

Legislative Council

Wednesday, 2 September 1992

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

MOTION - SELECT COMMITTEE ON *BATAVIA* RELICS

Appointment

HON P.G. PENDAL (South Metropolitan) [2.40 pm]: I move -

- (1) That a Select Committee be appointed to inquire into and report its determinations on -
 - (i) The historical accuracy of claims that in the 1960s Geraldton people were promised the return of relics recovered from the *Batavia* which sank off the coast in June 1629.
 - (ii) Ways in which Geraldton, if in fact promised the relics in the 1960s, can seek to practically ensure that the city and the mid-west region is given adequate access to some or all of the relics.
 - (iii) Advice and recommendations on ways in which relics recovered from other historic shipwrecks may, if appropriate, be housed in Geraldton.
 - (iv) Recommending to the present or an incoming Government ways in which a local, Geraldton based exhibition facility might be made a reality.
- (2) The committee have power to adjourn from place to place.
- (3) The committee report not later than 20 November 1992.

All the great adventure stories have an enduring quality about them. They live on to be told and retold, and sometimes reconstructed, depending on the emergence of new facts or different perspectives. In Western Australian history, few stories can match that of the *Batavia*. It certainly has endured. It has lived on to be told and retold, and it has been reconstructed with the arrival of new facts and perspectives.

If all this is true about the *Batavia*'s death, it is also true about its resurrection. By way of brief background, I remind the House that the *Batavia*, a merchant ship commanded by Francois Pelsaert, was wrecked off the Western Australian coast on the morning of 4 June 1629, some seven months after it left Texel in Holland. The vessel struck a reef of the Abrolhos only 70 kilometres off what is now called Geraldton. Within a week the *Batavia* had disappeared from sight and for all intents and purposes had disappeared from mind as well. Although the most frightening and callous acts of murder and piracy followed for many of those associated with her, the vessel was no more.

Almost three and a half centuries passed before the *Batavia* gave up her secrets to a group of modern day explorers who discovered what was left of the wreck in the early 1960s. The discovery began a new phase in the history of the *Batavia*. This phase included a monumental effort to raise relics from the ocean floor that had last seen the light of day two centuries before the Swan River colony was established.

Then began the enormous task of conserving items that had spent so much time on the floor of the ocean. It was a task that was to help put Western Australia on the international maritime archeological map. Not long ago I attended with other members of this House a simple ceremony at Fremantle at which the Dutch Ambassador was guest of honour. The conserved timbers of the *Batavia*, along with some of its cargo, were formally put on display in a most professionally created museum environment. The evident and justifiable pride displayed on that occasion nonetheless failed to address a longstanding resentment on the part of the people of Geraldton, who believe that they have been robbed of their heritage.

The people of Geraldton believed as far back as 1964 that they had been given firm assurances by the Western Australian Museum that the relics would, after conservation, be returned to Geraldton for permanent display. On 22 April this year the City of Geraldton

wrote to the Minister for The Arts protesting against any assumption that the relics of the *Batavia*, the *Zeewyck* and the *Zuytdorp* should automatically remain in the metropolitan area. The city told the Minister, *inter alia* -

The City of Geraldton is totally opposed to . . . these propositions and urges your intervention to ensure that the commitments already made by the W.A. Museum in 1963 and 1964 be honoured and that the wreck material, once adequately treated, is reinstated in Geraldton.

These commitments were made to a local personality, Mr Max Cramer, who discovered the wreckage in the early 1960s.

The city council went on to insist that its people were entitled to expect that their heritage and history would not be taken away and located elsewhere; simply put, they wanted the *Batavia*, or some of it, returned. The city's request fell on deaf ears. Meanwhile, local resentment was building. The Geraldton branch of the Liberal Party wrote to the member for Greenough, Mr Minson, on 4 May 1992 offering support to him in his endeavours to ensure the "safe return of these articles".

The local Liberal secretary also wrote to Mr Max Cramer offering him moral support. Meanwhile, the member for Geraldton, Mr Bloffwitch, and the upper House member for the area, Hon Margaret McAleer, were active in pressing home the Geraldton community's demand. Indeed, all three members sought to have what they saw as past injustices addressed.

A few days later the president of the Geraldton Historical Society, S.G. Gratte, wrote to Mr Minson emphasising that it felt -

. . . quite strongly that the rightful place for the majority of the relics from . . . the *Batavia* . . . was in Geraldton.

The time has come to stop avoiding this issue. The Abrolhos may well have been *Batavia*'s graveyard, but the final resting place of its contents has not helped lay its soul to rest. The people of Geraldton, including Mr Cramer, are entitled to some answers. I believe it is most encouraging that a community is prepared to do battle over this matter. In a society often driven by other values, it is reassuring to know that people really do care about their heritage. In this respect, the Western Australian Museum should be pleased and not dismayed by local Geraldton sentiment.

The Liberal Opposition is prepared to address the problem. It believes that a Select Committee of this House should be appointed to look at the issue in terms of the motion I have just moved. I do not believe this is a party political matter; rather, I see it as a chance for the Parliament to be a catalyst in addressing an issue brought to the Opposition's attention by the members for Geraldton and Greenough, and upper House member Hon Margaret McAleer.

Hon Kay Hallahan: I thought it was the chamber of commerce and that your members got into a bit of a tangle about the whole thing.

Hon P.G. PENDAL: The Minister has clearly taken as much notice of my remarks to this point as she has of the previous protests made by Geraldton people. I suggest that, rather than getting herself into more difficulty over this matter, she refrain from speaking until she knows what she is talking about.

I propose that the suggested Select Committee get in and out, as it were. I believe it could quickly receive evidence on the historical accuracy of the claim of the people of Geraldton that they were promised the return of this historic material. I believe we can take advice on how to ensure that justice is done, and on how we might recommend proper facilities be provided if needed. I also want the Select Committee to look at the question of how the relics from other shipwrecks might be located in Geraldton to ensure the city's and the region's heritage - and a fabulous heritage at that - is preserved.

I urge any member who has not visited the *Batavia* timbers at Fremantle to do so. Even those not normally interested in such matters are unlikely to remain unmoved by this fabulous display. I ask Government members - and, indeed, all members of the House - to support this motion.

HON MARGARET McALEER (Agricultural) [2.50 pm]: I second the motion and very enthusiastically support it, because ever since the relics were first raised it has been the ambition of the Geraldton people, and most particularly those associated with the exploration and raising of the relics, to retain them in Geraldton. Of course, at first that was quite impossible, as it was important that the relics be conserved in a manner which was not possible in Geraldton at that time. It was of great benefit overall that they were taken to Fremantle and worked on and conserved in a proper atmosphere. It was perfectly understood by most of the people of Geraldton that they were not in a position to keep the relics at that time without a very severe deterioration taking place. Nevertheless, the hope was always, and some assurance certainly was received, that in due course they would be returned to Geraldton and that that town would have the benefit of this great display.

In the intervening years Geraldton has had a very long, hard struggle to get a regional branch of the WA Museum established in that town. Not only people interested in the historical society and the museum in Geraldton but also the city council - at that time the Geraldton Town Council - worked very hard on successive Governments to try to upgrade the museum, and it took years to raise sufficient funds to establish the present regional museum. That has been very well received in Geraldton and the people of Geraldton have been grateful. However, it is still very limited and, even with the relics and the various displays that we have, it is very much in need of being expanded and upgraded. I realise perfectly well that if we are to house the relics of the *Batavia* in Geraldton there will be additional expense involved as more funds will be needed for a quality building with adequate air-conditioning and so forth to preserve the relics. However, in view of the fact that this present Government, for one, has been active in promoting museums, local and regional, and that great strides have been made recently in proposals to fund such museums, I think the Government itself should be very sympathetic to the proposal that work should be started towards providing accommodation for the *Batavia* relics, and when that is completed for the relics to be returned to Geraldton.

If we are to have successful museums we need something worth exhibiting. Geraldton has this inbuilt advantage, in that the Houtman Abrolhos belong to it and so the relics up and down the coast nearby belong to it. If it is to be a really interesting, first-class museum it needs those relics, which rightfully belong to it. I believe that everybody interested in museums would be sympathetic towards this objective and that it should have support in principle, and that the motion should be supported because it seeks to establish ways in which this might be achieved.

As Hon Phillip Pandal said, the story of the finding of the *Batavia* is very dramatic. One of the principal people involved was the late Henrietta Drake-Brockman, who produced two books - one a novel, *The Wicked Affair*, and the other an historical account of the search for and discovery of the wreck. It is unique on this coast, and unique in Australia in its colourful history and in the extreme difficulty of relocating it. It is something which is very special to Geraldton and about which a great number of Geraldton people feel strongly, and I hope the House will feel well disposed towards the motion and support it.

Debate adjourned, on motion by Hon Fred McKenzie.

MEMBERS OF PARLIAMENT (FINANCIAL INTERESTS) BILL 1989

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Education), read a first time.

Second Reading

HON KAY HALLAHAN (East Metropolitan - Minister for Education) [2.57 pm]: I move -

That the Bill be now read a second time.

This Bill should be well known to members because it is not the first time this proposition has been put before the Parliament. The fact that the principles contained in this Bill have in the past been rejected by the Opposition does not lessen the Government's determination to proceed with it.

This is a Bill for an Act to require members of the Parliament to publicly register their financial interests. It is a mirror image of the Bill brought to the Parliament in 1985, which in turn was substantially modelled on the Members of Parliament (Financial Interests) Bill 1983. Public disclosure of the financial interests of members of Parliament is a longstanding commitment of the Labor Party, at both State and Federal levels. Provisions requiring the disclosure by members of their financial interests were first adopted in Victoria in 1978 and now also apply to members of Parliament in New South Wales, Queensland, South Australia, the Northern Territory and the House of Representatives.

The Government has on several occasions spelt out its attitude on this matter. The Government believes that members of Parliament, as trustees of the public confidence, ought to disclose their financial interests to demonstrate to the electorate that they are discharging their public duties without bias and free of the influence of private interests or personal advantage. It will reinforce the well recognised principle that any conflict between public duty and private interests should preferably be avoided altogether, but, at very least, always declared. The public confidence which a measure of this kind will encourage is an important part of a healthy parliamentary democracy. The comments relevant to this matter by Mr Fitzgerald in his report to the Queensland Government were: "The financial interests of any Parliamentarian person in authority are of public significance. Such interests can result in conflicts between public duty and private interest." Following Mr Fitzgerald's report, the Queensland Electoral and Administrative Review Commission produced in 1990 a "Report on Review of Guidelines for the Declaration of Registerable Interests of Elected Representatives of the Parliament of Queensland". The corresponding committee of the Queensland Parliament endorsed recommendations for disclosure of interests by members which now apply in that State.

It has been claimed by some who oppose this Bill that the requirements are an invasion of privacy. Again I draw on Mr Fitzgerald: He said the privacy of members of Parliament is important but it is arguably outweighed by the need for decision makers to be accountable for their decisions, with part of that accountability being the exposure of the decision maker to scrutiny for conflicting or ulterior motives. A member of the community who voluntarily seeks public office must accept the responsibilities which go with that office. Part of that responsibility, and one of the results of public life, is that one's private affairs become subject to greater public scrutiny than would otherwise be the case. Part of the acceptable public scrutiny which can and should take place so far as a member of Parliament is concerned is that of his or her financial interests. This allows the public to ensure that decisions are not affected by conflicts of interest.

I do not propose to go through the Bill clause by clause given that it mirrors the Bill introduced in 1985, but in outline the proposal is as follows: On commencement of the Act, members will first be required to lodge within 90 days a primary return with the Clerk of their House. A primary return will cover all the interests in the sections proposed in part III, except sections 9, 10 and 14. Thereafter, in each year by 30 September a member will be required to lodge an annual return which allows the proposed register of interests to be modified and the interests declared under sections 9, 10 and 14. Public access to the register and the annual returns is ensured because they will be published as a parliamentary paper.

I will deal briefly with the proposed section which addresses the question of improper use of the information which would flow from the Bill. Clause 19 places restrictions on publication by members of Parliament of information contained in the financial interests register. It provides that a member shall not publish in the course of proceedings any information derived from a register unless that information constitutes a fair and accurate report, or summary of the information contained in the register, and is published in good faith. A member who publishes within Parliament contrary to these restrictions is guilty of a contempt for which the House may deal with him or her accordingly. "Publish" is given the same meaning as assigned to it in the Criminal Code for the purposes of defamation. A person who publishes information or comment outside Parliament will be subject to the usual laws in respect of defamation.

Clause 20 provides that where a member wilfully contravenes or fails to comply with the disclosure provisions, the member is guilty of a contempt of the House of which he or she is a member, for which that House may deal with him or her accordingly. Clause 21 makes it clear that only Parliament can punish a member who fails to comply.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.G. Pental.

COLONIAL HERITAGE OF PERTH PROTECTION BILL

Second Reading

Debate resumed from 26 August.

HON KAY HALLAHAN (East Metropolitan - Minister for Education) [3.05 pm]: Although the Government supports the protection of the places defined in this Bill, the Heritage of Western Australia Act - which was fully debated in this place and ultimately proclaimed - provides the protection Hon Phillip Pental is seeking. It is a mystery to the Government why the member is moving this Bill, unless it is for some hollow political purpose. This Bill contains nothing that is not already covered by the Heritage of Western Australia Act, which is very powerful.

I do not want to be too critical of the member, but he was not that helpful when the heritage Act was under consideration in this House. However, he now hangs his hat on a new Bill supposedly in order to protect buildings. Undoubtedly, the buildings in question are very valuable and have great historical and cultural significance to the community. No division of opinion would arise on that matter. However, a member who genuinely wanted to advance the protection of those buildings could find other ways of doing so. These buildings have either interim listing or are on the way to national listing.

The whole precinct in question has great value, and if this were a genuine attempt to take care of our cultural history, one could extend the area within the precinct covered by the Bill. It seems that Hon Phillip Pental has myopic views on the value of buildings owned by the Government. The St George's Cathedral building is adjacent to this precinct and has extreme cultural and religious value, so the area defined in the Bill could be expanded. We do not intend to expand the area covered by this Bill because such buildings are covered by the very strong State heritage legislation, which has not been in place all that long. We have the anomalous situation of legislation attempting to duplicate existing legislation.

All members are aware that Hon Phillip Pental recently fought for preselection for the very safe Liberal Party seat of South Perth.

Hon P.G. Pental: I won it.

Hon KAY HALLAHAN: I understand he won against active and extraordinarily keen and well accredited Liberal Party members. However, he had the benefit of making these hollow gestures in the Parliament and attracting media attention.

Hon P.G. Pental: To which part of the Bill does this refer?

Hon KAY HALLAHAN: Mr Pental had *The West Australian* on his side and he had colour photographs in that paper on a number of occasions. *The West Australian* occasionally uses colour photographs; however, the member popped up with his friend, Mr Barry MacKinnon - the former Leader of the Opposition - and *The West Australian* photographed him and published the colour photographs time and time again!

The DEPUTY PRESIDENT (Hon Garry Kelly): The southern seats stick together!

Hon KAY HALLAHAN: This Bill has been introduced and is no longer needed; it is a waste of the time of this House.

Hon George Cash: It showed you up.

Hon KAY HALLAHAN: It does not show up the Government in any way.

Hon George Cash: My word it did.

Hon KAY HALLAHAN: The Leader of the Opposition should stick to police matters, although I am not sure that he knows what he is talking about in that area either.

Hon George Cash: The comments we received on this matter were quite spectacular.

Hon KAY HALLAHAN: The Leader of the Opposition is so embarrassed regarding this matter that he has started to interject.

Hon George Cash: I support Hon Phil Pandal all the way.

Hon KAY HALLAHAN: This Bill is no longer needed because Mr Pandal has won preselection for South Perth. Why are we dealing with it?

Hon P.G. Pandal: Sit down, and I will tell you.

Hon KAY HALLAHAN: The Heritage of Western Australia Act amply protects buildings of the nature referred to in this Bill. That Act is a well considered and complicated piece of legislation which provides all the protections required for any significant landmark in our community.

Hon John Halden interjected.

Hon KAY HALLAHAN: Hon John Halden suggests that perhaps Hon Phillip Pandal could tell us about the heritage value of the old Swan Brewery. However, Hon Philip Pandal is very selective. He is not really interested in the heritage value of all things, but in making a name for himself on safe issues. He does not like becoming involved in controversy, which might mean he would have to stick out his neck or do something courageous. He wants to deal with issues on which there is no disagreement and on which *The West Australian* will publish a colour photograph of him with whomever is his leader at the time. We are here today, ladies and gentlemen -

Hon George Cash: Do you know where you are at the moment?

Hon KAY HALLAHAN: Absolutely.

Hon George Cash: You are not at the local public hall.

Hon KAY HALLAHAN: Are members in this place not ladies and gentlemen? There appears to be a lack of ladies, although one or two of us are here and, I presume, some gentlemen.

Several members interjected.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order!

Hon KAY HALLAHAN: The buildings referred to in the Bill are all on the Register of Heritage Places. Their permanent listing on the National Estate is pending, with the exception of the Perth Town Hall. Both the State Government and the Perth City Council are cooperatively negotiating the listing of the Perth Town Hall as well as the area around the Town Hall which has been compromised to some extent by the R & I Bank building, to which members have been giving their attention for some time. That process should produce a reasonable outcome and avoid having the heritage legislation applied in a very heavy handed way.

A management plan was commissioned on 23 April 1992 to be prepared by the Department of Infrastructure and Government Accommodation which will provide a full assessment and detailed conservation and management plan of that area.

Hon John Halden: It is a much greater area than in this Bill.

Hon KAY HALLAHAN: It needs to be a much greater area. As I said in my opening remarks, this legislation is not only unnecessary because it is fully covered by the existing Act, but also it would be insufficient if the Government wanted to apply heritage listing to a broader precinct, because section 48 of the Heritage of Western Australia Act provides all the necessary powers for that situation. A member who was looking for preselection in a safe seat rushed a Bill into the house.

Hon George Cash: When you say "safe seat", have you given it away?

Hon KAY HALLAHAN: The Government would never expect to win the seat of South Perth. We do not delude ourselves. The Opposition will not win anything special if it wins South Perth and if it cannot, there is something wrong with its party.

Hon George Cash: We are very confident.

Hon KAY HALLAHAN: Why is the Leader of the Opposition making a point about winning the seat of South Perth? Even Hon Phillip Pandal could win South Perth.

Several members interjected.

The DEPUTY PRESIDENT: Order! This debate is not about Hon Phillip Pendal's electoral prospects in South Perth; it is about the Colonial Heritage of Perth Protection Bill. The Minister should confine her remarks to that topic and she will not receive so many interjections.

Hon KAY HALLAHAN: The Government looked for hidden agendas in the introduction of this Bill, because its provisions are covered by existing legislation. I consequently came to the conclusion that a certain member introduced it because he needed to lift his profile. I cannot see any other reason for proceeding with the legislation. Given that the existing legislation provides every protection, through the Heritage Council, to our very important history and culture the Government finds that it must oppose this Bill. Its enactment would create duplication, and confusion with no possible benefit. The Bill may offer something to Hon Phillip Pendal, but it has nothing to offer the overall heritage of Western Australia, Perth colonial heritage or a precinct of the inner city. I therefore ask members to vote against it.

HON P.G. PENDAL (South Metropolitan) [3.15 pm]: I am disappointed, but not surprised that the Government is opposing this Bill, given its atrocious record on heritage issues and the fact that it proposes to spend \$40 million to preserve a building which the National Trust refused to list. It seeks to defeat a Bill which offers elements over and above those in the Heritage of Western Australia Act which was passed in this House a couple of years ago. A greater agenda is at stake here; the Minister's negativity gives me the opportunity to bring it to the attention of the House. Why else do members think the Minister for Heritage in this State wrote to the Leader of the Opposition one week ago requesting that I be disciplined on the ground that I had politicised the heritage debate in Western Australia?

Hon John Halden: Rightly so.

Hon P.G. PENDAL: What is the purpose of a political system if one is not able to politicise issues? I am pleased to say that the Leader of the Opposition told Mr McGinty where to get off. Sadly, I do not have with me -

Hon Kay Hallahan interjected.

Hon P.G. PENDAL: The Minister should settle down after her chardonnay lunch and at least have the decency to listen following her disgraceful performance. It was clear to me that she did not know that the Government had responded in this debate. A week ago, the Minister's little mate the Parliamentary Secretary responded.

Hon Kay Hallahan: I was referring to his speech.

Hon P.G. PENDAL: The Minister did not even know that the Leader of the House wanted this matter set aside today so that the House could proceed with the Port Kennedy debate. The Minister has come in here after her chardonnay lunch -

Hon Kay Hallahan: Don't be stupid.

Hon P.G. PENDAL: - suggesting that the House should reject a Bill which has profound consequences for the heritage of the central precinct of this city.

Hon Kay Hallahan: Who else do you want to denigrate?

Hon P.G. PENDAL: The Minister has spent the past 20 minutes referring to my preselection for the seat of South Perth. What, in God's name, that has to do with the Colonial Heritage of Perth Protection Bill, I do not know.

Hon Kay Hallahan: You tell us.

The PRESIDENT: Order! I suggest to all members that they cease carrying on in this fashion and that the Minister stop reacting to what the member says. I also suggest to the member speaking that he direct his comments to this Chair, and to nobody else. I have said on many occasions - and I will say it again, even if I sound like a cracked gramophone record - that members do not have to like or believe what other people say in this place, but they must let them say it.

Hon P.G. PENDAL: A week ago the Minister for Heritage had the temerity to complain in writing to the Leader of the Opposition that I was putting too much pressure on the Government over heritage matters.

Hon George Cash: What a disgraceful thing to do.

Hon P.G. PENDAL: Unfortunately, because I did not know this debate was coming on - any more than anyone else because it was not supposed to - I do not have the letter Mr McGinty wrote to the Leader of the Opposition. I will release it the moment I finish in this debate today because it is one of the more extraordinary letters that could have been written in a civilised, democratic society. The Minister complains in the letter that his Opposition counterpart is politicising an issue. For heaven's sake, what is a Parliament for, if not that? However, I have the response made by the Leader of the Opposition to Mr McGinty. It is dated 1 September and reads -

Dear Minister

I find it hard to take your letter of 19 August 1992 seriously.

To accuse an Opposition member in a democratic society of politicising an issue, really suggests to me that you and the Government have become rattled over the essential issues at stake in Western Australia.

I have full confidence in Phillip Pendal's handling of the Heritage portfolio. Indeed, I think the fact that he has had the Liberal Party setting the pace on these matters is really at the core of your concern.

Mr Pendal did not make an off-the-cuff ad hoc announcement about moving to disallow the Heritage order over the old Swan Brewery. For your information, he telephoned me in the country the day he heard of the proposal, recommended to me that we should move to disallow and I had no hesitation in giving him my endorsement.

The final part of this letter written by Mr Court, the Leader of the Opposition, to this rattled Minister who cannot take the pressure and who wants to save all the wrong buildings, states -

Our constant public argument has been, and continues to be, that your Government whilst allowing important Heritage buildings to fall into a state of disrepair, has continued to pour millions of dollars into a brewery building which the National Trust has always refused to classify.

With kindest regards

Yours sincerely

RICHARD COURT MLA

LIBERAL LEADER

WESTERN AUSTRALIA

That brings me now to the subject content of the Bill. I do not know what on earth it had to do with my preselection for the South Perth seat, as indicated for the past 20 minutes by the Minister, given that I made this announcement 18 months ago and introduced the Bill into this House in April of this year. Therefore, one could hardly marry those two instances.

I want to clarify very urgently the misinformation given to the Minister today that the Bill does not add anything over and above the provisions of the Heritage of Western Australia Act. That clearly indicates that the Minister has not even read the Bill. I refer her and her friend on the back bench to clause 6, which is the heart of the Bill. It states that it is important to put a perpetual protective order around the five places listed in the schedule, but something even more important is at stake and thus the introduction of the Bill. What is the importance of the Bill? It is clause 6 which comes as a recommendation from this Parliament that if and when the R & I Bank site in Hay Street and Barrack Street is redeveloped - as it undoubtedly will be - it should be redeveloped harmoniously and sympathetically with the rest of that historic precinct. That is the importance of the Bill before the House. The Bill goes even further because that part of the clause to which I have referred makes a request also of the private owners in the precinct. It does not seek to include, for example, St George's Cathedral - which was mentioned by the Minister - because that is private property.

Hon Kay Hallahan: What is the problem with protecting that?

Hon P.G. PENDAL: There is no problem with protecting it, but I ask the Minister to read the Bill and second reading speech.

Hon George Cash: She does not understand the content of the Bill.

Hon Kay Hallahan: Mr Pendal does not understand the situation. Hon George Cash should not protect him; he is an embarrassment.

The PRESIDENT: Order!

Hon P.G. PENDAL: The second part of that very important clause is a recommendation from the Parliament to all of those who will be involved in future in the planning processes of the central Perth business district, which embodies that heritage precinct. It comes as a request from the Parliament whereby -

the owners of the private buildings on the perimeter of the historical precinct be encouraged in the future to dedicate the land occupied by them for the purpose of public open space so that the unique cultural heritage significance of the historical buildings listed in item 1, 2 and 3 of the Schedule may be enhanced.

The Heritage of Western Australia Act does not cover that aspect. Next week the R & I Bank could decide to redevelop the Barrack Street site. No-one would suggest that that building would win any architectural competition.

Hon Mark Nevill: Nor would Council House.

Hon P.G. PENDAL: I agree with that statement, and the member who interjected is a member of the National Trust and one of the few people on that side of the House who has an understanding of these matters. More is the pity that he is not the Minister for Heritage, because if he were I would not find it necessary to put up with some of the silly nonsense in this House that passes for debate on heritage issues. Hon Mark Nevill has got it in one.

I have suggested that if the day comes when Council House must be demolished because it is full of asbestos, we should do a deal with the Perth City Council to allow it, for example, to use a refurbished old Treasury building, thereby giving the civic leaders a home. For that matter, the State could enter into an agreement with the Perth City Council whereby it relocates to other premises across the metropolitan area in order to free up the site on which Council House now stands. Of course, the members of this Chamber should take that to heart because the site in question was the site of the first Legislative Council in Western Australia in 1832. That was the reason the Opposition raised that very question with regard to Council House. We are doing something that is not in isolation from the Heritage of Western Australia Act; it is, in fact, complementary to it. I have raised this directly with Warwick Kent and the R & I Bank has no difficulty with this plan, provided the bank is not financially disadvantaged. Of course, we are all aware of the financial detriment to the R & I Bank by this Government. We are fearful that the day may well come in the not too distant future when the R & I Bank decides to redevelop the Barrack Street site. To do so, it is almost certain that it would be necessary to redevelop the Hay Street site because they join around the back of the Town Hall. The Hay Street annex of the bank occupies the other major parliamentary precinct because that is where the original Legislative Assembly building was situated. It is a disgrace that that building was demolished as recently as, I think, the 1960s. The piece of masonry over the front entrance to this Chamber was rescued from that building through the vigilance of Hon Frank Wise, a former Labor Premier and member of this House. Hon Frank Wise was walking down Hay Street in the 1960s when that building was about to be demolished. He told me many years later that he saw the first Legislative Assembly building, a beautiful building, the pictures of which are portrayed on the front of *The House on the Hill*, being demolished. He told the man responsible to stop what he was doing, and he went and rang the then Premier, David Brand.

Hon Mark Nevill: Which piece of masonry is that?

Hon P.G. PENDAL: The piece of green masonry which is situated over the main entrance to this Chamber, 20 or 30 feet away. Premier Brand responded as he should have done to the representation from former Premier Wise. Demolition of the building ceased. Of course, Western Australia went through a process of tokenism in heritage, with which we in this State are all familiar. However, at least that much was rescued, and it has now been mounted outside the Chamber. When the R & I Bank Ltd begins redevelopment, it should redevelop only in a way that is harmonious and sympathetic to the other buildings in that precinct.

Hon John Halden: I wouldn't disagree with you.

Hon P.G. PENDAL: Then please, Mr Halden, vote for the Bill.

Hon Kay Hallahan: Don't be silly.

The PRESIDENT: Order!

Hon P.G. PENDAL: Without the passage of this Bill there is no obligation under the Heritage of Western Australia Act to induce the R & I Bank Ltd to redevelop in a way that is harmonious with buildings such as the Town Hall, the old Lands Department building, and the old Treasury building.

Hon John Halden: If you use section 40A and classify it as a townsite, exactly what you are requesting can happen. That is what is proposed.

Hon P.G. PENDAL: This Bill provides a direct opportunity for the R & I Bank to do what I have just described. In order to avoid the situation in which the current Government has placed the R & I Bank, I took the trouble earlier this year to alert the managing director of the Bank, Mr Warwick Kent, to the Opposition's proposal. I have his response in my office. He said words to the effect that he had no difficulty with what we were doing, so long as we adhered to the assurance that any restriction was not to the financial detriment of the bank. We must not fall for the fallacy that heritage legislation is something that does not evolve. Legislation was passed in this House a year or two ago with the assistance of the Opposition.

Hon Kay Hallahan: Come on!

Hon P.G. PENDAL: The Government could not have got it through otherwise. That legislation was passed after I had introduced a Bill on behalf of the Opposition 12 months before. It is an evolving process. One cannot say that because a Bill was passed two years ago there is no longer any need for extra heritage laws. Members should consider the matter of the *Batavia* with which we have just dealt. One could say we have many laws to look after such important relics; but it has reached the point where other action needs to be taken in the Parliament to ensure that something which should have been done 30 years ago is finally done now. There is no argument in trying to persuade members that nothing is required outside the existing Heritage of Western Australia Act. That Act does not contain all the answers. In fact, some leading exponents of heritage in this town say that we should scrap the current Act and start again, if for no better reason than a few of us might actually understand it.

Hon Mark Nevill: Which demolition group are you talking about?

Hon P.G. PENDAL: Members opposite would know more about that matter than the Opposition. The Government has a few problems on its hands with the Railway Hotel in Barrack Street, such as which demolition company was allowed to get in and why.

The Bill is very important. It also contains a provision that was ignored by both members who have spoken in this debate. I thought Hon John Halden's handling of the Bill a week or two ago was a pretty perfunctory performance. I sincerely think that had the Bill been handled by somebody else on the Government side, such as Hon Mark Nevill who understands these matters, we may have at least heard some genuine contribution to the debate.

Hon Kay Hallahan: You can't create division between us with a statement like that.

Hon P.G. PENDAL: I believe that Hon Mark Nevill would have realised that clause 5 is an additional provision to those of the Heritage of Western Australia Act. There is nothing of that kind in that Act. Clause 5(1) of the Bill, "Act not to be altered without absolute majority of both Houses and referendum" states that a Bill that expressly or impliedly repeals or amends section 4(1), which relates to the Bills listed in the schedule, shall not be presented for assent by or in the name of the Queen unless certain things have happened, including the passage of a Bill with an absolute majority of both Houses of Parliament and, where the Bill, prior to such presentation to those Houses, has been approved by the electors in accordance with this section. No-one in his wildest attack on the Bill could suggest that those provisions are contained in the Heritage of Western Australia Act. I repeat to Hon John Halden and to the Minister in this place that those provisions are not replicas of Heritage of Western Australia Act provisions. They are additional protections which indicate to the community that of all the heritage buildings in Western Australia, particularly those in central Perth, none is more important than the group listed in the schedule; that is, the old Treasury

building, the old Lands Department building, the Perth Town Hall, Government House and its gardens, the Supreme Court, the old Arbitration Court and Stirling Gardens.

Hon George Cash: It is a pity that the Minister didn't rush to mention some of those rather than being critical of just one.

Hon Kay Hallahan: They are covered by the current legislation, Mr Cash. Why are you being so stupid?

Hon P.G. PENDAL: Hon George Cash is quite right. One is entitled to ask why the Government is being so negative. Why cannot the Minister on one occasion say in this House that an Opposition Bill is good?

Hon Kay Hallahan: I often say constructive things about the Opposition.

Hon George Cash: The response in the community has been overwhelming.

Hon Kay Hallahan: What a joke.

The PRESIDENT: Order!

Hon P.G. PENDAL: The Leader of the Opposition is right. I suspect that the colour picture business in *The West Australian* has really bugged someone.

Hon George Cash interjected.

The PRESIDENT: Order! I have just spoken to the Minister, and I am now speaking to the Leader of the Opposition. Perhaps both members will allow Hon Phillip Pendal to tell us what he wants to.

Hon P.G. PENDAL: The Colonial Heritage of Perth Protection Bill is a worthwhile Bill. I should perhaps remind some members opposite that one of the people who publicly endorsed that Bill is Bill Warnock. I do not know that Bill Warnock has connections that are close to my side of politics. Indeed, he has the closest of connections with members opposite; and good on him. Mr Warnock is doing a sterling job in his leadership of CityVision; and of course the contents of this Bill are not unrelated to what Mr Warnock is trying to achieve with the CityVision plan.

Hon Kay Hallahan: Mr Warnock also knows that the existing legislation covers all of that area.

Hon P.G. PENDAL: I would not interject if I were the Minister because when I send Mr Warnock a copy of the remarks that the Minister made he will not be overly impressed, and he certainly will not be impressed with the remarks made by Hon John Halden a week ago.

Is it not possible that we can get some things done here in a bipartisan way?

Hon Kay Hallahan: We do not need to. It is already done.

Hon P.G. PENDAL: Why is it that every time the Opposition introduces a Bill - and I have introduced 11 Bills in this House - the Government opposes it?

Hon Mark Nevill: It will be 12 in a minute.

Hon P.G. PENDAL: I am not the only person on this side of the House. Other members have introduced pieces of legislation.

The PRESIDENT: Order! I do not know whether honourable members have counted how many members are here, but we are getting dangerously close to having one less, and that may be a bit more comfortable.

Hon P.G. PENDAL: There is no doubt in my mind that in a short time it will be necessary to review the substantive legislation known as the Heritage of Western Australia Act. I cannot recall whether there is a sunset clause in that Act. If there is not, I certainly should have put one in when I was handling that legislation for the Opposition.

Hon Garry Kelly: There is a five year review clause.

Hon P.G. PENDAL: I have no doubt that, when that time elapses, it will be necessary to make substantial changes to the existing Statute, and it may well be that provisions of the kind that I am proposing today can be encompassed in the parent Act. It is worth my reminding the House that some of the best provisions in the Bill that was passed two years

ago were put in there by the Opposition; for example, the provision introduced by Hon Peter Foss in respect of heritage precincts.

Hon Derrick Tomlinson: The other provisions were put in there by the bipartisan Legislation Committee.

Hon P.G. PENDAL: Exactly. Apart from the amendments which I sponsored, an amendment was moved by either Hon Derrick Tomlinson or Hon Peter Foss which required local authorities in Western Australia at law to do a municipal inventory of every heritage building across the length and breadth of Western Australia. I mention that legislation because that is a good example of a Bill proposed by a Government that was amended by an Opposition sponsored by a group of members via the Legislation Committee who, out of the glare of this place, were able to come to an agreement about some of the more controversial clauses, the form of which may have meant that the Bill would never have been allowed to pass.

Hon Derrick Tomlinson: Would never have functioned, anyway.

Hon P.G. PENDAL: Indeed.

Sitting suspended from 3.45 to 4.00 pm

Hon P.G. PENDAL: So far in responding to the debate I have confined my remarks principally to the comments made by the Minister. I refer now to comments made by the Parliamentary Secretary when he spoke in the House on Wednesday, 26 August. To put it charitably, his speech indicated some misunderstanding of the Opposition's motives for moving the Bill. Hon John Halden stated -

The difficulty with this legislation is that, following the passage of the Government's heritage legislation early this year, this Bill appears superfluous.

I ask members to note the word "appears". The Parliamentary Secretary was not responding off the cuff as the Minister was today; he had 14 weeks' notice in which to prepare his response. I have no doubt that the second reading speech, which I gave on 5 May, would have been referred to the Government's advisers, and possibly the Heritage Council, and they would have prepared some speaking notes for the Parliamentary Secretary. In other words, the use of the word "appears" preceding the word "superfluous" indicates that the Government is not entirely sure. If after 14 weeks of studying the Bill the Government believed that it was categorically and emphatically superfluous, Hon John Halden would have said that, but he chose, wisely, to say that the Opposition's Bill, rather than being superfluous because of the provisions of the Heritage of Western Australia Act, merely appeared to be so. The member was hedging his bets at that stage rather than being categoric. I happen to think that was a sensible thing to do.

Hon John Halden: I hate to disappoint Hon Phil Pendal, but I am categoric about this.

Hon P.G. PENDAL: Hon John Halden wants to change his speech of a week ago. None of us has that luxury; the words are there for all time.

Hon John Halden: I hope Hon Phil Pendal is not going to hang me on the basis of one word.

Hon P.G. PENDAL: Hon John Halden had 14 weeks in which to respond. In the same speech he stated -

We are also aware of the obstructionist tactics that members opposite employ together with those in private enterprise, to frustrate the passage of worthwhile heritage legislation through this House.

Apart from the deficiencies in the Bill that I have already mentioned, it is quite unfair to talk about obstructionist tactics from people outside the Government ranks given the inordinate amount of time that was taken by the Government, under three or four successive Ministers, to bring a heritage Bill into this place. So much so that in 1989, after three years of delay, the Opposition introduced its own heritage legislation in this Chamber.

Hon John Halden: It was appalling.

Hon P.G. PENDAL: In the debate earlier today, the Minister for Education referred to that Bill and the so-called preoccupation of the Opposition with Government-owned heritage buildings. That indicates, with great respect to the Minister, an ignorance of what the Bill

was seeking to achieve. Throughout 1987, 1988 and 1989 it was difficult to find out how private heritage property could be listed without affecting property values and unjustly dealing with private owners. That certainly was a preoccupation of the Opposition. In other words, to avoid placing Government-owned heritage buildings at risk, the Opposition introduced that Bill. They were more than just at risk; they were also demolished. The old stable went up in flames in a mysterious fire.

Hon Derrick Tomlinson: Then came down on the order of the Minister for Heritage.

Hon Tom Helm: It is called the Liberal Party stocktake.

Hon P.G. PENDAL: The Karrakatta Crematorium chapel was demolished on the order of the then Minister for Heritage in this House for no better reason than we needed to have more space for mourners. The Government did not have the wit or imagination to save, refurbish and make a little more pleasant the old 1930s building and eventually put another building up on the hill. What was the outcome? It was bulldozed. Again I remind members that I am talking about Government owned heritage. Did it stop there? No, it did not. A most important example of early theatre history in Perth, St George's Hall, was a magnificent building until the Government decided to demolish everything other than the facade that fronts Hay Street. It remains to this day in splendid isolation, propped up by the same gangly, miserable looking scaffolding that props up that piece of non-heritage, the buildings on the Swan Brewery site. Another precious Government owned property became rubble! That is why the Opposition introduced a Bill to protect Government owned heritage properties while we sorted out what we thought was the more difficult problem of privately owned heritage properties. If a poll of all Western Australians were taken, there would be no doubt about which side of politics has been looking after some of the scrubby people in private enterprise in recent years. Therefore, that was an unfair reflection on what should have been a good debate.

I return to the Bill and ask members to ignore what the Minister said and to agree to its passage. It contains new important provisions which I have outlined because of the position of the buildings in the R & I Bank precinct. I implore all members, not only National Party members and my good friend Hon Reg Davies, but also those on the other side of the House who are interested in heritage to support this Bill. I commend it to the House.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon P.G. Pental, and transmitted to the Assembly.

ORDERS OF THE DAY - PORT KENNEDY LEGISLATION

HON J.M. BERINSON (North Metropolitan - Leader of the House) [4.16 pm]: There may have been some misunderstanding about my intention for Orders of the Day this afternoon. I believe that, although I was not in the Chamber at the time, Mr Pental indicated that he expected that the Colonial Heritage of Perth Protection Bill would not be discussed and that the first item of business would be the Port Kennedy Development Agreement Bill. What I intended to convey to the Leader of the Opposition was that the Port Kennedy legislation should come on for debate ahead of the Electoral Amendment (Political Finance) Bill rather than the other way around as shown on the Notice Paper. I was unwise enough to think, and I believe that I said, that the Colonial Heritage of Perth Protection Bill would not take any time so that we would be on to it quickly.

Hon George Cash: You said to me that we would deal with the Port Kennedy legislation first up if that could be accommodated. Mr Pental said that he would go out of his way to accommodate that, hence the surprise when that did not come up as the first item of business.

Hon J.M. BERINSON: In that event, I apologise to the Leader of the Opposition. It was an error on my part and we can at least now proceed with the order previously agreed to.

PORT KENNEDY DEVELOPMENT AGREEMENT BILL

Second Reading

Debate resumed from 26 August.

HON P.G. PENDAL (South Metropolitan) [4.19 pm]: This Bill has had a gestation period almost longer than that for any creature I know. I was going to suggest longer than that for an elephant because I know that the period leading to birth for an elephant is a long one. However, I do not want to create an illusion that this project is turning into a white elephant. Notwithstanding the inordinate delays in this matter, now running into years, it is possible to have an acceptable development on this important piece of land south of Rockingham, but only if certain modifications are made.

Before I begin to outline the Opposition's view on the entire matter, I want to say one thing from a personal point of view: I do not know whether it is true, but I accept as truth that Bills containing agreements cannot be tampered with.

Hon Garry Kelly: They cannot be amended.

Hon P.G. PENDAL: Or, as Hon Garry Kelly said, they cannot be amended. I believe that, for a start, that principle is a bad one.

Hon John Halden: You haven't got the principle right. You should clarify the principle first.

Hon P.G. PENDAL: The reason I said that is that if documents, motions, Bills or agreements are presented to Parliament and cannot be amended, I wonder why they come to Parliament in the first place.

Hon Garry Kelly: They can be rejected.

Hon P.G. PENDAL: Yes, and the member should not tempt the Opposition. I am doing everything possible to ensure that the Bill is not rejected and in the course of my remarks I will give examples of how certain deficiencies, both environmental and commercial, can be corrected so that the Bill does not have to be rejected. I wanted to make that point at the outset.

I will not dwell on other legislation to come to the Parliament, but it is no secret that we will soon be dealing with the National Rail Corporation Agreement Bill and we will be left in a position of having to take it or leave it. I will be objecting, and I am sure other members will also, to the principle that the Premier can go to a conference and agree to something on behalf of Western Australia and come back and expect this Parliament to get out its rubber stamp and put it on the piece of paper to confirm whatever the Premier wanted in the first place.

Hon Derrick Tomlinson: I hope we are not going to rehearse the financial institutions Bill.

Hon P.G. PENDAL: I am glad the member mentioned that because, quite frankly, it is another of those glaring cases where the Parliament will be reduced to an absurdity if the only thing we can do in this place is to have a gun held at our heads and be told we must pass something, or else.

Having established that I will go on to the substance of the Bill, including the agreement. Firstly, it is my view that it is possible to have this development providing certain modifications to its key elements are made. Secondly, the Bill should go to the Standing Committee on Legislation. I advise those members who might want to jump to an unfair conclusion that it is a method to delay the Bill or send it to a one way destination, that it is within the competence of the House to tell the Legislation Committee that it wants the Bill dealt with by a certain date. It is not unreasonable for this House to request the committee to deal with it ahead of other legislation if the other legislation does not impinge on commercial contracts, interest rates and the like. This Bill, after the second reading stage, should go to the Legislation Committee.

Hon John Halden: Will you give us a date?

Hon P.G. PENDAL: We could stipulate a month.

The Bill, in its present form, has serious deficiencies. I believe, as do most opponents of this project, that there are ways of addressing the deficiencies to allow most, if not all, of the environmental difficulties and all the commercial problems associated with signing an

agreement of this kind to be met. Therefore, the Opposition's position is not an attack on Fleuris Pty Ltd, but it is certainly one of deep concern over the way in which these twin elements have been handled by the Government.

In the course of my speech I intend to canvass not only the contents of the Bill, but also the wider public debate that has surrounded it, including what I believe is the quite unacceptable conduct of the member for Rockingham and the patent inaccuracies and, dare I say it, the falsities introduced into the debate by the member for Peel, Mr Norm Marlborough. I will produce evidence of his inaccuracies in due course.

The most telling of all the points is the fact that there has emerged during the life of this project an enormous body of new scientific information that was not available six, eight or 10 years ago when a development of some kind was first proposed for the site. I will also put the case that for Parliament to ignore that emerging scientific knowledge would be to make every member of this House culpable in years to come for the most serious consequences that will arise out of that position.

Hon Derrick Tomlinson: World heritage vandals.

Hon P.G. PENDAL: It is interesting that the Bill is sponsored by a Government which is prepared to be a party to World Heritage listings, but it has shunted to one side the international significance of the area of land the subject of this Bill. To the credit of some Labor members of Parliament - I will not name them - they will accept the veracity of what I am saying. We are dealing with a piece of Western Australia which is not replicated elsewhere. For example, we are dealing with a series of land forms that are like an open classroom or laboratory which could have tourists, students and scholars visiting them and learning from them 1 000 years from now if members in this House are prepared to use their brains today and take the total picture.

Hon Mark Nevill: You can apply that to other areas.

Hon P.G. PENDAL: I know the point Hon Mark Nevill is attempting to make but he knows, more than anyone else, because of his professional training, that there are many parts of the State and the nation which form a representative group of a particular species of fauna and flora. One is able in the end sometimes to make difficult value judgments and say, "We will let this part go because elsewhere in Western Australia there is ample representation of the species." I will make out a case for members opposite by quoting from authorities that suggest that if we muck this up there is no turning back. I do not believe, for example, that the people of Fleuris Pty Ltd want to see this mucked up. I propose to ask the Legislation Committee to deal with the position so that we can genuinely have the best of both worlds and see some form of modified development on this site without getting rid of something that is a precious part of our heritage, more precious than anything we have dealt with in this Parliament previously, including Shark Bay, which came before this place a few years ago.

Hon Mark Nevill: One of the interesting things about the Mt Lesueur reserve is that fossils were found in the course of coal drilling, so where does one stop?

Hon P.G. PENDAL: It is my task during this debate to show where the Opposition would stop and to try to draw that line. I believe that the House will, in its wisdom, ultimately do that.

Hon T.G. Butler: Was the member not opposed to World Heritage listing of Shark Bay?

Hon P.G. PENDAL: No, I was opposed to the Commonwealth's misuse of its powers in unilaterally nominating Shark Bay for World Heritage listing.

Hon T.G. Butler: I knew the member was opposed to World Heritage listing.

Hon P.G. PENDAL: Members can believe what they like. We can have a 10 hour debate on this matter, if the member wishes, because the clock says nothing about time allowed; I can speak until the cows come home, if it is necessary to do so to make my point. Hon Tom Butler can please himself!

The Opposition is concerned about some of the commercial elements of this Bill. I will demonstrate briefly what was demonstrated at length in the other House; that is, that some parts of the Bill are quite unacceptable to the Opposition. If that means the Opposition must take derision from Government members for opposing that part of the Bill then I must say

that it is used to doing so and did so between 1986 and 1990 during the years when the WA Inc deals were implemented. The Opposition was subjected to derision then, but for the Government the chickens have now come home to roost.

I assure members opposite that it will not be a button off my shirt if the Opposition has to take a bit more flak about parts of this agreement it believes are unacceptable. I do not blame Fleuris Pty Ltd for seeking the absolute best deal it can get from the Government. In fact, as a group of businessmen, the people involved would be crazy not to try that. The culprit in this case is not Fleuris but a Government which is prepared to go down the path of giving the sorts of open ended concessions that this Bill contains. My target in this debate is the Government of Western Australia, and certain Ministers and members of Parliament who have been involved with this matter. Therefore my target is not Fleuris or any person from the private sector.

One of the most important parts of the environmental debate commenced with two Environmental Protection Authority reports six years apart. When read together in the clear light of day in September 1992 those reports make for some starkly different reading. It is a great mistake for people to believe that a piece of scientific evidence of 1983 has not changed. Science, if anything, is an evolving thing and in 1983 a story was told in an EPA document that was quite different from the story told in a document produced by that same authority six years later. I do not suggest for a moment that someone fixed the results; I do suggest - and implore members opposite to remember - that new information has come to life. The information available in 1983 is not what became fully clear in 1989.

Hon T.G. Butler: Is that not a similar argument to that for the Burswood rubbish tip when the Opposition did not want to build a casino?

Hon P.G. PENDAL: Why on earth a Government member would want to bring the Burswood Casino into this debate - a matter which is to their eternal shame - I do not know. Hon Tom Butler is State President of the Australian Labor Party and has all the political acumen -

The DEPUTY PRESIDENT (Hon B.L. Jones): Order!

Hon P.G. PENDAL: If the member wishes to debate the casino, I invite him to put something on the Notice Paper and I will be pleased to debate the topic. I opposed the Burswood Casino's being built where it is and the Government's giving that land away to one of its grubby mates for nothing to build a casino on what should have been an extension of the Perth foreshore which has now been turned into a crummy casino that will be part of the downfall of a politically inept and corrupt Government.

The DEPUTY PRESIDENT: Order! I think the member has strayed from the motion before the chair.

Hon P.G. PENDAL: The Deputy President is dead right. I am reminding the member who raised this matter that he might be better advised next time to not dredge up the dirty deals he has been involved in.

The DEPUTY PRESIDENT: Order! The honourable member should address his remarks to the Chair and he will then not have that problem.

Hon P.G. PENDAL: In the 20 minutes I have been on my feet a stream of interjections have come from the other side. I am looking forward to the protection of the Chair from now on.

The DEPUTY PRESIDENT: The member will get it.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon P.G. PENDAL: In 1983 the Red Book, with which I am sure all members are familiar, dealt with the question of how to protect and preserve the State of Western Australia. At page 300 the report dealt with Port Kennedy. I ask members to understand that I wish to draw a parallel between the understanding of the EPA in 1983 and its understanding in 1989. I will then provide further information up to this point to again demonstrate that information alters and that scientific data is not a static and undynamic thing. The book states -

The peninsula consists of parallel, curving dunes, typical of the Coastal Plain south of

Rockingham. Much of the area retains its natural vegetation, which is quite rich in species. Thickets of wattle are common and there are numerous tall shrubs typical of coastal species. There are also many perennial herbs - mostly common species, and a less frequently seen species of climbing milkwort. The area's conservation value is high . . .

Hon John Halden: You used the same speech in relation to the Leda and Hepburn Heights land and other developments in the metropolitan area.

The DEPUTY PRESIDENT: Order!

Hon P.G. PENDAL: This cannot be associated with what I did in relation to the Leda land. Members opposite wanted to sell the Leda land for housing to pay its bills and it is in the process of doing that with the Hepburn Heights land. Why would the member want to interject on something that makes him look stupid, as Mr Butler did?

Hon John Halden: You are the only one who is stupid.

The DEPUTY PRESIDENT: Order! Interjections should cease and the honourable member on his feet should cease responding to them so that the debate on the motion can be completed.

Hon P.G. PENDAL: I repeat the words of the 1983 EPA report -

The area's conservation value is high . . .

The report does not put things, if members will excuse the pun, higher than that. It simply says to a layman that it is important. However, a few years later, by 1989, a new story began to emerge. Of course, it parallels those couple of years in history where the poor old proponent, Fleuris Pty Ltd, is trying to come to an agreement with the Government about the development of the site.

Hon Garry Kelly: They have come to an agreement.

Hon P.G. PENDAL: Yes, they have; but what the Government did not take into account while it dragged out these proceedings for so long was that new scientific evidence was coming on stream which it should have taken into account. I refer specifically to the Environmental Protection Authority's Bulletin No 398 dated September 1989. By this stage it was commenting, I think quite specifically, on the Fleuris proposal. If I recall correctly, it actually said some good, positive things about Fleuris, but it also started to tell us another story about the relative importance of the project. It says this -

The proposal involves a number of specific elements that additionally contribute to the concept of a regional recreation facility, including a resort complex comprising hotel and 18 hole golf course, and beachfront resort comprising marina, town centre, holiday accommodation and a public 18 hole golf course.

It goes on to describe in some detail where that site is, then says -

The Port Kennedy location involves a number of environmental aspects of significance. The System 6 Report 1983, -

And that is the one to which I have just referred -

- confirmed the regional recreation potential of the site, and drew attention to the various important conservation aspects, . . .

Later, EPA Bulletin No 398 says this -

Further, it has recently become apparent that the site has national and international scientific significance.

I ask members to understand that we are now not dealing with something that in 1983 was, in good faith, described by the Environmental Protection Authority as something whose "conservation value is high"; we have moved a quantum leap. We have now reached a point where, six years later, and I repeat -

Further, it has recently become apparent that the site has national and international scientific significance.

I suggest that the Government was prepared to go down the path of the development, and

with that I do not have a real problem; but it was prepared to go down that path without taking into account the fact that things have changed scientifically. I will go on to quote another part of the 1989 report, because it forms another part of a fear that opponents have. I do not think heaven and earth stand between us and this project's being approved, but for my part and the Opposition's part we believe there should not be a marina. Instead, on the advice I have seen, there is no reason why we cannot have a pier system of berthing vessels, the difference being that it does not impede the flow of water and that then does not have effects on coastal erosion, which will undoubtedly happen if that marina proposal is allowed to proceed. Of course, when assurances were sought by me by way of questions and answers in this House some time ago of, I think, the Minister for the Environment but it may have been the Minister for Planning, that could give cast iron guarantees that there would be no adverse impacts up the coast into Warnbro Sound, the Minister could not give that assurance to me or to all of those hundreds of property owners. However, worse than that, the Minister said words to this effect: "We will worry about that when it happens." So that is the first thing: I do not believe a marina should be allowed to go there. I have a feeling that the proponent, Fleuris Pty Ltd, would not cut its throat if it did not have to construct a marina, because I am sure one thing that has occurred to the proponent is that it would not have to spend \$10 million to \$15 million on that facility.

Hon J.N. Caldwell: There is a very slow return on marinas.

Hon P.G. PENDAL: I would believe that.

Secondly, I believe there is good scientific argument to suggest that we should not let two golf courses be developed there. That relates to the part of the report on which I was about to speak, and I will quote from that 1989 document again -

The proposed development will, in the view of the Authority, not only encourage significantly greater recreational use of the adjacent marine environment, but will also contribute to the nutrient load and input of contaminants to Warnbro Sound.

Why, when Western Australian society is now paying such an enormous price for the nutrient overloading of the Peel-Harvey Inlet, are we tempting fate by going down the same path with this very project if that nutrient overload associated with the two golf courses is allowed to proceed?

The final quote I want to read from this report is a remark that appears on page iv -

The international scientific significance of the site's geomorphology is now well established.

They are crucial words. We are talking about something which has international scientific significance, acknowledged by the EPA three years ago. If that sounds a little outdated I want to draw the attention of the House to remarks that have been delivered to me as late as a day or two ago, in written form, by Dr Vic Semeniuk, a coastal scientist of international repute -

Hon Reg Davies: And an entertaining character as well.

Hon P.G. PENDAL: I obtained only the science from him, not the entertainment, but hope springs eternal. Dr Semeniuk, by any yardstick, is a person whose opinion we should value. He is a private consultant; to my knowledge he is not attached to the environmental movement and certainly not to the proponent of the Port Kennedy project. He has spent 22 years in research and consultancy work on the Western Australian coast and his work is now cited in a list of journals and books the titles of which took me more than a few minutes to read. Dr Semeniuk wrote this week to a number of members of Parliament, including me, and I will quote from his letter in a moment. I ask members in all sincerity to judge the strength of this man's words because it is not, I think, an insult to say that most scientists are very conservative in their language. They tend to be very measured. Politicians tend to ask them to spell out the bottom line, and they tend to be far more restrained and cautious with their words. Dr Semeniuk's has great value in this debate. I found I could understand what he was saying. He has given advice to members of Parliament, and I shall quote a couple of lines from his letters -

As a scientist, I am of the opinion that there has been a serious error of judgement made in regard to the intended land use in the area known as the Point Becher cusplate foreland . . .

That is the little piece of land that we in this House, Mr Chance, would call the pointy bit out towards Africa.

Hon Garry Kelly: That is the technical term.

Hon P.G. PENDAL: Yes. Dr Semeniuk continues -

If the full story of the scientific and heritage importance of these areas were to be known, it would be of concern to everyone.

I do not pose as an expert, and the best I have been able to do over 15 months is to visit the site three or four times in an effort to understand, as a reasonably intelligent man, what is at stake. It was quite awesome to visit the site and to then see the area in aerial photographs. One can see sand dune formations before one's eyes which date the whole process at 6 000 or 7 000 years; that is what I meant by describing it as a living laboratory. This is what people refer to as a scientific treasure with which we should be very careful.

Dr Semeniuk made comments which are relevant to Hon Mark Nevill's interjection that no land is the same. Dr Semeniuk refers to this area as follows -

It is the most southern and has the largest storage of information of its kind on coastal natural history of SW Australia, in that it contains a rich and diverse reservoir of information on sealevel history, climate changes, coastal dynamics, past storminess, wetland types and their vegetation sequences, dune soil history and dune soil/dune vegetation relationships -

Members must listen carefully to this point -

- some of which already is of world significance. This information reservoir is unduplicated anywhere else in the State.

I direct that reference to Hon Mark Nevill, a well versed and scientific person, as it answers the very point he raised. Dr Semeniuk also directed some remarks to other members of Parliament; he wrote -

What particularly concerns me is that no one to date has approached me as a scientist who knows much about this area, for information about its significance . . .

I hope that he would exclude me from that comment as he has been generous with his time when we were referred to him as an Opposition seeking to come to grips with this matter. Later in the same letter he wrote -

For instance, our in-house unpublished information -

That is the information collected and published by him and his wife. It continues -

- and mapping shows vegetation patterns, dune history patterns, erosional unconformity patterns, and wetland patterns THAT WERE NOT INCLUDED IN THE ORIGINAL E.R.M.P., yet boundaries have supposedly been drawn to secure some major percentage of the natural attributes of the area within zones of conservation/preservation.

My last quote from the letter is -

I am of the opinion that if the current intended land use plans for this area . . . proceeds they will stand as a long term embarrassment to the Government, at both national and international levels, in the field of environmental protection.

These are the words of a private consultant, who consults widely across the world with a great knowledge in this field. I cannot speak for Dr Semeniuk, but I note that he has never said - neither has the Conservation Council of Western Australia or the local land conservation district committee - that a blade of grass must not be shifted in that area. He has not said, "No-one must go into the area; there must be no development." However, the doctor and the other groups have said, "Hold on, if a development is to take place in the area, at least get it right."

One of the biggest problems facing fauna and flora in Western Australia and across Australia is the problem of feral animals. That has been the subject of some hilarity in this place from time to time as I am afraid that we tend to see a non-existent funny side to a very serious problem.

The DEPUTY PRESIDENT (Hon Garry Kelly): The member should ask Gerry Gannon.

Hon P.G. PENDAL: I would be happy to ask Mr Gannon, but for the time being I am a little preoccupied.

The feral animal problem was addressed in the State Budget document of a year ago; I do not know whether this is part of the document tabled yesterday as I have not yet had time to read it. However, I am aware that the problem of feral animals affecting the fauna of that area has not been adequately addressed by the Government departments charged with these responsibilities. For example, when this matter is passed to the Legislation Committee, the committee should recommend the construction of a major feral animal fence running north to south on this land. That would see the land below the development not only alienated for scientific purposes, but also to keep feral animals out. However, no such feral fence has been suggested in any discussions regarding this project. We are discussing a development which will return many millions of dollars to its proponents. I do not think it is unreasonable that the Government should come to an agreement with the company for provision of a major anti-feral protective device.

[Questions without notice taken.]

Hon P.G. PENDAL: One of the matters I would like the Legislation Committee to consider is the way in which agreement may be reached between the company and the State for the provision of a feral fence. At a later stage of my remarks I will address the adequacy or otherwise of the Environmental Protection Authority's fauna assessment as part of the whole process. I will suggest that that has been less than adequate. In the meantime, I want to at least put that on record so that when the Legislation Committee examines the transcript of these debates that will be one of the requirements for it to address.

Hon Fred McKenzie: When was the fauna assessment done?

Hon P.G. PENDAL: I am happy to answer that in a few minutes. Before I leave the matter of the feral fence or any such protective device, I emphasise that feral animals might not be a problem now in that part of southern Rockingham or Port Kennedy but they will be a problem of horrendous proportions within a couple of years because it is urbanisation that assists in the process of turning domestic animals wild. Anyone who looks at the urban sprawl in the north would realise that within a few years we will witness a buildup of mammoth proportions. For us even to talk about setting aside the lion's share of Port Kennedy will ignore the real problem of protection if at the time urbanisation is on the increase we take no protective measure.

Additionally, I want the Legislation Committee to look at the serious omission from the Bill in respect of the Soil and Land Conservation Act. There is a period of time during which that Act will not operate. For the life of me I cannot understand why we should be setting aside one of the more successful Statutes of this State in an area of the State where it is most needed. Later, when I talk about the land conservation district committee's attitude towards the development I also intend to speak about its concern that that legislation will be put to one side. I would also ask that the Legislation Committee specifically address itself to the provision that allows this agreement to be varied at will by the Minister of the day if the Bill is ratified by the Parliament. I put to the House that it relates to the issue I spoke to earlier; that is, the principle of putting before Parliament Bills or agreements that cannot be varied. As Hon Garry Kelly has rightly said, we are left with all or nothing. We can throw out the Bill or we can pass it, but to attempt to vary it is not an option for us. I want to see a provision whereby an agreement of this kind, having been ratified by Parliament - if indeed it is - cannot then be varied without its coming back to Parliament.

We are being asked incidentally to pass the Bill on another area, if one likes, of site unseen. The value in referring the Bill to the Legislation Committee - and I repeat that there is no need for that to take all year - would be to open the committee, a bipartisan group of members, to the advice of people within the conservation movement as well as to people such as Dr Semeniuk to whose work I have referred already and to whose work I intend to refer at some length later. However, another study within the Government would suggest that the Government has paid scant attention to the value of the area. I refer to the Rockingham Coastal Study by Dr Peter Woods of Peter Woods and Associates dated June 1988 when, I understand, it was handed to the State Planning Commission. It tends to

confirm, if any confirmation were needed, what was said by Dr Semeniuk, by the Conservation Council, as well as by the land conservation district committee; that is, we are not dealing with just any common garden variety piece of Western Australia. At page 8 of that report it states -

The Becher/Rockingham plain is the best example of a Holocene beach ridge plain in Western Australia. Unlike many similar plains around the world this plain contains a simple stratigraphy and an abundance of shells that has allowed it to be radio carbon dated.

The crucial words are -

In this respect the plain is of world significance.

Hon Mark Nevill: Is that because of the radiocarbon dating of the sediments?

Hon P.G. PENDAL: No; Hon Mark Nevill should listen. Again, I would like the member to note the words -

In this respect the plain is of world significance.

I use that as a separate authority for people who now say that as late as 1988 they were not saying, as they were in the 1970s, that the area is of significant value for recreational purposes - they were saying a whole lot more. I remind the House that these people are generally conservative in the way they use language. In another part of Dr Woods' report, with specific reference to Port Kennedy, we are told -

The radiocarbon dating of the sediments on the Becher Ridge plain in general is one of the most complete in the world. From this point of view the Pt Kennedy area and a corridor of land to the east have obvious scientific value and as such before any development takes place, an appropriate corridor of land for conservation as a scientific site should be set aside.

I have seen some drawings of the area that somewhat resemble an arrowhead: The head of the arrow representing what we have all been referring to as Port Kennedy and a smaller part coming out from beneath the arrowhead representing the sort of corridor that would in perpetuity ensure that the laboratory to which I have referred was kept intact. Dr Woods' report refers to the Port Kennedy area and states -

... it would be appropriate that it is developed to retain its recreational and scientific character.

That is relevant because all studies in early years talked about Port Kennedy being important in a recreational sense. That was not to play down or minimise the conservation or scientific value, but simply that recreation was more important in the scheme of things.

Hon Derrick Tomlinson: It is also the result of awareness.

Hon P.G. PENDAL: That is precisely the point I am trying to make. Through the 1980s all the literature supported the land's recreational value, and no-one is disputing that; however, the argument took on a different tone because of the value of the area to science.

Hon Mark Nevill: That same argument applies to every conservation reserve in the State, because all that is looked at is the flora, fauna and land forms. The geology is never looked at.

Hon P.G. PENDAL: I accept that, but society is more sophisticated than it was 50 or 100 years ago. We say things now that 100 years ago would have been unthinkable. In 1988 Dr Woods started to emphasise the area's scientific importance. It may be well known to some members - if it is not, I will tell them anyway - that a year or so ago the Opposition began circulating a proposition - not a policy - that maybe the time had arrived in Western Australia for an academy of natural sciences. I circulated that paper to various learned bodies including the Royal Society, conservationists, private consultants and people in high schools. One of the reasons the Opposition circulated that discussion paper was to try to find a way of tapping the vast human resources that exist in Western Australian society. People in academic institutions, and especially in our high schools, who have an abundance of talent and energy could be put to good use in a voluntary capacity in such areas as Port Kennedy, to name but one, in a way that would begin to elevate the sciences. We have talked about being

a cleverer country. If members talked to any teacher or principal, he or she would tell them that if any child had the option he would take the easiest way. The sciences have not been accorded the importance that they deserve.

Hon Mark Nevill: Now you are talking sense.

Hon P.G. PENDAL: I knew I would get Mr Nevill eventually, because he is a reasonable man.

Hon J.M. Berinson: It is not that; you had to reach something good after an hour.

Hon P.G. PENDAL: It only seems that long, and the Attorney General knows the reason for that.

The Opposition floated the idea for an academy of the natural sciences. One of the components of the idea was that scientists from such disciplines as zoology, botany, geology, the environment, astronomy and science education would be admitted. The discussion paper talked about relying not necessarily on physical facilities, but on producing a level of excellence among people. Port Kennedy would be an excellent place for a natural laboratory, and some land could be set aside for a physical laboratory or lecture facility that would enhance the value of the development proposed by Fleuris Pty Ltd, not detract from it. In 100 or 200 years from now people will still want to go to Port Kennedy because of its recreational, environmental and scientific value. That is not something I am asking the Legislation Committee to look at, but I can advise members it is something the Opposition intends to pursue.

Hon Mark Nevill: There are hundreds of theses at the university written on all aspects of that coastal plain, including zoology, botany and geology.

Hon Derrick Tomlinson: Actually, there are only three.

Hon P.G. PENDAL: Mr Nevill's comment is interesting. Neither I nor the scientists who are advising me are disputing that a lot of work has been done, but it has not been consulted by the Environmental Protection Authority or the Government.

I refer to the environmental review and management program that was carried out. One argument is that it was not as thoroughly prepared by the proponents as it should have been. So that I am not accused of singling them out, the criticism is also being directed at the EPA for not thoroughly carrying out its responsibility; for example, in relation to the impact of that development on the area's fauna. I have been told that no survey of the fauna was undertaken by the proponent. As I said earlier, in some respects I can understand a person who wants to get on with a development cutting corners if he or she can get away with it. However, that should not apply to the Environmental Protection Authority or any other Government agency. They have been established to ensure that requirements are met, not that they are short circuited. To support my point, the EPA bulletin No 398 - I have referred to this earlier - stated that the fauna of the site had not been extensively surveyed. In those circumstances one is obliged to ask why that is so, given that we are dealing not with the lowest form of assessment which is the CER, but the highest form of assessment, the ERMP. I suspect it was taken to other people to do the job that the Environmental Protection Authority should have done. I am told that the company's ERMP, something which the EPA did not challenge, said that there were two species of birds of prey which frequent the area. People who have been to the site, I understand under licence, discovered 10 of them, not two, although there is some doubt about one of those species. It would be all right to be wrong one out of 10 times, but almost impossible to be wrong eight out of 10 times and do the job properly. I am told that the requirement was for a proper fauna survey to be conducted. However, what happened was that an opportunistic survey was carried out; that is, the sort of survey that, while a survey is being done on something else, the surveyor sees something and writes it down. In some circumstances, that is a reasonable thing to do, but not when one has been specifically required to carry out a proper fauna survey.

I hope that my earlier remarks about the need for a good feral fence if and when the development goes ahead are heeded because I cannot see, as a non-scientist, the sense in going through all of the procedures that have been gone through, in some cases quite inadequately, and then allow the area to be cleaned out. It would be the best scientific park in Australia without any sign of fauna. That is why those two things go hand in hand.

Hon Fred McKenzie: Will the Legislation Committee be getting that information from the EPA?

Hon P.G. PENDAL: Yes. It will be of value to the Standing Committee on Legislation, and it will give the EPA the chance to inform that committee why it did not do certain things. I am not in the business of rubbing its nose in it but if someone else can say that this is the way to correct it, our objectives will be met.

Hon Fred McKenzie: We take it at face value if it is cleared by the company doing it.

Hon P.G. PENDAL: That is the point I am making. It is one thing for a proponent to try something on like we all might, but it is a vastly different matter for a statutory body charged with the job of doing it to either turn a blind eye to it or to assess something inadequately.

I have spoken at some length about the attitude of the Conservation Council. No-one has told me that all of the development must stop and that there must be nothing in that area. All of the comments that I have heard are similar to those to which I referred earlier; that is, that a modified development would be acceptable as long as it is within certain confinements. I have mentioned the two golf courses that we find unacceptable and the rock wall marina which I hope the committee will take into account.

Hon Fred McKenzie: I guess the question then is: Is it viable?

Hon P.G. PENDAL: If the member were given 25 hectares of prime ocean front land on the Western Australian coast by the Government for his retirement, I reckon he would go home a happy man.

Hon Fred McKenzie: The Government could have my super!

Hon P.G. PENDAL: That might go some way to making up for that remark a few months ago that caused the member so much worry. The member said the Government could have his super because, alongside that, even his very generous superannuation would look pretty insignificant. He has put the point more eloquently than I could have.

The 25 hectares is a grant which goes hand in hand with 210 hectares of freehold land. Seventy-five years will more than see out Mr McKenzie and me. In fact, when the Kings Park restaurant issue was debated, I moved to amend the proposed 42 year lease recommended by the Government to a 21 year lease plus a 21 year option which was also a good deal. In this case, the company is being given a 75 year lease.

Hon Murray Montgomery: No, 50 years plus a 25 year option.

Hon P.G. PENDAL: I thank the member. Even he would admit that that is not much different from a 75 year lease.

If the development goes ahead under the Opposition's conditions, the rest of the land will be turned into a scientific park. I do not want to go into what might constitute a scientific park other than to say that this State would be the first in Australia to establish such a park and the first in Australia with good reason given the information that I have read into the record relating to the importance of the area. The Conservation Council sees value in a nature study centre being established there. That brings me to another important point about the conservation movement. No-one from the conservation movement has told me that it wants to keep people out of the place, it does not want people to go there, or that it wants to reserve the area for some scientific or environmental elite. The comment that I have just read relating to the need for a nature study centre is the reason that I believe that my proposal for an academy on a small scale might well parallel the suggestion from the Conservation Council.

I have referred frequently throughout this debate to the land conservation district committee for good reason. No-one would dispute that legislation, which I am proud to say was one of the last major Statutes put through this Parliament by the previous Government, which now seems like a hundred years ago.

Sitting suspended from 6.00 pm to 7.30 pm

Hon P.G. PENDAL: I had reached the point in my address at which I planned to discuss the role and attitude of the land conservation district committee in this whole matter. The chairman of that committee, Mr Jeff Anderton, like virtually all of those with whom I have

dealt, supports a development at Port Kennedy, but a development that is consistent with the fragile nature of the area. I remind the House that we are in no position to take lightly the role of LCDCs, given that they are a statutory instrument set up under an Act of Parliament sponsored by the outgoing Government in 1982. The LCDC which has been doing an incredible community service task in the Port Kennedy area -

Hon Kim Chance: And in the rest of Western Australia.

Hon P.G. PENDAL: I am pleased that Hon Kim Chance agrees with me because it will give him an opportunity to endorse the status which the Parliament attaches to these committees and to agree that we should place a fair amount of importance on their opinions. The chairman of the LCDC at Port Kennedy has been outraged at some of the reported comments by the member for Rockingham whose involvement in this project I hope will be clarified tonight. If it is not clarified tonight, I certainly expect it to be clarified when the Minister or the Parliamentary Secretary responds in due course to this debate. In 12 years in this Parliament I have never known of a situation where a member of Parliament has taken such an unusual - I would describe it as unhealthy - interest in any project. Notwithstanding the fact that it is not in his electorate, I for one will not tolerate the sort of mischief and, frankly, the untruths circulated by the member for Rockingham.

Hon John Halden: It was in his electorate for many years, and you know damn well it was.

Hon P.G. PENDAL: I intend in due course to deal with his colleague in another place, the member for Peel. This has now introduced into this debate the only negative part of it. I said at the outset that I have no great complaint about Fleuris Pty Ltd, although I have had some pretty vigorous discussions with that company. It is pursuing what is the right of any Western Australian entrepreneur to pursue, but I do not believe the member for Rockingham has the right to behave in the manner in which he has consistently behaved. I refer in one instance to a report which appeared in the *Weekend Courier*, a newspaper circulating in that district, on 6 June 1992. It was published at the end of the last part of the parliamentary session. Mr Barnett clearly said that the delays to this Bill had occurred because of the Liberal Party. Nothing could be further from the truth, and he knows that this Bill was brought on for debate and that the Opposition spokesman at the time, Mr Lewis, was ready to debate it in the dying days of the last part of the session. In the meantime, the LCDC is as unimpressed with his behaviour as I am. Mr Barnett is reported in this news article as saying -

Port Kennedy would be a low key development in an area which was in a sad state of neglect as a result of squatter shack constructions, unrestricted off road vehicle and four-wheel drive access, fire, rubbish dumping and weed invasion.

"The area has largely been abused and we plan to clean it up to ensure that it is properly managed," he said.

That did not impress the members of the LCDC who have put their time into doing the very things that the member for Rockingham suggests have never been done. I quote further from the article -

However, the Port Kennedy Land Conservation District Committee was outraged at Mr Barnett's comments regarding the state of the land.

LCDC chairman Jeff Anderton said the area was already being used by thousands of people, not just squatters.

"The LCDC manages the area on behalf of the Minister for Agriculture and any reference to it being neglected and disgraceful is simply untrue.

"I would challenge Mr Barnett to inspect the site himself to show the weed invasion and rubbish dumping, as he has either not been there in recent years or is deliberately giving the wrong impression."

I have never before been followed around Parliament House by a member of Parliament or had a member's staff sent after me to find out whether I would sit down with that member in his office and talk about a project. I do not believe that is a proper role for a member of Parliament let alone someone who occupies the high office the member to whom I refer occupies.

Hon J.M. Berinson: Are you saying there should not be consultation between members?

Hon P.G. PENDAL: I wish to know for the record - and I am sure the Government will be able to supply this information for future use - whether the member for Rockingham has any direct or indirect financial interest in this program? This is not an implication. I am asking straight out: Does this man have any direct or indirect financial or pecuniary interest in this development project?

Hon Sam Piantadosi: Why don't you ask that question publicly?

Hon P.G. PENDAL: I asked it publicly in this Parliament on the very day the Government introduced relevant legislation. More is the pity! This Government has not been in the habit during the past 10 years of making disclosures. It has taken a Royal Commission to drag information from this Government, so the member should not come forward with this nonsense and his "holier than thou" attitude. I wish to know whether that member has any such interest in this project.

As I mentioned earlier, I wish to raise the involvement of another Labor member of Parliament in this matter as I believe it involves another case of deceit related to this project. The member for Peel, Mr Marlborough, said in a letter to a constituent in Kewdale on 30 July this year -

Thank you for writing to me expressing concern about the development of Port Kennedy.

The legislation concerning this area has already been passed in Parliament.

That statement is false. That member of Parliament in the other place must have known that statement was false. I wish to know why a member of the Government is pushing around these falsities. It is no coincidence that his seat abuts that of a man who has already been reported in his local paper as saying that it was the Liberal Party that held up this Bill during the last session.

Hon Fred McKenzie: He may have got it confused with something else.

Hon P.G. PENDAL: There was no confusion because the member talked about the development of Port Kennedy. I am fed up after 10 years of this sort of Government that Hon Joe Berinson of all people has chosen by staying in the Cabinet to endorse the sorts of actions that have become the subject of a Royal Commission. I am putting these facts on the record so that if anything goes wrong with this commercial activity it will be recorded for people to see.

Hon J.M. Berinson: I repeat what Hon Sam Piantadosi has said: You would not dare say that outside this place.

Hon P.G. PENDAL: Of course I would not, because this is the place to say it.

Hon J.M. Berinson: You know it is not true; you know the truth is the complete answer to defamation charges. What you are saying is untrue.

Hon P.G. PENDAL: It is true. Hon Joe Berinson should be the first to resign. The fact he is here in this Chamber after the record of his Government's maladministration -

Several members interjected.

The PRESIDENT: Order! I ask the two members involved to cease their cross-Chamber examination of each other. I suggest to the honourable member that he stick to discussing matters related to the Bill. We will then all be better informed.

Point of Order

Hon J.M. BERINSON: Hon Phillip Pendal has referred on a number of occasions to a letter written by Mr Marlborough. I ask that that letter be adequately identified for the purpose of seeking its tabling.

The PRESIDENT: The honourable member should identify that letter.

Debate Resumed

Hon P.G. PENDAL: I will do so, Mr President. I identified this letter five minutes ago, but for the sake of the Attorney General, whose hearing is obviously impaired, I will reidentify

it: It is on the letterhead of Mr Norm Marlborough, member for Peel, and is dated 30 July 1992. I do not think it matters to whom it is addressed as that will become evident when the letter is tabled anyway. I repeat that it states -

Thank you for writing to me expressing concern about the development of Port Kennedy.

The legislation concerning this area has already been passed in Parliament.

I ask you -

The PRESIDENT: Order! The member has identified the letter.

Hon P.G. PENDAL: I have, and intend going further. No member could think that a Bill that had not gone through the Parliament had passed when at the time of writing this letter the Bill had been dealt with only in the Legislative Assembly and had not passed this place. This member has been involved in a deceit related to a project where, I repeat, our concern is held not about the company but about the Government entering into an agreement with that company.

Point of Order

Hon JOHN HALDEN: The member has alleged deceit. What happened could well have been an honest mistake. Under Standing Order No 97 the member is well and truly going over the top.

The PRESIDENT: There is no point of order.

Debate Resumed

Hon P.G. PENDAL: I turn to the other member whose behaviour in all of this warrants my asking the question, and receiving from the Government an answer, whether he has any direct or other interest in this project. If the member wishes to rely on the terms of the Bill recently circulated in this Parliament, I would be pleased for him to do so.

Hon John Halden: Did you say that the member was deceitful?

Hon P.G. PENDAL: I am certainly saying that the member for Peel was deceitful when he said what he said.

Point of Order

Hon JOHN HALDEN: I suggest that saying the member was deceitful is the same as suggesting the member is a liar.

The PRESIDENT: I do not believe that is the case; nor do I believe it is a point of order. There is a big difference between saying a member is telling a lie and being deceitful. I will not rule what was said out of order. If the member is taking objection to what has been said, I think he is being very thin skinned. That terminology is frequently used in this Parliament, despite the fact that some of us think that it ought not to be used.

Hon JOHN HALDEN: I believe that under Standing Order No 97 it is an imputation and a reflection upon another member which I believe is an offensive imputation. I do not wish to say more than that.

The PRESIDENT: I suggest that it is not and that the member is being over sensitive. If the member feels sensitive enough about the matter there is a remedy available.

Hon JOHN HALDEN: I do not wish to move a friendly dissension motion.

Debate Resumed

Hon P.G. PENDAL: Members will see that not only I am unhappy with the behaviour of the member for Rockingham in this affair; the Chairman of the LCDC is also unhappy. It seems strange to me that the member for Rockingham should reflect in such a serious way on the LCDC when it is carrying out a statutory function under a law of this Parliament on behalf of the Minister for Agriculture, who happens to be a parliamentary colleague of the member involved. The land conservation district committee is not only upset over that unwarranted, ignorant criticism; it is also upset, as is the Opposition, over the failure of this agreement to take into account at all times the provisions of the Soil and Land Conservation Act. I indicate now that when the matter is referred to the Standing Committee on Legislation, as I

hope it will be, it is the question of the setting aside of the Soil and Land Conservation Act that I, on behalf of the Opposition, want to see addressed. No reason that has been put to me would support the setting aside of that most valuable of all Statutes. People have argued with me that the Environmental Protection Act will still be in force. That, to me, is an argument that we could get rid of every other Statute in Western Australia and just have the Environmental Protection Act. The Soil and Land Conservation Act is there for a very specific purpose, and one of its best elements is that it does work for this society that successive Governments have not been prepared to do. Therefore, for the record, I ask that when this matter goes to the Legislation Committee it be the subject of a formal recommendation.

I have now found what I earlier thought I had set aside, and I want to read this into the record because it is important. On Monday, I think, I received from Mr Anderton a copy of a letter that he had sent to the Premier on 12 May: No response was the loud reply. Nearly four months ago a statutory group operating for the Government itself wrote to the Premier to alert her to a Bill that our friend, the member for Peel, wrongly says has already been dealt with by Parliament. Mr Anderton's letter to the Premier said in part -

I would ask that your government consider two points.

1) That the development area is not excised from the Soil Conservation Reserve until development commences. Under the Act this could be in 1996, 4 years away. This area is important and needs looking after or protection. The Soil Conservation Reserve has achieved this and in fact we have restored many areas within the Development. It would be devastating to see these areas degraded again.

2) That all development and environmental Acts be used to monitor this development. In particular I refer to the Soil Conservation Act.

That is the Statute which preceded the Soil and Land Conservation Act, to which I referred a moment ago. Mr Anderton's letter continued -

If large areas are to be retained in their natural state, they should not be allowed to deteriorate in the development phase and the developers must be held accountable.

Again I remind the House that it is a case where the LCDC is not against a development. It is prepared to support a development, as am I, but it wants to ensure that the quality of the land does not suffer. Mr Anderton concluded his letter to the Premier by saying -

These matters may seem small to you but they are a major concern to our group. I enclose a letter to the Minister for Agriculture to whom we are responsible for the management of the reserve.

I would once again urge you to visit the site or alternatively, we are putting a display on at the Advance Australia Fair and I would be honoured if you have a look at this project . . .

I do not think the record shows that the Premier gave them much time - in fact, none at all - at the Advance Australia Fair. If I remember correctly, that fair was the million dollar Labor Party extravaganza on The Esplanade which was paid for by Mr Dopey Taxpayer of Western Australia. The letter I have read to the House is an appeal by the LCDC, and when the matter goes to the Legislation Committee, as I hope it will, I hope it takes that into account.

The matter goes further. The Port Kennedy Fishing and Sporting Club is not short on signatures when it needs to make a point in its local area. I have so many signatures here, and so many rewrites of things, that I have lost count. I understand there are at least 4 000 signatures here and I seek leave of the House to table this document.

Leave granted. [See paper No 366.]

Hon P.G. PENDAL: Many of these petitions, although not all, come from people at the Port Kennedy Fishing and Sporting Club. They, like most of us, are not against a development, but they do not want to see the area mucked up. I advise those members who were absent earlier that there are great fears about the whitebait fishery on that part of the Western Australian coast in Wambro Sound. If that fishery goes, either because of nutrient overloading or for any other reason, it will probably be the end of Penguin Island. That will have some economic consequences too, because it is a big tourist drawcard. Some 80 000

people visit that area each year, yet the Government will not even employ a ranger to stop the appalling vandalism which is occurring there this very week due to the lack of a ranger.

Many other elements of the Port Kennedy development are of concern. On 22 August, in question 703, I asked whether the Minister for the Environment was aware of concerns by the City of Rockingham that the marina could cause coastal erosion. I must say that when I spoke to Dr Semeniuk and asked him about that he interrupted me in a most civil manner, as is his wont, and said, "This is not a question of if. There are no ifs about it. If a marina is built there, coastal erosion will occur." I think I have quoted him correctly.

Hon John Halden: That is what you said about the Hillarys Marina, and it was not true.

Hon P.G. PENDAL: I am not talking about the Hillarys Marina.

Hon John Halden: You were wrong then and you probably are wrong again.

Hon P.G. PENDAL: But I will put it on the record for later, just like all of those things that were put down for the record in this House in the mid-1980s. They did not seem to have much point at the time, but they started to make members opposite a bit shaky when the Royal Commission got under way. In question 703 I asked -

- (1) Is the Minister aware of concerns by the City of Rockingham that the proposed Port Kennedy marina could cause coastal erosion in Warnbro Sound?

The Minister's answer to that question was yes. The next question was -

- (2) Does the Government agree with these concerns?

The Minister's answer to that was -

- (2) No. Not in the manner or to the degree expressed by the City of Rockingham.

That is a fair bit of reassurance for the folks down there - they will not lose their homes, but they will probably lose half of them! My question went on -

- (3) What action will the Government take to protect the coastline of Warnbro Sound if the proposed Port Kennedy marina does cause coastal erosion?

The Minister answered -

- (3) Preventative measures against erosion are set out in the proponent's commitments and the Ministerial conditions.

The fourth part of my question was -

- (4) Will the developer be required to construct a sea wall along Warnbro Sound if erosion occurs as a result of the Port Kennedy development?

The Minister answered -

- (4) No. The suggestion, without explanation or justification, that construction of a sea wall might be a solution to a highly improbably occurrence is too hypothetical and unsubstantiated to be able to answer sensibly . . .

The Minister then went on to talk about several other things. Many other questions remain regarding the fixed wall marina, apart from those answered in question 703.

I have covered all the matters within my responsibility as the Opposition spokesman on the environment. I turn now to matters of a commercial nature regarding this development. We believe the Legislation Committee should also consider a matter of real concern to the Opposition, and this can be found within the schedule of shareholders within the Bill itself. The Opposition has no trouble with Fleuris Pty Ltd, but it has some problem with the shareholding structure. The company has attempted to address some of these problems during the past week and I commend it for doing so. Nevertheless, some of the concerns remain.

Hon John Halden: What specifically?

Hon P.G. PENDAL: The first specific problem is that we are told that the shareholding of Fleuris Pty Ltd may not be varied beyond a certain benchmark without ministerial knowledge or approval. However, that does not solve the problem because, as members will know if they have read the schedule, the shareholding companies which comprise Fleuris Pty

Ltd can change at will their shareholding structure without reference to the Minister. The Opposition has no difficulty with Mr Sheehan and Mr Lukin; they are trying to put together the best deal possible. But, if the Government is to enter commercial agreements, it must establish a tight commercial position. The provision to which I refer can be found in paragraph 20(3) of schedule 1.

Clause 4(3) causes another difficulty for the Opposition, and this relates to the long term security of the project. After all the approvals are made, the company will nominate which part of the project will go first. Nothing will prevent the company, which may have been sold down the track, to take the cream off the top of the project and pour the milk down the sink.

Hon John Halden: What does that mean?

Hon P.G. PENDAL: It means, if the member listens closely -

Hon John Halden: I cannot wait!

Hon P.G. PENDAL: - that it leaves the matter open ended and allows the company to build the most profitable part of the project first. However, the legislation also allows the company, if it desires, to walk away from other less glamorous and profitable parts of the deal. That must be rectified.

Members will be relieved to know - none more than I - that I am about to finish my speech. Why is the Opposition taking such a close interest and applying such scrutiny to this project? We are dealing with public land.

Hon Sam Piantadosi: I have a long memory about your ability on environmental matters.

Hon P.G. PENDAL: We are dealing with a public asset.

Hon D.J. Wordsworth: The member is the only person in the Labor Party with a good memory.

Hon P.G. PENDAL: Quite right, Mr Wordsworth.

Several members interjected.

Hon P.G. PENDAL: We make no apology for putting this project under the microscope. This is not a private development on privately owned land.

Hon Reg Davies: We should never forget that.

Hon P.G. PENDAL: It is a private development on publicly owned land.

Hon Sam Piantadosi: Is the member mistaking Port Peron for Port Kennedy? The member had a problem identifying these places.

Hon P.G. PENDAL: I will take the member down to Churchill Estate one of these days, if only to get him off my back.

We are talking about 25 hectares of public land which are to be given away. It is not just give-away public land out beyond the black stump which no-one else wants; it is among the best land one could find along the 12 000 miles of the Western Australian coast. This land is being given away.

Hon John Halden: Let us not get carried away.

Hon P.G. PENDAL: This is rather like the old Swan Brewery project, and the Midland saleyards.

Hon Reg Davies: And Notre Dame University.

Hon P.G. PENDAL: That is why this issue has been held up. I remind members that on top of the 25 hectares of give-away land, we are talking about an extra 210 hectares which represent as good as give-away land.

Why is a 75 year lease part of the agreement? Not one person here will be able to do much scrutinising of that at the end of the lease. A few years ago in this House we dealt with the redevelopment of the Kings Park restaurant. The Government had the temerity to seek a 40 year lease, but this was reduced to a 20 year lease with a 20 year option.

A valid point was raised by Hon Fred McKenzie.

Hon Mark Nevill: This has nothing to do with the railways.

Hon P.G. PENDAL: He asked whether, after incorporating the impositions the Opposition was seeking, the project would still be viable. That is a reasonable question. When I explained the situation to him he said that he would take the 25 hectares of land and give the Government his superannuation at the end of the year. He is a very far sighted man to do that.

Hon John Halden: It has nothing to do with this Bill.

Hon Mark Nevill: Twenty-five hectares on the Nullarbor cliffs would not be worth his superannuation.

Hon P.G. PENDAL: I do not want to enter that debate as it is for another occasion. I observe the mirth with which Labor Party politicians in this State constantly deal with the public estate, as though it were their own plaything. For five years we have seen what could happen because Government did not want to be scrutinised. Is it any wonder that the Labor politicians come into the Parliament with a Bill which gives away prime real estate, the like of which the best entrepreneurs in the United States or Japan would give their eye teeth for? Is it any wonder that we should hold the legislation up for further scrutiny? For example, I am aware that the people of Fleuris Pty Ltd feel persecuted, and I can understand that. Nevertheless, they made the decision to enter into an agreement with the Government. Delays upon delays have occurred and the stage has been reached where these people are almost pulling out their hair. I am prepared to support this venture, just as the Opposition is prepared to support any venture in this State that will see job creation and investment.

Hon John Halden: Your nose is growing.

Hon P.G. PENDAL: The Opposition is not prepared to take at face value information given by the same Labor politicians who bled the place dry through the Petrochemical Industries Co Ltd deal, the Rothwells Ltd bail-outs and the Central Park development, costing approximately \$1.5 billion. At least John Bannon in South Australia had the decency and dignity to resign yesterday. He said that he personally did not steal a couple of million dollars from the State Bank but that the buck stopped with him.

Hon John Halden: What role did Carmen Lawrence have in PICL, you silly little man?

Hon P.G. PENDAL: She was a member of Cabinet when some of those most crucial decisions were made and at least a couple of hundred million dollars were lost because she did not have much of a memory.

Hon John Halden: You are drawing the bow too far.

Hon P.G. PENDAL: I agree that the Bill should go before the Standing Committee on Legislation, but for how long? How long is a piece of string? No time limit has been set for the examination of the Bill, but in order for us to demonstrate our good faith and to show that this House will not unduly hold up the matter, a time limit should be set. Other members may have something to contribute about that. The Legislation Committee should receive the Bill as quickly as possible and, for the record, I ask it to give it priority. I appreciate that other Bills may be important, but they should be set aside in order to deal with this one. I do not think it is unreasonable that a month be taken to examine the Bill, bearing in mind that Parliament goes into recess next week. Someone told me that it will also go into recess for the school holidays a week or two after that. Therefore, even if we were to deal with the matter at the Committee stage it would still, I suspect, be here in three or four weeks. I believe that, in a bipartisan sense, good Bills have gone before the Legislation Committee and returned in better shape than when they left here.

The Opposition supports the Bill provided major environmental and commercial changes are made to it.

Tabling of Document

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [8.12 pm]: I apologise to Hon John Caldwell, but I seek leave to table a document which should have been tabled at the time the Parliamentary Secretary read the Port Kennedy Development Agreement Bill second reading speech. I have only just received it.

[See paper No 367.]

Parliament House - Visitors - United Kingdom Members of Parliament

THE PRESIDENT: Order! Before Hon John Caldwell speaks - this is the first opportunity I have had to interrupt - I remind honourable members that we in Western Australia are fortunate to have visiting us an all-party delegation of United Kingdom members of Parliament. Two of the more discerning of them have chosen to listen to our debate in the Legislative Council. I acknowledge the presence of Mrs Teresa Gorman, MP, from the House of Commons, and Baroness Patricia Hollis from the House of Lords. Welcome to Western Australia and, more importantly, welcome to the Legislative Council. We hope that your stay with us this evening will be informative and, perhaps, educational.

Members: Hear, hear!

[Applause.]

Debate Resumed

HON J.N. CALDWELL (Agricultural) [8.14 pm]: It is an honour for me to speak on the Port Kennedy Development Agreement Bill in front of members of the British Parliament. I will try to do my best.

I found it very strange that when I left the House tonight for dinner I was to adjourn this debate, but when I came rushing back I found that I was quite at liberty to speak. On returning to the House and while rushing through the rain I lost my breath. I am therefore pleased that Hon Phillip Pandal carried on his speech for 10 minutes so that I could regain my breath.

Hon P.G. Pandal: It was the only reason I continued.

Hon J.N. CALDWELL: I thank the member. This Bill is very important not only to members of this House but also to the people we represent. We are being asked to give away part of our land to a developer. The proposal must contain every safeguard possible to make sure that the development is carried out with the utmost care and that its main purpose is for the wellbeing of the people of Western Australia. Most people are adamant that the State is in dire need of development. I speak on behalf of the National Party when I say that it is committed to development which will bring economic and employment relief to people in Western Australia. Approximately one million people in Australia are unemployed. I witnessed an item on television tonight about families who are in dire straights trying to feed and clothe themselves. In many cases, wives who have probably been deserted have had to send their children away from the family environment to be billeted with somebody who can afford to feed and clothe them. That is a disastrous situation.

It is important to introduce proposals which will give people jobs and boost this State's economy. It is pleasing to see that, this time, the Government has nearly got it right. I say nearly because many other groups of people involved in this project, including political parties, desire that the project be developed exactly right. Members will all be very conscious of what happened with some developments in the past. During the past nine years many disastrous projects were entered into, and the odd one before that time. It is important that projects do not proceed without the necessary environmental review and management program to examine the flora and fauna, the make-up of the land and the natural heritage of the area.

With regard to the Port Kennedy Development Agreement Bill, I am critical of the Government's inability to recruit the best people to give opinions on the site. Hon Phil Pandal mentioned that in 1988 practically everyone was in favour of developing that site. Since then new developments have been proposed and people have examined the area very thoroughly. As a result, the Port Kennedy area has become renowned for its history.

Dr Vic Semeniuk is one person who should have been involved in this proposal. I met him on Monday and he has a vast wealth of knowledge of that land. People with his sort of knowledge should come forward and pass on their knowledge in a voluntary capacity. He told me that he could not take sides, but I disagreed with him because with his knowledge he should have approached the Government. It is a shame that he did not pass on his knowledge to the Government or to the developers some 12 or 18 months ago. I understand that neither the Government nor the developers have had a meeting with him.

Hon Fred McKenzie: I also met with that gentleman and he said he tried to pass on his

information to the Environmental Protection Authority and he could only get to a junior officer.

Hon J.N. CALDWELL: The generosity of people in imparting their knowledge is generally very good.

I have not taken this issue lightly, even though it is not within the area I represent. However, it is only in the last week that I became interested in the Port Kennedy development and I have spoken to as many people as possible about it.

Hon Sam Piantadosi: Did Dr Semeniuk advise you of the System 6 report which covers that area? Are his views contrary to what the System 6 report advocates?

Hon J.N. CALDWELL: It is a pity that he did not avail himself -

Hon Sam Piantadosi: Exactly and that is the question that should be asked of him.

Hon J.N. CALDWELL: I am trying to point out to the member that it is a pity that Dr Semeniuk did not make himself available, in a voluntary capacity, to answer the concerns that many people have about this site. He has knowledge of the land form, the soil, the wetlands and the climatic changes. He was very impressive in the way he imparted his knowledge to me and the member for Wagin - the National Party's Opposition spokesman on the Environment - when we met with him. He should have had some input in this.

Hon Mark Nevill: It is not difficult to do. You can construct those same arguments and apply them to any part of the coast of Western Australia. I know Vic Semeniuk quite well and you can construct the same arguments to apply to the offshore areas where dredging is being carried out.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! Hon Mark Nevill may make his speech later.

Hon J.N. CALDWELL: Mr Deputy President, would you please advise members that it is not worth their while interjecting on me because in my haste to get out of my car I forgot my hearing aid and I cannot hear what they are saying!

I turn now to the Conservation Council of Western Australia which told me and my colleagues what it believed should happen to that area. It is unfortunate that the council did not tell Fleuris Pty Ltd how it felt. I have it on good authority that the council did not give advice to the parties concerned when the development had reached a very important stage some 12 to 18 months ago. It bewilders me that people should take that attitude. Apparently it considered that the development should not go ahead and put its point of view without consulting with any of the interested parties. Members in this place know that we cannot always win and that we must always have two strings to our bow. Sometimes we have to fall back on the second string and, in this case had the council had a second string to its bow it should have given more advice to the developers. Normally I do not have any criticism of the Conservation Council, but in this case I do. My assessment of its activities are fairly accurate. It is interesting that the council has no objection to the company developing some appropriate facilities in that area.

Hon Mark Nevill: Has it examined the soil for rare bacteria?

Hon J.N. CALDWELL: I do not know.

I also have a criticism of Fleuris Pty Ltd. It appears that it knows best, but I wonder whether the proposal for the development of a five star hotel is the best way to go.

Hon Reg Davies: How many five star hotels has it built?

Hon J.N. CALDWELL: I am not sure whether it has built any. Many similar developments in Australia are having a battle to survive and some of the developers have gone to the wall. I understand that some of them are hiding in Spain. I often wonder how the Vines Resort is surviving. I honestly believe that a two or three star hotel would be sufficient and would be more accessible to the public of Western Australia. A five star hotel will attract high flyers and people from overseas. I hope it is successful, but it has been proved during these recessionary times that developments of this kind are finding it very difficult to continue operating.

Hon Bob Thomas: How many rooms will the hotel have?

Hon J.N. CALDWELL: I understand it will have 240 rooms. I have no criticism with the number of rooms, but everyone will have to pay for the quality of those rooms and the overall development. My other criticism of the development is that a marina should not be allowed in the area. However, I believe an ongoing study of the proposed marina is under way prior to a final decision being made on the matter. I would not mind that decision coming down against a marina so that it is not included in the final plan. I am concerned about the lack of provision of a small boat launching ramp. That omission prevents families from launching dinghies in the area. I have been told by Fleuris Pty Ltd that that will not happen because if boats were to be launched from the area it would mean that cars would be parked with their boat trailers nearby and it would require too much parking space for that to be done. That is the reason for not having a small boat ramp in the area. However, company representatives have assured me that a ramp will be built within two kilometres, I think north, of that development for use by the general public to launch their boats. That will be excellent for the average person wishing to launch a dinghy to go out and catch a few fish.

Having finished my criticisms I will now throw a few bouquets. The first goes to the land conservation district committee in the area. I have seen down there one of the best voluntary restorations of a degraded area I have ever seen. It is an absolute credit to the LCDC, which has done its work over two or three years. An enormous amount of voluntary work has been done erecting fencing to stop the dunes being from eroded by beach buggies. When vandals have cut the fence into the area around the dunes and dug big holes with their vehicles on the other side - which the people hope they will fall in, causing them to leave their cars there - the damage has been repaired.

Hon P.G. Pental: You were not at the nudist beach the other day, were you?

Hon J.N. CALDWELL: We asked whether the nudist beach would still be available for that type of frivolity. However, they have no control over the people who wish to sunbake like that.

The LCDC has not only erected these fences, but also revegetated and regenerated the area. It has laid brush over the area and it is marvellous to see the flora coming back. I was amazed at the number of different types of flora in the area. Some of it is not natural, but most of it is natural and unique.

Hon Mark Nevill: What were you doing down there?

Hon J.N. CALDWELL: I went to see the people from the Conservation Council of Western Australia and Dr Fitzsimmons. I also saw the LCDC's chairman. I would like the Parliamentary Secretary handling this Bill to tell me what will happen to the materials used in this project. They should be the property of the LCDC. It is important that the material be left in place until the area is safe. I believe the fencing along the beach should be left forever and walking and driving areas should be supplied nearby. If some material is to be left in the area the LCDC should be compensated for that in some way, because, as a result of its work, fences will not have to be erected - that is, unless people wish a pine pole type of fence to be erected in the area. Perhaps the fences already erected can be left standing until the golf course is started. When that is done, who will remove the fences? Will anybody be paid to remove them? These matters must be sorted out between Fleuris Pty Ltd and the conservation people. I do not know whether that matter is covered by the Bill. These questions should be answered by the Parliamentary Secretary handling the Bill.

Another area of concern about which I have been alerted is the 400 hectares unable to be developed at present which has great significance and which should be preserved. I firmly believe the LCDC is prepared to look after that land. The Government and people developing the area should consider that idea because if that development is left to the Department of Conservation and Land Management with its limited resources that will make matters difficult. CALM will have perhaps one ranger looking after the area and helping to keep people out. One person could not be expected to do the amount of work done there by the committee. So much fencing has been erected that I am sure many farmers would like to see those people erecting the same fencing on their farms to protect their salty areas. In fact, I said I would give them a job. Ownership of the material involved is important, so I hope something is done about that.

There are 90 to 100 shacks in the sand dunes in this area which have been there for many

years. Who will pull them down? Who will be paid for doing that? What will happen to the material, especially when the owner of a shack cannot be located? Perhaps the Parliamentary Secretary has some thoughts on this matter. I doubt that the Bill contains provisions to deal with this problem. I understand the company is prepared to leave the sea rescue hut where it is so that the sea rescue people can operate while the new facilities are being built. It has been suggested that maybe two or three of the existing dwellings could be used for workers to get out of inclement weather and cook meals. It has been raining for the past two or three weeks, so they will probably need that sort of protection.

The directors of Fleuris Pty Ltd have attempted to comply with all reasonable requests. It is interesting to note the assignment clause of the agreement, in schedule 1 of the Bill. I doubt whether a clause like this has ever been written into a development agreement. The company has gone out of its way to comply with the agreement. Not only has the company attempted to go along with the requirements of the Government, various conservation groups and the Environmental Protection Authority, but also it has taken notice of what all of the political parties have said. Some of the points of view of the conservative parties have been implemented in this Bill.

Hon Phil Pental suggested that a fence be erected to protect the fauna that are at risk in that area. I welcome the suggestion that a feral fence be erected to protect that area. We have a different type of fence in country areas; we do not call it a feral fence. I wonder whether Hon Phil Pental has ever seen the comic strip in *The West Australian* called "Footrot Flats". In that comic strip there is a quite nasty cat called Horse. I do not know why it is called Horse, but it has the ability to do some amazing things. I am not saying that all feral cats are like Horse, but they have an amazing ability or agility to escape and to climb over high fences. In fact, they could probably get over a fence that was 20 feet high if they were really scared. I wonder whether it would be practical to have such a fence, and that is the reason Hon Phil Pental suggested we refer this matter to the Standing Committee on Legislation. I do not know whether there are any fencing experts on whom we could call, but I know that we can keep out foxes with fences, and to a certain extent we can keep out goats and emus. However, when it comes to feral cats, I have grave doubts. I think the best defence against feral cats is to put a bullet fair between their eyes. I know that is cruel, but sometimes one has to be cruel in order to be kind. There are lots of bandicoots in that area - I think about 500.

Hon John Halden: Hon Phil Pental would know how many there are. They would be his friends.

Hon J.N. CALDWELL: Some of the animals there are endangered species. Some effort should be made to protect those animals as best we can. I am sure the committee could consider that matter.

I will not refer to the environmental concerns because Hon Phil Pental did a good job on that - a two and a half hour job. He kept us glued to our seats and listening intently to his observations about what he has gleaned. I am sure we all welcome the knowledge that he has imparted to us about that site. Because of Hon Phil Pental's concerns, this House has an obligation to look further at this Bill to see whether we can rectify the problems that he presented to the House tonight. We may not be able to do much, because this is a signed agreement between the Government of the day and the company that plans to build the proposed development. However, we would be derelict in our duty if we did not take another look at it.

I believe also that there are time constraints on this company to proceed with this development. The people who have put up the money are sitting on the edge of their seats and wondering whether anything will happen. Some five or six years have passed since this development was first mooted in the public arena. It is time that something was done. For that reason, I am prepared when the time comes to move that the Bill go to the Legislation Committee. However, I suggest that the committee report by 23 September. Hon Phil Pental suggested that it report in a month or so. However, that is when a committee of this House will be debating the Estimates, so we will not be able to consider the report of the Legislation Committee at that time. I am sure the Legislation Committee will be able to deal with this matter by 23 September. The committee will be able to call three or four witnesses, perhaps in one or two days. I am a member of that committee, and I will be agitating to get

the Bill back to this place quickly, and I will be urging Hon Garry Kelly, the chairman of that committee, to call witnesses as soon as possible, perhaps even tomorrow when the committee is scheduled to meet.

Hon P.G. Pendal: We have no difficulty with that position.

Hon J.N. CALDWELL: I realise that some people have grave concerns about this project. I too have grave concerns. It appears that this company does not have a lot of money, yet it plans to put up hundreds of millions of dollars to build this development. I am pretty pleased that I do not have any money in the development. Perhaps in 10 years' time when the development is worth \$1 billion, I will regret what I have said!

An Opposition member: There might be different owners.

Hon J.N. CALDWELL: That could be. That is a contentious comment because we live in a free society. I know that we have given away some of the State's heritage and land, but 10 years down the track if people are prepared to put their money on the line they need to receive some reward for their effort. These days, people have lost the incentive to invest because they are aware of the many failures that have occurred. It is gratifying to see a company that is prepared to have a go.

Our State has gone in the opposite direction. Not too many people are prepared to put up or borrow millions of dollars for development. We must turn around that situation. The people who have millions of dollars send their funds overseas because they are not game to invest in Australia; they consider that this country is going down the drain as a result of mismanagement, whether by the Government or by other people.

Hon Reg Davies: The money comes from overseas in the first place.

Hon J.N. CALDWELL: I do not know about that. Maybe we can ask that question at the Committee stage.

My leader in the other place has indicated that the National Party supports this legislation. However, I understand the concerns of Hon Phil Pendal, as outlined by him tonight. It is up to us to make all possible haste to look at these concerns and return the Bill to the other place. I support the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

RESERVES BILL

Biological Assessment - D'Entrecasteaux National Park Document Tabling

HON KAY HALLAHAN (East Metropolitan - Minister for Education) [8.52 pm]: I seek leave to table a document, the Biological Assessment - D'Entrecasteaux National Park, related to clause 13 of the Bill.

Leave granted. [See paper No 368.]

GOVERNOR'S ESTABLISHMENT BILL 1991

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon John Halden (Parliamentary Secretary), read a first time.

Second Reading

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [8.53 pm]: I move -

That the Bill be now read a second time.

The principal purpose of this Bill is to identify, for the purposes of employment responsibilities, His Excellency the Governor as the employer of employees on the Governor's establishment. This Bill mirrors substantially the provisions contained in the Parliamentary and Electorate Staff (Employment) Bill 1991. Enactment of this legislation will also allow proclamation of an amendment to the Industrial Relations Act which will grant employees on the Governor's establishment access to the Industrial Relations

Commission. The need for separate legislation in respect of employees on the Governor's establishment arises as a consequence of the needs to acknowledge the principle of separation of power between the Executive and the legislative arms of the Government. Therefore, it was inappropriate to have these employees under the Parliamentary and Electorate Staff (Employment) Bill 1991. This view is supported by the Parliamentary Counsel's office.

With respect to the particular provisions of the Bill, clause 6 provides for His Excellency to make arrangements with other public sector agencies concerning the services of officers not in the employ of His Excellency but who, by agreement with another employer, may be released to work at the Governor's establishment for specified periods of time. This provision allows the Governor to arrange for public servants to be seconded to work at the Governor's establishment. Pursuant to clause 9, His Excellency may delegate any or all of the functions or powers conferred under the Act to the official secretary. Extensive consultations with His Excellency the Governor and the Ministry of the Premier and Cabinet have taken place over this Bill. As well, officers from the Public Service Commission, the Department of Productivity and Labour Relations and the Civil Service Association have been involved in those discussions.

Given the Government's earnest desire to proclaim the earlier amendment to the Industrial Relations Act to grant these employees access to the Industrial Relations Commission, and the support of the direct parties concerned by the legislation, I seek the support of the House in addressing this Bill at the earliest opportunity. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

COAL INDUSTRY TRIBUNAL OF WESTERN AUSTRALIA BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Mark Nevill (Parliamentary Secretary), read a first time.

Second Reading

HON MARK NEVILL (Mining and Pastoral - Parliamentary Secretary) [8.56 pm]: I move -

That the Bill be now read a second time.

This is a Bill to repeal the existing legislation covering the control of industrial relations in the coal industry in this State and to replace it with legislation reflecting modern practices and requirements.

The current legislation was first enacted in 1948 as part XIII of the Mining Act 1904, although the legislation did not come into force until April 1952. In 1978, when the Mining Act 1904 was repealed, the provisions relating to the regulation of industrial relations in the coal industry, which comprised part XIII of the Mining Act, were re-enacted without material amendment as the Western Australian Coal Industry Tribunal Act. Thus, although the existing legislation appears to be of relatively modern origin, in fact it is over 40 years old and in that time has not been the subject of any material amendment.

Under the existing legislation industrial relations in the coal industry is regulated by the Western Australian Coal Industry Tribunal. The tribunal, like its Federal counterpart, is not part of the mainstream industrial relations system. It operates independently of the Western Australian Industrial Relations Commission. Indeed, the tribunal is one of two statutory bodies, the other being the Salaries and Allowances Tribunal, dealing with industrial relations which is not incorporated into the commission, although the present chairman of the tribunal is a member of the commission.

In 1987 the Legislative Council Standing Committee on Government Agencies conducted a review of the various coal industry agencies in this State, including the coal industry tribunal. The committee reported that all the evidence before it indicated that the tribunal had been an effective mechanism for dealing with industrial disputes in the coal industry and had won the support and respect of both management and unions and was satisfied that a Coal Industry Tribunal separate from the Western Australian Industrial Relations Commission

was justified, and thus recommended that the tribunal be retained in its existing format. However, the committee noted that the legislation which governed the activities of the tribunal was simply a copy of the original provisions enacted in 1948 and recommended that a review of the provisions of the legislation should proceed immediately to ensure the continued effectiveness of the tribunal. The Government has caused such a review to be undertaken, a review which has involved consultation with the unions and employers engaged in the industry. In addition, the chairman was invited to comment, and did so, on the draft Bill.

As recommended by the Standing Committee, the Bill retains the tribunal in its present form. The tribunal consists of five part time members, being a chairman, two employee representatives and two employer representatives. The chairman and the employer representatives are appointed by the Government for a term not exceeding two years. The two employee representatives are appointed on an ad hoc basis by the union to which the majority of the employees concerned in an industrial dispute or industrial matter owe membership. The tribunal meets as required and normally conducts its hearings in Colliie.

The tribunal has jurisdiction to inquire into industrial matters or threatened impending or probable disputes relating to industrial matters likely to affect the amicable relations of employers and employees in the coal industry within this State and any other matter affecting industrial relations in the coal industry which the Minister for Mines declares is proper to be dealt with by the tribunal in the public interest. The tribunal, as with most industrial tribunals, is bound to act according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms. Where the tribunal is evenly divided among its members as to the outcome of a particular case, the opinion of the chairman prevails.

Among the principal changes proposed by this Bill is the establishment of a local board of reference to deal with localised disputes which, more often than not, call for a rapid on-site determination. The local board of reference consists of a chairperson appointed by the Minister for Mines who the Minister considers has expertise in, or qualifications relevant to, the coal mining industry; a person nominated by the relevant union and a person nominated by the employer concerned in the industrial dispute or matter that is to be considered by the board.

The existing legislation provides for the establishment of boards of reference constituted in much the same way as is proposed for the local board of reference. However, under the existing legislation only the tribunal may appoint a board of reference, which necessitates the tribunal convening to appoint such a board of reference. That is a cumbersome process which is not conducive of sound industrial relations. For almost 40 years the practice had been for boards of reference to convene merely upon notification to the chairman and without the tribunal convening. On being challenged by one of the companies, that practice was held by the tribunal in 1987 to be invalid. Since then there has been no mechanism for resolving minor localised disputes other than by conference before the chairman of the tribunal.

The Standing Committee recommended that there was a need for a body subordinate to the tribunal to resolve small localised disputes, although it recommended the appointment of a coal industry arbitrator "operating in accordance with jurisdictional guidelines determined by the tribunal". Participants in the industry prefer a board of reference which is in keeping with the practice in many other industries, and the Bill gives effect to that. In effect, the local board of reference will be a standing board established by the legislation without the need to be appointed by the tribunal and therefore able to act quickly, as was the practice in the past.

Under the proposed legislation the local board of reference will not be able to consider any industrial dispute or matter which affects or relates to rates of pay or allowances determined by an award of the tribunal or any other matter covered by an award made by the tribunal or any matter which is pending before the tribunal. As with the existing legislation relating to boards of reference, there is a right of appeal from a decision of the local board of reference to the tribunal.

The Bill also makes provision for a local board of investigation to be appointed by the tribunal. Such a board will consist of a chairperson appointed by the tribunal and such other

members as the tribunal thinks appropriate to appoint. The function of such a board is to inquire and report to the tribunal on any industrial dispute or matter within the jurisdiction of the tribunal which it desires to have investigated for the purpose of enabling it to make an informed determination or decision. Under the existing legislation the tribunal is empowered to remit a matter to a board of reference to inquire and report back to the tribunal in much the same way as it proposed for a local board of investigation. The proposed legislation is more flexible in this regard by enabling the tribunal itself to appoint the members of the board.

Another important change to the existing arrangements is that the power of the tribunal to deal with demarcation disputes will be both clarified and streamlined. Under the existing legislation the employee representatives on the tribunal are required to be members of the union which is entitled to enrol the majority of the employees concerned with the dispute. The result is that members of one of the disputing unions sits in judgment of the actions of the other union. All of the principal participants in the industry agree that that is an unsatisfactory arrangement. Under the Bill the tribunal constituted by the chairman alone has jurisdiction to deal with such matters. This change gives legislative authority to what, in the recent past, has been accepted practice in the industry.

The Bill sets out, for the first time, in some detail the powers of the tribunal in dealing with a matter before it. In essence, they are the same as those which the Western Australian Industrial Relations Commission has in dealing with matters before it.

The proposed legislation also clarifies the power of the chairman, the tribunal, a local board of investigation and a local board of reference to summon persons to attend before those bodies. Again, those procedures are modelled on those which apply in respect of proceedings before the Western Australian Industrial Relations Commission.

The Bill provides that awards of the tribunal are to prevail over any provisions of the Truck Act, which is the case in awards of the Western Australian Industrial Relations Commission. Another important change is the provision for appeals from the tribunal to the full bench of the Western Australian Industrial Relations Commission. Under the existing legislation, appeals from the tribunal are to be made to the Western Australian Industrial Relations Commission constituted by a commission in court session. That is an anachronism flowing from the days when the commission in court session was an appellate arm of the Western Australian Industrial Relations Commission. The appellate arm of the Western Australian Industrial Relations Commission is now, and has been since 1979, a full bench of the commission which must necessarily be presided over by the commission's president.

The Bill requires the Minister to carry out and report to Parliament on the operation and effectiveness of this legislation after the expiry of five years, with particular reference to the effectiveness of the operations of the tribunal, the boards of investigation and the local board of reference, and the need for the continuation of the functions of those bodies.

This Bill is designed to give effect to the recommendations of the Legislative Council Standing Committee on Government Agencies that the Western Australian Coal Industry Tribunal Act should be reviewed "to ensure the continued effectiveness of the Western Australian Coal Industry Tribunal". It has the general support of the unions and the employers in the industry. I commend the Bill to the House.

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

PARLIAMENTARY AND ELECTORATE STAFF (EMPLOYMENT) BILL 1991

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon John Halden (Parliamentary Secretary), read a first time.

Second Reading

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [9.08 pm]: I move -

That the Bill be now read a second time.

The principal purpose of this Bill is to identify, for the purposes of employment responsibilities, an employer of employees at Parliament House and of electorate officers. In

achieving that purpose the Government can then proclaim an earlier amendment to the Industrial Relations Act, the effect of which will be to allow these employees full access to the Industrial Relations Commission. The need for such legislation became apparent during negotiations with a number of unions over award coverage for these employees. The identity of the employer, for the purposes of these negotiations was unclear at law, and subsequent advice from the Crown Law Department was that legislation was needed to clarify the matter.

The application for award coverage followed a decision of this Parliament in 1987 to widen the jurisdiction of the Industrial Relations Commission to enable it to hear claims by employees at Parliament House and electorate officers relating to disciplinary matters, dismissal and suspension from duty. The legislation that is before the House achieves a simple but important objective, and its enactment will allow proclamation of the earlier amendment to the Industrial Relations Act.

The Parliamentary and Electorate Staff (Employment) Bill identifies the Speaker of the Legislative Assembly, acting on the recommendation of the Clerk, as the employer of all employees, excluding the Clerk and Deputy Clerk, in the Legislative Assembly. The Speaker, acting on the recommendation of the Director General of the Ministry of the Premier and Cabinet, will also be the employer of all electorate officers who work for members of the Legislative Assembly. The President of the Legislative Council, acting on the recommendation of the Clerk of the Legislative Council, is to be the employer of all employees, excluding the Clerk and Deputy Clerk, in the Legislative Council. Similarly the President will be the employer of all electorate officers working for members of the Legislative Council. In respect of all other employees at Parliament House, the Speaker and the President jointly will, when acting on the recommendation of the Parliamentary Librarian, the Chief Hansard Reporter or the Executive Officer, Joint House, be the employer.

The Bill contains a provision which empowers the President or the Speaker to delegate to the departmental head, any functions or powers conferred on them by the Act. Such delegation is discretionary. For the purposes of proceedings before the Industrial Relations Commission, the person who appears on behalf of the Speaker or the President will be the permanent head of the department to which the particular matter refers. Provision has also been made to allow the permanent head to be represented by an agent, such as the Department of Productivity and Labour Relations. Members will note that the Presiding Officers are not the employer of either of the Clerks or the Deputy Clerks. That is so because each is appointed by warrant of the Governor, upon the recommendation of the Presiding Officer, and the Government does not intend nor desire to alter those long standing arrangements.

This Bill is the product of a consultation process which has involved the staff directly concerned and their relevant unions, the Public Service Commission, the Ministry of the Premier and Cabinet and the Presiding Officers. It represents the first step in a process which is intended by the Presiding Officers to include a review of the Joint House Committee structure, so that the administrative arm of the Parliament is able to respond appropriately to changing priorities.

Given the Government's earnest desire to proclaim the earlier amendment to the Industrial Relations Act to grant these employees access to the Industrial Relations Commission, and the support of the direct parties concerned by the legislation, I seek members' support in addressing this Bill at the earliest opportunity.

I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

ACTS AMENDMENT (PARLIAMENTARY, ELECTORATE AND GUBERNATORIAL STAFF) BILL 1991

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon John Halden (Parliamentary Secretary), and read a first time.

Second Reading

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [9.12 pm]: I move -

That the Bill be now read a second time.

This Bill primarily effects a number of changes to other Acts as a consequence of the changed identity of the employer of employees at Parliament House, electorate officers and employees on the Governor's establishment. Additionally, the Bill further amends the Industrial Relations Act in a number of areas.

Firstly, following consultation with the Civil Service Association, the Government has agreed that salaried staff who currently enjoy broad Public Service conditions of employment, should have disciplinary and related appeals dealt with by the Public Service Arbitrator. The Government has also agreed that salaried staff should have access to the classification appeal process available to public sector employees generally. These amendments both improve on and assist to achieve this Government's objective of ensuring industrial fairness and equity of access.

In this respect the Bill contains a further provision which grants a right of appeal to former salaried employees who, but for the delayed proclamation of the amendment to the Industrial Relations Act, would have been able to lodge an application relating to a dismissal or to a disciplinary matter. The provision will expire 90 days from the date of proclamation of the amendment to the Industrial Relations Act. This will address any matter that a former employee wishes to raise with the Industrial Relations Commission.

I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

ELECTORAL AMENDMENT (POLITICAL FINANCE) BILL*Second Reading*

Debate resumed from 27 May.

HON J.M. BERINSON (North Metropolitan - Attorney General) [9.14 pm]: As a general rule, Opposition speeches produce much more heat than light. On this Bill, however the two have been fairly well matched and it is interesting to observe the result. As for the heat, there certainly has been no shortage of that; the Bill had the Opposition in an absolute lather. Members of the Opposition were so angry that they let slip their real objections to the Bill. That is how we learned in the most explicit terms from the Opposition why it so fiercely opposes the aim of this Bill which is simply to ensure the disclosure of political donations. It is now quite clear that the reason members opposite want to keep their political donations secret is that they have so little faith in their potential supporters that they believe those supporters would desert them altogether rather than have anyone else know about their association.

Hon P.G. Pandal: Tell us about John Roberts.

Hon J.M. BERINSON: This is the sort of wish for furtive secrecy that one might well expect from the management and patrons of a massage parlour. However, we are not dealing here with massage parlours. Here we are dealing with the Liberal and National Parties, two of the three major parties in this country. Therefore, the question must be asked: What are they so embarrassed about? Why should their supporters be so embarrassed to be seen supporting them? What has the Opposition got to hide? There is really no answer to these further questions and, having let the cat out the bag so to speak, the Opposition resorted to a desperate process of obscuring the issues by talking about any subject at all so long as it was not the disclosure of political donations, which is the one and only point of the present exercise.

Mr Pandal led for the Opposition and, from his very first words, misrepresented the matter in the most transparent way possible.

Hon P.G. Pandal: Tell us the truth about your grubby little deals with Laurie Connell.

Hon J.M. BERINSON: There the member goes again, trying to change the subject.

Hon Reg Davies: This would not be necessary if you allowed an Independent a little time to speak.

Hon J.M. BERINSON: I assure the member that I looked around the House to see if anyone was rising.

Hon George Cash: You did not look hard enough.

Hon J.M. BERINSON: I looked around the House -

Hon Reg Davies: I will comment during the Committee debate.

The DEPUTY PRESIDENT (Hon J.N. Caldwell): Order! That is enough of the interjections.

Hon J.M. BERINSON: Seizing on the Government's view that this Bill is about the notion of "changing from secrecy to openness", Mr Pental attempted to argue that that meant openness, again to use his phrase, "across the board" and that, unless the Government revealed the cost of the Kingair aircraft, the Advance Western Australia Fair and so on, the Government was being hypocritical and the Bill should be defeated. As it happens, the cost of the Kingair aircraft and of the various Government activities has always been provided on request, so that suggestions of secrecy in such matters are plainly wrong as a matter of fact.

For the purpose of this Bill, however, that is beside the point as were most of Mr Pental's other comments.

Hon P.G. Pental interjected.

Hon J.M. BERINSON: Why is Mr Pental so sensitive?

Hon P.G. Pental: Tell us about Laurie Connell.

Hon J.M. BERINSON: Why does Mr Pental hesitate to say what he thinks, which is that his donations should be secret? We might respect his attitude then.

Hon P.G. Pental interjected.

The DEPUTY PRESIDENT: Order! Hon Phillip Pental has spoken for about 90 per cent of this day's proceedings. His voice should be worn out by now and he should stop interjecting.

Hon J.M. BERINSON: Certainly, his capacity for reasonable argument has been exhausted. The fact is that, in advancing this Bill for changing from secrecy to openness, the Government has made clear that it is targeting in a very specific way the need for openness on political donations alone.

Hon George Cash: Why won't you tell us about your Town and Country accounts?

Hon J.M. BERINSON: I beg the member's pardon.

Hon George Cash: You know what I am talking about.

Hon J.M. BERINSON: I have no idea. What was that absurd interjection?

Hon George Cash: It is about the Australian Labor Party's Town and Country accounts about which you have spent the last 12 months avoiding answering questions.

Hon J.M. BERINSON: This is a Bill by the Government to ensure that accounts of that sort will always be open to public scrutiny, and members opposite are opposing it. Where is the rationality? I can understand Hon Phillip Pental crumbling because he has been on his feet most of the day, but Hon George Cash has had hardly anything to do. He has been resting and preparing for the debate, he has summoned all his energy yet he comes up with this proposition which flies in the face of his own argument. His argument is that accounts such as the Town and Country Building Society account should remain secret in the future. That is contrary to the intent of the Bill, which says for all parties that in future no such secrecy can be maintained. The Government party is proposing this on the basis that it will observe that provision, just as it expects the Opposition parties to observe it. Why are members opposite so anxious to run from that proposition?

Hon George Cash: Will Terry the bag man support it?

Hon J.M. BERINSON: The Government is supporting it and the only possible way this Bill will not be carried is if the Opposition and enough of its allies do not support it. The issue and the responsibility are very clear. This Bill will pass if the Government has anything to

do with it. On the other hand, it will not pass if people such as the Leader of the Opposition in this House, Hon George Cash, and Hon Phillip Pendal have their way because their way is to keep everything under wraps. They will keep on abusing the Government party on the basis of past history but that is what they want to do in the future.

Several members interjected.

The DEPUTY PRESIDENT: The Hansard reporter is having enormous trouble with the debate. In fact, it is not a debate; it is a yelling and slanging match across the Chamber. I ask the Leader of the House to direct his comments to the Chair, and I am sure Opposition members will respect his comments.

Hon J.M. BERINSON: Of course, I am happy to do that, Mr Deputy President. I understand the embarrassment of members opposite but it should not lead them into the sort of conduct in which they are engaging. My last substantive comment related to the fact that this Bill was to target in a very specific way -

Hon P.G. Pendal: The crooked Labor Governments.

Hon J.M. BERINSON: There he goes again. It is to target -

Hon P.G. Pendal: Crooked Labor donors.

Hon J.M. BERINSON: It is to target future donations. I gave Hon Phillip Pendal that sentence in words of one syllable and he should be able to absorb it in spite of his earlier exertions in the debate. This is to ensure the position in the future. The Government is making very clear what its approach to that will be, and poor old Phillip Pendal is still peddling the line that in future his party should be free to engage in the sort of conduct which it condemns in this Government.

Hon P.G. Pendal interjected.

The DEPUTY PRESIDENT: Order! I am not beyond naming a person in the House. Just because I am a little wet behind the ears, it does not mean I am not willing to act, if necessary. There have been enough interjections already in this debate. I advise all members that I want the Leader of the House to direct his comments to the Chair. It seems that he is being misled by people on the other side of the Chamber. Those interjections will stop. I warn Hon Phillip Pendal that he has almost spent the last moments of his day in the Chamber.

Hon J.M. BERINSON: To retrace my steps a short distance for the purpose of continuity, I was making the point that talk about Kingair, Advance Western Australia Fair and so on is quite irrelevant because this Bill is targeted very specifically to the question of political donations. Obviously, that is not presented nor can it possibly be understood as an argument for secrecy elsewhere; it is simply an argument for considering other more general issues in other legislation of more general effect. I interjected on Hon Phillip Pendal in the second reading debate to say that other legislation is already before the Parliament in the form of a Freedom of Information Bill, which is universally recognised as going further in the interests of openness than any other such system in Australia.

Much of Hon Phillip Pendal's argument with respect to the Government's use of Kingair and public presentation of Government programs was a plaintive wail against what is often referred to as the benefit of incumbency. There is no point denying that incumbents have some advantages; they always have had and they always will have. The previous Liberal Government in this State had that sort of advantage and used it much more ruthlessly than the present Government ever has or would ever dream of doing. The Liberal Government did that by not only using the facilities of Government themselves, but also by constantly denying the then Labor Opposition even the most basic of facilities. For example, in those days the Liberal Government refused the Opposition so much as a single telex machine. I am not talking about a telex machine for each member, but a single telex machine for the whole of the Opposition.

Hon E.J. Charlton: They thought you would misuse it.

Hon J.M. BERINSON: Compare that with the performance of the present Government and the extent to which it has gone in making facilities available not only to the leaders and deputy leaders of the Opposition but also to every member of both Houses, including all

Opposition members. Before Hon Phillip Pandal again gets so high and mighty on the question of incumbency, he would do well to consider his personal position. As a member of the Parliament, and like all members on his side, he has the very great benefits of incumbency which no new candidates against him in the next election will enjoy. Unlike Hon Phillip Pandal, those candidates, of whatever party, will not have a publicly funded office, secretary, telex, fax or postage and travelling allowances. All of us recognised that reality when we first became candidates ourselves. The essential further fact is that the so-called benefits of incumbency do not prevent new members from being elected and they do not prevent Governments from being defeated.

Hon Phillip Pandal raised one important issue, by reference to the possible public funding of elections. Unfortunately, he was immediately repudiated on that point by Hon Eric Charlton and, following that, Hon Phillip Pandal was on the back bench. If only Mr Cowan had that sort of influence over Richard Court, we might have seen a coalition emerge. Perhaps Hon Eric Charlton should offer his services in the other House, just as Hon Phillip Pandal has. He could keep Hon Phillip Pandal under control in that place as well as he has on this occasion, and I commend him for the firmness with which he put this younger member in his place.

Hon E.J. Charlton: I think that my colleague, Hon John Caldwell, was much better at keeping him in his place.

Hon J.M. BERINSON: The public funding of elections is a serious issue on which there are very strong feelings and strong arguments which can be mounted both ways. Again, however, that is a separate issue for separate consideration. The public funding of elections and the public disclosure of political donations are not mutually exclusive, nor must they necessarily go together. We should not be diverted from the important issue actually before us by the introduction of other matters which can be left for separate consideration on their own merits.

Hon Eric Charlton's contribution to the debate, I must say, was disappointing, except in respect of his treatment of Hon Phillip Pandal.

Hon E.J. Charlton: I can't be good at everything!

Hon J.M. BERINSON: His other argument seemed to come down to the suggestion that legislation was not necessary and that if the disclosure of donations was such a good idea, the Labor Party could do so voluntarily and thereby set a good example. Unfortunately, as Mr Charlton also made clear, that would be a good example which no-one else would follow, including especially the National Party and the Liberal Party. In other words, that was not really a suggestion to be taken seriously.

Hon George Cash's only substantial new point related to his assertion that -

Hon George Cash: You had a Town and Country building account.

Hon J.M. BERINSON: Obviously Hon George Cash is not talking about me personally, which means that he is talking about the same subject with which we dealt a few minutes ago.

Hon George Cash: The Australian Labor Party.

Hon J.M. BERINSON: If Mr Cash wants to deal with that subject again I am happy to do so, because it makes an utter nonsense of everything he has said in this debate. He is saying that contributions out of sight are improper. By his opposition to this Bill he is supporting the retention of political donations out of sight. He should just keep talking about Town and Country and I will just keep talking about his position, which is entirely contrary to the proposition he is trying to imply. He cannot slip out of this with odd interjections on irrelevant issues.

Hon George Cash: I do not want to slip out of it.

Hon J.M. BERINSON: There is one issue here; that is, should political donations be held secretly or should they be open to public disclosure? Once again, at the risk of repeating myself, I make it very clear that the Government's position is that all such donations should be disclosed. Opposition members - in particular Mr Cash and Mr Pandal, but no doubt all of their colleagues - are still adopting the position that the secrecy of political donations is a terrible idea unless it is they who are doing it.

Hon E.J. Charlton: Would you say that Karl Langdon should set the new standards for umpiring?

The DEPUTY PRESIDENT (Hon J.N. Caldwell): Order! The Attorney General should address his comments to the Chair.

Hon J.M. BERINSON: I thought we had discussed every possible irrelevant issue, and now we are on to football! I have been trying to give the Leader of the Opposition credit for introducing one new point to this debate. He introduced only one; let me tell members what it was. It was that the Bill is too full of loopholes, and he gave one example; that is, the possibility of anonymous donations. I give him credit for trying but not for the suggestion he made, because anonymous donations are specifically excluded by the provisions of proposed section 175R.

Hon George Cash: I suppose that if I want to find loopholes I should speak to Terry the bagman.

Hon J.M. BERINSON: Why does the Leader of the Opposition not start talking about football? He would do better than he has done so far.

I will give the House a brief indication of the purpose of the amendments which have been circulated in my name. They are, in the first place, to implement an undertaking given by the Minister for Parliamentary and Electoral Reform in the other House to consider the indexation of the amount of donation which will trigger the need to disclose. The Minister has come to the conclusion that that proposition should be supported and there are a number of amendments to implement that decision. I also refer members to the more recently circulated amendments which go to questions of limiting and accounting for Government advertising, and I believe these are reasonably clear on their face.

I should also note, however, the amendments circulated by the Opposition - mostly, if I remember correctly, in Hon Peter Foss' name. These amendments are not only disappointing but positively shameful. With an apparent attempt at a display of cleverness, what Mr Foss is actually doing can only be described as too clever by half. What his amendments transparently indicate is that he and his colleagues do not have the nerve to simply oppose a self-evidently desirable measure. They therefore propose to lay one absurd amendment upon another in an effort to reduce the whole Bill to an absurdity. If the Opposition opposes the Bill, let it say so clearly and show its true colours. The peculiar amendments which it has foreshadowed do it no credit and should not be pursued.

The disclosure of political donations, far from being a novel idea, is now increasingly common as a part of democratic systems throughout the world. It is an idea whose time has come for Western Australia as well, and I urge the House to support it.

Question put and passed.

Bill read a second time.

Instruction to Committee of the Whole

HON P.G. PENDAL (South Metropolitan) [9.38 pm]: On behalf of Hon Peter Foss, I move -

That it be an Instruction to the Committee of the whole House on the Electoral Amendment (Political Finance) Bill 1992 that it have power to insert any provision not included within the subject matter of the Bill but nonetheless relevant to the principal Act.

In the second reading debate my colleague, Hon Peter Foss, made the very valid point - notwithstanding the slick way in which it was rejected a few seconds ago by the Attorney General - that the Bill has a number of major deficiencies that need to be addressed; and of course, unless the way in which they are addressed falls within the spirit of the original Bill, they could not ordinarily be moved in Committee. Therefore, it falls on the House to make a decision or to give an Instruction to the Committee that it is competent for the Committee to broaden the scope of the Bill, if you like, in order to overcome the deficiencies to which Mr Foss referred.

I remind members that when Mr Foss spoke he identified the weakness of the Bill; that is, it deals only with donations that are made voluntarily. For example, he drew attention to the

fact that the Bill - and there are no prizes for guessing why - does not deal with at least two forms of donation that are not voluntary. He gave the case where one makes use of Government or taxpayers' funds in order to ensure one's re-election. I intend to come back to that point because Mr Berinson regards that motion as being to the benefit of the incumbent and hardly worth our consideration. Also, Hon Peter Foss made the point that other forms of donations are available of an involuntary form. Of course, that is a matter with which I am familiar because I introduced a Bill into this House on that subject. That related to Government agencies helping to fund political parties, as was indisputably the case with the Government Employees Superannuation Board funding half of the \$150 000 donation to the Australian Labor Party in respect of the Halls Creek project. The other half of that donation came from Mr Kevin Parry. Therefore, Hon Peter Foss asked the House to consider, as it should, expanding the Bill so that it dealt with involuntary donations. However, the Government has confined the Bill to voluntary donations.

Hon Kim Chance: Are they not mutually exclusive?

Hon P.G. PENDAL: Not at all. I can understand why members of the Labor Party do not want to broaden the scope of the Bill, which they say will have the effect of cleaning up the political landscape in Western Australia. However, the political landscape in this State will be never cleaned up while gaping holes remain in laws as with this measure. I have identified how the Superannuation Board gave \$75 000 of taxpayers' and superannuants' money to the Labor Party. Also, three or four months later nothing was done to ensure the safe return of that money to the Superannuation Board.

At the time I introduced the Bill, Hon Peter Foss raised a matter with the Premier in question -

Hon J.M. Berinson: We are supporting this motion. May I suggest that the substantial part of the issue be dealt with during the Committee stage.

Hon George Cash: I hope the member will refer to his Bill which languishes on the Notice Paper.

Hon J.M. Berinson: Especially as it is irrelevant to the motion.

Hon George Cash: It is not.

Hon P.G. PENDAL: It is central to the motion because it refers to involuntary donations which were virtually stolen from the taxpayers by the Australian Labor Party.

Hon J.M. Berinson: I do not think that the member knows what the Bill means.

Hon P.G. PENDAL: Does the Attorney General condone the \$75 000 stolen by the Labor Party from the GESB?

Withdrawal of Remark

Hon J.M. BERINSON: By implication that reference to the money being stolen is a most improper and baseless allegation against not only the Labor Party, but also members who belong to the Labor Party in this House.

Hon P.G. Pendal: Do you deny it happened?

Hon J.M. BERINSON: No-one is denying that the money to which the member is referring was donated to the Labor Party, and it will come into consideration under his Bill. However, to describe that as stolen money is grossly improper and has no basis in fact. I object to the comment as it reflects on every Government member in this House, and I ask that it be withdrawn.

Hon GEORGE CASH: To use the word "stolen" from or by a particular institution does no more than introduce debatable material into the matter under discussion. It involves no reflection at all on members in this House. Hon Phillip Pendal was referring to an incorporated association. If Mr Berinson wants to take the point further and seek to make the matter personal, that is his business; however, that was not the intention. If Mr Berinson wants to dispute whether a particular institution is alleged to have stolen or come by the money fairly, he is free to do so.

Hon J.M. Berinson: You're trying, Mr Cash, but you are nowhere near the mark.

Hon GEORGE CASH: Mr Berinson would do well to read the transcript of the Royal

Commission for then he would understand Mr Pental's comments.

Hon J.M. BERINSON: If the accusation of criminal conduct is not improper under the standards of this House, nothing could be.

Hon George Cash: That is debatable.

Hon J.M. BERINSON: Mr Cash wanted to get around this point. I know that he and Mr Pental want to wallow in their privileged position inside this House, but they cannot escape the fact that an accusation of criminal conduct is not a debatable matter - it is a matter of fact. Contrary to what Mr Cash said, no suggestion has been made at the Royal Commission that money was stolen, nor could there be any such suggestion.

Hon Mark Nevill: They should say it outside the House if they have any basis for it.

The DEPUTY PRESIDENT (Hon J.N. Caldwell): I have considered Standing Order No 97 and as I can relate to the point of order I ask Hon Phil Pental to withdraw his comments.

Hon P.G. PENDAL: As you have asked me to withdraw, Mr Deputy President, I do so unreservedly.

Debate Resumed

Hon P.G. PENDAL: Does the Attorney General condone a position in which \$75 000 was taken from the GESB, a taxpayer funded statutory agency, and paid to the Australian Labor Party? What does Mr Berinson call that?

Hon J.M. Berinson: It is another transparent effort by you to avoid the issue. We will discuss the donation when we discuss your Bill as we do not hide from that Bill; it will come up for discussion and you will get the Government's response to it. Clearly, we are not here talking about that type of donation but about your wish to keep your donations secret. How about facing up to that?

The DEPUTY PRESIDENT: Hon Phil Pental should come back to the motion itself. The current topic of discussion is hardly relevant to the motion. And this debate can take place during Committee.

Hon P.G. PENDAL: I hope the House will accept the motion moved by me on behalf of Hon Peter Foss.

Hon J.M. Berinson: I have told you that we accept the motion.

Hon P.G. PENDAL: The Attorney General cannot stand the truth.

Hon J.M. Berinson: We can stand the truth. What I do not like is your avoiding the truth.

Hon P.G. PENDAL: In the course of the Committee I will make reference to the \$75 000 donation because that will be directly relevant to one of the amendments on the Notice Paper. Therefore, whether Mr Berinson accepts that discussion now or later is irrelevant. The motion will allow these matters of involuntary donations to be discussed.

As Hon Peter Foss said in the course of the second reading debate, this sham of a Bill is as limited as the Government intended it to be. It applies to voluntary donations as distinct from those extracted from people involuntarily. Mr Foss raised another element which is parallel with my comments regarding the \$75 000 donation; that is, the question of union donations to certain political parties which will be the subject of the Bill when it is given a wider scope.

Hon J.M. Berinson: Are you saying that the union donations are the same as the Halls Head donations?

Hon P.G. PENDAL: I am not say that; I am saying that they fall under the category of involuntary donations.

Hon J.M. Berinson: They do nothing of the sort.

Hon P.G. PENDAL: They were certainly involuntary for the public servants of Western Australia who paid for them. I am talking about the \$75 000.

Hon J.M. Berinson: What a lot of nonsense.

Hon P.G. PENDAL: Hon Peter Foss makes no apology, in the scope of that motion, for expanding the contents of the Bill from the very limited provisions which have been

promoted by the Government. I am referring to involuntary donations of the kind which led the Opposition to introduce that Bill, which now languishes on the Notice Paper. For that reason I commend the motion moved by Hon Peter Foss to the House.

HON J.M. BERINSON (North Metropolitan - Attorney General) [9.51 pm]: I cannot for the life of me understand why Hon Phillip Pental should think it necessary to claim so vigorously that neither he nor Hon Peter Foss makes any apology for moving this motion. Nobody has asked them to apologise. I told Hon Phillip Pental three times when he was speaking that the Government supported the motion.

Hon George Cash: Sit down.

Hon J.M. BERINSON: Talk about the pot calling the kettle black. Hon Phillip Pental succumbed to the weariness of a long day and went to extraordinary lengths, despite my advance indication that the Government would support this motion, and the Leader of the Opposition has the hide to ask me to be quick about my comments and get on with the vote. I will do precisely that, but with one preliminary comment concerning the motion. That will distinguish my approach from the approach of Hon Phillip Pental, but I thought something novel of this kind might not be out of place, especially as I will take only two minutes.

Hon P.G. Pental: Tell us about the \$75 000 before you sit down.

The DEPUTY PRESIDENT (Hon J.N. Caldwell): Order!

Hon J.M. BERINSON: Okay; Hon Phillip Pental says \$75 000, the Leader of the Opposition says the Town and Country deposits, and elsewhere there is mention of a football umpire. Is there any advance on that?

The DEPUTY PRESIDENT: Order! I ask the Attorney General to return to the motion.

Hon J.M. BERINSON: That is precisely what I have been trying to do. The Opposition seems determined to draw me into every direction but that. Something serious must be put on the record about the motion. In general, the House should be very cautious about adopting a motion of this kind. It is within its capacity to do so, and the motion is properly moved, so that I do not dispute that either. On the other hand I would not expect the Leader of the Opposition to dispute that it is a move very rarely made. There are good reasons for that. There are also good reasons for our Standing Orders and for the Standing Orders, as I understand it, of virtually every Westminster style Parliament placing very substantial barriers in the way of what is known as "tacking"; that is, a Bill on one subject matter being used to introduce other matters which need not be directly related. In the different system of Government in the United States it is notorious how often tacking is engaged in by the Congress. Innumerable examples exist.

Hon George Cash: Its system provides for that.

Hon J.M. BERINSON: So does our system; this motion indicates that. We must approach such matters very cautiously. The examples in the United States are numerous and notorious. A Bill might start with a proposal to provide roads in New York and end with a provision for a dam in Colorado or an army base in Alaska. That is not a system we should be too free to adopt in our own procedures.

Having said that as a response in general to the capacity we have to broaden the initial scope of legislation, the Government has no objection to the motion concerning the specific Bill with which we are dealing. It is open to be argued that matters which go strictly beyond the scope of the current long title are properly considered and, in fact, although we will find during the Committee stage of the debate that the Government is strongly opposed - for very clear and objective reasons - to Hon Peter Foss' proposals on Government publications in the pre-election period, the Government itself has listed amendments which go to the same point, but in a more sensible way. Having accepted that as an appropriate direction to take, it naturally follows that the Government agrees that the motion should not be opposed. On that basis I accept that it will be carried without further debate. Even having made the point which I believe should be made in principle on the form of the motion, I have succeeded in finishing my remarks in about one-third of the time taken by Hon Phillip Pental. Therefore, the Leader of the Opposition's attempt at a snide, implied criticism does not wash.

Question put and passed.

Committee

The Deputy Chairman of Committees (Hon D.J. Wordsworth) in the Chair, Hon J.M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title -

Hon REG DAVIES: It appears tonight that we have the quick and the dead - I was not quick enough to rise to my feet during the second reading debate. It appeared that the Attorney General was eager to get the debate out of the way tonight.

I support the Electoral Amendment (Political Finance) Bill because election funding has been a concern for many years, not only in Australia but worldwide. I am aware that studies in the United States of America have indicated that financial contributions to political parties does influence voting patterns.

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): Order! I remind the member that even if he was cheated from making a contribution in the second reading debate he is not able to speak to the second reading now. I may be hard, but I will limit him and warn him not to break into a lengthy speech during the debate on this clause.

Hon REG DAVIES: I wanted to use this opportunity to give my reasons why the Bill is worthy of the support of members.

The DEPUTY CHAIRMAN: Order! The Bill has already received the support of a majority of members.

Hon REG DAVIES: Mr Deputy Chairman, would you tell me what the parameters are during the debate on the short title.

The DEPUTY CHAIRMAN: Order! The member certainly cannot give a second reading speech explaining why he wants the legislation passed. If I allow him to do that each member who contributed to the second reading debate would be able to give his second reading speech again.

Clause put and passed.

Clauses 2 and 3 put and passed.

Clause 4: Part VI inserted -

Hon P.G. PENDAL: On behalf of Hon Peter Foss, I move -

Page 2 line 8 - To delete the words "Part is" and substitute "Parts are".

There is no need for me to dwell on the reasons for this amendment. They will become clear when further amendments are moved to insert a whole new Part. It is a tidying up procedure.

Hon J.M. BERINSON: May I suggest that it would be preferable to defer consideration of this matter. This amendment will be required only if the new Part is subsequently agreed to.

Hon P.G. PENDAL: I agree that we should defer consideration of this part of clause 4, otherwise the clause will be made a nonsense of, depending on what happens with a later insertion of a new Part. I certainly would not give the Opposition's consent to deferring the subsequent amendments that the Attorney General will move, because I also intend to move further amendments on behalf of Hon Peter Foss.

Further consideration of the amendment postponed, on motion by Hon J.M. Berinson (Attorney General).

Hon J.M. BERINSON: I move -

Page 5, line 17 - To delete the line and substitute the following lines -

"principal officer" of a public agency means -

- (a) in relation to a department of the Public Service or an organization specified in column 2 of the Schedule to the *Public Service Act 1978* - the chief executive officer of that department or organization;
- (b) in relation to the Police Force of Western Australia - the Commissioner of Police;

- (c) in relation to a public agency that consists of one person (not being an incorporated body) - that person;
- (d) in relation to a public agency for which the regulations declare an officer to be the principal officer of the agency - that officer;
- (e) in relation to any other public agency -
 - (i) if it is an incorporated body that has no members - the person who manages the affairs of the body; or
 - (ii) if it is a body (whether incorporated or not) that is constituted by 2 or more persons - the person who is entitled to preside at any meeting of the body at which he or she is present;

"property" includes money;

"public agency" means -

- (a) a department of the Public Service or an organization specified in column 2 of the Schedule to the *Public Service Act 1978*;
- (b) the Police Force of Western Australia;
- (c) a body or office that is established for a public purpose under a written law;
- (d) a body or office that is established by the Governor or a Minister; or
- (e) any other body or office that is declared by the regulations to be a public agency being -
 - (i) a body or office established under a written law; or
 - (ii) a corporation or association over which control can be exercised by the State, a Minister, a body referred to in paragraph (a), (c), (d) or (e)(i), or the holder of an office referred to in paragraph (d) or (e)(i);

"specified amount" means \$1 500 or such other amount as is determined and published by the Electoral Commissioner -

- (a) under the regulations; and
- (b) within the period of 30 days after the polling day in a general election.

This amendment is required in order to allow us to understand the meanings given to the relevant terms in our subsequent discussion on the amendments to index threshold levels and also to limit advertising reporting. Even now I can anticipate something of a chicken and an egg situation which is inevitable. As we have said before, we should not presume that a new Part VII will be agreed to, so we are not in a position to presume that the further amendments to which my definitional amendments relate will be passed; nor can Hon Phillip Pental subsequently presume that the definitional amendments in the name of Hon Peter Foss will continue to have any application once we have dealt with the substantive amendments to which those amendments refer. It seems to me that this position is unavoidable.

The DEPUTY CHAIRMAN: This is a cleanup motion, but the Attorney General is not cleaning things up at all.

Hon J.M. BERINSON: Neither will Mr Pental's subsequent motion in the cleaning up definition. It is unavoidable; we will have to come back in the end, but at this stage we should carry all the amendments related to the definitions to allow later amendments to be discussed sensibly and so that they are debated and remove the point of these amendments. I believe there is no alternative but to come back for that cleanup exercise.

Hon P.G. PENDAL: That makes sense to me, provided it is understood clearly that when dealing with the insertion moved by the Attorney General we are also dealing with the inclusion of the new definitions for Mr Foss of "state trade union" and "trade union". As I

understand it, that would then include Mr Foss' other definitions which appear at pages 4 and 5 of the Supplementary Notice Paper.

Hon J.M. Berinson: His definitions are on page 3.

Hon P.G. PENDAL: He refers to the same clause at page 4 of the Supplementary Notice Paper where further amendments appear. If they have not been included as definitions, and if the Committee is for the time being including "state trade union" and "trade union", I am willing to go along with that suggestion.

Hon J.M. BERINSON: My motion does not include that. I anticipate Mr Pendal's moving the amendments listed in Mr Foss' name which provide the definition of "state trade union" and "trade union".

Hon P.G. Pendal: We cannot jump over his amendments.

Hon J.M. BERINSON: They follow the ones just moved.

The DEPUTY CHAIRMAN: I will accept amendments appropriate to the definition; that is, those of the Attorney General and Mr Foss.

Hon P.G. PENDAL: The definitions the Attorney General wishes to see included relate to "principal officer", "property", "public agency" and "specified amount".

Hon J.M. Berinson: That is correct.

Hon P.G. PENDAL: If we are dealing with the matter to that point and we then deal separately with Mr Foss' amendments, I am happy with that.

Hon GEORGE CASH: As a matter of procedure, and as clause 4 is the length outlined in the Supplementary Notice Paper, is it your intention, Mr Deputy Chairman, to move through the various amendments individually and complete each one?

The DEPUTY CHAIRMAN: I will deal with each one individually.

Amendment (line to be deleted) put and passed.

Hon J.M. BERINSON: I suggest that due to the length of the amendment, the question be put to take in the words from "principal officer" on page 1 of the Supplementary Notice Paper to the words "within the period of 30 days after the polling day in a general election" on page 3 as read.

The DEPUTY CHAIRMAN: Very well. The question is -

That the definition of "principal officer" be agreed to.

Hon P.G. PENDAL: It would help the Committee if the Attorney General explained his reasons for the substantial new definitions appearing in his amendment.

Hon J.M. BERINSON: The amendment comprises two parts related to "principal officer" and "public agency".

The DEPUTY CHAIRMAN: I have moved only in relation to "principal officer".

Hon J.M. BERINSON: I anticipate that the listed amendments which seek to make departments and agencies accountable for all Government publications at all times and the further amendment which commences on page 10 and goes to page 11 of the Supplementary Notice Paper providing that certain Government publications should be prohibited during elections relate to the same question.

Amendment (definition of "principal officer") put and passed.

The DEPUTY CHAIRMAN: The question is -

That the definition of "property" be agreed to.

Hon J.M. BERINSON: The definition of "property" including money has been removed from the Bill and must be reinserted in proper order.

Amendment (definition of "property") put and passed.

The DEPUTY CHAIRMAN: The question is -

That the definition of "public agency" be agreed to.

Hon J.M. BERINSON: I anticipated this definition in my earlier reference to "advertising provisions".

Hon GEORGE CASH: In moving his amendment the Attorney General attempted to bypass propositions that appear later in the Supplementary Notice Paper in the name of Hon Peter Foss. Members would be aware of the reasons given by Hon Peter Foss for placing these amendments on the Notice Paper. I will warn the Committee about what appears to be happening here. By agreeing to the Attorney General's definition now the Committee will find that later, when dealing with the amendments of Hon Peter Foss -

The DEPUTY CHAIRMAN: To which one is the Leader of the Opposition referring?

Hon GEORGE CASH: I am referring in particular to the definitions on page 8 of the Supplementary Notice Paper, which refer to page 34, Part VIA, and deal with the prevention of the use of Government resources for political purposes. While at the moment we are purely defining public agencies and principal officers, if we continue to move through these amendments we will find ourselves in a position where the Attorney General will argue by the time we get to Hon Peter Foss' amendments that they are in conflict with what has already been agreed to by the Committee - assuming that the Attorney General's amendments are carried. That would be a most unsatisfactory circumstance from the Opposition's point of view. I draw that to the attention of the Chamber because it seems to me that the amendments moved by the Attorney General are the opposite of what is proposed by Hon Peter Foss.

The DEPUTY CHAIRMAN: I assure the Chamber from the Chair that we are passing these definitions only to facilitate the debate, and should they need to be corrected, we would have to go back to them and change them. We are trying to make definitions by which we can conduct the debate.

Hon J.M. BERINSON: Mr Deputy Chairman, I endorse what you have just said and point out that the fact that I have agreed in advance to the definitions of "state trade union" and "trade union" is also without any prejudice to my intention to oppose the amendment in which those terms appear. I think it is well understood by Mr Pendal and me that the definitions that are now being agreed to are for the very purpose that you have outlined; that is, to facilitate later discussion, but certainly not to pre-empt it.

Amendment (definition of "public agency") put and passed.

The DEPUTY CHAIRMAN: The question is -

That the definition of "specified amount" be agreed to.

Hon P.G. PENDAL: I assume that the Attorney General will make some comments about the specified amount. I am trying to understand why this has become the subject of an amendment moved by the Government when, as I understood it, this was part of the agreement which emerged from the lower House anyway.

Hon J.M. BERINSON: The Assembly dealt with this in two parts. The Assembly agreed that \$1 500 should be the initial threshold when the Bill is enacted. After that had been agreed to, the question arose as to whether there should be a provision to index that \$1 500 at various dates. The Minister agreed to consider that, and came to the conclusion that it was a reasonable proposition and should be implemented by amendment in the Legislative Council. The reference to \$1 500 in the definition of specified amount is not to change the effect of the Bill as it is passed through the Assembly but to make it clear that that \$1 500 is the specified amount to which future regulations can be applied through some form of indexation by the Electoral Commissioner. Therefore, this definition does not establish the \$1 500. The \$1 500 is there but, because of the form of the drafting of the amendments, the \$1 500 is included in the definition of "specified amount" with a view to making it possible in future to apply the specified amount from time to time. The specified amount will be \$1 500 now and that is what the first indexation will apply to, but then it will be whatever it is - \$1 600 or \$1 700 - and that will then be the figure to which the indexation is applied. In other words, nothing in this definition changes the threshold already agreed to in the Assembly.

Hon P.G. PENDAL: What now bothers me is that "specified amount" means "\$1 500 or such other amount as is determined and published by the Electoral Commissioner". I can understand that we would be giving the Electoral Commissioner the power to vary the

amount according to, I presume, some consumer price index rise or some other accepted index. However, if the words "means \$1 500 or such other amount as is determined and published by the Electoral Commissioner" are intended only to allow the commissioner to set the benchmark according to CPI increases, they should say that, otherwise it seems to me to open up the possibility that the Electoral Commissioner can take the specified amount to be \$1 500 or some other amount that he determine, which may have no relationship to the CPI. Some clarification is needed.

Hon N.F. MOORE: Could the amount be less than \$1 500?

Hon J.M. BERINSON: This amendment relates to a number of subsequent amendments and, with your agreement, Mr Deputy Chairman, I will refer briefly to those so that members can see where the application of the definition arises. The first point is at page 3 of the Supplementary Notice Paper, and I refer to the amendment proposed at page 6 after line 20, which authorises the Electoral Commissioner to determine and publish an amount for the purposes of the definition of "specified amount". Proposed subsections (a) and (b) refer to the period for which the specified amount will apply.

The next reference is at the bottom of page 7 and is in relation to the proposed amendments to page 33 of the Bill. We find here the regulation making power for prescribing the manner in which the Electoral Commissioner is to determine and publish the specified amount. One goes from there to the bottom line of page 7 and on to page 8, which refers to any adjustment that is appropriate to reflect movements in the consumer price index. It does not set a strict mathematical formula but it does require that the adjustment be appropriate to reflect movements. I refer Hon Norman Moore to proposed subsection (b) near the top of page 8 of the Supplementary Notice Paper which makes clear that the specified amount might be increased or decreased but that would still be subject to a movement either way being appropriate to the movement in the CPI at the relevant time.

Hon REG DAVIES: Will the specified amount always be \$1 500 as it fluctuates with the CPI? Will it never be less than \$1 500?

Hon J.M. BERINSON: It could be. The specified amount starts at \$1 500. That is the fixed point and will apply for the next election. If the CPI does not move it will stay at \$1 500. If the CPI goes up, the specified amount goes up. The specified amount is \$1 500 as adjusted from time to time.

The DEPUTY CHAIRMAN (Hon D.J. Wordsworth): I suggest that Hon Reg Davies should not ask the Attorney General such questions. He should read the material and understand what it means.

Hon REG DAVIES: I was under the impression that the Committee stage enabled members to clarify any point about which we were unsure. I am unsure about the amount, and that is the reason I asked the question.

The DEPUTY CHAIRMAN: The member can ask the Attorney General whatever he likes, but future Governments will read the Act. If they find that they can reduce the amount, they will. I give the member a warning about what could happen.

Hon J.M. BERINSON: Mr Deputy Chairman, I should indicate that the Act really precludes a Government from amending the amount. The provision for indexation puts that authority with the Electoral Commissioner. The last thing I would like to do is get into a debate with you, Mr Deputy Chairman, but I should clarify that point.

Hon DERRICK TOMLINSON: The assumption in the argument that I have been listening to seems to be that we have an amount which shall operate when the Bill comes into operation. That amount is \$1 500. Thereafter, adjustments shall be calculated by the Chief Electoral Commissioner according to movements in the consumer price index for Perth. That is the assumption that is being argued. I put it to the Attorney General that that is not necessarily the assumption contained in the amendments. The specified amount is \$1 500 or such other amount as is determined. At page 7 of the Supplementary Notice Paper I see no specification of a starting point. It is not consumer price indexed in relation to a specific sum of money even though the assumption that has been argued is that the starting point is \$1 500. The starting point is \$1 500 or such other amount as is determined and published by the Electoral Commissioner. Thereafter the Electoral Commissioner may index that sum of money according to the CPI for Perth. The flaw in the amendments before us is that there is

no transferral of the sum of \$1 500 specified in the specified amount. There is no transferral of the \$1 500 to the proposed amendment. Unless it is specified that the starting point shall be a fixed sum, not "a fixed sum or such other amount as is determined", the Electoral Commissioner can start wherever he likes.

Hon J.M. BERINSON: Hon Derrick Tomlinson is half right but it is the wrong half. It is true that the \$1 500 is not imported into the amendments circulated but it is imported into the Bill by a later amendment. Clause 175N(4) reads -

The return does not have to set out the relevant details of a gift if the amount or value of the gift is less than \$1 500.

That will be amended as we go through to provide that the return does not have to set out the relevant details of a gift if the amount or value of the gift is less than the specified amount. That fixes clause 175N with \$1 500 at the outset and the other provisions when put together preclude any variation until after the next election when the CPI related considerations have to be applied by the Electoral Commissioner. So, it is correct that the \$1 500 referred to in the definition of specified amount is not transferred to the amendments that Mr Tomlinson referred to but it is referred to the fundamental provision in the Act which says that below the prescribed amount - which cannot be varied until after the next election and then only in accordance with the variation provision - the amount is \$1 500.

Hon DERRICK TOMLINSON: The series of amendments at page 3 of the Supplementary Notice Paper 9-3 read -

Page 13, line 5 - To delete "\$1 500" and insert "the specified amount"; and

Page 13, line 11 - To delete "\$1 500" and insert "the specified amount".

That means that the specified amount is \$1 500 or an amount to be determined by the Electoral Commissioner from time to time; but the Attorney has not - to use his term - transported the \$1 500.

Hon J.M. BERINSON: It is a fact that this amount can be varied from time to time by the Electoral Commissioner but the times are not at his discretion. The amendment at the top of page 3 of the Supplementary Notice Paper indicates that the variation is to be considered in the 30 days after a polling day. There is no provision for him to vary it at any other time.

Hon Derrick Tomlinson: There is a provision for him to vary the amount.

Hon J.M. BERINSON: But only at the specified time.

Hon DERRICK TOMLINSON: Not at all, because that \$1 500 has not been transported. The amount specified is "\$1 500 or such other amount as is determined". Mr Berinson is arguing that "as is determined" requires that to be determined by a consumer price index. Mr Berinson is not transporting the \$1 500 at any stage in the amendments before the Chamber.

Hon J.M. BERINSON: I am sure that the last thing Hon Derrick Tomlinson would have on his mind is to create an unreal problem, but the situation is that one starts with a prescribed amount of \$1 500 to be varied from time to time.

Hon Derrick Tomlinson: At no time is that specified.

Hon J.M. BERINSON: It is true, as the member says, that it can be varied only by association in an appropriate way with the CPI. That answers "how", but the Bill also specifies "when". In other words, there could not possibly be a situation where the specified amount is \$1 500 when this Bill is passed tomorrow, and then next Tuesday the Electoral Commissioner might try to change it to \$1 200 or even \$1 800. He cannot do so because the Bill provides the answer to the question "when".

Hon Derrick Tomlinson: But it does not provide the answer to "what".

Hon J.M. BERINSON: I insist that it does.

Hon GEORGE CASH: The definition of "specified amount" is \$1 500 or other amount as is determined or published by the commissioner. Would the substitution of the word "greater" for the word "other" establish that \$1 500 was the minimum situation for the specified amount and not allow the Electoral Commissioner to determine the other amount to be less than \$1 500?

Hon J.M. BERINSON: The overriding consideration is that any determination of a change must be appropriate to movements in the CPI.

Hon N.F. Moore: Why?

Hon J.M. BERINSON: Because the Bill says so.

Hon N.F. Moore: We have not got there yet.

Hon J.M. BERINSON: We are talking about the scheme of the Bill.

Hon Derrick Tomlinson: It does not tell us what it moves from.

Hon J.M. BERINSON: If the member wanted to say that it could only move up, he would have to move an amendment, but not to the definition clause; he could do that in a later clause.

Hon George Cash: If \$1 500 were the benchmark the word "greater" would at least establish that it could not fall below \$1 500, irrespective of CPI increases.

Hon Kim Chance: What would happen if there were a negative CPI?

Hon George Cash: So what?

Hon J.M. BERINSON: The only request that has been put to the Minister is that there should be indexation of the original figure of \$1 500. The concept of indexation necessarily includes the possibility of increases or decreases. Of course, it is open to anyone to argue that the figure should only go up and never be decreased. I am aware, for example, of the analogy of lease agreements, which provide that at the respective review dates the rent shall be reviewed in accordance with the CPI provided that the reviewed rent for any period should not be less than the rent applying to the earlier period. If the Opposition wants to elect for a process on the same basis as a commercial lease it can try that. That is not the Government's view, but if the Opposition wished to move an amendment in that direction it would be considered. The Opposition can either do that here by putting in some such word as "greater" - although as is always the case we need to show caution when amending quite complex drafts out of our heads; we will need to have consequential amendments to change the later provisions - or we can leave this as it is and just change the later provisions.

Hon George Cash: No.

Hon N.F. Moore: Mr Berinson has missed Mr Tomlinson's point. The \$1 500 is not enshrined at all.

Hon J.M. BERINSON: The \$1 500 is not enshrined as a minimum amount for all time. It is enshrined as the initial amount not to be varied until after the next election because this legislative package provides the Electoral Commissioner with no authority to vary it before the next election.

Hon George Cash: No.

Hon N.F. Moore: Mr Berinson can be frustrated if he likes, but Mr Tomlinson's argument is quite right.

Hon J.M. BERINSON: Mr Moore thinks that he is right and Mr Tomlinson thinks that he is right, but I do not believe he is right and I have heard nothing to suggest that he is anything but wrong. In any event, I ask members opposite to make up their minds what they really want. Do they want to argue that will not establish an all-time base figure of \$1 500, or do they want to argue that the Bill should provide an all-time base figure? The Bill as presently drafted provides an initial base figure of \$1 500 and I have heard nothing that can cast any doubt on that, but I agree at once that it does not provide an all-time base figure of \$1 500.

Hon George Cash: You have shifted ground a bit.

Hon J.M. BERINSON: To achieve that the Opposition would have to change the provision one way or another in order to avoid the possibility of there ever being a decrease in the specified amount as a result of a decrease in the CPI. The only occasion on which the figure could be less than \$1 500 would be if there were a drop in the CPI and the relevant percentage applied to the specified amount at that time would bring it below \$1 500.

Hon Reg Davies: Do you reckon the GST will do that?

Hon J.M. BERINSON: Yes; in fact, I heard a suggestion today that political donations would attract the GST. Perhaps that is another reason why the Opposition wants them to be secret. They not only want donations to be secret, but also they want to avoid GST.

Hon DERRICK TOMLINSON: In spite of the Attorney General's protestation that he has heard no argument to convince him that he is wrong, I have heard no argument to convince me that he is right. We have different interpretations. If we as legislators cannot agree on the meaning of the words before us we have a responsibility to make clear what the intention is. The Attorney General has indicated what his intention is and the Opposition has not argued that it disagrees with that intention. It is arguing that the Attorney General, if he wants that \$1 500 sum to be the base point for adjustments upwards or downwards according to movements in the CPI for evermore, must make clear that that \$1 500 not "\$1 500 or some other amount" is the base point. The Attorney General's intention could be made quite clear if he were to include in the specified amount words such as "provided that the amount is not more nor less than \$1 500 as is justified by movements in the consumer price index from time to time".

Hon J.M. BERINSON: With respect, that does not make sense because if the member is suggesting a specified amount must never be more nor less than \$1 500, he is cutting out indexation.

Hon Derrick Tomlinson: "Other than justified by movements in the CPI from time to time".

Hon J.M. BERINSON: That is what we have now.

Hon Derrick Tomlinson: No, we do not. We are arguing that you haven't, therefore it should be put in.

Hon Reg Davies: Why doesn't someone just put that in; it would save a lot of problems.

Hon J.M. BERINSON: That is right. Would somebody move something to make quite clear what is being argued for, because I do not believe that Mr Tomlinson is arguing for the same things that Mr Cash and Mr Moore have been suggesting? They have been looking for a minimum of \$1 500.

Hon GEORGE CASH: It is now five minutes before we are required to report progress. Making amendments on the run so that they feel good to Mr Berinson is not what this is about. It would be in the interest of this Committee if the Attorney General reported progress at this stage to enable a considered amendment to be developed and put to the Committee when it resumes debate on this matter. I will not support the moving of amendments on the run so that we can move through this clause.

Hon J.M. BERINSON: The last thing I want the Opposition to do is move amendments on the run. In fact, I have expressed some caution previously about the traps of moving amendments on the floor to relatively complex legislation of this nature.

Hon George Cash: Report progress.

Hon J.M. BERINSON: I am prepared to report progress. There is nothing to be lost by that because we are about to adjourn anyway. However, I need to understand clearly what is being asked for. It is important, if we are going to adjourn for the purposes of considering the terminology, that I understand what is being asked for. Am I correct in assuming that the only issue is the need felt by some members for greater certainty in the provision of \$1 500 as the starting point? In other words what is being looked for is absolute certainty that, as we move into the next election, on the assumption that the Bill generally passes, the amount which will represent the threshold for declarations is \$1 500.

Hon Derrick Tomlinson: Yes, but at the end of 10 years, the CPI for that year will be 10 per cent less than \$1 500.

Hon J.M. BERINSON: Am I also correct in assuming that it is agreed that the possibility, remote though it may be, is nonetheless accepted that under certain CPI conditions, we may reach a time when the threshold is less than \$1 500?

Hon Derrick Tomlinson: Yes.

Hon N.F. Moore: No, not from my point of view.

Hon J.M. BERINSON: That is the problem. Let us clarify what members want.

Hon P.G. Pendal: They want a benchmark of \$1 500 set by the Parliament, not by the Electoral Commissioner, which can be varied only upwards.

Hon J.M. BERINSON: That is different from what Mr Tomlinson said.

Hon P.G. Pendal: No, it is not.

Hon J.M. BERINSON: Will Mr Tomlinson agree that that is different from what he has just said?

Hon T.G. Butler: Why don't you fools take this seriously?

Hon DERRICK TOMLINSON: Perhaps if the fool who is calling others fools were able to concentrate, he would not accuse others of not taking this seriously.

Progress

Progress reported and leave given to sit again, pursuant to Standing Order No 61(c).

House adjourned at 10.57 pm

QUESTIONS ON NOTICE

HORSESHOE BRIDGE - LIGHT FITTINGS

475. Hon P.G. PENDAL to the Minister for Police representing the Minister for Transport:

- (1) Following the installation of new lighting on the Horseshoe Bridge, what has happened to the previous, old-style light fittings?
- (2) Will the Minister give an assurance that they have not been damaged or discarded?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

The present light fittings on the Horseshoe Bridge were installed in 1986. All light stands are either original cast or recast iron to the original pattern. The original light fittings were gas and were probably removed prior to 1958.

ROTTNEST ISLAND LODGE - TWO LEASE AGREEMENTS

Details Tabling - Foreign Advertising for New Lease or Sale Proposal

479. Hon P.G. PENDAL to the Minister for Police representing the Minister for Tourism:

With reference to the Rottnest Island Lodge -

- (1) Will the Minister table details of the two lease agreements related to the lodge?
- (2) Is it proposed that any re-lease/resale of the lodge will be advertised in other countries?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following response -

- (1) As the honourable member would appreciate, the lease agreement between the Rottnest Island Authority and Rottnest Lodge (1989) Pty Ltd (Receiver/Manager Appointed), contains information which is commercially sensitive for the lodge operator. The tabling of such a document would severely jeopardise private sector confidence in future lease negotiations with the Rottnest Island Authority. However I am happy for the honourable member to view a copy of the lease in the offices of the authority.
- (2) I am not aware of any proposal by the receiver/manager to advertise the assignment of the lodge lease overseas.

ROADS - KWINANA FREEWAY

Thomas Road Extension Completion Date - Mundijong Road Extension Plans

492. Hon P.G. PENDAL to the Minister for Police representing the Minister for Transport:

- (1) When will the Kwinana Freeway be completed to Thomas Road?
- (2) What plans are there to allow the extension to continue to Mundijong Road?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Late 1994, subject to the continued availability of funding.
- (2) The location of the Kwinana Freeway south to Mundijong Road is defined in the metropolitan region scheme. No commitment has been made to construct the road any further south than Thomas Road, Kwinana.

PUBLIC MEETINGS - MANDURAH AND PINJARRA
Atrium and Exchange Hotels Costs

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

I refer the Minister to an advertisement which appeared in *The West Australian* on 7 August 1992 advising of public meetings to be held at Mandurah and Pinjarra and ask -

- (1) What is the cost of hiring the Atrium Hotel and the Exchange Hotel as the venues for these meetings?
- (2) Why were these venues chosen?
- (3) What other costs are involved in holding these meetings?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) \$200 each.
- (2) Atrium Hotel - appropriate location, size and comfort.
Exchange Hotel - only venue available on the required night.
- (3) Approximately \$2 350.

TOTALISATOR AGENCY BOARD - MANNING PREMISES-KARAWARA
TRANSFER

Date and Reason - Manning TAB Agency Plans

511. Hon P.G. PENDAL to the Minister for Police representing the Minister for Racing and Gaming:

- (1) When did the Totalisator Agency Board transfer its premises from Manning to Karawara?
- (2) Why did this occur?
- (3) Are there plans to re-establish a Totalisator Agency Board at Manning, given that big numbers of elderly people used the previous premises and say they cannot walk the distance to the Karawara premises?

Hon GRAHAM EDWARDS replied:

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

- (1) 1 July 1991.
- (2) The former leased premises in Ley Street, Manning were no longer suitable for a number of reasons; that is - size, condition, location, parking. The new agency at Waterford offers vastly improved facilities and access.
- (3) The Totalisator Agency Board is presently negotiating with the owners of a hotel to establish a PubTAB agency in Manning.

NATIONAL RAIL CORPORATION - RAIL UNIONS-GOVERNMENT
DISCUSSIONS

Issues yet to be Resolved Details - Westrail Functions Takeover Response

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

- (1) Can the Minister provide details of those issues which have been identified as "yet to be resolved" between the Government and the various rail unions in respect of the proposed agreement with the National Rail Corporation?
- (2) What discussions have occurred with various unions to date?
- (3) What has been the response of the unions to the proposed takeover of Westrail functions by the National Rail Corporation?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) At this time the issues identified and yet to be resolved are arrangements concerning voluntary redundancy and superannuation.
- (2) Ongoing discussions have taken place outlining how employees' work functions are likely to be affected by the National Rail Corporation taking over interstate freight transportation. Also, entitlements that would be available to employees should their positions become redundant or they take employment with National Rail have been discussed.
- (3) The unions have expressed concern about the uncertainty of Westrail staff positions as a result of the National Rail Corporation's role in interstate freight.

**NATIONAL RAIL CORPORATION AGREEMENT - UNAVOIDABLE COSTS FOR
INTERSYSTEM GOODS TRAFFIC**
Local Traffic Payment

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

I refer to question on notice 789 of 1991 in which it is suggested that unavoidable costs for the intersystem goods traffic approximates \$14 million. Given that the National Rail Corporation Agreement requires the National Rail Corporation to be charged only avoidable costs -

- (a) is it intended that local traffic will have to bear the non-avoidable costs; and
- (b) if not, what is intended in respect of these costs?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (a)-(b) The agreement provides for Westrail to be no worse off financially for five years from the commencement of operations of the corporation. Accordingly, local traffic will not have to bear additional costs.

**NATIONAL RAIL CORPORATION - QUESTIONS ON NOTICE 1297 (1991),
391 (1992)**

Upgrading of Other Rail Systems Assets - Answers Reconciliation

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

With reference to question on notice 1297(2) of 1991 in which the Minister stated "the corporation will not upgrade assets of other rail systems" and also with reference to question on notice 391 of 1992 in which the Minister's answer in part stated "Western Australia will also benefit indirectly from the expenditure on rail infrastructure in the Eastern States. For example, upgrading of track in other States will reduce transit times between Perth and Eastern States." How does the Minister reconcile the two answers which appear to be diametrically opposed?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

The statements are not inconsistent. The corporation will expend money on assets in other States which will become part of its own asset base, either by way of ownership transfer or long term lease. All users of rail services will benefit from this expenditure.

NATIONAL RAIL CORPORATION ACT - GOVERNMENT RAILWAYS ACT
SECTION 62 (1)
Inconsistency

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

With reference to section 62 (1) of the Government Railways Act in which it is a requirement of the Act that the letting on lease of the commission's assets shall be by public tender, I ask the Minister if there is an inconsistency between the Government Railways Act and the proposed National Rail Corporation Act, which Act will prevail?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

The National Rail Corporation Act is designed to allow implementation of the provisions of the National Rail Corporation Agreement notwithstanding the provisions of the Government Railways Act.

TOTAL WEST - WESTRAIL
Intrastate Rail Freight Forwarding Business Value - Government Shares Ownership

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

- (1) What is the value of intrastate freight forwarding business placed by Total West with Westrail?
- (2) What is the annual value of intrastate rail freight forwarding business?
- (3) Who holds the shares owned by the Government in Total West?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) This is commercial information which is confidential to the joint venture partners.
- (2) \$678 000.
- (3) The Western Australian Government Railways Commission.

NATIONAL RAIL CORPORATION - QUESTIONS ON NOTICE 790 (1991)
AND 398 (1992)

Addressing of Specific Matters Request

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

With reference to question on notice 790 of 1991 and question on notice 398 of 1992 I ask the Minister to address the specific matters contained in both questions?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

The previous answers are still valid.

NATIONAL RAIL CORPORATION - QUESTION ON NOTICE 396
State Assets Disposition - Various Options Agreement

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

With reference to question on notice 396 of 1992, what agreement has been concluded in respect of the various options previously canvassed in respect of disposition of State assets to the National Rail Corporation?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

No agreements have been concluded.

WESTRAIL - INTERSTATE TRAFFIC REVENUE
Short Term Interest Earned

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

- (1) How much short term interest was earned by Westrail on revenue received from interstate traffic for the period -
 - (a) 1 July 1989 to 30 June 1990;
 - (b) 1 July 1990 to 30 June 1991; and
 - (c) 1 July 1991 to 30 June 1992?
- (2) Is this revenue likely to be lost to the State under the National Rail Corporation takeover of interstate traffic?
- (3) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Nil. Westrail revenue received from interstate freight is transferred to consolidated revenue.
- (2)-(3) Not applicable.

NATIONAL RAIL CORPORATION - NATIONAL RAIL CORPORATION
AGREEMENT BILL APPROVAL

Intrastate Operations Tendered at lower Rate than Westrail Tenders without State Approval

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

Further to question on notice 390 of 1992, should the National Rail Corporation Agreement Bill be agreed to by the Parliament, will the National Rail Corporation be able to tender for intrastate operations without State approval at a rate less than that tendered by Westrail and consequently affect the financial liability of the financial return to Westrail?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

No. The corporation will not be able to tender for intrastate operations without State approval.

NATIONAL RAIL CORPORATION - ROAD INDUSTRY PRODUCTIVITY
SUPERIOR TO RAIL

Minister for Transport's Statement - Industry Commission Report, Confirmation Reference

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

Further to questions on notice 389(1) and (3) of 1992, will the Minister advise where in the Industry Commission report is confirmation of the Minister's statement that road industry productivity has been superior to rail?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

The Industry Commission report shows changes in rail transport productivity over the last decade and observes that with the exception of Westrail and to a lesser extent Australian National, Australian railways have made very little progress over the last decade other than through changing the scale and output focus of their operations.

**NATIONAL RAIL CORPORATION - NATIONAL RAIL CORPORATION
AGREEMENT BILL APPROVAL**

Interstate Goods - Current Acceptance and Delivery Changes

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

- (1) Should the National Rail Corporation Agreement Bill be agreed to, will there be any alteration to the current acceptance and delivery practices in Western Australia for interstate goods when the National Rail Corporation is in operation?
- (2) If so, what changes are proposed?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

National Rail Corporation has not yet provided any details of proposals to handle the current acceptance and delivery practices for interstate consignments to/from Western Australia.

ROADS - FREIGHT RATES

Heavy Vehicle Registration Charges, Small Proportion of Operating Costs - Uniform Licensing for Heavy Vehicles

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

With reference to the answer to question on notice 386 of 1992 which reads in part, "If the Minister is of the view that registration charges for heavy vehicles make up only a small proportion of the heavy vehicle operating costs."

- (1) Is the road industry justified in opposing the Federal Government's plan, which involves uniform licensing for heavy vehicles across Australia?
- (2) What is the State Government's position in respect of uniform licensing of heavy vehicles?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes. While it is generally true that registration charges for heavy vehicles make up only a small proportion of heavy vehicle operating costs, the road transport sector is unable to absorb increased costs in the current recessionary climate. Western Australia cannot afford to place additional burdens on the road transport industry which serves the majority of the State's rural and remote areas.
- (2) While the Government remains committed to genuine and lasting reform in the road transport sector, it remains unconvinced that the new charges, in themselves, will realise significant benefits for Western Australia. This Government cannot reasonably be expected to give its approval to specific proposals for reform where the benefits of such initiatives do not clearly outweigh the costs to the State. There is a danger that the commission's proposed schedule of charges could become an exercise in uniformity for its own sake.

**NATIONAL RAIL CORPORATION AGREEMENT - STATE STEERING
COMMITTEE**

Satisfaction with Conditions - Endorsement

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

- (1) Is the State steering committee satisfied that the conditions outlined in the National Rail Corporation Agreement meet its concerns in respect of the social, financial and economic impact on Western Australia?

- (2) Has the State steering committee given its full endorsement to the National Rail Corporation Agreement tabled in Parliament?
- (3) If not, with which area is the State steering committee not satisfied?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(3)

The State steering committee has not expressed a view to the Government on these issues.

RAILWAYS - NORTHERN SUBURBS TRANSIT SYSTEM

Wheelchair Access to Station Platforms

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

- (1) Will all the railway stations which are to be located on the northern suburbs railway line be aligned to permit wheelchair passengers unassisted access to board and alight from the trains at the station platforms?
- (2) If no, which stations will not permit this access to wheelchair passengers?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes.
- (2) Not applicable.

BUSES - MANDURAH

Setting Down or Picking Up Passengers Limitations

539. Hon PETER FOSS to the Minister for Police representing the Minister for Transport:

- (1) What bus lines other than Transperth are permitted to set down or pick up passengers at Mandurah?
- (2) Is there any limitation on the place in Mandurah where such setting down or picking up is permitted?
- (3) If so, what are those limitations, and the reasons for those limitations?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Westrail and South West Coach Lines operate public bus services from Perth to Bunbury and return, travelling via Mandurah and the Old Coast Road.
- (2) Yes.
- (3) On the southbound journey, passengers picked up between Perth and Mandurah cannot alight the bus until Halls Head. On the northbound journey passengers cannot be picked up between Mandurah and Perth. Halls Head is the closest pick-up point to Mandurah. Mandurah is serviced by Transperth, hence the limitations that are applied.

RETIREMENT VILLAGES - LEGISLATION AND CODE OF PRACTICE

Proclamation and Further Amendments

548. Hon P.G. PENDAL to Hon John Halden representing the Minister for Consumer Affairs:

- (1) Is the retirement villages legislation and code of practice now fully operative?
- (2) Can the Minister say whether further amendments to the legislation and/or code are now being planned?

Hon JOHN HALDEN replied:

The Minister for Consumer Affairs has provided the following reply -

- (1) Yes. The Retirement Villages Act was proclaimed in full on 10 July 1992. An Interim Code of Fair Practice under section 43(2) of the Fair Trading Act is in place pending final consultation with the affected parties.
- (2) No further changes are planned to the legislation. The Act provides for ministerial review of its operation and effectiveness after one year and after a further five years. The interim code may be amended prior to being prescribed as a code of fair practice under section 43(1) of the Fair Trading Act.

MIDLAND SALEYARDS - ELLETT, MR, PRESTIGE BRICKS

Lease Arrangements, Documents Tabling - Futuris Corporation Lease Arrangements

555. Hon W.N. STRETCH to the Minister for Police representing the Minister for Agriculture:

- (1) Would the Minister explain to the House the details of the lease and/or memorandum of understanding of the Midland saleyards to the Government from Mr Ellett of Prestige Bricks and table those documents?
- (2) Do the same arrangements regarding the lease of the saleyards similarly bind the new owners, Futuris Corporation, to the Government under similar terms with the expiry date being June 1992 as per Cabinet's decision of August 1991?
- (3) If the Minister is unable to table the documents as requested would he explain to the House his reasons for not doing so?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) The lease arrangement for the Midland livestock saleyards was a condition of sale specified in the Offer and Acceptance for the Midland site that was signed by Peter Ellett for Pilsley Investments Pty Ltd and the former Minister for Agriculture, Julian Grill, on behalf of the Government in April 1986. It specified that the saleyards would be leased to the Minister for Agriculture for a period of three years with a three-year option of renewal at a rental of \$1 per annum, effective from the date of settlement on 10 November 1986. This arrangement was confirmed in subsequent correspondence, including a Memorandum of Understanding prepared by Pilsley Investments Pty Ltd on 12 June 1986 outlining details of its commitment to the saleyards. In subsequent negotiations relating to work conducted by the Western Australian Meat Commission for upgrading electrical supplies to the Midland Saleyards, Pilsley Investments Pty Ltd agreed to extend the lease arrangement and peppercorn rental to 30 June 1993.
- (2) Yes.
- (3) I am sure that the member is aware that the sale of the Midland site to Pilsley Investments Pty Ltd was the subject of investigation by two parliamentary Select Committees, one from the Legislative Assembly and the other from the Legislative Council. The purchase documents and associated lease conditions would have been examined in detail by these Select Committees. I refer the member to these two reports. Should the member require any additional information other than that in those abovementioned reports, I will arrange tabling of copies of the documents within my department's possession.

ROTTNEST ISLAND LODGE - DEVELOPMENT LEASE

Holder of Lease - Copy of Lease Tabling

556. Hon MURIEL PATTERSON to the Minister for Police representing the Minister for Tourism:

- (1) Who holds the lease for the development of the Rottnest Island Lodge?
- (2) Will the Minister table a copy of the lease?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following response -

- (1) The R & I Bank of Western Australia appointed receiver managers over the assets of Rottnest Lodge (1989) Pty Ltd in 1991. The receiver manager is Mr A.E. Ledger of KPMG Peat Marwick.
- (2) As the honourable member would appreciate, the lease agreement between the Rottnest Island Authority and Rottnest Lodge (1989) Pty Ltd (receiver/manager appointed), contains information which is commercially sensitive for the lodge operator. The tabling of such a document would severely jeopardise private sector confidence in future lease negotiations with the Rottnest Island Authority. However, I am happy for the member to view a copy of the lease in the offices of the authority.

MIDLAND SALEYARDS - ENVIRONMENTAL APPROVAL

Prior to Relocation Proposal Assurance

557. Hon W.N. STRETCH to the Minister for Police representing the Minister for Agriculture:

Will the Government ensure that environmental approval will be given to the site before the proposal to relocate the Midland saleyard complex to that proposed site north of Midland, or any other new site, is proceeded further?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

Yes. The Government has decided that new, all species, saleyards facilities will be established on an appropriate site between Upper Swan and Bullsbrook. This program will include necessary studies, design features and site works to gain approval by the Environmental Protection Authority.

MIDLAND SALEYARDS - NEW SALEYARD COMPLEX

\$7 million Commitment - Preliminary Studies Expenditure

558. Hon W.N. STRETCH to the Minister for Police representing the Minister for Agriculture:

With regard to the Government's committal of \$7 million towards the cost of a new saleyard complex to replace the Midland facility -

- (1) How much of that \$7 million has been -
 - (a) advanced to;
 - (b) spent on
 any preliminary studies or works on the proposed project?
- (2) In the event of the new saleyard complex not going ahead, will any of that \$7 million already spent be written off by the Government, or will it remain on the books as a charge against the meat industry?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) None.
- (2) This question is not relevant as the Government has decided to go

ahead with the new saleyards complex between Upper Swan and Bullsbrook.

FISH - PRODUCTION AND DISTRIBUTION OF FISH

Levy Proposal

568. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

- (1) Is it intended to impose a levy or licence fee on entities involved in the production and distribution of fish?
- (2) If so, will legislation be required to implement such a scheme, and if so, when will this be introduced into the Parliament?
- (3) What is the rationale to justify such a levy or licence?
- (4) Which type or category of producer or fish distributor will be subject to this levy?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following response -

(1)-(2)

The Minister for Fisheries has supported an initiative by the Western Australian Fishing Industry Council to incorporate a mechanism in the proposed new Fisheries Act for a levy from the fishing industry and licensing fish retailers for promotion and marketing of fish products. These arrangements would only be introduced after consultation with, and the active support of, industry and the resultant promotion activities would be controlled by industry. Legislation is unlikely to be introduced prior to the Spring Session of Parliament in 1993.

(3)-(4)

The future for Western Australia's fishing and processing industry in the face of overseas competition, especially of aquiculture products, is to promote the quality of Western Australia's fish products. Such promotion will require financial support from all sectors; catching, processing, wholesaling and retail.

WORKERS' COMPENSATION BOARD - TRIALS, DELAYS INCREASE

Additional Judge Appointment

572. Hon GEORGE CASH to Hon John Halden representing the Minister for Productivity and Labour Relations:

- (1) Is the Minister aware of a recent article in the publication *Brief* which indicates that the time taken for a trial to be heard in the Workers' Compensation Board has increased substantially from 32 weeks in May 1991 to a current 48 week delay?
- (2) When does the Government intend to appoint an additional judge to the Workers' Compensation Board?
- (3) Given the special nature of the matters heard by the Workers' Compensation Board, would the appointment of an additional judge to the board reduce the current unsatisfactory delays which often cause unnecessary hardship to injured workers and their families?

Hon JOHN HALDEN replied:

The Minister for Productivity and Labour Relations has provided the following reply -

- (1) The delay in which the time taken for a trial to be heard in the Workers' Compensation Board was 35 weeks in May 1991 and this has been extended by one week as at today's date.
- (2) No decision has been made to increase the number of judges at the Workers' Compensation Board.

- (3) The Government is mindful of the need to reduce hearing delays at the Workers' Compensation Board. In this regard an inquiry into the disputes resolution process was recently concluded by Mr Rob Guthrie. His recommendations are currently being examined by the Tripartite Labour Consultative Council. For the information of members, of the 296 cases listed for the two boards in 1991-92, only 51 actually went to trial. The balance of 82.8 per cent were settled prior to the hearing date.

PILCHARDS - ESPERANCE

Processing Licences Issued

573. Hon GEORGE CASH to Hon Mark Nevill representing the Minister for Fisheries:

- (1) How many processing licences for the pilchard fishery have been issued in the Esperance region in the past 12 months?
- (2) How many processing licences have been issued for fisheries other than rock lobster and pilchards in the Esperance area in the past 12 months?

Hon MARK NEVILL replied:

The Minister for Fisheries has provided the following response -

- (1) No licences.
- (2) No new licences.

QUESTIONS WITHOUT NOTICE

CORRECTIVE SERVICES, DEPARTMENT OF - PURCHASING PRACTICES

Breaches

373. Hon GEORGE CASH to the Minister for Education representing the Minister for Services:

- (1) Is the Minister satisfied that the purchasing practices of the Department of Corrective Services are not in breach of the Supply Act?
- (2) Does the Minister have any knowledge of any breaches or irregularities in the purchasing practices of the Department of Corrective Services; and if so, what breaches have occurred and what action has been taken in respect of these breaches?
- (3) Has the Minister discussed these matters with the Minister for Services; and if so, when?

Hon KAY HALLAHAN replied:

The Minister for Services has provided the following reply.

- (1) He has not been aware of any breach of supply, under the State Supply Commission Act, by the Department of Corrective Services.
- (2) No.
- (3) Not applicable.

CORRECTIVE SERVICES, DEPARTMENT OF - MEARS, JEFF

Contractor Services

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

- (1) In what capacity did the Department of Corrective Services employ Jeff Mears' carpentry services?
- (2) When did the department first engage Jeff Mears as a contractor?
- (3) What amount was expended for his services in each of the past five years?
- (4) How many hours work does this amount represent?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some notice of this question. As a matter of fact I also thank him for some advance notice of questions without notice which are here numbered 2, 3, 4 and 5. Between them they have 20 subquestions. I make the point to indicate in advance that, despite best efforts, I am not able to answer all of them this afternoon. However I can answer four out of five, which, on the law of averages, I hope will be accepted as reasonable. I am advised as follows -

- (1) Mr Mears - trading as J.A. Carpentry - has been engaged for a range of tasks including glazing, tiling, metalwork, cleaning, joinery, locks, electrical services, air conditioning, roofing and plumbing.
- (2) On the information extracted in the limited time available, Mr Mears was first engaged on or about 15 July 1987.
- (3) Information extracted in the limited time available is as follows -

Between 15 July 1987 and 21 February 1990 - \$114 945.30

From 22 February 1990 to date - \$213 743.21

The detail requested mainly requires manual research. I will inform the Leader of the Opposition direct of any additional amounts which come to attention.

- (4) So far as I am aware, the hours of work of independent contractors to Government are never recorded where the supply of materials as well as labour is involved.

EDUCATION, MINISTRY OF - BUDGET - CORPORATE SERVICES

Doubling Reason

375. Hon N.F. MOORE to the Minister for Education:

I do not expect the Minister to have detailed answers to specific questions on the Budget. However, I refer to Corporate Services in the Program Statements under Education where it states that in 1991-92 the amount of money spent in the Minister's office was \$204 000, yet anticipated expenditure this year is \$444 000. Why has the amount of money required to run the Minister's office doubled?

Hon KAY HALLAHAN replied:

If the member will give me notice of that question I will obtain an accurate response for him.

CORRECTIVE SERVICES, DEPARTMENT OF - BUILDING SERVICES DIVISION

Review - Reports Tabling

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

- (1) I refer to previous questions and answers concerning the current inquiry into the building services division of the Department of Corrective Services and ask if the Minister will table the preliminary report on this matter and all subsequent reports; and if not, why not?
- (2) With reference to question without notice 348 asked last week, can the Minister advise what advice was sought from the Crown Solicitor if, as the Minister claims, only management practices are being questioned?
- (3) Did the discussions with the Crown Solicitor involve matters relating to possible criminal activity?

Hon J.M. BERINSON replied:

I thank the member for advance notice of this question. The answer is as follows -

- (1) No preliminary report has been prepared on the current review.
- (2) Advice was sought on the appropriateness of the proposed internal

review and on the proper observance of officers' rights.

- (3) This raises questions of legal advice which are accepted as confidential. In fairness to the officers concerned, however, I repeat my earlier indication to the Leader of the Opposition that I have no evidence of criminal activity.

MINISTERS OF THE CROWN - MINISTER FOR THE ARTS

Overseas Trip - First Class Travel Details

377. Hon DERRICK TOMLINSON to the Minister for The Arts:

On her recent trip on parliamentary business overseas, did the Minister and her companion, Ms Marcelle Anderson, travel first class for only the Australian leg of the journey, or did they travel first class all the way?

Hon KAY HALLAHAN replied:

Members will be aware that members of Parliament have an imprest travel account from which my travel costs were funded. However, on one of the legs of travel in the United States I was upgraded without additional cost to my travel expenses. I understand that is usual practice when one books business class and the American airline does not have that class.

MINISTERS OF THE CROWN - MINISTER FOR THE ARTS

Overseas Trip - Economy Class Directive Contravention

378. Hon DERRICK TOMLINSON to the Minister for The Arts:

Did the fact that the Minister travelled first class on the Australian leg of her journey overseas on parliamentary business contravene an earlier directive from the Premier that Ministers and senior public servants should travel economy class only?

Hon KAY HALLAHAN replied:

I understand that the directive indicated that Ministers and very senior public servants would travel business class. They do not travel first class. However, it is very clear that some of them, on occasion, are upgraded to suit the convenience of the airline. I was not aware that I was travelling first class on that day. In fact, I could make a booking only in economy class and asked to be upgraded to business class. Whether I was upgraded to business or first class is a matter of conjecture at this point.

POLICE - CARNAMAH STATION

\$200 000 Allocation, Sufficient Amount

379. Hon MARGARET McALEER to the Minister for Police:

I preface my question by saying how pleased I was to see the allocation in the Estimates of Revenue and Expenditure for the Carnamah Police Station and I ask whether \$200 000 will be sufficient for the work required?

Hon GRAHAM EDWARDS replied:

It is a rare joy when members of the Opposition and Government can investigate a particular situation to ascertain how deserving it is of an allocation from the Estimates of Revenue and Expenditure. I take this opportunity to thank Hon Margaret McAleer, the local police force, the local authority and the community for the process they went through and the patience they showed. On visiting that site at the member's invitation I was obviously very concerned and I want to see the situation remedied. I am informed that the amount allocated in the Budget is sufficient but I will have to examine the details of the final decision on the establishment of a new office. If the member will leave it with me I will obtain the necessary information and convey it to her in writing.

MINISTERS OF THE CROWN - MINISTER FOR THE ARTS
Overseas Trip - Air Fares in Excess of \$6 000

380. Hon DERRICK TOMLINSON to the Minister for The Arts:

Were the air fares for her and her companion, Ms Marcelle Anderson, in excess of \$6 000 each and, if yes, is that not excessive for economy class travel?

Hon KAY HALLAHAN replied:

I find the honourable member's questioning on this matter quite extraordinary.

Hon P.G. Pental: I bet you do.

Hon Derrick Tomlinson: I find your answers extraordinary.

Hon KAY HALLAHAN: I cannot think why the member does.

The PRESIDENT: Order! The Minister should not worry about it; she should answer the question.

Hon KAY HALLAHAN: On the flight the member referred to, I said I was allocated economy class. Because I had booked and paid for business class I asked to be upgraded. The air fares were for business class. I am unable to tell the member whether they were in excess of \$6 000, but they were in line with whatever is the cost of business class travel.

CORRECTIVE SERVICES, DEPARTMENT OF - PURCHASING PRACTICES
Minister's Acquaintance - Irregularities, Minister's Awareness

381. Hon GEORGE CASH to the Minister for Education representing the Minister for Services:

Some notice of my question has been given.

- (1) Has the Minister been acquainted with former and current purchasing practices at the Department of Corrective Services?
- (2) Is the Minister aware of possible irregularities in the purchasing practices of the department and in particular the irregularities in the tendering process used by the Department of Corrective Services?
- (3) Has the Minister discussed these matters with the Minister for Corrective Services and, if so, what action has been recommended to alleviate these irregularities?

Hon KAY HALLAHAN replied:

The Minister for Services has provided the following reply.

- (1) The Minister for Services advises that he is not acquainted with the former and current purchasing practices at the Department of Corrective Services, except to the extent that the department is required to comply with the State Supply Commission's policies and guidelines.
- (2) The Minister for Services advises that he is not aware of possible irregularities in the purchasing practices of the Department of Corrective Services.
- (3) Not applicable.

CORRECTIVE SERVICES, DEPARTMENT OF - PURCHASING PRACTICES
Irregularities - Public Service Commission Advice to Officers

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

Some notice of my question has been given: What advice did the Public Service Commission provide the Executive Director of the Department of Corrective Services or other officers in the department in respect of concerns expressed about the building services division of the Department of Corrective Services?

Hon J.M. BERINSON replied:

The Premier has provided the following response: The Public Service Commission gave the following advice -

- (i) That the issues raised needed to be investigated;
- (ii) that the officers concerned should be directed to take leave; and
- (iii) work should be undertaken by staff external to the area concerned.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - BUDGET
\$15 MILLION**

No Further Grants

383. Hon J.N. CALDWELL to the Minister for Sport and Recreation:

The allocation of \$15 million for sport and recreation grants was fully allocated to various societies and clubs. Does that mean that this Government does not envisage making any more grants to sport and recreation?

Hon GRAHAM EDWARDS replied:

No. I hope that this will be an ongoing grant system. It has taken some time to move to a triennium system and I hope it will continue. In the main this system has been very well received by local government and it appears to like the idea of a triennium system. I suppose there is always some difficulty in the first triennium and some problems will surface, but as we proceed with the triennium concept the problems will be ironed out. The important thing is that at the end of the day most local authorities will be in a position to plan their spending better. We are always prepared to offer as much flexibility as we can over the length of a triennium. In three areas funds have been allocated to local authorities for planning. We have indicated that when they have undertaken the proper planning they can make a one-off application to the Government for consideration.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - BUDGET
\$15 MILLION**

Club Application Refusals - Future Grants

384. Hon J.N. CALDWELL to the Minister for Sport and Recreation:

Does that mean that the sport and recreation clubs which missed out on an allocation will have some hope of receiving an allocation from this Budget?

Hon GRAHAM EDWARDS replied:

Not unless they have received some of the planning moneys. It is true that those organisations which applied and dipped out will have to wait until we move into the next triennium. Without making any promises, if the member has in mind an organisation which is causing him some concern I will be prepared to look at it. Members must remember that these applications have already gone through a screening process involving local government, the Ministry of Sport and Recreation, the regional officers and a subcommittee which I put in place. We have endeavoured to provide assistance to as many groups as possible.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - BUDGET
\$15 MILLION**

First Year of Triennium Allocation

385. Hon BARRY HOUSE to the Minister for Sport and Recreation:

I have a couple of organisations in mind which could do with \$2 million. Will the Minister indicate how much of the \$15 million has been allocated in the first year of the triennium?

Hon GRAHAM EDWARDS replied:

From memory it is approximately \$7 million, but the member should not hold me to that figure. I understand that \$7 million will be allocated in the first

year, \$5 million in the second year and the balance in the third year. Members should bear in mind that it will be in the third year that we will again call for applications.

PRISONS - CASUARINA
Furniture Contractor

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

Some notice of my question has been given.

- (1) Which company or firm was engaged to supply and fit the cupboards, benches, petitions and other similar furniture needs in the control room at Casuarina Prison?
- (2) Was the job the subject of a tender and, if so, what was the agreed tender amount?
- (3) Did the cost of the supply and fitting out of the control room escalate and, if so, what was the final amount of the expenditure?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some advance notice of the question. I am advised as follows -

- (1) Newcastle Industries.
- (2) Yes. \$65 807.
- (3) Yes. \$86 980. The cost above tender was due to additions to the original scope of the contract.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - BUDGET
\$15 MILLION

\$7 million Grant - Consolidated Revenue Fund and Other Sources Percentage

387. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

In view of the answer given to the previous question about the community sporting and recreation facilities fund, how much of the \$7 million that was granted was from the Consolidated Revenue Fund and how much was from other sources; and what were those other sources?

Hon GRAHAM EDWARDS replied:

I do not know whether the member understands totally the CSRFF process. The State Government funds a percentage of the total cost. All of that \$7 million has been committed. Indeed, all of the \$15 million has been committed.

Hon Murray Montgomery: Was the \$7 million out of the Consolidated Revenue Fund?

Hon GRAHAM EDWARDS: I think it is probably loan funds. Does the member mean by CRF, State Government funding?

Hon Murray Montgomery: Yes.

Hon GRAHAM EDWARDS: It was \$7 million, \$5 million and about \$3 million of State Government funding. I am not sure what is the point of the question. If the member can expand upon it, I will endeavour to answer it.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - BUDGET
\$15 MILLION

Funding from Government Sources or Other Agencies

388. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

This supplementary question may clarify the direction of the question. Did the funding for the community sporting and recreation facilities fund come from Government sources or were other agencies involved in that funding?

Hon GRAHAM EDWARDS replied:

The CSRFF is a totally State Government funded initiative. We work with local government and with the individual clubs and organisations or, in some cases, associations that apply for the money. We work also with the Lotteries Commission, which part funds some aspects of some buildings. They are the four main bodies involved.

MANDURAH CITY COUNCIL RUBBISH TIP - RELOCATION

389. Hon GEORGE CASH to the Minister for Education representing the Minister for Lands:

Some notice of this question has been given.

- (1) Is it intended to relocate the Mandurah City Council rubbish tip?
- (2) If yes, which location has been selected, and for what reason?
- (3) When will this relocation occur and when is it intended to close the existing rubbish tip?
- (4) Who will bear the cost of acquiring and setting up the new rubbish tip site?
- (5) Has agreement been reached with the Mandurah City Council on the relocation of the rubbish tip?
- (6) If yes, how many meetings have occurred between Government representatives and the Mandurah City Council to discuss this matter, and when did the Government gain the agreement of the council?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) Yes.
- (2)-(6) Officers of the various Government agencies, Mandurah City Council and Wannanup Development Nominees Pty Ltd will be discussing and resolving these issues. The Department of Marine and Harbours is the lead agency as the relocation of the tip is associated with the Dawesville Channel project.

PARK HOMES - NEW LEGISLATION OR REGULATIONS

390. Hon GEORGE CASH to the Minister for Education representing the Minister for Local Government:

Some notice of this question has been given.

- (1) Does the Minister intend to introduce legislation or regulations in respect of the manufacture and/or siting of park homes?
- (2) If yes, when will the legislation and/or regulations be introduced?

Hon KAY HALLAHAN replied:

The Minister for Local Government has provided the following reply -

- (1) Yes. This will be included in proposals for a new Caravan Parks Act.
- (2) It is hoped that the legislation will be introduced later next year.

COMMUNITY SPORTING AND RECREATION FACILITIES FUND - BUDGET \$5 MILLION

\$7 million Expenditure, \$2 million Overexpenditure

391. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

In view of the Budget papers that were tabled yesterday, which state that the allocation for the community sporting and recreation facilities fund is \$5 million, and in view of the fact that the Minister indicated that \$7 million will be spent, does that mean that we have already overspent the Budget by \$2 million?

Hon GRAHAM EDWARDS replied:

No. The funding will be \$7 million in the first year, \$5 million, and \$2 million.

CORRECTIVE SERVICES, DEPARTMENT OF - BUILDING SERVICES DIVISION
Review - Preliminary Report, Oral or Written Report

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

Some notice of this question has been given.

- (1) With reference to question without notice 343 asked last week, was the advice to which the Minister referred in the form of a preliminary report; and, if so, will the Minister table the report?
- (2) Further to question without notice 346 asked last week, can the Minister advise whether the process involves Casuarina and Bunbury, and how long it will take to report on each of the prisons?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some advance notice of this question.

- (1) I believe I have previously indicated - if not, I do so now - that the executive director's report to me, as referred to in that question, was an oral and not a written report.
- (2) As I understand the position, the review is directed generally to management practices of the building services division of the Department of Corrective Services. However, the current review is concentrating on Bunbury Regional Prison. When the report of this review is available, we will be in a better position to consider what further action, if any, might be appropriate.

EDUCATION, MINISTRY OF - FACILITIES SHARED WITH COMMUNITY POLICY

393. Hon MURRAY MONTGOMERY to the Minister for Education:

- (1) What is the policy of the Ministry of Education on facilities that are shared by the ministry and the community?
- (2) Is there an instruction that where a community requests the ministry to share a facility, this is done?

Hon KAY HALLAHAN replied:

(1)-(2)

Certainly the Government wants to see much greater use made of school facilities. This usually works well in the case of partnership with local government, where there are some notable examples. However, the needs of the school community must be taken into account. For example, we have a situation at the moment in the City of Armadale where Armadale Senior High School, which is situated on South West Highway, requires a performing arts and recreation centre. The City of Armadale acknowledges that the school has developed an extremely good band and that the town needs that sort of facility. However, the City of Armadale has indicated that it would prefer at this stage to put its funding into a refurbishment of the old Armadale Town Hall. That is located too far from the senior high school for it to be fully utilised by the school. Travel time, supervision of students, and all those matters would make that an unworkable proposition.

I would prefer a situation where the needs of all community aspirations could be met by shared facilities and expenditure; wherever possible that is encouraged. Sometimes, for logistical reasons, that is not possible. If ever members can point to a situation where we may have shared community use of education buildings I would be happy to discuss the issue because over the

next decade we will experience extraordinary demands on our capital works program as a result of growing enrolments flowing from the younger age profile and higher retention rates. We will need to be lateral in our thinking and use of facilities in order to afford what is required. I would be very happy to hear from members who have notions on how we can best utilise that funding and those resources.
