan Shire has problems it can come to the Government and we will sort them out.

Sitting suspended from 1.00 to 2.00 pm

GRIEVANCE - TIMBER INDUSTRY

Dwellingup Timber Mill Closure

MR READ (Murray) [2.02 pm]: I address my remarks to the Minister for the Environment as he has responsibility for the Department of Conservation and Land Management; however, I could probably address this grievance to a variety of Ministers because some of the matters I raise fall within other areas of responsibility. Nevertheless, it is certainly worthwhile drawing this matter to the attention of the Minister and the House. I refer to the Dwellingup timber mill which is owned by Bunnings Ltd. As certain members would be aware - the member for Warren for instance - speculation has been rife not only about the future of the Dwellingup timber mill, but also about the future of the timber industry in general. In recent times the timber industry has been facing upheavals with workers being laid off, a reduction in working hours and a variety of other cost cutting measures. Unfortunately, the innocent victim of these measures has been the worker. I recently had a meeting with a union representative from the Dwellingup timber mill regarding the future of the mill. He was not in a position to inform his members of the situation because Bunnings had not told him anything; this was on Monday of this week. However, he was aware that the Dwellingup timber mill had 70 working days-worth of log stock remaining, and he was advised by Bunnings that any move to close the mill would involve four or five months' work following the announcement - in other words, it would take that time to wind down the operation.

Mr Blaikie: Is that as a result of the economic downturn or because Bunnings cannot obtain sufficient logs?

Mr READ: I will refer to that in a moment. On previous occasions workers have asking me to find out the future of the Dwellingup timber mill. I have been informed by Bunnings directly, and through reading public statements, that no immediate plans were in place to close the Dwellingup timber mill, although the company was prepared to concede that things were not as good as they have been in the past in the timber industry. With a great deal of regret, I advise the House - the Minister would certainly be aware of this - that today Bunnings Forest Products Pty Ltd announced that the Dwellingup timber mill would close on 24 May 1991. I understand that the workers were advised of that fact at a meeting at the timber mill only a couple of hours ago. The mill employs 23 workers, and although I do not know the figures, the majority of them will be retrenched. Some of the workers will be offered the option of early retirement -

Mr Blaikie: What were the reasons for the mill closure?

Mr READ: I will relay the reasons given by Bunnings in a moment. A few workers will be given the opportunity to find work elsewhere -

Mr Omodei: With the company.

Mr READ: That is correct. Most members would be aware that the Dwellingup area has had a long history in the timber industry. The first timber mill was opened in the locality at Marrinup in the 1880s, and a number of mills opened in other small townships around that time. A rationalisation occurred and Dwellingup became the main mill in the area. In its heyday it was a thriving operation and over the history of this mill many thousands of people from the area have been employed. This has involved generations of families. Many people in the Dwellingup area depend on the timber industry for employment, and over a couple of years we have seen a decline in the mill's work force. Last August or September four workers were laid off on very short notice. I wrote to Bunnings at the time seeking an explanation; I have also written pursuing a commitment from Bunnings that the Dwellingup timber mill would remain open. The reply was that the company was not planning to close the mill.

The 23 workers employed at the mill now face an uncertain future. Criticism is levelled at Bunnings for the way in which the workers have been dismissed, as it is not appropriate that workers should be kept in the dark for as long as they have been. Bunnings indicated that it had no immediate plans to shut down the mill - so giving a false sense of security to the workers - and now the workers have been told that in a week and a half they will be without a job. I do not know the situation with redundancy payments; however, I am aware that the workers who were laid off last year received a settlement which was not entirely adequate.

Mr Blaikie: I only hope that all the people you represent who have been badly affected read the 1983 debate in which we laid down chapter and verse of what was going to happen to the timber industry as a result of the mismanagement by this Government of the State forests.

Mr READ: Mr Speaker, I have three minutes and I would like to continue.

Mr Blaikie: The chickens are coming home to roost.

The SPEAKER: Order!

Mr READ: The blame is not one sided, and it was with a great deal of concern that I heard that sleepers for the northern suburbs rail link were likely to be concrete. As soon as I was aware of that possibility I knew that there would be a great deal of pressure on the Dwellingup timber mill because it was only producing sleepers and stockpiling them.

Mr Blaikie: That is a fair lot of rubbish. You created Lane Pool Reserve and took all the resources out of the State forest; so the writing was on the wall.

The SPEAKER: Order! The member is clearly trying to continue with his speech.

Mr READ: I ask the Minister for the Environment to ensure that the Government takes some appropriate steps to assist the workers that are being laid off in a week's time. I refer to steps such as negotiating with Bunnings for security of tenure for those workers who are living in Bunnings' homes currently on CALM land, and ensuring that those houses stay in Dwellingup; and the Minister's talking to his colleagues the Minister for Community

Services and the Minister for Employment and Training, as I will, to provide some sort of financial counselling to those workers who are being laid off, and also to provide advice about possible future avenues of employment.

Mr Blaikie: Bring back Brian Burke. He was the villain.

The SPEAKER: Order!

MR PEARCE (Armadale - Minister for the Environment) [2.12 pm]: I am amazed that the member for Vasse is not out patrolling the roads again instead of spending his time in here. Why is the member for Vasse not out tracking down malfasants of the highway?

The SPEAKER: Order! Would the member like to explain that?

Mr PEARCE: The member for Vasse knows perfectly well to what I refer. Innocent constituents of the member for Murray have been assailed on the highway by the member for Vasse in the guise of a road highway patrolman and instructed on the law of the land. Is that not the truth?

Mr Blaikie: I will give you chapter and verse on forest management.

Mr PEARCE: That is the truth. I am amazed that the member for Vasse did not give them a ticket personally instead of saying that the police would come around and see them.

The member for Murray in raising this grievance is doing what any member should be doing; that is, looking after the workers in his electorate when they are faced with awkward and difficult circumstances. I regret Bunnings' decision, of which I was informed a short while ago, to close the Dwellingup mill and to relocate what was left of that operation to its mill at Jarrahdale.

Mr Bradshaw: That has been on the books for a long time, ever since the Government shut down Lane Poole Reserve.

Mr PEARCE: Should the comment made by the member for Wellington, and voiced earlier by the member for Vasse, about the Government's creating the Lane Poole Reserve be taken to mean that the reserve should not have been created, or should be de-created; that we should go back to productive forest for Lane Poole Reserve?

Mr Omodei: The actions of your Government forced the closure of this mill.

Mr PEARCE: That is rubbish, but since the member has raised the issue, what is his position on Lane Poole Reserve: Should it be a reserve or should it be used for timber production?

Mr Omodei: It should be Lane Poole Reserve.

Mr PEARCE: So why is the member criticising the Government for creating Lane Poole Reserve if he agrees with that decision? The problem with the Dwellingup mill has nothing to do with the lack of timber from the reserve, it is that too much timber is piled up in the company's yard which it cannot sell.

Mr Omodei: That is not true.

The SPEAKER: Order! The Minister for the Environment is trying to address his remarks to me and I am having difficulty hearing him.

Mr Omodei: He is not doing a very good job.

The SPEAKER: Order! You are not the judge of that.

Mr PEARCE: He is the worst possible judge. If one makes a remark that strikes an intelligent look on the face of the member for Warren, one is almost certainly in error. The simple fact is that because of the general downturn in consumption of timber, Bunnings cannot sell the product that it has from the Dwellingup mill.

Mr Omodei: That is not true.

Mr PEARCE: It is the truth. The company rang me three weeks ago inquiring about its prospects of being awarded the contract for the sleepers for the northern railway line. It implied that the viability or otherwise of the Dwellingup mill depended on its capacity to win that contract. I made some inquiries, and had to say that the tender process was not completed, but all the information I had was that the contract may well go to an alternative tenderer on the grounds of price - and that has happened since. If the company had been able

to sell more of its product it would not have had to close the mill. It is not a question of a lack of timber for production, it is lack of capacity to sell or lack of a buyer, and having more timber to sell would not ease its situation.

Mr Omodei: The operations of mills were rationalised and Jarrahdale is now taking in the quantity of wood it would have been allocated.

Mr PEARCE: The company is not selling enough to keep two mills going, it is selling enough to keep two half-mills going. So, not surprisingly, it is rationalising its operations on a single site and we are not arguing about that, but to suggest that the lack of capacity to sell is somehow related to the fact that the company cannot get more timber, is strange. Is that what members opposite advise small storekeepers who are going broke? If they cannot sell the stock on hand and it is eating away at their cash holdings, do members opposite tell them to double their stock, and if they turned themselves into a K-Mart in the same market they might be successful? That is a strange line of argument.

With regard to the Dwellingup mill, I understand the company has discussed with its work force its plans to close the mill on 24 May and the arrangements for its work force. I understand that some of its 23 employees will be offered relocation to the Jarrahdale mill, some are in a position to take early retirement, and some will be retrenched. That is very unfortunate, and that will be worked through with the workers' union, and for the workers concerned I hope the best possible deal will be made. The member for Murray raised concerns about houses and I will take up every single one of his concerns with the company and with the Department of Conservation and Land Management to do my best to ensure that workers who are without a job do not find themselves, as a consequence, without a home as well. That is the least we can do under those circumstances. I also undertake to discuss the matter with my colleague the Minister for Community Services.

Mr Omodei: Your track record has not been too good to date. The Nyamup sawmill was closed for exactly the same reason; that is, a rationalisation by the timber industry which was initiated by your Government. That is why this mill has been closed and why the Dwellingup mill has been earmarked for closure for at least 12 months. That was before the downturn in the housing market. If you were really serious you would have given the sleeper contract to the timber industry and that would have contributed to saving the Dwellingup mill.

Mr PEARCE: Is the member for Warren saying specifically that we should not follow the tender process in this State?

Mr Omodei: You do not always give your tenders to the lowest tenderer.

Mr PEARCE: If the sleepers go to the timber industry, what will be the situation in the concrete industry?

Mr Omodei: I am not interested in the concrete industry, I am concerned with the timber industry.

Mr PEARCE: Obviously, and so is the member for Murray who has put the point of view that the Government should have gone for timber sleepers. The difference between being a Minister and being a local member is that a Minister has to look at the interests of the State as a whole. Ministers must look at every individual part, but in the end they have to look at the interests of the State as a whole. When I was Minister for Education, the Ministry of Education put out a tender for the supply of exercise books which are given out free to high school students at the start of each year. The cheapest tender came from the South Australian Department of Education. I refused to accept that tender, and I gave it to the lowest Western Australian firm which tendered at a price 15 per cent higher than the South Australian tender. The new member for Geraldton might say full marks to me; but I was roundly criticised in the Parliament by members opposite because they took the view that I should have gone for the cheapest tender in the interests of the taxpayer, and that the market forces should have operated. The attitude the member's colleagues adopted is that if local people cannot provide, they should become competitive.

Mr Bloffwitch interjected.

Mr PEARCE: I am pleased to hear about that. I may even buy a used car from the member for Geraldton one of these days. The simple fact is that other industries have the same

problems as the timber industry. I am sorry the timber industry was not given that contract; there are good reasons why timber sleepers should have been used on that line. The decision was not mine but my colleague, the Minister for Transport, made the right decision as she saw it, based on advice from the tender board authorities. As I said, the member for Murray is concerned about the welfare of his constituents. Members on the other side are politicking around the issue. I support the approach by the member for Murray in that regard. I have done as much as I can on behalf of the Government to support the timber industry. People will be aware that when the timber industry was brought back to a four day working week before Christmas the Government put together a package of support measures for the industry which helped to bring back the five day working week. When that process seemed to be slower than expected the Government put pressure on the companies to reintroduce the five day working week in order to restore wages to workers in the industry. That demonstrated cooperation between the Government, companies in the industry and the timber unions. Although it resulted in much pain for the people, in the end it produced an acceptable result. I pledge to the member for Murray that I will take up every issue he has raised in support of his constituents, and do the best the Government can to ameliorate the plight of those workers.

The SPEAKER: Grievances noted.

MOTION - SWAN BREWERY SITE

Demolition

MRS BUCHANAN (Ashburton) [2.22 pm]: I move -

That this House calls on the Government to -

- (1) abandon its attempts to restore the old Swan Brewery buildings;
- (2) demolish all buildings on the site as soon as practicable; and
- (3) return the area to parklands in keeping with the existing environment.

I place on record my sincere thanks to all the people who have contacted me by telephone and through correspondence to lend their support of my stand on the old Swan Brewery building. I refer especially to those who have provided information and documents which have been very helpful to me in compiling some notes. I am not in the habit of demanding old historic buildings be knocked down; quite the reverse. In fact, I have a very deep commitment to the heritage of this country and I have demonstrated that quite clearly by my actions in my electorate. For instance, for the past three years I have chaired the Cossack task force which has been responsible for restoring the buildings in the ghost town of Cossack in my electorate. That has given me much pleasure. Earlier in my political career I also prevented the demolition of a small historic building in the town of Roebourne and I am pleased to say that it is in existence today because of my efforts to save it. As Minister for Works I worked on the initial planning stages for the future use of Fremantle Prison. I have also worked with the Aboriginal people at Abydos Woodstock who are anxious to preserve the Aboriginal sites and to take over management of that station so they can look after their own area. I have given support in recent times to the Martu people who also wish to preserve their land and prevent mining in the Rudall River area. I am currently working to gain recognition and preservation of Aboriginal sites on the Burrup Peninsula.

I take much pleasure in working on heritage matters. However, I am realistic enough to realise that not everything can be saved. In my electorate the people of Point Sampson were very anxious to preserve the old wooden jetty and the goods sheds. Unfortunately we were unable to do that and in the end were forced to accept that those buildings needed to be demolished mainly because of their very poor state of repair. The cost of restoring those structures far outweighed their heritage value. One of the main reasons given for the retention of the old Swan Brewery buildings is that of industrial heritage. The buildings themselves appear to me to be of little historical value. Much of the complex, I understand, was constructed between 1920 and 1933 and only a small part of the buildings was built prior to the 1900s. That was with the exception of the facade; the rest of the buildings have long since gone. The only building which was acknowledged at one stage as having some heritage value was the old stable building which has already been destroyed by fire. The fact that it took so long to have the rest of the complex placed on the national heritage register

clearly indicates that a great deal of doubt existed about their heritage value. There was also a great deal of concern about the Aboriginal claim.

This issue is not simply about keeping old buildings. Many other very important points need to be taken into consideration because they militate against the restoration of the buildings. First, of course, is the location of the buildings; they are too close to the road and spoil an otherwise picturesque landscape. I can remember when I was a child - when the brewery was in operation - that the complex was never aesthetically pleasing; it was always a conglomeration of ugly buildings which were much too close to the roads and incongruous in an otherwise scenic drive in and out of Perth. Another concern raised by a number of people is the traffic hazard the building creates. It is so awkwardly placed that the Main Roads Department has already seen fit to erect ugly concrete barriers. However, I guess they at least help to keep people safe. If the old Swan Brewery buildings were restored and bus transport were used to take people to and from them, the number of heavy vehicles in that area of Mounts Bay Road would increase. As the buses turn onto the site, the rest of the traffic will be hindered to a certain extent. I mention those matters fairly briefly because I understand that the member for Perth will be going into much more detail on them.

The next argument against restoration is the cost of restoring the buildings. I understand that until December 1990 the cost of purchasing the buildings and other costs totalled \$12.5 million. Since then, \$60 000 a month has been spent simply to maintain the buildings in their present state, and legal costs also have been incurred, and I understand the total amount spent to date is \$13.3 million. I am also aware of the fact that during the last Budget, \$7 million was earmarked for partial restoration of the buildings.

Taxpayers would find that difficult to understand given the current economic circumstances and the fact that maintenance work on schools has been limited to urgent repairs. There are also many historical buildings and places of value around the State. From my experience in restoring Cossack and the work that I did on the Fremantle Prison, it is extremely difficult to obtain any money for those sorts of restoration and management jobs. Yet the brewery has gobbled up \$60 000 per month while we have waited for a legal resolution to the problem. That money could have been used better in other areas of the State. Even when the court battles are over and done with, the project may still not go ahead because of union interests in it. I understand that the Construction, Mining and Energy Workers Union and the Electrical Trades Union of Workers of Australia still have bans on the building, which means that they have only to put a picket line at the entrance and other unions will not cross it or work on the building. I cannot see how the work will proceed unless the Labor Government intends using scab labour, and I certainly hope that that is not the case.

I turn now to what I consider to be the most important part of the argument and that is the argument relating to Aboriginal interests. I have read the Museum publication *Goonininup* and there is no doubt that this site is one of spiritual and historical significance to our Aboriginal community. It is the land - the site - that has heritage value and the building desecrates that value. I know also, as a result of the information that has been provided to me, that the Government's decision to proceed with the redevelopment was based on incorrect information. An article in *The West Australian* of 24 May 1989 states -

Dr Lawrence said that a map produced by Roger Gregson identified a specific reference point known as Lone Tree which had been used in other works detailing Aboriginal areas along the river. She cited it as proof that the Aboriginal site was not the brewery site.

That is wrong. Roger Gregson at that time was the project architect and developer. It is lamentable that the Government would choose to take the advice of a person who had, at that time, a pecuniary interest in the development and ignore the views of a qualified and independent researcher from the Western Australian Museum who wrote the publication to which I referred. Despite Government assertions, I do not think that WA Inc is dead. The circumstances in which the Government accepted the advice of a business person indicates that not to be the case. Of course, the Government also ignored the Aboriginal tradition of passing its history by word of mouth from generation to generation. That is also lamentable.

I refer briefly to the publication *Goonininup* which was written by Patricia Vinnicombe of the Western Australian Museum. To my knowledge this is the most authoritative work that has been done on the history of the brewery. She did not refer specifically to Mr Gregson but

to the same issue. Her information was based on the Daisy Bates' papers. There were actually two trees used as landmarks as opposed to the landmark mentioned by Roger Gregson and she said -

Whichever tree is accepted as being the landmark to which Daisy Bates' informants referred (and it was in all probability the highly visible tree on the point rather than the tree situated between Kennedy Fountain and the Swan Brewery), the name Goonininup can be very precisely located as downstream from this landmark. The south western and northern boundary of Goonininup is not clearly defined, but *Nyungar* tradition clearly includes the current situation of the Swan Brewery within the precincts of Goonininup.

It was a very special area for Aboriginal people in those days and was used for different purposes. In conclusion she said -

The site complex known as Goonininup, which, according to *Nyungar* tradition, includes the natural land on which the Swan Brewery is situated, was of considerable significance to Aboriginal people. The camp, which at the time of settlement belonged to Yellagonga's group, is known to have mythological, ritual, ceremonial and historical associations.

As I said, there is absolutely no doubt in my mind that this publication is correct and that the Government has been acting on false information. The proponents of the brewery development talk about putting one culture above another. They are the ones who have done that. They have put a European construction above the cultural and spiritual beliefs of our Aboriginal community. I am aware that there is a proposal for part of the building to be used to house a museum containing Aboriginal history. Apart from that being pure tokenism, the Western Australian Museum has one of the most outstanding displays of Aboriginal history probably in Australia. The Museum informed me some time ago that it would like to expand that exhibition because it is so popular, particularly with school children who visit the museum. However, it has been unable to expand the exhibition because of a lack of funds. It would be far better and wiser to allocate money that might be available for that purpose to the museum so that it could expand its already excellent display.

Mr Court: I agree that that is a good exhibit.

Mrs BUCHANAN: Yes, it is excellent.

I will spend some time now responding to criticism. I know all politicians are subjected to criticism from time to time, particularly when they become involved in a controversial issue of this nature. I have been called a cultural vandal. However, it was the brewery developers in the days of the initial construction who were the cultural vandals because they desecrated an Aboriginal sacred site. They did it because they needed to be close to the clean, fresh water of the springs located in that area. I guess we could liken that to a situation when, at some time in the future, land is so short in Perth, a future Government decides to either knock down or use St George's Cathedral as a brewery. We can all imagine the outcry that would come from the Anglican community. Yet that is exactly what happened to Aboriginal people and their spiritual beliefs in those days. The Government would gain world acclaim if it restored such an important Aboriginal site to its natural state. It would be a very important achievement in terms of social justice and would be a giant step towards restoring the status of Aboriginal people because it would indicate to them that we respect their culture. The Federal Government is currently trying to devise some sort of process of reconciliation with Aboriginal people. I do not believe that can be achieved simply by rhetoric, words, documents or things of that nature. We need genuine feelings and actions to be able to reconcile with our first Australians. Removing the old Swan Brewery buildings would be an excellent contribution to that process of reconciliation. Those who cry "cultural vandalism" when demolition of the building is mentioned demonstrate their lack of understanding of the importance of the land in Aboriginal culture. I have also been accused of political expediency and of trying to win the votes of Aboriginal people in my electorate. That is a load of rubbish. The Pilbara Aboriginal community has its own business to attend to and, although its members are aware of the old Swan Brewery issue, and are concerned for their Aboriginal brothers and sisters in their own traditional way, they tend to leave those matters to the people who live in the area. That is exactly what they have done in the case of the old Swan Brewery. If I win their votes in the Ashburton region, it is because I work with them

on local issues, and for no other reason. There are very few, if any, votes in the issue for me. It is simply that I have felt quite concerned, and in some ways angry, about this issue over a long period. During my term as a Minister this matter was raised with me on many occasions by a whole range of people. I gave those people an undertaking that I would genuinely try to persuade the Government to reverse its decision. I did not intend to back away from that undertaking, simply because my circumstances changed.

It seems curious to me that the proponents of the redevelopment claim that the main heritage value lies in its being the last remaining industrial building of its type in Perth. That might be so to a certain degree but, to my knowledge, it is not proposed to preserve the building as such. I understand that the building is simply to be rebuilt and used for other purposes. The most interesting historical places are those which preserve the true nature of the original building or site; for example, a restored goldmine in Kalgoorlie which gives some idea of the operation of the mining industry in those days, or a restored historical cottage which gives some idea of how pioneers lived in those days. According to Suzanne Welborn, the author of a history of the Swan Brewery, the brewery work force, as it was shortly before the turn of the century, remains almost anonymous. No records remain, beyond a few individual photographs, as testament to the workers' existence. The Swan Brewery archives contain very little material. It has annual reports, board minutes and papers covering the period before 1950, together with some harnesses, wooden barrels and brewing equipment. In fact, even if those materials were placed in the buildings, one would not gain an appreciation of how the old brewery worked in those days. Therefore, the industrial heritage of the old Swan Brewery would not be truly preserved; only the shell of the building used for brewing purposes would be preserved.

As everyone knows, the old Swan Brewery issue has been a very hurtful, divisive and costly business. I do not know whether I can say I am pleased, but I am certainly interested, to note that the Government has at least recognised that redevelopment at this stage is absolutely impossible without first resolving the union and Aboriginal issues. I hope that it will not delay matters for much longer. In my view those people will stand firm in their beliefs and, indeed, the Government will not be able to proceed any further in that regard. The Government has had ample time, as this issue has been going on for years. It has spent a lot of money and achieved little for that expenditure. The sooner the Government admits it was wrong on this issue, the sooner it cuts its losses and the sooner it demolishes the buildings and returns the site to its natural state, the better the majority of Western Australians will like it.

I cannot add to that other than to express my anger that this issue has proceeded for so long. The Government's intransigence has been very hard to understand. I understand it is now passing the matter to the Heritage Council, but I do not think it will have much more success in overcoming what is obviously a conflict between the two cultures. I would like Aboriginal people in this State to have a win for a change, and I urge members on both sides of the House to support the motion.

DR ALEXANDER (Perth) [2.45 pm]: I second the motion and, in doing so, I make some remarks to complement those of the member for Ashburton. In fact, she has covered very well indeed most of the arguments, but I would like to add a few points. I urge members on the Government side, even though they may be committed to voting against the motion, to rethink the issue even at this late stage. I know from my time in the Labor Caucus that this has been a divisive issue, not just in the community at large but also within the Labor Caucus. In the four years I was a member of that Caucus we never managed to hold a debate that went to a vote. It was debated perfunctorily on a number of occasions -

Mr D.L. Smith: I thought you might respect confidentiality.

Dr ALEXANDER: I have never been noted for that, and I believe one or two remarks may help to put this issue in perspective. I will not break the confidentiality of the Caucus more than to say that this issue was never properly debated in the time I was in the Caucus; that is a matter of regret. Many members on the Government's side would, if given a free vote, vote in favour of this motion. It is regrettable that the previous Cabinet - and not the current Cabinet - locked the Government into this position and the current Cabinet has not seen fit to unlock it. It is regrettable that a private member's motion - I hope that it will achieve its objective - is necessary to do this.

For many years it has been obvious to most people outside the Parliamentary Labor Party that the only resolution to this difficult issue is to do what the motion urges; that is, to demolish the buildings. It is difficult for me to advocate that course of action because I come from a town planning background. I was working at the Curtin Institute of Technology, as it was called then, at the very time when the Government purchased the site. I was in contact with people teaching architecture students at the time and those students were asked to come up with ideas for reuse of the building. I saw a number of imaginative concepts developed by the students and some of their teachers at the Institute of Technology. At the time, between 1983 and 1984, I looked at the issue purely in planning or architectural terms and if one does that, one may come to the conclusion that these buildings should be preserved, restored and refurbished. However, the issue is not simply about preserving buildings or improving existing buildings. A large number of factors, most of which have already been referred to, must be considered in this debate. I openly admit that I have changed my position on this issue from one where, as a town planning lecturer, I thought it was a piece of Perth heritage worthy of preservation. I was aware that many people were not of that view at the time because beauty is in the eye of the beholder, and the majority of people in the community felt that the buildings - not in their current state but as they were 10 years ago - were an eyesore and should be demolished. At that time I held to the purist, elitist view that we should foist on the community different views and values, indicating that their views could be ignored; in other words, they needed to be taught to appreciate the history of this site. Advocates of this redevelopment say over and over again that the public needs to learn; I suggest that politicians need to learn a few lessons from the public. This issue was up for public debate at the time of the by-election when I was elected to the Parliament, and I did not enter into the debate at that time because I was already starting to have some doubts about the way the project had been delayed, and about the way in which it was impossible to find a viable use for the buildings without protest or without the project becoming so large that it would clearly be unacceptable to everybody, be very costly and add to the problems already existing at that site. I was in two minds about the issue at the time of the by-election.

Mr Court: It was half in your electorate and half in mine.

Dr ALEXANDER: Perhaps that was why I was in two minds about it! However, by the time early 1989 rolled around I had come down on the side of demolishing the buildings. I wrote to the Premier of the day, Hon Peter Dowding, and outlined at least five reasons why I thought the buildings should be demolished and why renovation was no longer a viable option. I said, first, that despite the buildings having some intrinsic merit, there was clearly a difficulty in finding a viable and acceptable use for the structure. That is the case even now; even under the latest plans we do not really know what the site will be used for. All sorts of ideas have been put forward. The original reason the Government purchased this site - and I think the Leader of the House was the responsible Minister at the time - was that the Perth City Council was going to approve a seven or eight storey, or it might even have been a 10 storey, building.

Mr Pearce: I think it was 11 storeys. It was to be a huge tower block, at least as high as the Kings Park escarpment.

Mr Lewis: I thought it was to bail out Yosse Goldberg.

Mr Pearce: Yosse Goldberg lost money on that. He came to my office several times, pleading for more money for that site, but we would not give it to him.

Dr ALEXANDER: At the time the Government decided to purchase the site in order to stop it being redeveloped for that purpose, on request from the Perth City Council, of which I was a member at the time. That seemed to be the only way to stop that unacceptable development going ahead on that site.

Mr Court: To give the area back to the public.

Dr ALEXANDER: That was the reason that the Government purchased it, but seven or eight years later that area is still not accessible to the public. It is fenced off, and is difficult to get into. In fact, one would get arrested if one went onto that site - as several people have been - unless one happened to be an architect or employed by the Government; any other member of the public would be turfed out unceremoniously. That site is certainly not available for public use. Maybe it would be if it were redeveloped along the lines suggested.

Some people have suggested that the area would be more useful and much more acceptable and aesthetic if it were open space or parkland attached to Kings Park. That is a valid suggestion.

The second point I made in my letter was the undoubted traffic problems and danger which would be brought about by the development, particularly with parking for 200 cars, or more, being provided for on-site. That proposal may since have been modified, but the idea of having a major car park on that site, where the one truly historic piece of the complex that remained, the 1902 stables, has been demolished, is unacceptable. I am sure that serious traffic problems would have arisen, even with the tunnel which has been built under the road; automotive lobby groups, people concerned with road trauma, and others, have pointed to that fairly clearly. I am sure modifications could be made to the site to make it safer, and that some people could arrive at the site by public transport, but there is no doubt that a development on that site would increase the danger of that area from a traffic and road safety point of view. Numerous lives have already been lost along Mounts Bay Road, whether near the brewery site or not, so why should we support a project which may in the future risk the lives of citizens?

The third point I raised in my letter was the legitimate claims of Aboriginal people about the sacred significance of the site. That issue has been well covered by my colleague the member for Ashburton, and I want to add one small point. I have read the report by Dr C.M. Senior which was sent to the Federal Minister for Aboriginal Affairs in 1989 when he was asked to declare the site a heritage site under the Federal Act. That did not go ahead, but the report which the Minister received, which has not been very widely circulated, stated in paragraph 2.23 that -

On the evidence available to me I therefore find that part of the Reserve does comprise a mythological site of significance to a group of Aboriginal people in accordance with Aboriginal tradition.

That is another argument, and a very strong one, why this development should not go ahead. The group of Aboriginal people referred to have very clearly and frequently stated their opinion that this development would cause irreparable damage to their cultural values, that it should not go ahead, and that the buildings should be demolished. The State has consistently argued against that position, has consistently taken the matter to court, and has consistently tried to override even its own legislation. I believe that has been a very extravagant use of State resources. We are keen in this place to see the law of the land implemented, but when the Crown goes against its own laws we really have great difficulty retaining our credibility.

The fourth point I raised was the costly nature of the renovation project. Those figures have already been referred to, but given the competing Budget priorities there are many other uses to which the money which has been earmarked for the brewery site and, indeed, the money which has already been spent, could and should have been put. I am sure members in this Parliament would have their own list of priorities for the use of this money. My priorities would extend particularly to the central city developments which I have often advocated, such as low income housing. If there were any shortage of money for that purpose, we have here one possible source. I also stated in the letter that there was apparent majority opposition in the community to the project. That has been confirmed on many occasions. I do not think it is correct for parliamentarians to consistently go against public opinion on an issue of this sort. People sometimes say that Governments should lead public opinion and not follow it. That may be true in some cases, but I do not believe it is true in this case when we add that to all the other factors to which we have already referred.

This development cannot be seen in an architectural and planning vacuum. I have been telephoned and written to by numerous of my architectural and planning colleagues, many of whom are in City Vision, a group which I have attended at various times, who have said, "We cannot believe you are going to vote for this proposal. What are you doing? You are ignoring all the architectural issues. You are going against your planning background. You are not supporting us. Why not? What is going on? Are you becoming one of these cultural vandals?" I have said to them, "No, certainly not. These buildings may have some heritage value" - they may have, and various opinions have been expressed about that - "but we need to look clearly at this situation." Information supplied to me indicates clearly - and I have confirmed this by talking to David Hobbs, the grandson of the architect of the original

brewery buildings, Sir Talbot Hobbs, who is a bit upset about the idea of demolition but who could accept it given the other factors involved - that very little of the original late 19th century structure is still standing. Pictures of the original structure have appeared in various publications about historical development in Perth. Those pictures show a very different set of buildings from what is there today. The buildings constructed in the 1890s and early this century do have a certain picturesque nature, to any way of thinking, and if the buildings were still in that condition it may be I would see the argument slightly differently - I do not think I would, but I might. At the conclusion of my speech I will table these documents for the information of members, but the fact is that some of these buildings have been burnt down; others have been demolished; and others have been rebuilt. It appears that the only part of the original 1890s structure which is actually still standing is several arches on the northern side of the existing tower. The rest of it was constructed in the 1920s and 1930s. Of itself, that does not mean they do not have heritage value; because, after all, the Art Deco Society of WA is convincing Government authorities and others in the community that buildings constructed in the 1930s should be preserved. The Emu Brewery building is one, and I think the society has put forward some reasonable arguments; but the point is that the old Swan Brewery proposal cannot be sold to the community as some in the business of supporting this development have attempted to do, by saying that we have a great group of Victorian industrial buildings here. That is wrong. They are not federation either; neither are they Edwardian. Some of them are 1930s, some 1920s, and the arches on the northern side of the existing tower, according to my information, are the only part of the 1890s structure that still remains. As I have already said, the Government itself chose to demolish the stables on the opposite side of Mounts Bay Road and I believe that was an act of vandalism, if we are talking about vandalism, because that was a listed building at the time.

On those grounds I believe that one can start to contest this argument that has been put forward to the Heritage Council of Western Australia and to the national heritage body on which, apparently, it has based its preliminary listing, and if those factors were assessed in a more objective light one might come to a different conclusion about the historic value. However, in the end we are back in one of those trade-off situations. Let us accept that the buildings have some historic value for the purposes of the argument. There still are a large number of very powerful arguments against this development and against proceeding any further with it. I have touched on some of those already but I will just enlarge on a couple of them.

In particular, I want to refer to the question of location. In some ways maybe this development, as conceived, is a good development but in a bad location. If the brewery site were at a safer location and one which did not have Aboriginal significance and did not interfere with other values of the land which could be created close to the river it might be more worthy of support; but the fact is that it is not in one of those ideal locations. It is in a very awkward, difficult and dangerous location on Mounts Bay Road. The Government says, "This is a project which could be so good for the community." Perhaps it could be if it were built somewhere else. That is still an option which has not been seriously examined, but buildings that are judged to be of special historic value have indeed been demolished and reconstructed elsewhere in many locations around the globe quite successfully.

Mr D.L. Smith interjected.

Dr ALEXANDER: Yes. That is the reason I would not favour it, because I believe the competing priorities argument has greater force. However, perhaps it could be used for public housing if it were reconstructed elsewhere. No-one is approaching this in a lateral or creative fashion. They are just saying that if we do not go ahead with this project it will be a total disaster. I do not believe that is the case.

Mr D.L. Smith: What is your view on the Emu Brewery?

Dr ALEXANDER: The arguments I have seen so far suggest that of itself the building is worthy of preservation, but I have not looked at the context. One cannot look at the building out of its context. I do not know anything about the Aboriginal significance of the site; I suspect there might be traffic problems; and so on. Of itself that building is worthy of preservation, but in this case one cannot say that just because the Government thinks the buildings are worthy of preservation it can ride roughshod over the rest of the community, spend millions of taxpayers' dollars in the process and end up with a probably dangerous result so far as many factors are concerned. So the location clearly is wrong.

Some people - my architectural friends again - say "You are destroying the wonderful gateway to the city. When one drives along Mounts Bay Road one has inspiring thoughts as one drives past the Swan Brewery." Perhaps those people are on a different planet from the one I am on, but I do not have particularly inspiring thoughts as I pass the Swan Brewery site at present. I think the site without those buildings, as it was 100 years ago, would have been much more attractive as a gateway to the city than that which exists now. Again, beauty is in the eye of the beholder.

Mr Watt interjected.

The SPEAKER: Order! It would make far more sense in the member's speech in *Hansard* if, instead of a blank space for the interjection, some words appeared. The member is answering interjections that we cannot hear. It might seem extraordinary, but I suggest that if members interject they do it in this direction. It would help.

Dr ALEXANDER: Thank you, Mr Speaker.

Mr Watt: How do your friends feel about the ugly concrete barriers down the middle of the road?

Dr ALEXANDER: I think even they are horrified by those, which certainly do not add to the beauty of the site.

I want to touch on one or two other issues. One is that, regrettably, as the member for Ashburton has already mentioned, this project has the smell of WA Inc about it. Whether Yosse Goldberg was paid a fair price - \$5 million is not bad, but I understand he purchased it for something similar - may not be the issue. People have said to me that somehow it is tied into the Fremantle Gas and Coke Co deal. I have not seen any evidence that suggests that is the case, but that is what is being said and we cannot get away from the fact that, one way or another, the people who have been involved in this project are part of the same network. I believe that in itself is a good reason for not proceeding with the project. We do not want another project with a question mark over it - "WA Inc: Yet another dirty deal?" It may not have been, but it has that reputation.

The unions which are supporting the Aboriginal groups and others in the community resisting this development have been criticised, as they often are, for holding the community to ransom. Even if that is true in some circumstances, and I believe there are very few circumstances where that does occur, I certainly do not think it applies in this case. In a sense we have a reverse of the green bans in Sydney in the 1970s, and many people say that is ironic.

Mrs Beggs: Green bans might happen here. I am convinced that they will.

Dr ALEXANDER: Then we will get an inter-union dispute which will be even worse than the existing one. The unions there wanted to preserve some heritage, but they also supported the community in what the community saw as legitimate social objectives. I say to the Government that the community is telling it to back off, do something different with the funds and demolish these buildings. The unions have come in on that side and have said, "Yes, we support the community in its opposition to the Government."

Mr Thomas: Not all of them.

Mrs Beggs: Only some of them.

Dr ALEXANDER: Granted, but the key unions have. Then there are those unions which might favour the development, but I understand there are not too many of them. Even the Trades and Labor Council recently voted against this development, or at least that is how I understand it. The key unions which are controlling the development on this site are saying to the Government, "Rethink, back off and you might get a better solution." Even some of the member for Fremantle's former union colleagues are part of that group of unions. I know the Miscellaneous Workers Union may not be united on this issue, but certainly most of the union members and officials I speak to about it seem to favour demolition of the building, and for good reason.

I remind the House of what the Minister for Heritage said in this House last year prior to his becoming the Minister. I suppose he finds himself in a slightly difficult position now that he is the Minister, and I appreciate his dilemma. These were his words in the House last year, which I thought was a very good summation of the matter -

I will endeavour, in my term in this Parliament, to provide positive measures to support self determination by Aboriginal people, economic and social self reliance and generally to enhance the welfare of the Aboriginal people of this country. In this context the old Swan Brewery site dispute needs to be reconsidered. In my view it is a social justice issue rather than a simple question of whether one ought to preserve an old building.

That was the Minister for Heritage - admittedly not the Minister for Heritage then but the member for Fremantle - expressing his opinion on the issue. Many people hold those views. I applaud him for those words. However, many people within the Parliamentary Labor Party would support his views publicly and would vote in favour of this motion given half a chance, and time is still available to do that. In the end it is easy to make a political football out of this issue, and I suppose that in some ways my remarks might have trodden on that ground. However, many very powerful reasons exist for supporting this motion. If the subsequent decision regarding the site was made the community at large would benefit, and the Government would benefit electorally. However, the Government does not seem to think that that matters. If it followed this action people would say, "At long last the Government has accepted public opinion in making this long awaited decision."

Mr D.L. Smith: It is a strange principle to say that the Government should act on electoral appeal rather than principle.

Dr ALEXANDER: What principle is the Government upholding in developing this structure? If it is for purely historic and heritage considerations, the Government is on the wrong principle. It is not one principle in isolation.

Mr Pearce: It is not a changeable principle. You conceded earlier that in the days that I held a competition at WAIT you thought that a minor redevelopment of the site was all right. You cannot have it both ways.

Dr ALEXANDER: I have changed my view.

Mr Pearce: It cannot be too strong a principle if you can change your views on it.

Mr Minson: Changing one's mind is not a weakness; it is a strength.

Mr Pearce: I am not saying that; I am saying that the member cannot be following a strong, immutable principle if he can change his opinion during the course of a debate.

Dr ALEXANDER: I agree with the Minister. In fact this is not a matter of principle; it is a matter of subjective view. My subjective view, along with the community's, is different from the Government's view. On this occasion the community's view should be accepted. I urge all members to support the motion and I congratulate the member for Ashburton for moving it. I hope it is passed by the House and that the Government acts quickly to implement it. If that is not done, the Government's estimation in the public view will sink even further.

[Interruption from the gallery.]

The SPEAKER: Order! Before putting the question, I advise people in the Public Gallery that I, along with other members of Parliament, welcome the opportunity for people to attend and listen to debate. However, it is not appropriate for any interference to occur, as that which just occurred. It should not happen again.

MR MCGINTY (Fremantle - Minister for Heritage) [3.13 pm]: I oppose this motion, which raises very important issues for consideration by this Parliament. The motion is premature, unprincipled and misconceived, and I hope in the time available to me to demonstrate these points to the House. At the outset, I indicate that the vote on this issue at this time will not affect or change the attitude of the Government.

Mr Bloffwitch: Shame on you!

Mr MCGINTY: I will tell the member why in a moment. When I have done that, he may appreciate that what I say about the motion is correct and he may agree with my opinions. Last December this Parliament passed the Heritage of Western Australia Act with the support of all parties, including the then fledgling Independent party.

Mr Lewis: After a great deal of debate.

Mr McGINTY: Yes.

Mr Lewis: After the Government had conceded a great deal of ground.

Mr McGINTY: The Government gave a strong commitment to the principles embodied within the Act, and that is an important point. That law has the support of all members and it involves a commitment on the heritage process. When we passed that law - I take on board the point raised by the member for Applecross - a great deal of debate occurred and a number of amendments were moved, particularly regarding Government buildings. Members opposite demanded that a greater degree of rigour and attention be applied to that process than was provided for in the original proposal, and I have no argument with that. However, this is the first occasion on which the matters will be put to the test, yet certain members of this House are running away from the process.

Mr Lewis: That is not true. It depends upon whether you regard it as a heritage building.

Mr McGINTY: If the member lets me speak, he will understand my point. The Act contains a number of heritage processes. I have referred already to the processes regarding Government buildings, of which this is one, to which a higher standard and greater procedure applies than to privately-owned buildings. A number of processes are implied in the Act and if one indicates a commitment to heritage, one accepts the processes which go with that.

Following the proclamation of the Heritage of Western Australia Act, it is no longer adequate to base decisions on heritage matters - the built environment in this case - on political whim, prejudice, personal preference, fancy and expediency. That is an attitude from our past which saw too many of our heritage buildings destroyed. That is a process which should no longer be followed if we are committed to the process contained in that Act. We are committed to the Icomos charter and its guidelines, which is known as the "Burra charter", as this is an accepted convention when dealing with issues of heritage places. It is not used to put up a nice heritage argument to frustrate development; if a heritage issue is at stake, the processes involved need to be applied. If the Government and the Opposition in this place are seriously committed to preserving our heritage, we must follow the processes contained in the guidelines. That requires, firstly, that a comprehensive assessment of cultural significance be made by an independent authority; and, secondly, that a statement of cultural significance be prepared for future decision making. Our problem with the Swan Brewery site is that the Heritage of Western Australian Act came into operation in February of this year, and this commitment has not been followed by some to the level we expected. The convention to which I have referred describes those two processes as essential prerequisites to making any decision regarding heritage processes. It is that process to which this Government is committed and which we will follow regarding the Swan Brewery site regardless of the outcome of the vote here today. That is why the motion is premature. The motion does not allow the processes to take place. If members are serious about heritage, they would follow the process. To do otherwise would be to debase our commitment to heritage and the new Act. We must take the assessment and the statement into account in discussing the future options for that heritage place, as we must do with all others.

Unfortunately, that is not the approach adopted by the Liberal Party in this State. I refer to a recent article in *The West Australian* on Monday, 29 April, which was headed "Brewery Must Go: MP". The article referred to another brewery site and not the Swan Brewery site. Perhaps some people have a problem with breweries. However, I quote from the Liberal Party spokesperson on heritage. He was reported as saying -

The vacant building had little or no architectural or heritage value and there were buildings of far greater priority worth saving . . .

These comments applied to the old Emu Brewery building. The article continues -

Although the brewery is on the interim list of the Australian Heritage Commission's National Estate Register, the WA National Trust has decided not to classify it.

Finally Hon Phillip Pendar said, and I quote -

I know of no authority, architectural or heritage, who believes the Emu Brewery should be saved.

The approach to these issues is the same whether it be for the Emu or the Swan Brewery. A serious heritage issue is at stake here. The spokesperson for the Liberal Party on heritage

matters is substituting his view, his whim, his fancy, and his prejudices for the proper heritage process that I have described. The Government said, when the Heritage of Western Australia Act came into operation, that that approach was part of Western Australia's ancient history; it is no longer an acceptable or a principled approach and in future we should follow the convention involved. Hon Phil Pental was substituting his subjective view about that building when he claimed it was devoid of any value and the procedure and assessment which is essential to the heritage commitment was not part of his approach. Also, he was factually incorrect. He said that he knew of no authority, architectural or heritage, who believed the Emu Brewery should be saved. As we all know, that was after the Australian Heritage Commission had dealt with the question of the Emu Brewery and placed it on its register. Prior to the Heritage of Western Australia Act, two authorities operated in Australia on heritage matters; one is the Australian Heritage Commission - a body of the Federal Government - and the other is the National Trust in this State. I would have thought that a listing of a building by the national heritage body in this country, even on the interim register, would go part of the way towards satisfying the Opposition spokesman's requirement that there be some authority - architectural or heritage - that believes the Emu Brewery should be saved. Clearly, the Australian Heritage Commission does believe that. Hon Phillip Pental's stance is very much a case of saying he likes this one; he does not like that one, and of making decisions on heritage based on a subjective approach. That action is very much part of our history but is no longer a relevant or principled approach. It is not good enough to adopt that approach in the 1990s following the passage of the heritage legislation.

Mr D.L. Smith interjected.

Mr McGINTY: There are many similarities. People are entering into the Swan Brewery argument -

Mr Clarko: There is a huge difference. This building should be knocked down; the sooner the better, and the area made into a park. I said that about 40 years ago.

Mr McGINTY: The member for Marmion was wrong then. Where is his commitment to heritage and its processes? He does not have that.

Mr Clarko: That is not a heritage building. The member should have a look at it.

Mr McGINTY: Is the member for Marmion the person to whom the Government should refer all matters of heritage?

Mr Clarko: There is nothing special about that building. Most of it was added on in the 1920s and 1930s and it is a very second class building.

Mr McGINTY: I will deal with that point in a few minutes.

Mr Clarko: The best part of the building is plans drawn up at the turn of the century which provide a very nice picture to look at.

Mr McGINTY: It comes back to the point I was making that people are proceeding in ignorance on the matter. The member for Marmion, as a member of a party which is committed to heritage, should not substitute his assessment of the place for that of the body the Government has charged with the responsibility of doing exactly that by passing the Heritage of Western Australia Act. The member's point of view is wrong -

Mr Clarko: The stables were the buildings that needed to be preserved.

Mr McGINTY: That is part of the problem concerning this issue. Many people, including the mover of the motion, have said the stables are the only buildings in that complex -

Mr Clarko: You mean "were" the only buildings in that complex. The member for Ashburton is spot on.

Mr McGINTY: Yes, "were". So the member for Marmion thinks. Does he not think the body set up two or three months ago should do that job?

Mr Clarko: No.

Mr McGINTY: The member wants to substitute his view. Does he want to see the continuation of the desecration of our historic and heritage buildings if the matter is left to the subjective view of individuals who have no professional expertise in the area?

Mr Clarko: No. The National Trust made it quite clear: Save the stables, pull down the rest.

Mr McGINTY: I will tell the member for Marmion why he is wrong. Many people have incorrectly, in my view, said that the stables are the important issue.

Mr Clarko: You mean "were" the important issue.

Mr McGINTY: I am coming to that. In 1983, the stables were put on the list by the National Trust as buildings worth preserving because of their heritage value.

Mr MacKinnon: Do you mean the stables?

Mr McGINTY: Yes. The National Trust took the view that they were the only buildings worth listing and, therefore, worth preserving. Unfortunately, the stables were significantly destroyed by fire and had to be demolished in the late 1980s. In 1990, the National Trust removed any buildings associated with the Swan Brewery from its register in Western Australia.

Mr Court: Is it a coincidence that the stables were knocked down and the road was built immediately?

Mr McGINTY: It is very unfortunate that too many of our heritage buildings have been destroyed by fire, including one quite recently. It is a very great pity that has occurred. That is the view of the National Trust. It is important we look at the view not only of the National Trust, but also of the other nationally recognised heritage body in this State; that is, the Australian Heritage Commission. It placed the whole site, including its buildings, on the interim register of the National Estates in May last year - only 12 months ago. It did that because it saw great significance in the following aspects: First, its historic significance to both European and Aboriginal people; second, its association with individuals; third, its architecture; and fourth, its aesthetic value.

Mr MacKinnon: With which individual was it associated?

Mr McGINTY: The architect, Bob Hobbs, and quite a number of other people. Another factor was that it was the site for continuous brewing and it was a site of national significance to the Aboriginal people.

Mr MacKinnon interjected.

Mr McGINTY: I am telling the Leader of the Opposition what the Australian Heritage Commission said about it. If he wishes to belittle the commission he may go ahead. I am reporting the information for members' edification.

Mr MacKinnon: Are you agreeing?

Mr McGINTY: The Leader of the Opposition should allow me to develop the point so that he will understand the matter better.

Mr Lewis: Have you changed your mind on it?

The SPEAKER: Order! Constant interjections, one after the other, are not appropriate.

Mr McGINTY: If members opposite listen, they might understand my view. The reasons the Australian Heritage Commission placed the Swan Brewery site and buildings on the interim register of the National Estate were for its technological significance, its social and spiritual significance and its importance for future research. I will briefly quote from the introduction in the May 1990 report of the Australian Heritage Commission, which resulted in the buildings and the site being placed on the interim register of the National Estate, as follows -

The Commission would like to stress that given the complex range of heritage values evident throughout the precinct, it is regrettable that an independent, detailed, conservation planning study was not carried out *prior* to the determination of future uses. The integrated analysis of the cultural significance of the precinct would have been one of the outcomes of such a study.

That still has not been done. In answer to members opposite saying it has no heritage value I refer them to the Australian Heritage Commission, which is the national body charged with the responsibility of dealing with those matters. I suggest they should not substitute their own views, no matter how well founded they may think they are -

Mr Clarko: I prefer the National Trust to the other authorities.

Mr McGINTY: That also gives rise to problems.

Mr Clarko: You have things back to front, as your Government usually does.

Mr McGINTY: We will see about that.

Mr Clarko: You knock down the wrong buildings and try to save the wrong buildings.

Mr McGINTY: By the time I have finished speaking today, members opposite will agree that I have demonstrated why the motion before them is wrong in principle and why it is premature. I would also like to read from the conclusion of a report from the Australian Heritage Commission in May 1990.

Mr Clarko: Are there any Western Australians on that body?

Mr McGINTY: Yes, there are.

Mr Clarko: What percentage?

Mr McGINTY: I do not know. I am talking about a separate national authority which deals with heritage. The member for Marmion would seem to dispute that in his own biased way.

Mr Clarko: I can be the judge of that.

The SPEAKER: Order! The member for Marmion has had a fair go. This warning does not mean he must stop interjecting, but he should be more selective about his interjections so the House can make more progress on this matter.

Mr McGINTY: The conclusion of the report states that -

The Commission assessment of the various elements of cultural significance of the place indicates that each of the aspects outlined above -

That is the point I have just made. The report continues -

- is of importance, and that the physical evidence of them should be conserved. No evidence has been received by the Commission that would suggest any element is of such overwhelming significance and so much in conflict with the significance of any other element, as to require the removal of that conflicting element. While the Commission itself will not be involved in the management of the property, it would suggest to the responsible management body that any proposals for the erection of new buildings and/or the demolition/alteration of existing structures in the precinct must be assessed on a case-by-case basis bearing in mind the potential impact that such a proposal would have on any of the significant elements of the precinct. Such an assessment would need to be based on sufficient historical, archaeological and geomorphological evidence to allow the accurate evaluation of the cultural significance of the part of the precinct affected.

That is what the national experts have said on this matter.

Mrs Buchanan: You are ignoring the Aboriginal significance of the site.

Mr McGINTY: I will come to that. The laws of this State require adherence to certain procedures and they have not been followed in this case. If we are committed to the laws and regulations that we pass we need to follow the correct procedures. They include referring this matter to the Heritage Council of Western Australia. I will explain the implications of that in a few moments.

Mrs Buchanan: You are still ignoring the Aboriginal significance.

Mr McGINTY: No, that is only one of the aspects that have been identified by the Australian Heritage Commission as giving that site a heritage value.

Mrs Buchanan: Why has the Government ignored it?

Mr McGINTY: I do not think that the Government has ignored the matter.

Mrs Buchanan: You have; also, the development plans were in the process of being prepared before the Heritage of Western Australia Act was ever passed.

Mr McGINTY: When the Australian Heritage Commission placed the Swan Brewery site on the interim register of the National Estate it advertised its intentions to place that site

permanently on the register of the National Estate. The Heritage Commission placed advertisements in newspapers calling for people to object to that registration. It is of some significance that not one objection was received by the Australian Heritage Commission to the registration of the old Swan Brewery site on the National Estate register. Only yesterday, 14 May 1991, the old Swan Brewery site and its buildings were placed on the register of the National Estate. I find it peculiar that on the day after the prime heritage body in this country places a site on the National Estate register we are debating a motion which does not give proper consideration to that decision, but instead requires that the buildings on the site be knocked down.

Mr Shave: Maybe they put it on yesterday to preempt what we were going to debate today.

Mr McGINTY: It was known at the beginning of the year that the site was to be registered in May this year. Nothing pre-empted the Heritage Commission because a date was fixed months ago for the placing of that site on the National Estate register.

Mr Shave: I do think it was coincidental.

Mr McGINTY: More coincidences exist but I will refer to those later. This motion is attempting, in an unprincipled way, to ignore the decision of the premier heritage body in this country. It has been moved without any proper regard to the newly proclaimed Heritage of Western Australia Act - which is only some three months old - and the day after the national heritage body in this country listed the site on the register of the National Estate and two days before our newly established Heritage Council will meet to appoint one of Australia's top heritage architects to prepare a necessary assessment and statement of the significance of the area we are debating in this House. This motion is a cheap and unprincipled move.

It is important to refer to the role being played by the Western Australian Heritage Council, a body which should have our support. The council was formed only two months ago and will conduct its second meeting on Friday of this week. It has a mammoth task ahead of it. Not only does it have responsibility for drawing up a register of all heritage places in Western Australia which will attract a measure of protection under the Act, but also it must deal with the crises which have arisen concerning a number of buildings which are argued to have some heritage value. The old Swan Brewery site fits into the latter category. The matter of the old Swan Brewery has been referred to the Western Australian Heritage Council by a number of people, including the brewery protection society, the Swan Valley fringe dwellers and me. The Heritage Council will give consideration to those recommendations on Friday. Also, the council will appoint J Kerr, not the notorious former Governor General but one of the foremost conservation architects in Australia. He will be required to do what is necessary under the conventions and charter of the Heritage of Western Australia Act to adopt a proper approach to these matters. The recommendation currently before the Heritage Council will be investigated by him and his findings will be reported to the Government so the Government can make future decisions on the brewery site in the proper way. This motion pre-empts that process, which is the correct process and one which we all gave a commitment to when we passed the Heritage of Western Australia Act.

Mr Shave: You know that the members for Ashburton and Perth have opposed your proposal for months.

Mr Thomas: So what?

Mr Shave: You are indicating that they have pre-empted what is going on here. They have been telling us for weeks that this matter was going to come to this Parliament. It may be coincidental and it is certainly coincidental as far as they are concerned.

Mr McGINTY: It may be coincidental all round but I am making the point that the approach advocated by the members for Ashburton and Perth is not open for people to pursue today. The passage of the Heritage of Western Australia Act required that before any decision was made the correct procedures be followed and that the requirements of the appropriate charter be adhered to. I am only saying what any Heritage Minister would say and what anyone who is committed to heritage would say; that is, that this is the correct procedure to follow. The motion of the member for Ashburton is premature. We need to go through these procedures and then have this debate when all the information has been presented to us. We do not have all the information to make a proper heritage-based decision because it was not required until we gave a commitment when we passed the Heritage of Western Australia Act last year.

Mr Shave: What you are saying is fine but, at the same time, there are injunctions and court actions going on and the Government is saying that it intends to proceed anyway.

Mr McGINTY: I will come to that in a minute. That does not represent the point of view I am trying to express today.

Mr Shave: It seems like that to a layman.

Mr Trenorden: For how many years has it been debated?

Mr McGINTY: For many years, but we have seen a significant change to promote the procedures dealing with these issues in Western Australia. The member for Applecross has been urging the Government to adopt a particular view on the Heathcote Hospital site.

Mr Lewis: That is entirely different.

Mr McGINTY: No, it is not. It has been argued that the Heathcote site is one of significance. The National Trust has listed it as a heritage site; the argument comes from that heritage perspective. The member for Applecross briefly discussed the matter with me on a couple of occasions and I was aware of the debate taking place in the community. I have done the correct thing by referring the issues of the Heathcote Hospital buildings and site to the Western Australian Heritage Council for assessment so that a final Government decision can be made in accordance with the report and the statement of significance in respect of that site. That was not something which was required or to which there was any commitment by this Parliament prior to the passage through this place of the heritage legislation. What we have now is the Heritage of Western Australia Act which requires a different approach from that which was adopted in the past.

Several members interjected.

Mr McGINTY: The member for Applecross should not talk about vandalism. The Opposition has a track record on heritage which does not stack up very well.

Mr Trenorden: How long was the Bill before the House?

Mr McGINTY: For a long time, but the important thing is that it was passed in December last year and it was proclaimed in February this year.

Mr Trenorden: How come your commitment came when the Bill had been passed?

Mr McGINTY: It did not. The Government in this State has been committed to heritage for a long time and its actions will stack up against that. There was no legal requirement or commitment from this Parliament to address those issues according to those principles until the passage of the legislation. I will give another example of the same approach being adopted when it was not legally or morally required by the Government: I refer members to the Karrakatta crematorium chapel which was demolished. In the absence of a heritage council to which the Government could refer that issue for assessment, the Government employed one of Perth's top heritage architects, Ron Bodycoat, to consider the matter and report on it. The Government based its decision on the future of the chapel on the report which he prepared for the Government and in which he recommended that the building be demolished to make way for future development. The Government has adopted that approach for some time in respect of important heritage questions. The Heritage of Western Australian Act, having been passed by this place and proclaimed, requires the same standards to be adopted by members opposite and this motion before the House simply does not do that.

Mr Trenorden: You raised two examples: One you dealt with reasonably quickly but in this instance it has been going for four years.

Mr McGINTY: Yes.

Mr Fred Tubby: With respect to Karrakatta didn't you make a decision and get a report which confirmed your decision?

Mr McGINTY: The important thing is that at the end of the day action was taken based on that report. I was not in this place then and I do not know which one preceded the other. The important thing is that the chapel was not demolished in the absence of a recognised and reputable authority on the question of heritage indicating to the Government what it should do. That is the important thing that came out of that process and that is the process to which the Government is committed on an ongoing basis.

Mr Fred Tubby: You are between a rock and a hard place and you are making a heck of mess trying to get out of it.

Mr McGINTY: Not in the least. If the member has not understood the point I am making, it reflects worse on him than on me. I am trying to develop a simple proposition; that is, that the motion members opposite intend to support today is unprincipled and premature.

Mr MacKinnon: If you look back you will find that you have told a few pork pies.

Mr McGINTY: Not in the least and perhaps the Leader of the Opposition may care to elaborate a little further on that, but I do not think he can. That is the history of the matter and members opposite are wrong if they are proposing that it is otherwise.

On Friday this week the Western Australian Heritage Council will consider a recommendation that James Semple Kerr, who as I previously indicated is one of Australia's foremost conservation architects, be appointed to do the job which is necessary under the heritage Act and under the conventions. It is necessary that we deal with the views of the National Trust because the member for Marmion made the point that he would prefer to accept its view in this matter. A letter dated 1 May 1990 from the National Trust to the then Minister for Planning about the Swan Brewery site states -

The Trust's classification position remains as follows:

- a) The site of the former Swan Brewery, Public Parks and Kennedy Foundation and associated foreshore hillside remains classified as an Historic Site.
- b) The former Stable Block which was classified, (This building was damaged by fire in 1985 and has since classification, been demolished.) is now removed from the classified list.
- c) As the Trust has not seen fit to classify the other buildings on the site, it is for the view that no recommendation can be made on their future.

Clearly, the view of the National Trust is that the buildings contained on the Swan Brewery precinct have no value from a heritage point of view and should not appear on the register. I guess, by implication, the buildings should not be saved.

The view of the Australian Heritage Commission to the proposition which will be before the Western Australian Heritage Council this Friday is that it made an assessment last year and, as a result, the Swan Brewery buildings and site were placed on the interim register of the National Estate. As I indicated only yesterday, the site and buildings were placed formally on the register of the National Estate. The view obtained from the Australian Heritage Commission is that while its assessment, which was carried out last year, was both professional and comprehensive it was undertaken on the basis of documentary evidence supplied by the nominator and the external appearance only of the brewery. The person who did the assessment walked around the site and there was no internal inspection of the building or any details of the fabric of the building. The Australian Heritage Commission further advised me this morning that it expects that the recommendation before the Western Australian Heritage Council this Friday to appoint a State body to undertake an assessment of the brewery would result in a more detailed, rigorous and comprehensive assessment than the Australian Heritage Commission's assessment. It further suggested that it may well cast some doubt on the National Estate's evaluation of the Swan Brewery site because the assessment would be more detailed. In light of that there are a number of problems associated with the treatment of this site as a heritage site. The Australian Heritage Commission's assessment might well have some shortcomings. The National Trust made an assessment during the 1980s and came to a completely different opinion. One was of the opinion that it should be listed and the other said it should not be listed. It is important that we ask how the conflict between the two heritage bodies can be resolved and whether it is safe to proceed to act on the basis of those two conflicting reports and, if so, which one. The only answer I can give is that the Government has recently set up an excellent body of its own and it should offer the advice.

I can summarise the question in relation to heritage in this way: First, we must promote our new heritage Act and we must not debase it by opportunism, expediency or whim. Secondly, we must have a basis for deciding the issue which is comprehensive and not flawed as are the two assessments which have been made to date. Thirdly, we must resolve the conflict

between the two heritage bodies which existed prior to the Western Australian Heritage Council and we can do that only by reference to the Government's body which was set up and charged specifically with the responsibility of dealing with this matter. Only when we have the Kerr report will we be able to make an informed decision on the important heritage questions relating to the Swan Brewery site. No-one is pretending that the decision will be an easy or simple one. It is an issue that has divided the community. It may not have divided the Liberal Party - it may be that Opposition members are of one view on the matter, in which case they do not reflect our society where there are clearly different views about what should happen. It is a hard decision, one we can approach only on the basis of principle and having full information before us. Decisions which are made in a hurried and unprincipled way without regard for correct procedures only accentuate the divisions in our society and leave the people against whom those decisions are made with a feeling of being aggrieved and that a proper decision was not made because the correct procedures were not followed.

Mr Fred Tubby: You had a lot of practice with that over the past few years.

Mr McGINTY: In that respect I differ from my erstwhile comrade, the member for Perth, in the approach he has advocated on this issue because that approach deals with the end result and not the procedures to get there. If he wants to criticise the Labor Party for being unprincipled and not doing things the right way and for not adhering to accepted and conventional procedures I suggest that on this occasion, if I could quote from Matthew Chapter 7 -

Judge not, that ye be not judged . . .

Thou hypocrite, first cast out the beam in thine own eye; and then shalt thou see clearly to cast out the mote out of thy brother's eye.

The member for Perth ought to take that on board because what he has advocated on this occasion is the very criticism he made and the reason he gave for leaving our great party. I think he is wrong on this issue.

Any decision must be based on all factors relevant to community interest. I have spoken in this debate today on the questions relevant to the issue of heritage and it is not only European heritage but questions of Aboriginal heritage which I think are important.

Mrs Buchanan: Are any Aboriginal people on the Heritage Council?

Mr McGINTY: Yes. I made a point of appointing an Aboriginal to the Heritage Council, even though questions of Aboriginal heritage did not fit by and large within the ambit of the Heritage of Western Australia Act and there is a separate Aboriginal Heritage Act, because of the impact of European civilisation on the Aboriginal people. There are four community representatives. The Aboriginal representative is Kate George, a person born in the Western Desert and one for whom I have the utmost regard. She is the person from an Aboriginal background who was appointed to meet the important need I saw to ensure that Aboriginal people were represented on the Heritage Council.

Heritage is not just about stately European homes of the wealthy and their play places. It is also about our industrial heritage and the places where our working class people worked. It is important to look at our heritage from all those dimensions including, with deference to the member for Ashburton, the very important questions of Aboriginal heritage.

Mr Fred Tubby: I heard Jack Marks say those very words on the radio this morning.

Mr McGINTY: The member would be well informed if he listened to Jack Marks, and would no doubt be better educated as a result of that. I see the Aboriginal issue as being quite different from the heritage issue and as an additional matter. I stand by the comments I made in my inaugural speech in this place. When we weigh up the ultimate determination of this question - which I have indicated poses dilemmas for many people on this side of the House, but maybe not for those on the other side - we need to give due deference and weight to a variety of Aboriginal issues. Quite frankly, I have considerable sympathy for that point of view, as I said in this place some 12 months ago. We must also take into account industrial relations issues. The realities that confront us and our responsibility to the Swan Brewery site are: The bans in place both on the demolition and the construction; and the views of the trade unions, which must also be taken into account. One would be silly if one did not take them into account.

Mr MacKinnon: Who is running the State? You and your union thugs out there whom you are not prepared to face up to, my friend!

Mr McGINTY: The reason the member for Jandakot is the Leader of the Opposition is that he does not conduct himself like a leader. People in Western Australia will not accept him for the position to which he aspires because of that sort of meaningless rhetoric. We have a real issue before us and he is talking through his head.

Mr MacKinnon: That is an absolute fact, and everybody out there knows it! The sooner you find somebody to stand up to the unions, the sooner you have a chance to get back into Parliament at the next election.

Mr McGINTY: That is nonsense, and if the Leader of the Opposition thinks the people will elect him to be their next Premier he is sadly mistaken.

Mr Kierath: Give us a chance.

Mr McGINTY: Members opposite had their chance two years ago and blew it because people would not accept that the Leader of the Opposition has any credibility because of the way he has just conducted himself, which is the way he generally conducts himself.

Mr Kierath: You lost the primary vote in Fremantle.

Several members interjected.

The ACTING SPEAKER (Mr Donovan): Order!

Several members interjected.

The ACTING SPEAKER: Order! The Leader of the Opposition knows very well that when order is called from the Chair, whether it be occupied by the Speaker or an Acting Speaker, order is granted in this place. That applies also to the Minister for Heritage.

Mr McGINTY: I was talking about the need to deal with real issues that confront us. If the Opposition does not believe that the industrial relations issues are real, then it is unreal. We must consider this matter as a part of the broad range of issues that make this a most complex issue to deal with. A simple solution to knock it down in an unprincipled way is unacceptable. We have to deal with the practical issues. The member for Ashburton or the member for Perth dealt with traffic problems associated with the site. Another matter is the deterioration of the building as a result of its exposure to the weather, a factor that must be taken into account on a purely practical level when dealing with the future of the site. We must take cost considerations, both past and future, and the legal difficulties into account. If we are talking about coincidences, it is again no coincidence that this very day the appeal against the decision of Justice Rowland in quashing the Government's decision to develop the site last December is being heard in the Supreme Court. This is a significant week for all matters to do with the heritage of this State. We must also consider - and this point was raised by the member for Perth - alternative proposals as there are a range of other suggestions for the development of the site short of the proposition from the member for Ashburton which must be considered. The most important thing is that we have a new Act in this State which requires a commitment to process and procedures.

Dr Alexander: Very convenient.

Mr McGINTY: It may be convenient but it is unprincipled of the member for Perth not to do it. The issue at stake here is the fact that we have referred this issue to the Heritage Council and it is important as a matter of principle and procedure that the assessment be done on all these issues and that we have a comprehensive report on which to base our future decisions. Members opposite would be aware, and this was referred to by the member for Applecross leading up to the passage through this Parliament of the Heritage of Western Australia Bill, that the question of Government buildings was highlighted and absolute propriety was required of the Government and me, in particular, as Minister for Heritage, in dealing with heritage properties. That requirement is met in the listing process. The consequence of the Heritage Council of Western Australia's doing an assessment of a place is that it will recommend whether it be listed. This includes the site associated with the old Swan Brewery. That process requires, in respect of Government buildings, that if I do not accept the recommendation, whether to list or not list, the matter is debated and requires a resolution of both Houses of Parliament.

Furthermore, if the place is listed, any development proposals need to be referred back to the Heritage Council for its advice and guidance on what to do. That refers to any development, including demolition. The Government, subject to questions of prudence and feasibility, is bound by the decisions of the Heritage Council. We have said that is what we require in respect of heritage buildings. In the first test of a significant heritage building, members opposite are saying, "Let us abort all that; let us throw it to one side and forget about it." That is the sense in which I say this resolution is unprincipled because it offends the Heritage of Western Australia Act and the procedures in that Act which we all so flowingly endorsed when the matter was before the Parliament. I urge this House to acknowledge that the correct approach is to accept the principles of the Heritage of Western Australia Act and reject this improper and unprincipled motion, which it would be a blight on the Parliament to carry so soon after the establishment of the Heritage Council and the passage of the Heritage of Western Australia Bill through this Parliament.

MR MACKINNON (Jandakot - Leader of the Opposition) [4.01 pm]: My party has great pleasure in supporting the motion. I indicate to the Minister for Heritage that it is not a difficult decision for our side of the House. I was amazed to hear what the member for Perth had to say. Unlike the Labor Party, we have had a debate in our party room. We allowed all our members to have a say on the matter and they expressed a point of view which was totally in line with the motion moved by the member for Ashburton. The member for Ashburton put it quite clearly and succinctly. The motion is a good one in that it is brief and to the point, and expresses adequately the point of view we have espoused from the beginning. Our position has not changed. I listened with interest to the member for Perth, who was brave enough to acknowledge that he had had a change of mind and of heart. Our position has never changed. It is not a complex issue; it is pretty straightforward, as I see it. That is why our party's decision was not a difficult one.

Let us look at the Swan Brewery building and see what it represents. If, as the Minister for Planning, or the Minister for Local Government indicates - he is so memorable that I cannot remember which portfolio he represents - the Barracks Arch in some way is a monument to the expression of the will of the people against the Brand Government, which I believe it is, the decaying Swan Brewery building in its position on the foreshore signifies and symbolises quite starkly this Government. It does so in many ways. First, it was a WA Inc deal; make no mistake about it. The member for Perth said that all the key players were involved. The *Sunday Times* of 6 January this year contained the following article -

In case anyone forgets, it is timely to remind them that the brewery was acquired by an exiled WA businessman, Mr Yosse Goldberg, in a complex deal from Bond Corporation, who is understood to have acquiring the site for \$5 million.

The article goes on to say -

In 1985 the then planning minister, Mr Bob Pearce, offered Mr Goldberg a way out of his dilemma with an offer of \$4.5 million, leaving him a \$500,000 loss.

So what was it that caused the Government within four months of that definite offer to give Mr Goldberg the full \$5 million?

The *Sunday Times* pointed out very clearly that this was a WA Inc deal. The Minister, without explanation, paid another \$500 000 to Mr Goldberg and we might wonder why that \$500 000 was paid. I shall come to that in a moment. This Government continues to do as it did with the remand centre at Murdoch, where, after the Forrestfield dilemma it said, "In future, if we put it anywhere else we will make sure we consult the people." Of course the Government will not. It has misled the public, and deliberately so. It acquired the site and said it would be part of the expansion of Kings Park, but it proceeded down a different path altogether.

Thirdly, as we have seen so often with this Government, it has committed millions of dollars without knowing whether approval had been given for the development. It did not go through the proper processes. The Minister for Heritage says we must abide by the heritage law. Talk about hypocritical! Which Government was it that wanted to proceed hell-bent on development, ignoring the law which applied, at least in the Aboriginal sense? It is the Government of which the Minister is now a member. He talks about hypocrites and tries to quote the Bible. It is time he looked at the meaning of the words he quoted. More than

\$13 million has been spent to date, and the Government never bothered to find out whether it had the proper approvals. This is typical of Government activity, particularly in the area of WA Inc as we have known it.

Fourthly, the indecision displayed on this occasion has typified this Government. It does not know which way to go. Indecision has cost the people of this State millions of dollars. No consultation has taken place. What surprises me most of all about our colleagues opposite is that there has been no consultation on major issues. I was astounded to learn today that after six years the Government party had not had a vote on this issue in the party room.

Several members interjected.

Mr MacKINNON: The member for Perth indicated that while there might have been a debate he never had an opportunity to vote. That is typical of this Government. When did members opposite have the opportunity to vote?

Several members interjected.

Mr MacKINNON: When did members opposite have an opportunity to vote on the Rothwells rescue, the PICL deal, or all those other things which they now must defend? When did they have a say in those? Silence reigns supreme! Members opposite are hoist with their own petard of inactivity. I say to all members opposite that their silence indicates immorality; they did not have the gumption to stand and question what they knew was wrong.

Mrs Watkins: How do you know?

Mr MacKINNON: I am not talking about the Caucus room; I am talking about making statements publicly. Many people in the community have said that sooner or later somebody in the Government ranks will stand and be counted in protest at what is happening. At last that has occurred and it has restored my faith in those people who spoke to me about human nature and the ethics of some people opposite.

The first point is that the brewery saga symbolises starkly why this Government will not win the next election and why it still has not learnt the error of its ways. The Government continues to try to mislead the public with this WA Inc deal which to date has cost millions of dollars, and the Government continues without knowing whether it has approval to proceed. The Government flouted the law; it is indecisive. It did not even allow consultation and proper debate within its own ranks. Little wonder it got into difficulty!

I said at the outset of my remarks that I did not believe this was a complex issue, and I do not believe it is. We have consistently opposed this development because it did not make sense. It does not make sense to pay \$5 million for an old building on the foreshore. Where was the value in the \$5 million? I could never work that out. Let us look at the facts at the time of this purchase. The only area of heritage value was the stables, and they have since burnt down and been demolished. The Minister for Heritage said the Government wanted to wait until it had all the legislative approvals under the heritage law. I remind members that more than \$13 million has been spent to date. For what law was the Government waiting to get approval? Did the Government obtain heritage approval to spend the money it did? Of course it did not. The Minister for Heritage is using the heritage law as a crutch to prop up a position which is totally indefensible. The Government never had any consideration for the law which existed at that time, irrespective of what it feels about the Aboriginal issue, which I shall come to in a moment.

The member for Perth identified my next point. I challenge anyone in this House to discount my argument. The Government is short of money, and we all realise that is so when we consider the deplorable state of schools in Western Australia. The Government has spent money, yet it does not have one identifiable use for the old Swan Brewery building. How can the Government defend that situation? Schools in many electorates need support and resources are scarce these days for whatever reason we wish to make a commitment.

Mr D.L. Smith: The schools are better and the commitment is better than when the conservatives were in Government.

Several members interjected.

Mr MacKINNON: That shows how arrogant and out of touch is the Government. Not one

member opposite has interjected to attempt to explain the retention of the building or to explain the reason that the building has no identifiable use. A commitment of up to \$30 million has been made for a building, yet the Government does not know what to do with it.

Mr Kobelke: Don't you believe in heritage?

Mr MacKINNON: I will come to that in a moment. Even if the Government developed an idea about a use for the building, my next question would be, where would people park their cars when visiting the area? No provision has been made for parking for any purpose for the building. Therefore, commonsense should tell the Government that it should not go down that path. One use would be to create a multistorey car park at Kings Park. If the development proceeds it will add to the dangerous traffic situation which exists in the area. Can the Government name one investor in this city who would invest without an identifiable use?

Mr Shave: The Labor Government! It would do a Westralia Square and lease floor space at double the correct price.

Mr MacKINNON: That would be a ludicrous situation. That would happen only if the Government chose that course of action. No person in his right mind in the private sector would go down that path. It is not a complex issue. Indeed, it is a simple one. The building has no heritage value, so the proposal does not make economic sense. It is a dangerous proposal, and the Government has no use for the building.

I turn now to the Aboriginal issue. I am disappointed that the issue has reached the stage where it has boiled down in large part in the public arena to an Aboriginal issue. I have not argued for the demolition of the building on Aboriginal grounds. However, the grounds on which I have argued are compelling and overwhelming. The Aboriginal arguments have clouded the issue; those which I have outlined are clearer and easier to identify. It makes for interesting comment if we consider my arguments in relation to the Aboriginal issue. It highlights the inaction of the Government. After eight years in Government, the Labor Government still has not resolved the Aboriginal sites question enough for a major development to proceed without its being a major dispute in the community. The Government should have grasped the sites issue, and addressed it. When we are in Government we will identify the sites appropriate for protection and then provide that protection under the law.

The Government has not done sufficient work. Where work has been done, it is not prepared to identify areas. That highlights what should have happened a long time ago. Some remarkable allegations have been made. The purchase price went from \$4.5 million to \$5 million in a matter of four months. Why did the Minister do that? I have here a document which was submitted to the Royal Commission. It was put together by the Aboriginal people, one of whom was Robert Bropho. I do not know whether the document is accurate. It states that "they have seen files at the Department of Lands and Surveys that a \$500 000 success fee was to be paid for the brewery development". Perhaps that is where the extra \$500 000 went. There must be an explanation of why the purchase price went from \$4.5 million to \$5 million in four months. That document was submitted to the Royal Commission as an indication of where these people think that amount went. The Government cannot have it both ways. The Government claims a commitment to abide by the law, and then it ignores the law relating to the Aboriginal people. As well, the Government does not want to investigate and follow up a serious allegation that has been raised.

The Opposition has always supported and will continue to support the demolition of the old Swan Brewery; we support the restoration of that area to parkland and its incorporation into Kings Park. That has always been our position. We are pleased to have the opportunity to debate the issue. I hope that at the end of the day the debate expresses the point of view of the people of Western Australia. As the members for Ashburton and Perth have said, the public have a point of view on the issue which opposes that of the Government. They want that opinion expressed not only here but also in practical terms with the demolition of the building. I repeat that our position on the Swan Brewery has never changed. It has not changed during debate. We are committed to the demolition of the building. I give the commitment again that if the building is not demolished by the time we return to

Government, the proposal will not proceed; the building will be demolished and the area will become part of Kings Park.

MR D.L. SMITH (Mitchell - Minister for Planning) [4.17 pm]: As indicated by my interjection on the Leader of the Opposition, this is not the first time that this issue has been debated in this place. On 21 June 1988 a vote was taken on this issue, and that vote went to a division. The result of the division was 21 in favour of demolition, and 28 against demolition. Of course, amongst the noes were Dr Alexander and Mrs Buchanan, the members for Perth and Ashburton.

Mr MacKinnon: You had better read the comments of the relevant Minister at that time.

MR D.L. SMITH: Part of the debate at that time read -

MR COWAN (Merredin - Leader of the National Party) [3.26 pm]: The National Party is pleased to support this matter of public importance moved by the Liberal Party. It supports the view that the Swan Brewery building should be pulled down. We do not need to retain a monument to an industry that was located on the river and which polluted the river for years. It has absolutely no architectural significance.

There was an interjection to the effect that that was a subjective judgment, and that several people disagreed with the Leader of the National Party. Who made that comment in June 1988? It was none other than the member for Perth, Dr Alexander.

Dr Alexander: I acknowledged that this afternoon. I said that it had heritage value.

Several members interjected.

MR D.L. SMITH: We know that this afternoon we have seen an unholy alliance. The motion was moved by the member for Ashburton, who I believe is as committed to what one might call the Aboriginal cause as any member who has ever sat in this place. She has moved the motion on the basis of her concern for Aboriginal heritage and her belief in the preservation and enhancement of the culture of the Aboriginal people. To whom was she looking for support on the motion? She looks for support from the very political party that has ensured there were no Aboriginal rights in Western Australia.

Mr House: You are discredited because you cannot debate the issue.

MR D.L. SMITH: The member for Ashburton will be relying on the very political parties which not only have no commitment to Aboriginal heritage, but also oppose any concept of Aboriginal land rights.

Mr House: I have worked with more Aborigines than you have ever seen.

MR D.L. SMITH: As the member for Fremantle, who is also the Minister for Heritage, said, it is a motion which is premature, unprincipled and misconceived. In the Minister's view it is premature because it is jumping the gun; we are sending the jury out before all the evidence is in. That is the way that members opposite usually conduct themselves. They do not listen to the evidence; they do not weigh up the issues; they act out of prejudice and political advantage. The Leader of the Opposition exemplifies that more than anybody opposite, and that is perhaps the reason for his problem with the polls. He sees the brewery issue as a very simple issue. This is not a simple issue and anyone who thinks it is, is a simpleton. This issue involves much of what this Government has been about - not with loose references to WA Inc - but in recognising the diversity of our community, the need for fairness, and the need to ensure that community views and the will of the people, whether they are minority or majority views, have an opportunity to be heard and judged by independent tribunals.

Mr House: That is exactly what the Independents in this Parliament have been saying, and you attack them personally.

MR D.L. SMITH: We are talking about the resolution of those sorts of issues in a way which is separate from Government, but which allows the issues to be decided by independent tribunals. The Government's record in this area - the Government that the member for Perth and the member for Ashburton have left - is that it introduced Aboriginal land rights legislation which was defeated because of the Opposition in the upper House. This Government introduced equal opportunities legislation in this State, and it has given individuals and groups in the community who feel that they are being discriminated against

the opportunity to have that either reconciled through the conciliation process or, if that cannot be done, to have the matter referred to an equal opportunities tribunal and protected in that way. I am certain the member for Ashburton and the member for Perth support every element of that equal opportunities legislation. That support has not been forthcoming from all members opposite. In the environmental area, whether it is the Swan River, its foreshore or other areas, this Government has sought to enhance and strengthen the role of the Environmental Protection Authority in a way which would have the support of the member for Perth and the member for Ashburton.

Dr Alexander: You don't have my support on this issue.

Mr D.L. SMITH: It would not have the support of all members opposite and an example of that is the Opposition's recently released planning policy, which will ensure that planning policy is paramount to environmental protection policy and legislation. Today, notwithstanding that difference, the Opposition is being supported by the members for Perth and Ashburton. In order to try to protect the European heritage of buildings and to emphasise the value that we place on those buildings we introduced heritage legislation and, on that occasion had the support of members opposite. In recent days when legislation has been before members opposite, they have not been slow to find exceptions to insert into it. An example is the validating legislation in relation to major and minor amendments in planning matters. Where the Opposition feels strongly about a particular issue, it is not slow to insert amendments to ensure that the legislation does not apply to those issues. When the heritage legislation was before this House no member opposite sought to exclude the brewery from consideration by the State Heritage Council. If they felt so strongly about the demolition of the brewery there was an opportunity for members opposite to do that, but they allowed that legislation to go through unamended. And yet members opposite are prepared to support this motion before the body established by that legislation has the opportunity to finalise its consideration.

There are conflicts involving all of the legislation and principles I have just been dealing with. The Leader of the Opposition sees this as a simple issue in black and white terms. The old Swan brewery issue involves such matters as our European heritage, Aboriginal heritage, the environment, the preservation of the Swan River foreshore, its link with places like Kings Park, and the question of union support for these issues. The problem and style of the Opposition was truly represented today by the comments of the Leader of the Opposition. His style and that of members opposite is to identify anyone who has an opposing view to theirs as a thug. That is the style of members opposite when it comes to dealing with the union movement, and if they ever came into office they would treat the union movement as a bunch of thugs whose views should not be taken into account on any matter. I know that view is not shared by the member for Perth and the member for Ashburton, but we have this alliance here.

Mr Shave: Are you going to try to get them to change their vote?

Mr D.L. SMITH: I am trying to highlight the sort of unprincipled associations this is leading to.

Mr Clarko: We said that from day one, when you paid \$5 million for the brewery.

Mr D.L. SMITH: One of the factors used by members opposite in the debate today has been the acquisition of the land and the cost of that acquisition, but what does this motion, which members opposite intend to support, say about the brewery site? The motion calls for this site to be returned to parklands in keeping with the existing environment. One might be inclined to ask the members for Perth and Ashburton and members opposite how they would have approached this matter? How would they have acquired the site and restored it without expending money?

Mr Clarko: You own the site now.

Mr D.L. SMITH: That is right, but we have just been criticised for spending the money to acquire the site. The Government paid exactly the same price as Mr Goldberg paid for that site.

Mr Clarko: Was there only one transaction or did you have other deals with him?

Mr D.L. SMITH: Mr Goldberg was actually paid no more and, certainly, in some ways, less

than it cost him for the site. He had to pay the purchase price, the holding costs, and rates and taxes. He had to engage architects and others to develop his plans for the proposed redevelopment of that site. However, it is suggested that because the Government paid him exactly what it cost him for the site it was engaging in shonky deals. Perhaps members of the Opposition can tell me what the acquisition costs of that site would have been, particularly if that site had been developed into a park? The public purposes for which the site was acquired were twofold: Firstly, it was thought that the community would not tolerate a development of the kind that the Perth City Council was prepared to allow to be built. Many people thought that the community did not want that redevelopment to take place. Secondly, it was thought that the Government should acquire the site for its heritage value. The heritage value of that site is clear. It seems that some members in this House have been influenced by the fact that the stables are no longer located on that site. If the stables were still there would the view of members opposite have been any different? Yet they seek to criticise the acquisition of the land, and the price that was paid for that land, on the basis that that site does not now have any heritage value. One of the reasons for their coming to support this motion is that too much money has been expended already. More than \$5 million was spent on the acquisition of the site and in excess of \$4 million was spent on tunnel construction and site works. What is the member for Perth's view on the tunnel? Should we fill it in?

Dr Alexander: Leave it as it is and make a pedestrian underpass for people to cross the road in safety.

Mr D.L. SMITH: Can members of the Opposition tell me how much it would cost to hire a company to demolish the buildings on the site?

Mr Wiese: I could find a couple of people who would get rid of it for very little.

Mr D.L. SMITH: The demolition cost would be in the order of \$3.7 million if the Government could find a tenderer who was willing to undertake the task in a normal way.

Opposition members interjected.

The ACTING SPEAKER (Mr Donovan): Order! I am aware that this debate arouses a certain amount of passion in members on both sides of the House. However, it would assist the debate and help prevent passions becoming inflamed if the Minister would address his remarks to the Chair.

Mr D.L. SMITH: It is typical that members opposite are willing to support a motion in this place without being able to estimate what the cost of demolition would be. They are willing to mount arguments that somehow or other the cost of redevelopment could be saved if we did not proceed with it and that the whole of that money could be applied to areas in which the public would be sympathetic with that expenditure.

This motion is a winner for the Opposition. The Opposition assesses its approaches to Government decisions not on the basis of a considered opinion - and the Opposition has made that very clear - but on the basis of a matter's political value in its being elected to Government. One needs only to contrast its position on the old brewery site to that of the Heathcote Hospital, the proposed Murdoch remand centre, Cedarwood and Hepburn Heights. The consistent theme for members opposite is in their desire to win favour. They support whatever they think is a popular cause as long as it is helpful to their being elected. Their views are not consistent and there is no logic in their support for certain views. All they do is put up their fingers and test which way the political wind is blowing and then rush headlong into that direction.

Mr Omodei: The motion was moved by an Independent member.

Mr D.L. SMITH: Yes, and members opposite will support it. It is an unholy alliance because members of the Liberal and National Parties are prepared to join with people of principle on a matter in which they do not really believe.

Mr Lewis: You just told them they did not have any principles.

Mr D.L. SMITH: A difference exists between unprincipled behaviour and a person being unprincipled. If members opposite do not understand that difference, it is time they did an elementary course in logic. Even people of principle occasionally act in an unprincipled way. This alliance today is not only unprincipled, it is also unholy because it brings together

people of principle and people who want to generate mistrust and division in the community - people who have no concept of good government or of good administration. They wet their finger and put it into the air to see which way the wind is blowing and then head in that direction. They are doing it on this occasion before the body responsible for the preservation of heritage in this State has had the opportunity to complete its assessment.

I do not want to repeat the arguments put to the House by the Minister for Heritage. This motion is premature. It is also unprincipled and misconceived because no investigation has been made of the facts on which it is based. It is being supported by people who are rushing headlong to get into Government and who are willing to do anything, including bowl over any building, to achieve that aim.

MR COWAN (Merredin - Leader of the National Party) [4.42 pm]: Perhaps the greatest cause for regret for people on this side of the House and the two Independent members who take their seats on the Government side of the House is that this motion will not be binding on the Government. If the Minister examines closely the *Hansard* report of his speech - I hope he reads it and corrects it if he has the face to do that - he will realise that he should be ashamed of himself. I remind him of a couple of things. Firstly, the Government owned that property at one time. If the heritage value which is now of paramount importance existed then, why did the Government sell that property? The heritage value of a property does not suddenly emerge in 12 or 18 months or in two or three years. It emerges very slowly over a long period. As I said, the Government owned that property and saw no reason to keep it. It saw every reason to develop it and did so. The Government seems incapable of being able to make a popular decision on this matter. It is resting on its laurels and saying that the heritage value of the site has to be examined.

Mr D.L. Smith: By the body set up to do it.

Mr COWAN: That is nonsense. Another matter that disgusts me is that the National Party, a minority party, put forward some very good ideas some time ago and, in putting forward those very good ideas, members of the National Party put up with personal abuse and vindictiveness. As far as I am concerned, there has been no change. Not all of the good ideas are inherent in the Government. Members opposite do not have a mortgage on good ideas or the ability to read the opinions of the people and interpret those opinions. Why cannot members opposite be gracious enough to recognise that there is a diversity of opinion in the public arena and recognise that people have a right to make decisions and, having made those decisions, abide by them? From the beginning, the Liberal Party and the National Party have never deviated from their position on the old Swan Brewery. Their position has been totally consistent with the view being expressed today and with the view that was expressed last month, last year and when the premises were first sold. I know that, because of the constraints imposed on members of the Labor Party through Caucus, the two people who left the Labor Party were not able to express their views on this matter. However, they are now capable of expressing a personal opinion and it is possible that that personal opinion has never changed. Now that they have the opportunity to express a point of view, it does the Minister for Planning no credit to spend the majority of his speech denigrating them.

Some argument has been put forward about the historical significance of this site. As I have no expertise in that area and rely only on the information that one can acquire through reading the statements made at various times by people who are supposedly experts on the matter, nothing has indicated to me that the site has historical significance or that there is some architectural value in that building that would indicate that it should be preserved. I have driven past it often enough to know that I do not want to take that road again in the hope that I can drive past the brewery.

Mr D.L. Smith: Have you heard of the Australian Heritage Commission?

Mr COWAN: I have. I assure the Minister that some of the flaws in the Heritage Commission's report and findings have been quite -

Mr D.L. Smith: I thought you had not seen anything in support of its value!

Mr COWAN: I was about to say that the statements by the Heritage Commission have been so exposed by other people for their flaws that they are valueless.

Mr D.L. Smith: You are now saying you have seen argument but you do not think it is valid!

Mr COWAN: Again, it was not me who said that the statements of the Heritage Commission were wrong.

Mr D.L. Smith: Have you read them?

Mr COWAN: I have.

Mr D.L. Smith: What did you think of them?

Mr COWAN: They read reasonably well. The two towers that are supposed to be there are now gone and there is nothing left of the old 1897 building.

Mr D.L. Smith: Who said?

Mr COWAN: Other people have said that very little exists of the original building which was constructed in 1897 and which the Heritage Commission said is worth preserving. I have to take their word for that.

Mr D.L. Smith: And that is from an unknown source, is it?

Mr COWAN: Irrespective of the point of view of experts, a majority of opinion in Western Australia believes that that building has nothing to recommend it. I happen to be one of those. I had the misfortune, in most of the summer months during my school years, to have to walk past that building and see it in operation.

Mr Pearce: You probably dropped in to the building in those days.

Mr COWAN: No, I was 14 or 15 years old.

Mr Pearce: I bet you stood outside sniffing away for 15 or 20 minutes.

Mr COWAN: The only misdemeanour I would admit to is that, every now and again, we would enter the building to pinch the small rubber balls that were used for keg stoppers. We would soak them in kerosene so that they would swell and we would use them for cricket because they would take enormous spin on a concrete pitch.

Mr Kobelke: And you say there is no heritage!

Mr COWAN: No, I was out first ball every time. The buildings have nothing to recommend them, and the majority of the public feel that they have nothing to recommend them.

Mrs Beggs: Are you sure of that?

Mr COWAN: Yes, I am reasonably certain. I am quite sure that, although the Minister may discount properly conducted polls, she must acknowledge that if a reputable polling group were commissioned to conduct a poll tomorrow the response would be overwhelmingly in favour of the demolition of those buildings and the land being used for public open space. It was always the view of most interested people that that would happen. When the Government first acquired this property it aroused a great deal of public interest and submissions were made about what should happen to the land. In the main, the proposals were that the buildings should be demolished, if not totally then in part; public open space should be created which would become part of Kings Park; and that the facilities necessary to support the public open space activities should be provided. Most people thought that limited development would take place on the property once it was in the possession of the State Government. However, a previous Labor Government sold the property and then had to buy it back for a considerably larger sum than it had been sold for. That was the first mistake.

If one wants to talk about the politics of this issue, it could be said that it typifies the inability of this Government to make a decision. The Government has had the brewery on its books for four or five years, but it is no closer to making a decision now than it was when the site was first acquired.

Mr Pearce: We have made a decision, but it has been difficult to implement it.

Mr COWAN: If that is the case, where is the action?

Mr Pearce: It is held up in the courts.

Mr COWAN: Why not acknowledge that the only reason court action is being taken is that the Government is acting contrary to the wishes of the public?

Mr Pearce: That is not a fact the courts take into account.

Mr COWAN: It may not be a fact the courts take into account, but the reason this matter is before the courts is because the people want to stop the Government's action.

Mr Pearce: I understand that.

Mr COWAN: Then why does the Government not acknowledge this motion and get on with the job? Why does the Government not admit it is wrong and undertake to demolish the brewery, realign the road, convert the land to public open space, and give recognition to the Aboriginal people's claim that the site has special significance? The Government should give the Aboriginal people some opportunity to be involved with the land which will be managed by the Kings Park Board. It would provide access from the river to Kings Park and could provide a link between the war memorial, public open space on the river foreshore, and the river. That would be a very popular decision.

Mr Pearce: In your view it would be very popular but it would be unpopular with other people. If, every time someone takes the Government to court, it abandons the position it has, it will eventually take no position on these issues because there is an infinite capacity for people to mount court cases. If the Leader of the National Party ever becomes a Minister, and if, as soon as someone takes a court case in opposition to a decision he has made, he changes that decision, he will be run by the courts and not by the Parliament.

Mr Wiese: You should get it right the first time.

Mr COWAN: I am sure the Leader of the House heard the interjection by the member for Wagin, and that is precisely the point: The Government should get it right the first time. These things would then not occur.

Mr Pearce: One does not have to be wrong for an action to be taken against one in court.

Mr COWAN: The Minister for Planning spent most of his speech attacking the members for Perth and Ashburton. I do not want to listen to the Leader of the House tell me the only reason the Government is incapable of making a decision is that the case is before the courts.

Mr Pearce: The Government has made a decision.

Mr COWAN: I do not want the Leader of the House to tell me that the Government cannot reverse its decision with regard to the Swan Brewery site because the matter is before the courts.

Mr Pearce: The Government can reverse the decision, but it does not propose to because it thinks it will be the wrong thing to do.

Mr COWAN: If the Government thinks it is the wrong thing to do, it is merely demonstrating its arrogance and its inability to listen to public opinion. Public opinion will be very accurately reflected in the vote taken in this House, and the Leader of the House and his Government will do themselves a favour by recognising that it is time a decision was made about the Swan Brewery indicating that this situation has gone far enough. The Government should agree to stop doing what it intends to do, and go back to the original proposal made when it first acquired the property; that is, create public open space and allow limited development commensurate with that open space. It was also proposed to use that area to connect the river foreshore with Kings Park.

Mr Pearce: What does limited development mean in specific terms? What would happen to the current buildings? Would one half or a quarter of them be demolished?

Mr COWAN: I would push the whole thing down.

Mr Pearce: What do you mean by the original plan?

Mr COWAN: The original proposition was that the area should be used for public open space.

Mr Pearce: Who put that proposition to me? I was the Minister at the time and I know that the proposal was to preserve the existing buildings.

Mr COWAN: A little red brick kiosk may not be a bad idea.

Mr Pearce: What do you mean by limited development?

Mr COWAN: Development commensurate with public open space; facilities would be required where people could enjoy some leisure time. They would need somewhere to sit down and relax, a cafeteria in which to have refreshments, and toilets.

Mr Pearce: In the existing building?

Mr COWAN: It depends on the proposals. I have suggested the facilities that should be made available. If they can be provided in the existing buildings, and that would save money, perhaps they should be used. In my view the buildings should be knocked down, and refreshment and toilet facilities should be provided, together with limited parking facilities. Direct access should be provided to the river.

Mr Pearce: Do you accept that some part of the buildings might remain?

Mr COWAN: I personally do not think so.

Mr Pearce: You propose to knock down heritage buildings and put up toilets?

Mr COWAN: It is not a heritage building; it is an eyesore and a constant reminder that in the past we put most of our processing and manufacturing industries close to the river so that we could get rid of the pollution from those industries.

Mr Pearce: How aesthetic will the proposed public toilets be compared with the buildings currently on the site?

Mr COWAN: If the site is to be developed, toilets must be included.

Mr Pearce: They will be inside the existing building.

Mr COWAN: They would be inside any building. The Leader of the House is talking nonsense.

The ACTING SPEAKER (Mr Donovan): Order! Everybody in this House knows that if the Leader of the House is given an opportunity to make a speech he will take it.

Mr COWAN: I was enjoying it.

The ACTING SPEAKER: If the Leader of the National Party wants to use his time wisely, I suggest he address his remarks to the Chair and the Leader of the House can use his opportunity when it comes.

Mr COWAN: I defy the Leader of the House to keep his mouth shut for the next 10 minutes. I do not think he can do it.

Mr Pearce: You had better pray that I do!

Mr COWAN: Mr Acting Speaker, I will take your advice and come back to the point. The National Party has not changed its view on this issue since it first entered the public arena. We have never supported the retention of the Swan Brewery for renovation or repair, and we never will. The building is an eyesore and it should be demolished. The area of land associated with it should be set aside as public open space; and limited facilities, which are commensurate with the use of public open space, should be constructed. That is all we have said and that is all we will ever say. For that reason, the National Party supports the motion. We commend the two Independent members for their preparedness to bring a motion before the Parliament. It disappoints me, firstly, that the Minister for Planning spent his time abusing those two members for exercising their right to introduce into this place a motion of this nature. Secondly, it disappoints me that the Government is using as the reason for its not making a decision the fact that there is now some heritage value to this site and to those buildings, because that was not the case when the Government first owned the building; if it had been, it would never have sold it.

Mr Pearce: We did not sell it. That is rubbish.

Mr COWAN: We fully support the motion before the House, and assure members that we will vote in favour of it.

MR THOMPSON (Darling Range) [5.01 pm]: I would not have brought this motion to the House. However, the fact is that it is before the House and I have to make a decision about my position on this matter. Until the past few weeks I had not taken an intense interest in the brewery matter. It appeared to me that there were two groups in the community: One passionately of the view that the building should be preserved; the other of the view that it should be demolished. My assessment was that those two groups were about equal in number. However, over the years that the building has remained in the condition that it is in now, more and more people in the community have come to the conclusion that it is an eyesore and should be demolished.

I have listened to the arguments which have been advanced by my Independent colleagues. I do not agree with some of the points of view they expressed, but I agree with them that the situation has now got to the point where the only possible outcome is for that building to be demolished. The Government embarked upon a proposal to revamp the building. It did not wait for any heritage legislation to give it the authority to do that. However, the Government is now saying to us that there is heritage legislation and that if we waited for a while the building might get a heritage listing. Were the building to get a heritage listing that would put the Government directly in conflict with the views of those people in the community who have responsibility for Aboriginal heritage, so we would end up with a conflict between two groups of people in the community. I am disappointed that so much weight has been given to the Aboriginal argument. Indeed, Aboriginal people will be able to draw some strength from this issue when they take up issues in other areas. I am not convinced that many of the issues that have been raised by Aboriginal people and people who are sympathetic to Aboriginal causes are justified. I believe Aboriginal people have exaggerated the value of this site, and I bet my bottom dollar that many of the areas which the community wants to develop will suddenly become matters of importance to Aboriginal people.

What is needed in respect of Aboriginal heritage is to define the places of significance. This should be like the metropolitan region scheme, and a plan should be laid down so that everyone will know what are the places of Aboriginal heritage. It seems to me that those sites are like a moving target; they move from place to place. I am not saying there are not some people in the Aboriginal movement who are very sincere and who believe there are particular places of Aboriginal significance, but those places should be identified and catalogued so that everyone in the community will know where they are and so that they can respect those sites. It is inappropriate for the community to be faced with a situation where, as soon as some development is proposed or commenced, it suddenly becomes a matter of significance to Aboriginal people. That is not fair to the community, and in some case things have been done which are not fair to Aboriginal people. The places of importance to Aboriginal people should be identified.

Mr P.J. Smith: They already are. More than 200 sites have been identified in Perth alone, but they are not made generally known.

Mr THOMPSON: I will give an example. I was on the steering committee of the WA branch of the Equestrian Federation of Australia, which was endeavouring to establish a State equestrian centre in the Swan Valley on land that was owned by Bond Corporation. However, the moment a public statement was made that an equestrian centre was to be developed in that location, Aboriginal people said there were sites of significance in that location. So I invited to my office in Parliament House people from the Aboriginal group which had made this utterance, to identify the sites which were of significance to them in order that we could ensure that we treated their position sensibly. I placed before those people a plan of the total area and asked them to identify for me the areas of significance for Aboriginal people. They asked me, "Where are the developments going?" I said, "That is not important. We will ensure, as far as is humanly possible, that we will not interfere with the places of importance to the Aboriginal community". Well, they argued for a while, but eventually they were embarrassed into having to identify some areas where they said there were things of significance. From that point on, the Equestrian Federation and its architects and builders made certain that they did not do anything that would impinge on those people. I am saying that in some cases the Aboriginal heritage issue is a case of moving the goal posts. That is unfair to the community. It is no good waiting until someone wants to undertake a development to say there is something on that site which is of importance to Aboriginal people. Those areas must be delineated, defined and catalogued so that people in the community who want to undertake a development can ensure that they preserve the sites of significance.

I am making no judgment on the situation at the old Swan Brewery as it relates to Aboriginal heritage, except that it is clear from the attitude of the courts that the courts believe there are some things there of significance to Aboriginal people and they have sided with them. This frustrating situation has developed, but if we were to wait for the Heritage Council of Western Australia, the body being set up under the legislation, to assess it and say, "Yes, this building is of European heritage value", we would have conflict between the two cultures. How do we resolve that? I will tell members how: We should have an expression of the

people through this Parliament as to what they think. My firm, conscientious view is that the great majority of people in Western Australia believe that that farce down at Mounts Bay Road should be brought to an end, and the only way we will bring it to an end is to pull the blooming thing down.

I said earlier to you, Mr Speaker, that I did not have a strong position on the matter; but I have come to a conclusion, on balance. I was contacted by a person close to the Brewery Preservation Society and I took the trouble to initiate a meeting with members of the society. I met with them here yesterday and listened to what they had to say, and I understand the passion that they have to try to preserve that building. However, I do not agree with their view and I believe that the majority of people in our community do not agree with them either. It is unfortunate that in every argument there are winners and losers, and for my part they must lose this round.

Throughout my parliamentary career I have been motivated by what I thought was right and in some cases it has put me at odds with people of the party of which I was previously a member. It will put me at odds, periodically, with people for the remainder of my time in this place, but I will call the shots as I see them. As I see this situation, the only achievable outcome, if this motion is passed, is for the Government to accept the expression of opinion of this House - and that is all it is. There is nothing binding on the Government; it is an expression of opinion of this House that the building should be demolished. I put it to the House that if this were a vote that was free and open, very few people would vote in opposition to the motion moved by the member for Ashburton. I support the motion.

MR THOMAS (Cockburn) [5.12 pm]: I oppose the motion, and in doing so most of what I say will be an expression of values, because in a debate such as this, as the member for Perth observed when he noted that beauty is in the eye of the beholder, heritage value is, to a very great extent, a matter of value; what one person values another person might not. A way must be found to resolve differences, and the mechanism which is been found in our legislation was outlined at some length by the Minister for Heritage when he spoke. Accordingly, most of what will be said, and in fact most of what has been said by everyone who has spoken in this debate so far, is an expression of views on this question.

Firstly, though, one or two assertions of fact have been made which are incorrect and need to be corrected. The first is that this matter has not been debated in the Labor Party Caucus and has simply been imposed upon the members. In fact that is not true. I understand it was debated some time before I became a member and before the member for Perth became a member of Caucus. However, the world did not start spinning when I became a member of Caucus, and certainly it did not start spinning when the member for Perth joined the Caucus, and the assertion that this decision has been imposed without a debate is incorrect.

Secondly, it was said that this was some sort of WA Inc deal because of the names of some of the people who have been involved in the ownership of the old Swan Brewery site over the years. The simple fact is that when we became the Government in 1983 - and at that stage I was working in the office of the then Minister for Planning - a proposition was put forward to build a casino on the site. If members had wanted to have some sort of WA Inc deal, that would have been the ideal use of that site. There were propositions for casinos, hotels, blocks of flats - anything which would maximise that ideal location and give a return on the investment for the people who had purchased the site. That was rejected out of hand by the then Minister for Planning and Administrative Services as being totally inappropriate for that site.

Mr Shave: Who was that Minister?

Mr THOMAS: That Minister was David Parker and I believe he made an absolutely correct decision. He said it would defile Kings Park to have a multistorey building there and it was totally inappropriate. The proposition for a casino there was rejected by Mr Parker in his capacity as Minister for Administrative Services, and the proposition to develop hotels and flats on the site was rejected in his capacity as Minister for Planning. Those facts needed to be put in some sort of context.

I want to talk about some of the value issues because I am entitled to an opinion, as is anyone else, and I think the views I have are shared by a number of people. When talking about heritage values for buildings, buildings are very often looked at in the context of what might

be described as their architectural value. Architects are commissioned to look at certain types of buildings and ask whether they are good or bad examples of particular styles. It has been said by those who have argued that the old Swan Brewery has architectural heritage and should be retained for that reason that it is an example of a particular style of industrial architecture. I believe that we should conserve representative samples of our industrial architecture, and that style of industrial architecture certainly has values when compared with the fairly sterile industrial architecture seen today. For instance, if one visits an area such as Osborne Park or Kwinana, one can see that the value of the older industrial architecture is much greater.

However, although I am interested to hear what other people have to say about that, the significance of the old Swan Brewery building to me is not so much the architectural value as its place as part of Perth's landscape. The old Swan Brewery has been a very important part of the landscape of the City of Perth for a very long time. Perhaps aspects of the structure have changed and been added to or renovated, parts have been demolished over the years, and so on; but there has been a significant piece of industrial architecture on that site since at least the turn of the century.

For many years I have had an interest in Western Australian landscape art, and whenever exhibitions of Western Australian landscape art are held I try to make a point of attending them. A very high proportion of the significant works of Western Australian art have the old Swan Brewery in them. It is an important feature of Western Australia's landscape. Some members would say that the building in its current state is an eyesore. I suppose if one is driving along Mounts Bay Road, even when the building is renovated it will still be largely a brick wall. When the roof is fixed and it has ivy growing on the walls and so on it will look more attractive, but even so, close up it will still look like a brick building. However, looking at it from where I see it most often - because I represent an area south of the river - when I am coming to Perth across the freeway I see it as a very attractive part of an attractive landscape.

Mr Lewis: You must be joking!

Mr THOMAS: I am not joking at all. It is a point of interest. It is what is described by landscape architects and people who evaluate landscapes as a punctuation mark. It is in scale with Kings Park; the style, the colour of the bricks, and the colour of the tiles - when they are eventually all replaced - complement the pergolas and so on which are visible in Kings Park. I believe it is an important part of that landscape, particularly when viewed from a distance, which is the perspective from which people south of the river, where I come from, see it. In addition, we must see it in terms of alternative landscape values and what is proposed by those who say the building should be demolished and the site returned to public open space and incorporated in Kings Park. Is there any shortage of public open space along the river at that point? From the University of Western Australia right around to the Causeway is virtually uninterrupted public open space and, except for people who use the cycleway - that is, as a route to get from one place to another - it is virtually unused because it is sterile and agoraphobic. No-one will go to sit by the river.

Dr Alexander: There are plenty of people down along the river.

Mr THOMAS: I have seen many people along the river, most of them using the cycleway. Who will sit by the river at that point? A major road runs through that area and the reserve would sit between the road and the river. The area involved will be narrow even with the brewery demolished, and this will add nothing to the enjoyment of the river. It will add a few extra square metres of open space on which more couch grass may grow. It is also said that if the site is restored to its original state, it could be added to Kings Park. However, that is not possible because, as members would know, that area is filled-in river, and it would be necessary to dig up the road to return it to its original state. How would the member for Nedlands, and the people he represents, react to that? I cannot see the advantage to Kings Park of the inclusion of that area in the park. If some development occurs on the site, it may be appropriate that it be administered by the Kings Park Board; however, if the building is demolished and the couch grass grows, how will Kings Park be enhanced in any way?

Some years ago the Chairman of the former State Planning Commission, the late Bill McKenzie, who died two weeks ago, said that we needed to maximise the opportunity for people to do things by the river. His view was that it is fine to view open spaces from the

multistorey offices on St George's Terrace, but the value is gained from a distance, and for people to maximise an appreciation of the river it is necessary to go there to partake in some activity. This supports the notion of some development by the river. We are not talking about a casino or a multistorey building; we are talking about appropriate activity taking place. The observation by the late Mr McKenzie was an accurate one.

Regarding the Aboriginal question on this issue, the nub of the matter was mentioned by the member for Ashburton when she said that she was not a cultural vandal. Nobody would suggest that she was, even if her assessment of these issues meets disagreement. However, she is correct in stating that cultural vandals were the people who developed the brewery in 1890. That is the point of view of the Aboriginal people who associate with that site. This view also applies to the people who cleared the land upon which this building stands and the land on which many of us have homes. This city was developed over Aboriginal land, and subsequently a number of sites of significance to Aboriginal people were developed. The foyer of this building is known as the Forrest foyer. Throughout the State John Forrest has been honoured in many places; indeed, every town seems to have a Forrest Street; Perth has a Forrest Place. However, perhaps no person did more to vandalise Aboriginal culture than John Forrest by his role in the development boom of the 1890s.

Mr Court: You have been talking to Mal Bryce again.

Mr THOMAS: It happens to be true. However, we cannot do a great deal about that now. We should acknowledge the Aboriginal heritage of the City of Perth, for this is an important heritage. However, to draw a comparison with the sites of Aboriginal significance in the City of Perth with the sites of significance in the Kimberley and Pilbara is entirely wrong. The member for Ashburton drew this comparison, and she did so in good faith. However, the nature of the association is quite different. That is illustrated by the fact that the material presented quoted Daisy Bates who was doing her work among Aboriginal people many years ago in very different circumstances. The way in which Aboriginal people relate to sites today is very different from the case when Daisy Bates was doing her work. Also, Aboriginal people in the Pilbara and Kimberley relate to sites of significance in a different way from metropolitan Aboriginal people.

I take a great deal of interest in Aboriginal affairs. I think I represent more Aboriginal people than any other member in this Parliament with a metropolitan electorate. I involve myself whenever possible in the affairs of those people. In fact, one of the reasons that I joined the Australian Labor Party and sought a career in politics was to pursue those interests; that is the case with many other members. The metropolitan Aborigines to whom I have spoken do not believe that their standard of living or sense of wellbeing would be in any sense enhanced by the demolition of the Swan Brewery. Some people will say that the building should be demolished because of the previous association of Aboriginal people, and most of these people are genuine in their belief; however, some people associated with this issue are involved for other reasons. They are exhibitionists and charlatans and people with another political agenda. We should mark and respect Aboriginal culture in the City of Perth, but this should be done in an appropriate way. A number of sites have been identified around the metropolitan area which have great significance to Aboriginal people. Rottnest Island has been debated in recent years. Rottnest Island is primarily a holiday resort to most of us, and any historical significance is that it includes buildings such as the one which was a Governor's residence and which have heritage value. However, to Aboriginal people, it was effectively a concentration camp. Aboriginal people would like to see that aspect of their heritage acknowledged, as indeed it should be.

I offer an example to the House of a similar heritage site being marked in an appropriate way. At Mt Vernon in the United States of America a memorial stands to George Washington, the first President of the United States. However, this is sited on an estate on which many hundreds of slaves toiled and died. In the 1960s it was demonstrated that the estate was a site of historical significance to black American people. That fact had not been previously acknowledged. Many slaves had worked there and made George Washington's achievements possible. The site contained the unmarked graves of many slaves, yet this had not been acknowledged. When the civil rights movement achieved prominence in the 1960s, it was decided that a proper acknowledgment should be made of that fact. That was a very important site from the point of view of black history of the United States, which is quite different from the way in which other people would see it. A very tasteful memorial has

been erected on that site and people who visit see both sides of the story. They are acquainted with the constitutional significance and that it was the home of the first President of the United States. They are also made aware of the fact that he was able to attain the position of first President of the United States because he was supported by the unpaid labour of many slaves.

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

[Leave denied.]

Mr THOMAS: The point I was trying to make by the example I gave is that many places around the city of Perth contain aspects of Aboriginal history of this area which must be commemorated. From talking to Aboriginal people generally and to those I represent, I am not aware that they feel, in any sense, that the Government's demolition of the Swan Brewery building would enhance their heritage. Aboriginal history should be commemorated, but that is not the place to do it. It has been said that it is possible to commemorate the Aboriginal aspects of the site by returning it to its original state; that is, the state in which it would have been when the Aboriginal people occupied the whole city of Perth. That is physically impossible to achieve because the area has been developed. It is a developed and cultural landscape and part of that landscape is an industrial building in which many people have worked over many years and where, also, their heritage should be commemorated. In making heritage judgments, values about what is important to one must be weighed up against what is important to others. Differences will arise when discussing issues about which people will come to conclusions based on assessments of values rather than on assessments of fact. Therefore, mechanisms should be created to resolve those differences in an arena where there is more light than heat. Unfortunately in this debate people are seeking to score political points rather than to make a judgment which will, as far as possible, resolve the differences.

Mr Wiese: I thought you were talking about facts.

Mr THOMAS: The member for Wagin did not listen to what I said. I said the matter is largely a question of value and, therefore, is a matter of exchanging values. I would be prepared to measure my values on these matters with the member's values any time. I also said members of the Opposition had made some assertions that were wrong. Those matters have been dealt with.

Mr Wiese: Is that a fact or a judgment?

Mr THOMAS: The judgment lies in deciding what is important in preserving aspects of our past. We must consider what must be retained and what must be demolished. Members opposite and others elsewhere have sought to score points and make the simple assertion that this building would be best demolished. In so doing they have ignored the fact, among other things, that significant landscape value exists in the building itself and that it is an important part of the landscape of Perth. The observation has been made often - it was made only a couple of weeks ago when the heritage Bill was being debated at some length - that Perth has lost many buildings. However, we have often overlooked the fact that buildings do not exist in isolation, but as part of landscapes. If it is possible to retain a landscape which is worth preserving, that should be done.

Mr Clarko: That is the obverse. It is the reverse of the missing front tooth. There is not a single building between Crawley and Barrack Square; and there should not be once the Swan Brewery building goes.

Mr THOMAS: Precisely. The area is not exactly short of couch grass or spaces to sit by the river if one is of a mind to do that. However, we are rather short of a place at which to have a cup of tea and sit for a while.

Mr Clarko: It is ugly.

Mr THOMAS: That is a matter of opinion. From where I see the building most days, it is to scale and appears to be in context.

Mr Clarko: It is in conflict.

Mr THOMAS: That is a matter of values. A large number of the significant artists who painted landscapes in Western Australia, some of whom Mr Clarko would be aware, have included the Swan Brewery buildings in their paintings. It is part of our heritage.

Mr Clarko: It is not part of our heritage.

Mr THOMAS: It is.

Mr Minson: The land it stands on is more part of our heritage.

Mr THOMAS: The land will not disappear. The point I am making is that the building is surrounded on either side by couch grassed land which is not at a premium.

Mr Clarko: It spoils the vista and the banks.

Mr THOMAS: It does not spoil the vista. Continuous green, open space surrounds the river, but there is nowhere to sit and have a cup of tea or talk or pursue whatever leisure activity may be an appropriate use of that building. The people of Perth are missing out on the opportunity to maximise their use of the river. In Victoria, for example, a number of places exist along the Yarra where people can stop -

Mr Clarko: You would not compare the Yarra with the Swan?

Mr THOMAS: No I would not, but the way in which recreational development has been provided on the upper Yarra River banks compares very favourably with some of the areas of the Swan River.

Mr Court: Is Robb Jetty in your electorate?

Mr THOMAS: No. Does the member for Nedlands have any other questions? Robb Jetty is not in my electorate but a substantial number of the meat workers employed there are. Does that answer the member's question?

Mr Court: Yes, it was a good answer.

Mr THOMAS: For the reasons I have outlined, although the matter is largely a question of values rather than of fact -

Mr Court interjected.

Mr THOMAS: The member for Nedlands was obviously not in the House when I corrected some of the assertions made by the members who spoke earlier. In fact the matter was debated in Caucus, although at the time neither the member for Perth nor I were members of Caucus. As I observed earlier, the world did not start going round when we both joined Caucus.

Dr Alexander interjected.

Mr THOMAS: The member for Perth is always able to move a motion. In any event, we must balance the architectural and the landscape values against the Aboriginal issue. We, on this side of the House, have a record of respecting Aboriginal values which compares favourably with the record of members opposite.

The member for Melville interjected earlier and made an observation that the Government sent the police to the brewery site and dragged the Aboriginal people away. The Liberal Government's record of taking that sort of action is horrendous compared with any action of the Labor Government. Former Premier Dowding went to enormous lengths to settle that issue by discussion and negotiation, and he tolerated the fact that people were camping at the site, probably illegally. I know that members opposite received representations from their constituents who believed that that sort of behaviour should not have been tolerated because it would not be tolerated from anyone else. It was said at the time that this Government did not take that sort of approach, but it considered it was better for people to have their say and to talk through their problems, and that is what occurred. The legal processes engaged in issues involving Aboriginal people have been subject to the appropriate legislation introduced, of course, by Labor Governments to protect Aboriginal history. The assessments that will be made under the heritage legislation which was introduced by this Government to protect the wider heritage values will run their course. The philistine approach from members opposite who have no real regard for architectural and landscape values or for the history associated with that site should not prevail. It is a complex issue and it cannot be resolved by a simple yes or no. We must work through the different aspects of this issue. The approach taken by this Government compares favourably with the approach suggested by most members opposite. The sentiments of the member for Perth and the member for Ashburton are quite genuine. However, the comparisons made by the member for Ashburton

between this issue and issues in her electorate are invalid and for that reason should not stand.

Question put and a division taken with the following result -

Ayes (28)			
Mr Ainsworth	Mr Court	Mr MacKinnon	Mr Thompson
Dr Alexander	Mr Cowan	Mr McNee	Mr Trenorden
Mr C.J. Barnett	Mrs Edwardes	Mr Minson	Mr Fred Tubby
Mr Bloffwitch	Mr Grayden	Mr Nicholls	Dr Turnbull
Mr Bradshaw	Mr House	Mr Omodei	Mr Watt
Mrs Buchanan	Mr Kierath	Mr Shave	Mr Wiese
Mr Clarko	Mr Lewis	Mr Strickland	Mr Blaikie (<i>Teller</i>)

Noes (26)			
Mrs Beggs	Mr Graham	Mr McGinty	Mr Thomas
Mr Bridge	Mr Grill	Mr Pearce	Mr Troy
Mr Catania	Mrs Henderson	Mr Read	Dr Watson
Mr Cunningham	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Donovan	Mr Kobelke	Mr D.L. Smith	Mrs Watkins (<i>Teller</i>)
Dr Edwards	Dr Lawrence	Mr P.J. Smith	
Dr Gallop	Mr Marlborough	Mr Taylor	

Pair

Mr Mensaros

Mr Leahy

Question thus passed.

STATE SUPPLY COMMISSION BILL 1989

Council's Further Message

Further message from the Council received and read notifying that it had agreed to the Assembly's request for a Conference of Managers; that the Conference of Managers be held on Thursday, 16 May 1991 at 1.00 pm in Parliament House, and the Managers from the Council be Hon Kay Hallahan (Minister for Education), Hon Fred McKenzie, Hon R.G. Pike, and Hon J.N. Caldwell.

On motion by Mr McGinty (Minister for Services), resolved -

That the Assembly request the Council to alter the time fixed for the Conference of Managers on the State Supply Commission Bill 1989, from Thursday, 16 May 1991 at 1.00 pm to Tuesday, 28 May 1991 at 4.00 pm, and that the Council be acquainted accordingly.

OFFICIAL CORRUPTION COMMISSION AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr MacKinnon (Leader of the Opposition), read a first time.

BILLS (2)

Messages - Appropriations

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills -

1. Supply Bill
2. Retirement Villages Bill

[Questions without notice taken.]

House adjourned at 6.01 pm

QUESTIONS ON NOTICE

SMALL BUSINESS - RURAL AREAS

139. Mr HOUSE to the Premier:

What specific assistance and support has the Government given to rural small businesses over the past five years?

Dr LAWRENCE replied:

(1) National Industry Extension Service

An amount of \$221 619 has been spent or committed since 1986 on NIES services for companies outside the Perth metropolitan area - postcodes 6200-6999. A further \$62 175 has been spent on business plans for rural companies from non-NIES funds.

(2) Aquiculture

State agencies have sponsored conferences on aquiculture to promote diversification opportunities for farmers, for example yabbie cultivation in farm dams.

(3) Trade Promotion

Rural small businesses in the manufacturing and processing sector have of course been encouraged to access the full range of support programs available from the Government. They have participated in trade promotions and utilised the range of financial support schemes offered, including the Export Market Support Scheme and the Japan Export Market Support Scheme.

(4) Export Graduate Scheme

This scheme was developed to provide financial assistance to Western Australian exporters to employ marketing graduates to market their products and services more effectively interstate and overseas. Through participation in the scheme, companies are assisting to develop, or further develop, their international marketing skills. Of 12 placements made under this scheme since it began in 1989, two have been rural companies.

(5) Specific Support through the Trade Promotion Programs

Assisted Narrogin Brick Company in accessing clay resources.

Assisted Wagin Grainfeeds in obtaining unused railway land in Wagin.

Assisted Sandstone Industries, Donnybrook, resulting in some 10 containers of Donnybrook stone being used in the internal facings for the new Hyatt Hotel in Jakarta. In addition, stone is now being shipped to Japan, Singapore, the United States and Malaysia.

Assisted Turban Shells from Margaret River in obtaining a developmental licence from the Fisheries Department, and Taiyo Fishing Company of Japan have agreed on a price for the shells.

Dreamtime T Shirts, Margaret River, have been assisted for their marketing to the USA. The unique Dreamtime design has the potential to gain a significant hold in the USA. Japan and Europe are also future targets.

Export assistance discussed with jojoba oil industry in Carnarvon.

Assisted export negotiations and requirements for Mid West Exotic Wildflowers, Mingenew and Desert Gold Orchard, Wiluna, to Japan.

Assisted WA Pelt Processors, Wongan Hills.

Assistance with export Kai Fresh, Carnarvon, with Sushimi snapper to Japan.

Assisted Aussie Rabbit, Bunbury, to find potential markets in Indonesia, Singapore and Hong Kong.

Customs clearance assistance provided to Redgate Wines, Margaret River.

Assistance to Barrack Silicon, Kemerton, while company restructuring is taking place.

Assistance to Pederick Engineering of Wagin to establish contacts for structural work with regional mining companies and help seek export opportunities for their range of farm equipment.

Assisted Automotive and Industrial Mining Supplies (AIMS) in Kalgoorlie with a list of contact and set up of an agency in Indonesia.

Assisted Scott Engineering, Kalgoorlie, to export generators to Angola.

Export advice, assistance and help provided to 59 companies throughout the State.

(6) Specific Business Support

Twelve rural businesses have been provided financial assistance in the following forms -

Government Guarantees	\$1 530 000
Grants	\$3 830 000
Loans	\$250 000
Consultancy Support	<u>\$14 000</u>
	\$5 624 000

(7) Local Enterprise Agencies

Local Enterprise Agencies have been established and funded in Albany, Bunbury, Geraldton, Margaret River, Warren-Blackwood, Esperance, Narrogin, Port Hedland, Broome and Manjimup to assist in the development of small businesses in regional areas. It has been estimated Local Enterprise Agencies in WA have an average annual outcome of -

assisting 3 036 clients;
assisting in the development of 215 businesses; and
creating 365 jobs.

(8) Small Business Development Corporation

Over the past five years Small Business Development Corporation has -

Maintained a regional office in Bunbury providing a full range of services to small business in the south west of WA.

Established a second regional office in Merredin assisting small business in the WA central wheatbelt.

Arranged country visits by business advisers to the main regional centres.

Maintained a 008 phone advisory service for country callers to the Perth office.

Since its inception in January 1985, 25.6 per cent of the total number of guarantees issued under the Small Business Guarantee Scheme have been for rural based businesses.

More recently -

The Premier has announced the establishment of the State Enterprise Centre within the Department of State Development. This will assist rural areas in their efforts to foster new businesses throughout WA.

The Department of State Development has also provided funds of \$10 000 to a group from the Moora area which has been formed to attract new industry and business to the region.

There is also a range of other programs provided by the Department of State Development and Small Business Development Corporation providing individual assistance on an ongoing basis to small business in the rural areas.

BRUSH, MS BRENDA - PUBLIC SERVICE EMPLOYMENT

411. Mr MacKINNON to the Premier:

Would the Premier advise in what function and capacity, together with dates, has Brenda Brush been employed by the Public Service in the last eight years?

Dr LAWRENCE replied:

Brenda Brush was employed by the Public Service in the following capacities in the last eight years -

8.2.82 to 7.4.83	Typist, Office of the Leader of the Opposition - "Temporary" officer employed under the Public Service Act.
26.3.86 to 13.3.87	Principal Private Secretary to the Premier - "Temporary" officer employed under the Public Service Act.
26.2.88 to 29.7.88	Executive Assistance to the retired Premier - "Other" officer employed under the Public Service Act.
14.4.89 to 25.5.90	Technical Consultant to the Minister for Local Government; Lands; The Family; The Aged; Minister Assisting the Minister for Women's Interests - "Other" officer employed under the Public Service Act.

In addition, Ms Brush has worked in the following capacities -

8.4.83 to 19.3.84	Electorate Secretary to the member for Balga.
20.3.84 to 25.3.86	Ministerial Officer, Office of the Premier - Constitution Act appointment.
9.12.90 to 31.1.91	Engaged by the Library and Information Service of Western Australia on a casual basis for a total of 74 hours' work to undertake oral history interviews and check and complete associated transcripts. The cost of the project was invoiced to the Civilian Maimed and Limbless Association as the interviews were with persons associated with the foundation of that association.

Ms Brush currently has a casual engagement with the Parliamentary History Committee to undertake one oral history interview as part of the Western Australian Parliamentary History Project. No payment has been made to date.

JUSTICES OF THE PEACE - APPOINTMENTS CRITERIA

Connell, Mr Laurie

453. Mrs EDWARDES to the Minister representing the Attorney General:

- (1) What are the criteria applied for justice of the peace appointments?
- (2) (a) Were all the criteria outlined in (1) above complied with in respect to the appointment of Lawrence Robert Connell;
- (b) if not, which conditions were waived and on what basis?
- (3) What date and for what term was Lawrence Robert Connell appointed justice of the peace?
- (4) Who made the application on behalf of Lawrence Robert Connell and on what date?
- (5) Did the then Premier Brian Burke or any of his staff, or any Minister or any ministerial staff request the Under Secretary for Law orally, or in writing, that Lawrence Robert Connell be appointed a justice of the peace?
- (6) Who approved the appointment?

- (7) How long does it normally take for the average citizen to have his or her application for justice of the peace processed and approved?

Mr D.L. SMITH replied:

- (1) Between 1983 and 1989 the guidelines for appointment as a justice of the peace were as follows -

1. Australian citizenship and a minimum of 12 months' residence in the State.
2. A willingness and capacity to fulfil the full duties of a J.P. if called upon.
3. Good character, record and reputation including, preferably, a record of community service.
4. A perceived need for additional Justices in the area of the applicant's residence or work.

Exclusions

Apart from exceptional circumstances the following categories of applicant will not be appointed -

- (1) Persons not resident in the State;
- (2) persons with a record of criminal or serious traffic convictions;
- (3) conflict of interest situations, including situations - for example, solicitors, estate agents - where a JP could witness a signature to a document prepared by himself and the execution of which could be to the J.P.'s own advantage;
- (4) persons over 65 or under 25 years of age.

Additional Considerations

- (1) The method of nomination should continue on the present basis; that is, restricted to applicant's own member of Parliament or country Magistrate.
- (2) Members of Parliament are to be regarded as eligible for appointment.

In 1989 amended guidelines were distributed to all members in the following terms -

- " Justices are only appointed where a specific need can be established in the locality where the applicant resides or works.
- . All nominations must be submitted through a State Member of Parliament for the area in which the applicant resides.
- . Members of Parliament are requested to restrict nominations to those cases where they consider a specific need is evident.
- . All applicants are expected to indicate a willingness to carry out the full duties of a Justice of the Peace.
- . Effective from 1 December 1989 new appointments will be for an initial period of 18 months. During that period appointees will be required to complete a training course of 10 lectures, each of two hours, or by correspondence - 12 lessons. Subsequent permanent re-appointments will be approved automatically on satisfactory completion of the course. I have reserved a right to exempt applicants from the training requirements in exceptional circumstances. Generally, I would only expect that to occur in small communities or isolated areas where the number of suitable applicants is very limited.

In keeping with current criteria -

- (i) Applicants should be between 25-65 years of age. Applicants outside that age group will only be considered in exceptional circumstances.

- (ii) Applicants must be Australian citizens and on the Electoral Roll for their district. Applicants must also have lived in this State for at least 12 months.
- (2) (a)-(b) All guidelines were taken into account. The question seems to assume specific and inflexible guidelines which have never applied under this or previous Governments.
- (3) Date of appointment - 20.9.85. The term of all JP appointments is indefinite, although they are expected to refrain from certain duties at a specified age.
- (4) Nominator - Hon John Williams, MLC, member for Metropolitan Province. Date of nomination - 12.4.84.
- (5) No.
- (6) It was approved by Executive Council on my recommendation.
- (7) Records are not kept in a form which would allow a precise answer. However, the Under Secretary for Law advises that, on average, it takes about 12 months to complete all formalities for appointment.

BUDGET - ANTICIPATED OUTCOME 1990-1991

534. Mr MacKINNON to the Premier:

Would the Premier advise what is the anticipated budget outcome for the financial year ending 30 June 1991?

Dr LAWRENCE replied:

The final outcome will depend on the ability of Government agencies to contain expenditure levels over the remainder of the financial year, in accordance with a circular I have sent to all Ministers.

CHILDREN - FOSTER HOMES

Community Services Department Arrangement

542. Mr WIESE to the Minister for Community Services:

Further to question 27 of 1991 asked of the Minister for Education representing the Minister for Community Services, how many children are currently in foster homes that have been arranged by or with the help of the Department for Community Services?

Mr RIPPER replied:

913.

SOUTH WEST DEVELOPMENT AUTHORITY - BORROWINGS

578. Mr BRADSHAW to the Minister for South-West:

Adverting to question 364 of 1991, would the Minister -

- (a) give a breakdown of the projects where loan moneys have been expended to be able to understand how the amounts in (1) and (2) are arrived at;
- (b) since borrowing of funds has been undertaken by the South West Development Authority has any money been borrowed to pay interest owing?

Mr D.L. SMITH replied:

- (a) A schedule detailing expenditure on individual projects since 1985-86 has been tabled today.

[See paper No 312.]

- (b) No.

SCHOOLS - WALPOLE PRIMARY SCHOOL
Facility Standards

583. Mr TUBBY to the Minister representing the Minister for Education:

- (1) Are facilities at the Walpole Primary School up to a satisfactory standard?
- (2) If so -
 - (a) why has it been necessary for this school to convert a lunch shed into a learning area;
 - (b) why do staff have to put up with such an inadequate staffroom;
 - (c) why is it necessary for some learning activities to be undertaken in an unlined hall constructed by the Parents and Citizens' Association;
 - (d) why is it necessary for reading books to be stored on a verandah?
- (3) If no to (1), when will the facilities at this school be brought up to an acceptable level?
- (4) What provision has the Ministry made for pupil growth due to the expansion of residential areas in the town?

Dr GALLOP replied:

- (1)-(3)

The Ministry of Education is aware of the need for an extension program at Walpole Primary School. This program will be considered for funding in the forthcoming Budget.
- (4) Temporary classrooms will be provided to cater for increased enrolments until the extension program is completed.

RATCLIFF, SENIOR CONSTABLE PETER - FISHING FINE
Community Services Order Replacement

584. Mr BRADSHAW to the Minister representing the Minister for Corrective Services:

- (1) Was the fine for fisheries offences against Senior Constable Peter Ratcliff replaced by a community service order?
- (2) If so, is the community service order being carried out at a bowling club?
- (3) If so, is it Government policy to allow community service orders to be carried out at private clubs?
- (4) Does this community service order fit within the guidelines for community service orders?
- (5) Is it possible for all offenders committed and fined, (such as speeding offences) to have their fines converted to community service orders?

Mr D.L. SMITH replied:

- (1) It was replaced by a work and development order. All further questions are answered on this basis.
- (2) Yes.
- (3) The policy on work and development orders requires that the work be performed for a non profit organisation and it must not displace paid employment. Such orders are quite commonly carried out at sporting organisations and clubs, particularly those with a broad community membership base.
- (4) Yes.
- (5) Convertible fines or penalties must be of a kind covered by the Fines and Penalties Appropriations Act 1909. Fines within this definition may also be vetoed from conversion to a work and development order at the discretion of the court.

WESTERN WOMEN MANAGEMENT PTY LTD - LICENCE REQUIREMENT

587. Mr LEWIS to the Minister representing the Attorney General:

- (1) Do investment advisers and other agencies who take in investment moneys from the public, such as Western Women Management Pty Ltd, need to be licensed or have other permits to conduct their affairs?
- (2) If yes, what are the credentials required under law for the establishment of such a business?
- (3) Was Western Women Management Pty Ltd, or any other commercial agency or trustee associated with the principals of Western Women, licensed in accordance to legal requirements?
- (4) If yes to (3) who were the persons or officers of the Western Women's group particularly licensed to operate?
- (5) If Ms Robin Greenburg was a licensee, under what circumstances was she granted a licence considering her previous bankruptcies?

Mr D.L. SMITH replied:

- (1) Yes.
- (2) Investment adviser provisions are contained in part 7.3 of the Corporations Law and in the Corporations Regulations. Provisions relating to the offering of securities for subscription or purchase are contained in part 7.12 of the Corporations Law.
- (3)-(5) Records previously held by the Corporate Affairs Department are now held by the Australian Securities Commission, a Commonwealth body, and inquiries should be directed to the Regional Commissioner.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - ELECTRICAL
INDUSTRY BULLETIN No 9
*Worker Installation Testing System Scheme***

589. Mr COURT to the Minister for Fuel and Energy:

- (1) Has the Minister seen the content of the Electrical Industry Bulletin No 9?
- (2) If yes -
 - (a) how will the Worker Installation Testing System Scheme improve safety to the public;
 - (b) what support is there within State Electricity Commission of Western Australia's inspection branch for the proposed changes;
 - (c) what consultation has there been with contractors and employees in relation to these changes;
 - (d)
 - (i) have concessions been made as a result of union and industry input;
 - (ii) if yes, what concessions have been made?

Dr GALLOP replied:

- (1) Yes.
- (2) (a) SECWA's electrical inspectors are no longer able to inspect in detail all the electrical work carried out in industry. This is because the volume has grown substantially over the last 20 years. It has therefore become established practice for only those projects requiring a new connection to electricity supply to be inspected. Like a number of other electricity regulatory bodies elsewhere in Australia, Sweden, and Alberta, Canada, SECWA has therefore conceived a more efficient means to audit the electrical work of industry so as to redress this situation. It is referred to as the Worker Installation Testing System due to be publicly launched in September of this year, with operation

expected by 1 November 1991. This scheme provides for sample inspections by SECWA inspectors. It recognises that in Western Australia we have the situation of electrical work being performed by licensed electrical workers under the control of electrical contractors that are also licensed. They are therefore quite capable of getting the job done correctly. Contractors will certify the installation as safe - which they already do at present. Additionally, the worker doing the final checking and testing will also certify his part. By this sample inspection process SECWA inspectors will be able to cover a much wider range of industry work and ensure a safer result overall for SECWA's customers. For example, additions and alterations to domestic premises are a common activity and the electrical works associated with them can be considered to offer greater safety problems than those in new dwellings. SECWA will once again be able to establish inspection surveillance over this area.

- (b) There is solid support within the Regulatory and Distribution Services Branch. Inspectors are concerned that over the years they have become the supervisors of contractors, which is a role they do not want. They know they should be exercising an audit role rather than a supervision role, which is the responsibility of contractors. Some inspectors were concerned that they may become redundant through these changes but they are now aware this will not be the case. SECWA is not reducing the volume of electrical installation inspection work, simply applying it more efficiently.
- (c) There has been a series of field trials involving contractors and inspectors. Indeed, in the south west one trial has been allowed to continue simply because it is keenly demanded. Following the metropolitan trials, industry discussion evenings were held. Meetings were also held with key industry organisations. Submissions were also invited and a total of 28 were received. The net overall response has been positive and most criticism was constructive.
- (d) As far as the Worker Installation Testing System is concerned, very few changes were needed to accommodate industry requests. These were -
 - (i) ensuring that the electrical contractor still takes overall responsibility for the work and certification; and
 - (ii) providing an on the job means by which electrical workers can have their checking and testing skills evaluated.

It is worth adding that the questions that I have just answered bear no relationship to the content of SECWA's Electrical Industry Bulletin No 9. The leading article deals with the long overdue revision of the Electricity Act Licensing Regulations 1947. This matter, which has been the subject of extensive industry consultation, has nothing whatever to do with the Worker Installation Testing System. I can however advise that the review of the regulations is almost completed, and I have chaired two meetings myself. These regulations will provide a much clearer and more modern basis for the administration of electrical licensing and the general regulation of electrical work in industry.

COMMUNITY SERVICE ORDERS - WORK DETAILS

598. Mr NICHOLLS to the Minister representing the Minister for Corrective Services:
- (1) Are community service orders carried out for the benefit of commercial organisations or private individuals?
 - (2) If so, how many were imposed in 1990 and to 30 April this year?
 - (3) How is each CSO work task selected?
 - (4) How is the value of the task calculated and hours of work determined?

- (5) How many community services orders in total have been imposed where the work is carried out in the Mandurah area?

Mr D.L. SMITH replied:

- (1) No, with the exception of disadvantaged persons and pensioners.
- (2) Total numbers of CSOs issued -
1 July 1989 to 30 June 1990 - 1 640 CSOs were issued.
1 July 1990 to 30 April 1991 - 1 787 CSOs were issued.
Statistics are not maintained in a form to allow a breakdown of numbers of CSOs carried out for disadvantaged persons and pensioners.
- (3) Projects are selected on the following conditions -
 - (a) constructive work experience for the offender;
 - (b) work does not displace paid work;
 - (c) work is for the community, not commercial, benefit.
- (4) The relevant court orders the number of hours to be serviced within a given time.
- (5) Statistics of numbers of CSOs are based on the total numbers of CSOs carried out and hours of work completed. Statistics are not maintained in a form which would allow identification of the location in which the work is carried out.

SCHOOLS - CASCADE PRIMARY SCHOOL
Water Tank Repairs Cost

599. Mr AINSWORTH to the Minister representing the Minister for Education:

- (1) Will the Minister advise the total cost, including transport and labour, of the repairs undertaken to four water tanks at Cascade Primary School earlier this year?
- (2) What would the cost of replacement with new tanks have been, in comparison with repair?

Dr GALLOP replied:

- (1) \$3 600.
- (2) Estimated cost of new replacement tanks - \$4 500.

The tanks at Cascade Primary School are repaired or replaced every three years. A fibreglass repair process has been trialled for the first time in an effort to extend their service life.

ELECTORATE OFFICES - BROWN, HON J M
Merredin Office Rental Payments - Geraldton Office Takeover

601. Mr MacKINNON to the Premier:

- (1) Is rent still being paid for the electorate office of Hon J.M. Brown, MLC situated in Merredin?
- (2) If not, when did rental payments on this office cease?
- (3) If rent is still being paid, what is the amount and when will rental payments cease?
- (4) When did Hon J.M. Brown take over the office in Geraldton vacated by the former member for Geraldton, Hon Jeff Carr?
- (5) What is the rental being paid on this office?
- (6) What is the area of this office?
- (7) Upon the resignation of Hon Jeff Carr and prior to the by-election held on 13 April, 1991 why was not this electorate office reserved for the use of the newly elected member for Geraldton, whoever he or she may have been?

Dr LAWRENCE replied:

(1)-(2)

The member is operating from premises owned by him. No rent is paid.

(3) Not applicable.

(4) 15 March 1991.

(5) \$4 964 per month

(6) 33.5 square metres.

(7) Approval was given for the member for Agricultural Region to relocate to this office when the member for Geraldton resigned. It was considered that the new member for Geraldton may not necessarily wish to occupy the office vacated by the former member, a view subsequently confirmed by the fact that the member made no application to be located in this office.

QUESTIONS ON NOTICE - QUESTION 1989, 1990

Consolidated Revenue Fund - Full-time Equivalents Funding

607. Mr MINSON to the Premier:

Further to question 1989 of 1990, what is the actual aggregate total average staffing level that has been funded from Consolidated Revenue Fund, expressed as full-time equivalents at the following dates -

- (a) 31 October 1990;
- (b) 30 November 1990;
- (c) 31 December 1990;
- (d) 31 January 1991;
- (e) 28 February 1991;
- (f) 31 March 1991?

Dr LAWRENCE replied:

- (a) 83 162
- (b) 83 123
- (c) 83 258
- (d) 82 696
- (e) 82 645
- (f) 82 684

MARRON - LICENCES

611. Mr HOUSE to the Minister for Fisheries:

- (1) Why is the current legal size for marron set at 76mm for all commercial fisheries licences except the unrestricted licence category?
- (2) Under the conditions applying to the unrestricted licences, why must the pond be -
 - (a) 2.5 h.a. in size;
 - (b) purpose-built as under marron licence D, criterion C?
- (3) At a size of 76mm, do marron engage in cannibalising each other with the result that at least 50 per cent of a crop can be destroyed at this stage?
- (4) Can the Minister outline how many licences have been issued under the following categories in 1991 -
 - (a) developmental licence;
 - (b) grow-out licence;
 - (c) hatchery licence;

- (d) grow-out and hatchery licence;
 - (e) unrestricted licence;
 - (f) breeding stock licence;
 - (g) processing licence?
- (5) What is the cost of each of the following licences per year -
- (a) developmental licence;
 - (b) grow-out licence;
 - (c) hatchery licence;
 - (d) grow-out and hatchery licence;
 - (e) unrestricted licence;
 - (f) breeding stock licence;
 - (g) processing licence?
- (6) What is the cost of obtaining a professional fisherman's licence per year?

Mr GORDON HILL replied:

- (1) The minimum legal size of 76mm carapace length for food sale of marron from commercial farms is the same as that for the recreational marron fishery for enforcement reasons. However, for bioeconomic viability, full scale commercial farms need to be able to sell all sizes.
- (2) (a) To gain an unrestricted licence a venture needs to show a large degree of commitment to development, hence the minimum total area of ponds required is 2.5 ha.
- (b) Purpose built ponds - as opposed to farm dams - have been shown by research to be necessary to achieve a viable level of production; that is, kilogram per hectare. The gravity drainable condition is required for husbandry and enforcement inspection purposes.
- (3) Marron can be cannibalistic at any size. The rate of cannibalism is variable and depends on factors such as stocking density.
- (4)
- | | | |
|-----|------------------------------|---------------|
| (a) | Development licence | 6 |
| (b) | Growout licence | 5 |
| (c) | Hatchery licence | 1 |
| (d) | Growout and hatchery licence | 18 |
| (e) | Unrestricted licence | 3 |
| (f) | Breeding stock licence | 0 |
| (g) | Processing licence | - retail 76 |
| | | - wholesale 5 |
- (5)
- | | | |
|-----|------------------------------|-------------------|
| (a) | Developmental licence | \$20 |
| (b) | Growout licence | \$250 |
| (c) | Hatchery licence | \$250 |
| (d) | Growout and hatchery licence | \$250 |
| (e) | Unrestricted licence | \$1 000 |
| (f) | Breeding stock licence | - dam drain \$25 |
| | | - trapping \$200 |
| (g) | Processing licence | - retail \$25 |
| | | - wholesale \$175 |
- (6) There is no professional marron licence. The amateur licence is \$12. The professional fisherman's licence is \$15.

MINES DEPARTMENT - HYDROGEOLOGICAL SECTION ABOLITION
Groundwater Resource Assessment - Funding Suspension

614. Mr MENSAROS to the Minister for Mines:

- (1) Averting to the Minister's answer to question 185 of 1991, will the Minister

state whether the Minister's predecessor in office has received comments for the Western Australian branch of the International Association of Hydro-geologists expressing concern about the State Government's suspension of funding for the groundwater resource assessment by abolishing the hydro-geological section of the geological survey in the Department of Mines in the last Budget?

- (2) Does the Minister agree with the association that the viability of development projects within the State will be reduced if investors and developers need to fund major groundwater investigations?
- (3) Will the Minister strongly advocate with Cabinet the urgent reinstatement of funding for hydro-geological section?

Mr GORDON HILL replied:

(1)-(2)

No.

- (3) There has been no suspension of funding for the Hydrogeological Section.

EMPLOYMENT - PUBLIC AND PRIVATE SECTOR LOSSES *Western Australian and New South Wales*

615. Mr MENSAROS to the Premier:

- (1) According to the *Summer 1991 IPA Review* between June 1989 and June 1990, has the Western Australian private sector lost 4 700 employees, whereas the public sector gained 2 200, and that the corresponding figures in New South Wales were 33 300 gain in the private sector, contrasting with 1 900 lost in Government employment?
- (2) Will the Premier explain the difference in the respective two State Governments' policies which caused these results?

Dr LAWRENCE replied:

(1)-(2)

The reported increase in private sector employees of 33 300 in the New South Wales private sector represented two per cent of the New South Wales private sector work force. In comparison the Western Australia decrease of 4 700 represents a one per cent drop in the Western Australia private sector work force. While the change reflects an aggregate of increases and decreases within various industries, the main factor contributing to the reported movement is the increase of 33 200 persons employed in the New South Wales finance, property and business services.

In Western Australia there was an increase of 2 000 persons in the same area over the same period. I am sure the member is fully aware that this difference is the result of geography rather than Government policy. New South Wales, and more specifically Sydney, is the traditional hub of such activities as banking, non bank finance, investment and insurance, property and business services in Australia. Opposition to policies such as daylight saving in this State has a negative impact on the effectiveness and efficiency of the Western Australia financial community, and jeopardises Perth as an international financial centre.

The reported variance in public sector employment figures when adjusted to the percentage of the public sector population in each State is small. The significant component of the New South Wales decrease is due to a loss of 4 000 employees in public sector manufacturing categories which include New South Wales' equivalent to our agencies such as Westrail workshops and State Print. The member should note that major rationalisation has already occurred within these agencies in Western Australia, and the New South Wales Government is following in our footsteps.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - GAS APPLIANCE INSTALLATION

624. Mr STRICKLAND to the Minister for Fuel and Energy:

- (1) With respect to the Minister's response to Mr M.R. Duncan of Doubleview in the matter of the State Energy Commission of Western Australia's role in gas appliance installation wherein it was indicated that any profits reduce the amount of money it must borrow, what is the value of gas appliance installation work undertaken by SECWA to date for the 1990-91 year?
- (2) How many different contracts or jobs has this involved?
- (3) Has SECWA maintained records of the costs to complete each job?
- (4) What are the actual and or estimated costs of gas appliance installation to date for the 1990-91 year?
- (5) What is the estimated profit from this area for 1990-91?
- (6) What are the estimated number of man hours for staffing which were allowed in budget estimates to accommodate this work?
- (7) Does SECWA apportion on costs including vehicle, leave and work place costs in its determination of the costings for gas appliance installation?
- (8) If yes to (7), what is the real current cost per man hour for such work?
- (9) What cross check is made to ensure that any time over-runs on jobs are monitored and that this additional costing is taken into account when estimating profit?
- (10) What percentage of jobs may be deemed to have caused a loss?

Dr GALLOP replied:

- (1) \$1.44 million for all work associated with domestic and commercial installations and damage to SECWA gas mains.
- (2) 3 595.
- (3) Detailed records of major projects only.
- (4) \$1.44 million for all the work included in (1).
- (5) Based on SECWA's corporate plan objective of 3.5 per cent return on revenue and an estimated revenue of \$1.73 million, the profit could be about \$60 000 for the full year.
- (6) 62 830.
- (7) The hourly rate includes all employee leave and workplace overheads. Vehicle costs are charged separately.
- (8) \$29.
- (9) Regular review by supervisory staff.
- (10) Records are not kept, but only a small percentage.

ABORIGINAL HERITAGE ACT - REVIEW *Steering Committee Members*

629. Mr MacKINNON to the Minister for Aboriginal Affairs:

- (1) Who are the members of the steering committee assisting with the review of the Aboriginal Heritage Act being conducted by the Aboriginal Affairs Planning Authority?
- (2) If those people are yet to be appointed, when will they be appointed?

Dr WATSON replied:

- (1) Mr Brian Wyatt - Chairperson
Aboriginal Affairs Planning Authority

Mr Craig Sommerville
 Department of the Premier and Cabinet
 Ms Cherry Yates
 Office of the Minister for Aboriginal Affairs
 Mr Pat Dodson
 Director, Kimberley Land Council
 Ms Jossie Farrer
 Member of the Aboriginal Lands Trust
 East Kimberley
 Mr Sandy Davies
 President, Aboriginal Legal Service
 Mr Ted Wilkes
 Director, Aboriginal Medical Service.

- (2) See (1) above.

JUSTICES OF THE PEACE - REMOVAL GROUNDS

631. Mr MacKINNON to the Minister representing the Attorney General:

- (1) On what grounds are justices of the peace removed from the position of JP?
- (2) How many persons have been removed from that position in the past 12 months?
- (3) What were the reasons for their removal?

Mr D.L. SMITH replied:

- (1) Section 7 of the Justices Act contains the provisions for the removal from office of a justice of the peace. Section 8 of the Act makes provision for justices to resign.

(2)-(3)

No-one has been removed under section 7. However, one justice was invited to resign where his conduct was not appropriate for a justice of the peace. Three were invited to resign after they left the State.

QUESTIONS WITHOUT NOTICE

SWAN BREWERY SITE - GOVERNMENT SALE

137. Mr SHAVE to the Premier:

- (1) What sale price did the Government achieve when the Swan Brewery site was initially sold by it?
- (2) What undertaking did the Government receive to ensure that the purchasers fully preserved the site's heritage value?
- (3) Was the site sold prior to a proper heritage evaluation being carried out?
- (4) If not, why not?

Dr LAWRENCE replied:

(1)-(4)

Several times today interjections have suggested that this Government sold the brewery at some stage. I am not aware that it did that and I have spoken to the Minister who has had continuous involvement with the site and he says the same. I am simply not aware of what the member is saying, so the rest of his question does not follow. If he has information that any Government at some stage owned and sold the brewery in the way he is implying I would be interested to hear it.

CONSUMER PRICE INDEX - NATIONAL AND PERTH FIGURES

138. Mr DONOVAN to the Treasurer:

Is the Treasurer able to comment on the latest national and Perth consumer price index figures?

Dr LAWRENCE replied:

The debate yesterday was relevant to the long term interests of the people of Western Australia as opposed to the debate that took place on the other side of the House today in relation to the figures released by the Australian Bureau of Statistics for the March quarter. One of the things that has bedevilled this economy for a long time is high rates of inflation which have been of concern not only to the Federal Treasurer but obviously also to any responsible State Government administration. The most recent figures show that those inflationary pressures have diminished considerably, and most of all in Perth, if one looks at the figures for that quarter. The fall in Perth was the first since December 1962 in real terms and in the negative excluding falls associated with some adjustments due to Medicare in 1975-76 and 1983-84. The Perth CPI fell by one per cent, the largest fall of any capital city and well down on the 2.5 per cent increase recorded in the December quarter of 1990 which we all know was largely due to the increases in oil prices. Nationally, the CPI fell by 0.2 per cent, well down on the previous quarter. This news is to be welcomed because it enables us in Government to feed the lower prices into our expenditure in enterprises such as the SEC, the Water Authority and Transperth and means that Government expenditure is not being inflated by significant additional costs. Indeed, it puts us in a position where we can restrict our taxes and charges to a reasonable level. It is pleasing that Perth has had the lowest CPI increase for the last year at approximately 3.9 per cent compared to 4.9 per cent nationally. I hope members opposite who retain a degree of honesty will acknowledge that that is an important element in the economic recovery of this State.

ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY - REPORT
Government Response

139. Mr COWAN to the Minister for Aboriginal Affairs:

With reference to the Royal Commission into black deaths in custody, since the special task force proposed by the Premier has been rejected by Cabinet, what now is the Government's policy, and how will it respond to the report of the Royal Commission?

Dr WATSON replied:

The Premier made an extensive statement on how Government would respond. A Cabinet subcommittee comprising the Premier as chairperson, the Minister for Police, the Attorney General, the Minister for Education, the Minister for Community Services, the Minister for Health and me will examine every recommendation with our agency heads and develop a list of priorities for implementation. It should be noted that a number of the recommendations made by the Royal Commissioners have already been implemented in Western Australia. We will give the matter serious consideration. We take the report and its recommendations seriously. One of the major factors in its implementation is working with Aboriginal and non-Aboriginal Australians.

WHEAT- GUARANTEED MINIMUM PRICE
Federal Support

140. Mr READ to the Premier:

Is the Western Australian Government's preferred option of implementing a guaranteed minimum price for wheat supported by the Federal Government?

Dr LAWRENCE replied:

The Prime Minister has replied to my request that the Federal Government cooperate in the implementation of the guaranteed minimum price for wheat in Western Australia by saying that it will not do so. I am disappointed with the Federal Government's attitude but reaffirm that the guarantee will still be given effect. I am doubly disappointed, not only because my own colleagues federally have knocked it back but also because the Opposition has shown no enthusiasm for it at the Federal level and the Opposition in this place, except for the National Party, has shown no interest in promoting this matter with its colleagues that I am aware of.

Mr McNee: That is not true.

Dr LAWRENCE: I said, that I am aware of. If the member has, good on him, but it has not been done publicly. Nonetheless, I intend to tell my Federal colleagues, and I hope members opposite will do the same, that there is a simple remedy open to them. Perhaps it will be that colleagues of members opposite could initiate the necessary motions in the House of Representatives and the Senate to provide for Western Australia's ability to pay the guaranteed minimum price. I issue that challenge to the National Party also, as there might be members of its party who would initiate that motion to enable the State to pay the necessary funds through the Australian Wheat Board. If they do not reconsider the position - and given the consolidated position of all Federal parties I am realistic in thinking they will not do that - we will still pay the guaranteed minimum price should it be triggered. We have been discussing several options with industry groups, initially without too much publicity because we did not want the Federal Government to assume that we would do it in other ways. They will now reach a conclusion and I will be making an announcement as soon as possible to ensure that the wheat growers of Western Australia understand the mechanism by which the payment will be made. The payment will be made despite the intransigence of the Federal Government and the indifference of Liberal Party members because of the economic disaster facing the rural sector in this State. The payment will also be made despite the disinterest of Opposition parties in matters of seriousness to this State.

MINISTERS OF THE CROWN - PREMIER
Parliamentary Question - Misleading the House

141. Mr LEWIS to the Premier:

I refer the Premier to question 128 of Thursday, 9 May concerning her misleading the House in answer to question on notice 202 to which she referred yesterday and which stated -

- (1) Will the Premier honour her undertaking to advise the House by Tuesday whether she has misled this House in an answer to a parliamentary question?
- (2) If the answer is no, why not?

Dr LAWRENCE replied:

(1)-(2)

As I indicated at the time, I was prepared to look carefully at that answer on notice and if there had been any problem with it I would have amended it. I intend now to do that. If the member operated with a modicum of courtesy we could have had this over a couple of minutes ago.

Mr Lewis: You could have done it yesterday.

Dr LAWRENCE: The opportunity did not present itself yesterday and the information was not available, which it is now. The answer is in a compiled form for the member's benefit and I will table it in a moment to correct the absence of information inadvertently left out. From time to time answers to questions on notice that are provided are incomplete. When that is drawn to a Minister's attention the Minister, as a matter of priority, ensures that the

matter is corrected. I have done that. I have here an answer to the question with the omissions inserted which were inadvertently omitted in the first instance. They have been added to the original question. Any suggestion of my misleading the House is nonsense.

Mr Lewis: Why don't you be graceful and admit it?

Dr LAWRENCE: The word "mislead" suggests something being done deliberately. To omit, as clearly happened in this case, because of inattention, is a fault and I confess to that, but not to deliberately misleading the House and certainly not to somebody who asks a question without any grace at all. The member for Applecross is talking about my being graceless, but he is the epitome of the machismo we see from the other side, which is totally ineffective.

[See paper No 319.]
