

# Legislative Council

Tuesday, 7 May 1991

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

## STATEMENT - BY THE PRESIDENT

### *Answering of Questions and Giving of Notice Review*

**THE PRESIDENT** : I bring to members' attention a letter I have received from Hon Peter Foss dealing with the form and content of some replies to questions asked in this House. Hon David Wordsworth has also raised issues connected with the time taken to answer some questions. I advise the House that those matters together with an overall review of the current procedures for the giving of notice and answering of questions will be undertaken by the Standing Orders Committee. If members wish to comment on any aspect of the review they should write to the committee and their comments will be considered by the committee in deciding how it will deal with the subject and what recommendations may be made to the House.

## PERSONAL EXPLANATION - BY THE ATTORNEY GENERAL

### *West Coast Eagles-State Government Insurance Commission Question*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [3.34 pm] - by leave: Though it will involve some repetition of recent matters the quickest way in which I can make this statement is by quotation of some questions and answers in the *Hansard*. On our last meeting day Hon Peter Foss asked in question 149 -

- (1) Does the Attorney General recall that I asked him a question when I received an unsatisfactory answer from the State Government Insurance Office as to what were the arrangements with the West Coast Eagles, and he said he would take up the matter with the relevant Minister to ascertain the facts and give a proper answer?
- (2) Did he do that, and why have I not received that answer prior to now?

My reply was -

(1)-(2)

Frankly, unless it had been referred to again last night, I would not have recalled it. My invariable practice, however, is to have my office consider any answers I have given and to ensure that any follow ups that I have indicated should be proceeded with are in fact put in train.

Hon George Cash then stated -

There is no commitment from you for any undertaking you give in this House.

I then demanded the withdrawal of that remark and, after further comments, Hon George Cash did in fact withdraw. Hon Peter Foss then asked question without notice 150 as follows -

Following from the previous question, in view of the fact that I still do not have a full and complete answer to the question I asked, and in view of the importance now being attached to what the arrangements were, would the Attorney General arrange as a matter of urgency for the House to be informed of the answer to my question?

My reply was -

I am happy to refer this question by Hon Peter Foss for the consideration of the responsible Minister.

It seems to me that I have been misrepresented in an earlier question... As I understood it, there was an attempt to give the impression that I undertook, apparently on 28 March, to ensure that Hon Peter Foss' request for full and further answers would be given. I have now had 30 seconds to check the *Hansard* and it appears to me that my reply did not undertake that; nor did it fall short of undertaking

that by accident or error. I adopted on that occasion a form of answer which I have adopted to the question we are now dealing with, when in response to Hon Peter Foss' request for that full and further information I said -

Hon Peter Foss has my assurance that this matter will be referred to the responsible Minister.

That is virtually precisely in line with the answer that I have now given. It is not for me to commit another Minister to what response he may feel appropriate. My undertaking was to refer it to him. I had forgotten that until the reference last night, and accordingly I have not had the opportunity to check whether I or my office did fail to refer it on. If I did, I will be very happy at the first opportunity to indicate that to the House and to apologise and to make clear that I will ensure that the matter does go on.

Just as I undertook to apologise if I was in error, I am entitled to have the record set straight by information to the House which indicates that I was not in error. This requires me to go back to the original question, which was question 98, without notice, on Thursday, 28 March 1991. Hon Peter Foss ended that question by asking -

... will the Leader of the House assure me that an answer will be given in full, notwithstanding the initial answer that has been given?

My reply was -

Hon Peter Foss has my assurance that this matter will be referred to the responsible Minister.

Fortuitously, and I think significant in the context of this small dispute last week, on the same date - that is, on Thursday, 28 March - I made very clear what the limitations of my answers were, because in the adjournment debate I said -

I take a moment to indicate that in an answer earlier today to question 81 from Hon Peter Foss I indicated that I would put the matters he had raised to the responsible Minister. He had asked for an assurance that the Minister would do something. I understand some members may have understood me to be committing the Minister to that course. Obviously I could go no further than to indicate that I would put it to him for his consideration.

I particularly wanted to put that matter on the record because in the course of my comments last week I heard some interjections indicating that I was coming to this version of my earlier answer very late in the day. Apparently it was being suggested that I was attempting last Thursday to put a different construction on my comments from what I indicated when I first answered the question. I hope it will be perfectly clear to all members from the supplementary comments I made on the same day that there is no question of that having occurred. It only remains for me to indicate that my files show that on 8 April 1991 I asked a member of my ministerial office to forward the original question from Hon Peter Foss to the responsible Minister. The file also indicates that that was done on 10 April.

### **PERSONAL EXPLANATION - BY HON PETER FOSS**

#### *West Coast Eagles-State Government Insurance Commission Question*

**HON PETER FOSS** (East Metropolitan) [3.42 pm] - by leave: I think the Attorney General just indicated that I suggested that a Minister in this House would give an undertaking on behalf of a Minister in the other place to give a full answer. I have never accepted that as being a basis upon which questions are asked in this House. I asked the Attorney General whether he would take up the matter with the relevant Minister to ascertain the facts and to provide a proper answer. The proper answer I was hoping to receive was from the Minister in this House. I believe I am entitled to ask a Minister in the House whether he can provide a proper answer. I was never at any stage suggesting that the Attorney General should commit the Minister in the other place to provide an answer because I do not believe a Minister in the other place has any responsibility to this House.

Hon J.M. Berinson: How on earth can I give an answer at all without the advice of the Minister in the other place?

Hon PETER FOSS: However, a Minister in this House does have such a responsibility. That is all I was suggesting. It is perfectly proper to ask a Minister in this House to provide an answer to a question to this House. I believe that, to the extent that the Attorney General is suggesting that the answer was given by a Minister in another place, his suggestion is inconsistent with the ruling that you, Mr President, made at an earlier stage.

## PETITION - HUMAN REPRODUCTIVE TECHNOLOGY BILL

### *Standing Committee on Legislation Referral*

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.44 pm]: I present a petition from 41 citizens of Western Australia requesting that the Human Reproductive Technology Bill be referred to the Standing Committee on Legislation and that the proposed prohibition of embryo experimentation and the structure of the Reproductive Technology Council be reviewed.

[See paper No 351.]

## MOTION - ROTTNEST ISLAND AUTHORITY AMENDMENT REGULATIONS 1990

### *Disallowance*

HON J.N. CALDWELL (Agricultural) [3.47 pm]: I move -

That the Rottnest Island Authority Amendment Regulations 1990 published in the *Government Gazette* on 9 November 1990 and tabled in this House on 15 November 1990 be, and are hereby, disallowed.

It has come to the attention of the National Party that the Rottnest Island Authority is seeking to modify the schedule of the Rottnest Island Authority Act so that the authority can alter charges it levies without the scrutiny of Parliament. The National Party considers that would be completely wrong. The Select Committee on Delegated Legislation will examine those changes.

Recently, I spoke with Mr Chris Back, the Chairman of the Rottnest Island Authority, and he assured me that what the authority is attempting to do is in the best interests of all people who visit Rottnest Island. If he has in mind the interests of all the people of Western Australia who visit Rottnest Island it is only natural he should agree that the Parliament have power to scrutinise those charges. Considering today's economic environment, the authority should not have the power to increase its charges with the scrutiny of the Minister only. Ministers have an awful lot to do and those increases would very likely escape the scrutiny of the Minister. It is possible that those increases would be exorbitant.

Hon E.J. Charlton: Rottnest is for everyone.

Hon J.N. CALDWELL: That is right and therefore the Parliament has the right to scrutinise any change to charges levied by the authority. One such charge is a fee to land on the island. At present that fee is \$2.70 for adults and 50¢ for children. That charge is used for the collection of rubbish and to maintain power generation by using diesel generators. Only this year my wife and I had a five day holiday on the island which we enjoyed very much, although we were very close to the diesel generators. However, people need electricity and somebody has to pay for it. In this case, it is the people who visit the island.

The mooring fee of \$40 per annum is also reasonable, which may give the authority an incentive to increase the fee. It allows the people who go to the island from the boats that use the mooring leases to do so free of charge. I believe the charges are reasonable. Rottnest Island is an unusual place to visit.

Hon Garry Kelly: Did Mr Back say that the regulations caused some difficulty? Did he explain why it is so difficult?

Hon J.N. CALDWELL: No, he did not. That is why I have moved to disallow the regulations. I understand the Rottnest Island Authority will give evidence to the Joint Standing Committee on Delegated Legislation on Thursday to explain why the authority does not wish the charges to be scrutinised by Parliament but by the Minister. I believe the

anomaly will be cleared up on Thursday and, until it has been cleared up, the regulations should be disallowed.

Debate adjourned, on motion by Hon Fred McKenzie.

### MOTION - SELECT COMMITTEE ON DIEBACK

Debate resumed from 2 May.

**HON BOB THOMAS** (South West) [3.53 pm]: I indicated to the House last week that the Government had no hesitation in supporting this motion. I spoke about some of the consequences that this fungus, *Phytophthora cinnamomi*, could reap on the south coast. On the way to Perth from Albany this morning, I stopped on the side of the road and cut off a piece of banksia affected by *Phytophthora*.

Hon P.G. Pendal: I hope you had a licence.

Hon BOB THOMAS: It is not a flower. The piece I show the House is one from the top of a banksia tree which has been affected by dieback. Trees affected by the disease die back from the top. I show the House another piece from a tree that has not been affected by the fungus. It is perfectly healthy.

Hon P.G. Pendal: It is not quite so healthy now.

Hon BOB THOMAS: I picked it fairly early this morning and I had my heater on in the car. The heat has made it wilt a bit. The fungus affects the roots of the tree. When it attacks the roots it produces a substance called mycelium which rots the roots and prevents the tree from absorbing moisture and feeding it to the branches and the leaves. Moisture is fed to the top of the tree through a capillary action. The further the disease spreads the less water the tree takes up and the more the tree dies. Mycelium produces two types of spores, the first of which is zoospore which spreads through moist soil and in running water. It can spread the dieback through huge areas of forest by following watercourses. The second type of spore is chlamydospore which is a larger spore. It is not motile and stays in the roots of the tree. It can stay there for a year or as long as the soil remains moist. It is transported when soil containing the root stock is shifted, such as when the soil is dug up and moved by some earth moving operations or when agricultural activities take place.

Hon D.J. Wordsworth: You have just about talked us out of the committee. You know all the information.

Hon BOB THOMAS: I do not.

Hon P.G. Pendal: That is the trouble; they know the information but do nothing with it.

Hon BOB THOMAS: That is not correct.

Dieback has horrendous implications for my area. We have been told already that dieback can affect wheat and can reduce yield by up to 47 per cent. The agricultural hinterland around Albany produces about a million tonnes of grain which is exported through Albany every year. Most of that is wheat which fetches about \$150 a tonne. That is a huge industry involving about \$150 million a year of grain which is exported through the Port of Albany. Dieback would have enormous effects in the small towns in the agricultural area where wheat is produced and in my town also. It also would have an enormous effect on employment which is dependent on the wheat industry.

Hon D.J. Wordsworth: Now you are starting to exaggerate a little.

Hon BOB THOMAS: No, I am not. If yields of wheat are reduced by 47 per cent, the amount of income earned by exporting wheat through Albany would be reduced also by that amount.

Hon D.J. Wordsworth: You are not suggesting that dieback will do that, are you?

Hon BOB THOMAS: I indicated to the House last week that wheat production could be reduced by 47 per cent if the soil were affected by dieback. That is how serious the situation is and that is why the Government has no hesitation in supporting the appointment of this Select Committee.

The wildflower industry is significant to the great southern in two ways. First of all, it is the

basis of a strong and growing industry. Bus loads of people go to Albany to look at the splendour of the wildflowers which abound in spring in the Stirling Range and the Porongorups. Also, the wildflower industry has economic significance in that farmers are picking wildflowers on their properties and selling them to Renewable Resources which also employs people to go into parks and reserves to pick wildflowers which are processed and exported. During the wildflower season, Renewable Resources employs up to 30 people in Albany. The losses incurred from the loss of a quarter of the wildflower species around my area would have a significant effect on employment. There is also a grape growing and wine producing industry around Albany and the agricultural hinterland. Last year more than 1 300 tonnes of grapes were produced. I understand they are worth \$2 000 a tonne, or approximately \$2-\$3 million a year, and that industry could be affected by dieback.

Once the Select Committee has been set up a large number of people from my area will be interested in presenting evidence to it. I am aware that Tony Pedro, a Denmark farmer, will want to talk about his theories on the forests and the effect that stress has on their susceptibility to the dieback disease. He earnestly believes that CALM's prescribed burning has an effect on the forest, places it under stress, and makes it more susceptible to this fungus. On that subject, a number of people have been writing to the Press and have approached CALM about the effect on the forest of prescribed burning. This has made it difficult for CALM to observe the hygiene management practices it has developed with regard to the movement of machinery in the forest areas. In an emergency situation, when fires get out of control, it is not always possible to observe hygiene management practices, and it is easy for soil containing the fungus to be moved via the firefighting equipment into new areas, where it can take hold. A number of people will want to talk to the Select Committee about the prospect of using the closure of parks as a tool to manage the spread of dieback into areas not yet affected. They draw on the experience of the former Forests Department, when it first observed the effects of this disease on the jarrah forests, and the hygiene practices implemented to prevent its spread. These people will suggest that those sorts of practices should be observed in national parks; that is, limiting the number of people and vehicles entering the parks to try to contain the disease. We must remember that it is not possible to cure the disease; since no cure is known, we can only contain it and try to prevent it from spreading. One body of opinion is that we should restrict the number of tourists allowed to enter national parks because they can be responsible for the spread of dieback. Recently the dieback disease was discovered halfway up Bluff Knoll and the only way it could have been transported to that area is through soil on people's shoes.

The committee should also consider the trials being conducted by CALM at Nanarup Beach using phosphorus acid to try to counteract the effect of the fungus on plants. The plants are injected with phosphorus acid through a hypodermic needle which, somehow or other, gives them the capacity to resist the fungus. It is an expensive process which costs approximately \$3 000 a hectare to implement; therefore, it is neither an economical nor a socially acceptable method of containing the fungus. However, we should consider this research to see whether it has any implications for the expansion of the program. Another aspect being considered by CALM is genetic pooling, in which CALM takes genes from the plants which could become extinct as a result of dieback, stores them until a remedy for the disease is found, and then reintroduces that plant stock into the environment. Touching on that also is the genetic engineering work taking place, which is examining ways of introducing a gene into plants in the environment to make them resistant to the disease. We know that the marri tree is resistant to dieback and is not affected by it, because as soon as the spores interact with the root system of the marri, the tree forms a gum encasement around them. The dieback is then not able to take a hold, rot the roots, and cause the tree to die.

I am keen to be a member of the Select Committee because, as a member of Parliament representing the south coast area, I see the implications for my electorate, the environment, industry and the employees dependent on that industry. I commend the motion to the House.

**HON SAM PIANTADOSI** (North Metropolitan) [4.07 pm]: I support the establishment of the Select Committee to inquire into the dieback problem. I first raised some concern about this matter some 12 years ago in connection with the Darling Range and the mining activities there. At the time the area of greatest concern was the operation of Alcoa of Australia Ltd and the way in which it was disturbing the natural environment. Some members may recall that at about the same time one of my former union members, Michael Williams, made the

front pages of the Press by stopping the work taking place on one of the reserves south of the river. Michael's concern at the time was that the equipment being used by the Water Authority had not been properly treated before it was proposed to use it on an environmentally fragile reserve. It is most important that machinery used in one area after another is properly treated to prevent the spread of disease by contaminated soil being transported into clean areas. Hon Phillip Pandal and Hon Bob Thomas both referred to this aspect. Certain precautions must be taken not only in the mining industry but in all areas. We must be more careful in this regard than has been the case in the past.

Another important factor is the various chemicals used for treating plants and for killing other diseases. I am concerned about the impact those chemicals have had on the natural and fragile plants in the ecosystem. I can recall agent white being used 12 years ago to kill some trees in the catchment area; I also recall poisons, such as 1080, being used in the area. Poisons were also used to kill feral animals in certain areas. I recall also that those chemicals would leach into the ground water and spread in that way. In the past insufficient attention has been given to this matter. I am happy to be critical also of various authorities, as I was at the time of the Agriculture Protection Board, which had a secret program which we uncovered by chance through one of my constituents, who was with the Water Authority and informed the union about his concerns. Alcoa was also collecting water from the dam for its use and was building roads to service its operations. I am sure some of the blame could be attributed to Alcoa for not taking the care that was needed at the time. We must also take into consideration what happened on a nature reserve south of the river, not far from the Jandakot mound, where the Water Authority did not take steps to ensure that all the machinery which went through that reserve was fumigated. Members and Government departments should learn from those examples the lesson that when we enter a fragile environment we need to take precautions. Earlier I was talking to Hon Bill Stretch about the dangers of nuclear weapons disasters, but we must think also about some of the disasters we can cause in our own environment through our own actions; often we do not consider the consequences until the situation becomes a disaster. It is the responsibility of every person in this State to ensure that we protect the environment in which we live. We must ensure that people do not take destructive actions or opt for a cheap way out which may prove to be costly in the long term. This and subsequent Governments must look at themselves and at the level of inaction in the past which may have brought about the current situation.

I am somewhat surprised at the actions in this House of our new found environmentalist, Hon Phil Pandal. He maintains he has been talking about these problems for the last two years. I welcome his input into the environmental debate, but during the time that he was a journalist, two of his colleagues, Fraser Guild and Garry Shugg, were raising environmental issues, and the problems with dieback were on the front page of the newspapers about 12 years ago. Mr Guild and Mr Shugg would both agree that they will never again come on a drive with me. On one occasion we were trying to find our way to a certain site which had some damage from dieback because of mining and machinery. The road to that site had been blocked off by bulldozers and big mounds of sand, so we had to look for an alternative route. That route took us near the centre of the minesite, where at midday explosives were to be fired in a certain section. With only 10 minutes to go we were about 200 metres from the site of that explosion, and it took us a while but we managed to get about half a kilometre away by the time the explosion occurred. It was at that point that they agreed they would fly over the site next time and not drive through. I was probably just as much at fault as anybody else and probably created further problems to that environment by driving my vehicle through the area.

The problem of dieback is not a new issue, and I stress again to Mr Pandal that some members have taken an active interest in this matter. People on all sides have probably not taken the necessary steps to protect the environment, and I can point the finger not only at this Government but also at previous Governments. I welcome the fact that there is some consensus about what is happening and the need to act. The Opposition is calling for a committee of three to be established, but if it were dinkum about trying to resolve the issue I am sure it would have no difficulty with my request that it establish a committee of four. This has been an area of interest to me for some time, and I have gathered a lot of information which I would be only too happy to share with members of the committee. I would like to participate in that committee if it were a committee of four; however, I will

support this committee in any event because it is something that we need. One of the problems I can see developing is that this committee may be used for political point scoring. The advantages that could be gained through the reporting and findings of this committee could go down the chute and its credibility could be lost if it were seen as a political committee. I would like it to be a balanced committee, and either way I will make a contribution to that committee because it will be in the interests of the people of this State and this country and it will be an opportunity for this State to take the lead. It is well known that we live in possibly the most fragile environment in the world. It is certainly the driest environment in the world. Our problems include not only dieback but also water supplies. I hope Mr Pental will lead a charge among his colleagues and turn his colleagues from being blue to green, and that they will start to take a more active interest in the environment.

Hon P.G. Pental: They have been.

Hon SAM PIANTADOSI: I was disappointed that Hon Phil Pental asked where were the protesters. As I said earlier, some people have been protesting for 12 years. One can also ask why this Government and also past Governments have not taken note of what is happening. Many people have been concerned, and I believe we all should be concerned. The problem is similar to that of salinity. Only recently a Select Committee was established to examine that problem. We should take the bit between our teeth and act upon whatever findings this proposed Select Committee makes, rather than just establish another committee to afford a few members the opportunity to examine the problem at first hand and write a report on which no action is taken. We are running out of time and must act now if we are to give future generations the opportunity to experience the kind of environment we have enjoyed. We owe it to them to show the community that we are responsible people and can make decisions and take actions to ensure future generations also experience that enjoyment.

The problem of dieback has resulted not only from farming and clearing but also from other actions; for instance, the use of certain chemicals has contributed to it. We have found this out from information that has been passed on not only to us as legislators, but also given by way of advice to many people in the community about the various chemicals they were able to use throughout the affected area. We know now of the dangers to the beef and dairy industries posed by chemicals, and we must look as far back as is necessary to ascertain the actions related to the information the Agriculture Protection Board and the Department of Agriculture gave to various people. If the advice given then is found now to be incorrect and to have caused part of the damage, we should say so and ensure that whoever is in charge of departments responsible for giving such advice will in future take that responsibility so that history is not repeated.

In conclusion, I reaffirm my position and my invitation to Hon Phillip Pental and members opposite: If they really want to solve this problem the proposed Select Committee should comprise four members. I am sure members opposite and the Government both want to resolve the problem. As Western Australia's future environment could be at stake, this Select Committee will provide a good opportunity for us to show Western Australians that, in the midst of all the controversy surrounding politicians, we can at least get something right.

HON MURIEL PATTERSON (South West) [4.23 pm]: I support the motion moved by Hon Phillip Pental to appoint a Select Committee to inquire into and report on the disease *Phytophthora*, or dieback. This insidious disease is in the heartland of my electorate. When I first became a member of Parliament a bipartisan approach was made by Hon Bob Thomas, Hon Murray Montgomery and me to inspect areas affected by this disease with Mr Spike Daniels as our guide, and a more knowledgeable man on our southern flora one could not wish to meet. We travelled the south eastern coastline down to Cheynes Beach and then along the road verges, where we were able to identify the encroaching disease. It is one thing to read about dieback; it is another to see the results of, as the name implies, the death of a species. The potential impact of dieback on the southern coast flora is devastating because many of the plants grow only in this area, and unless we can protect and conserve them in the national parks and reserves they could face extinction. Mention has been made of transport movement and hygiene, and I concur with Hon Sam Piantadosi on that, because when we returned from our trip after seeing this disease we saw the trucks and equipment being hosed down; but what happened then was that the water flowed down onto the side of the road and possibly the disease spread a bit further, with people walking through it, across the road and into the bush.

I will not restate all that has been said, as I believe Hon Phillip Pental's message is well understood. I congratulate him for drawing this subject to the notice of this House. It is quite extraordinary that the Minister for the Environment has not moved in this direction before now, in view of a statement that I saw in *Landscape* where, under the heading "Recent Developments" it was said -

With the discovery of outbreaks in several national parks and nature reserves on the south coast, the fight against dieback has become increasingly urgent.

That was said six years ago; the disease has not abated and the matter is urgent. I too regret that the Select Committee is restricted to only three members, as the issue affects my electorate and I would like to be a part of a committee which will have some input and hopefully will find some solutions to the problem.

**HON FRED McKENZIE** (East Metropolitan) [4.26 pm]: First, I point out to Hon Phillip Pental that while duck shooting is a matter about which we can do something quite easily, we simply cannot do anything about *Phytophthora cinnamomi* at this stage. The disease has been around for a long time.

Hon P.G. Pental: It was contained before, in the jarrah forests - not eradicated, but contained - and the complaint now is that the current Government has let it get out of hand in the national parks. That is the point of the motion.

Hon FRED McKENZIE: The only way we can contain dieback is by quarantine.

Hon P.G. Pental: Give us your views about that.

Hon FRED McKENZIE: Where forests have been quarantined, it can be contained. Hon Phillip Pental should tell me in his reply how else we can contain it. I would be very interested to know, because dieback has been around for a long time and I understand it is not native to Western Australia but has been imported here. Some very eminent scientists have studied this disease. When I was on a Select Committee inquiring into national parks we spoke to some of them, and I do not think there was any more superior authority on the subject at that time than Dr Syd Shea, who is now the Executive Director of the Department of Conservation and Land Management. He was very passionate about the control of dieback. Incidentally, Hon Phillip Pental was initially a member of that Select Committee, and for some reason not known to me he elected not to continue on it. He had the opportunity then to examine this matter.

Hon P.G. Pental: In view of those very educative overseas trips the committee made, I later regretted that decision.

Hon FRED McKENZIE: It was not the Select Committee on National Parks which made that trip, but the Honorary Royal Commission into the Conservation and Land Management Act. However, the total expenditure of that educative trip - which it certainly was - did not amount to the expenditure incurred by the accountant alone - a single person - on a Select Committee of which I am currently a member and with which I have never travelled further than Harvest Terrace.

Hon P.H. Lockyer: We have fewer overseas trips now that Alexander Ashley Lewis is no longer here.

Hon FRED McKENZIE: Yes, he chose the right ones. No expensive consultant could compete with his knowledge of the subject - he is the best in the business. As it should have done, the committee inspected parks around this country and overseas, which was a very beneficial exercise. The priorities which operate in the Legislative Council, and the concepts which have developed in more recent years, are not as advantageous as those of the past. The money is being spent, but it is being channelled in the wrong direction.

My experience of *Phytophthora* began before the time the Select Committee into national parks was established. This was a serious problem even in those days. I cannot recall whether this was a subject within our terms of reference on that Select Committee; however, it certainly has been around for some time.

[Resolved, that the motion be continued.]

Hon FRED McKENZIE: Our recommendations did not relate to dieback and the problems it was causing in national parks and State forests. The problem still exists today and we will, I



hope, find some cure for it. However, no easy answer exists and I doubt whether the committee will find an answer quickly. The proposed Select Committee will come back to the Parliament and say, "Look, a serious problem exists out there. The Government and everyone in the community is aware of this, and in order to expedite the solving of the problem the Government must spend money." This amount may be hundreds of thousands, or even millions, of dollars. I suggest to Hon Phil Pental that that was precisely our recommendation when the Select Committee on National Parks reported. The recommendation for the injection of more money was made in Parliament in 1980 and nothing was done in the three years prior to a change of Government - nothing has been done since, although a substantial amount of money has been provided with the creation of the Department of Conservation and Land Management.

Hon P.G. Pental: You are talking about two different things. The latest concern is that dieback has gone into the national park system.

Hon FRED McKENZIE: It existed in the past.

Hon P.G. Pental: No.

Hon FRED McKENZIE: It was present when the national parks Select Committee conducted its investigations, and I have plenty of evidence to support my claim. We extensively examined national parks, and conducted investigations in the Stirling Range area.

Hon P.G. Pental: And you did a very good job.

Hon FRED McKENZIE: It was evident at that time that dieback existed in the parks and in the forests, and the Forests Department had been trying to control the problem for many years. However, insufficient funding was provided for it to be able to do anything positive to curb the disease. It is difficult to control dieback in national parks because the parks, unless they are wilderness parks, have people and vehicles travelling through them. It is possible to cart the fungus through a park on one's boots - the disease spreads rapidly and readily. It would be necessary to lock up the national park system and to prevent people from participating in activities within the parks to completely remove the chance of spreading the disease.

Although I support the establishment of this Select Committee, I wonder whether at the end of the day it will achieve anything. The Government of the day, whether it be the current Government or a new Government, must be convinced to spend money to curb the problem. That is where the difficulty arises.

Also, the proposed committee should utilise the expertise of Hon Sandy Lewis. He and I were members of the national parks Select Committee and the conservation and land management Select Committee, and prior to those committees Mr Lewis gained a great deal of knowledge on the subject. This knowledge will be of great value to the committee. I call on Hon Phil Pental and the other members of that committee to make contact with Hon Sandy Lewis so that they may gain from his extensive knowledge.

Hon P.G. Pental: Yes.

Hon FRED McKENZIE: If he does not have the material associated with the studies undertaken by those committees, I certainly possess some of it - I have destroyed some of it. We obtained books and other material on this subject on our travels. Also, in response to the comment that the Government will go on the defensive when the report of the proposed Select Committee is tabled, of course that will happen. That has been my experience when reports have been tabled by previous Select Committees of which I have been a member. It costs money to implement recommendations. Unless this Select Committee recommends that national parks be closed and quarantined - that would be a simple exercise - it will have to ask the Government, of whatever colour, to spend money. I wish the committee the best of luck in that exercise!

Hon P.G. Pental: That is one point on which we would all agree.

Hon FRED McKENZIE: The committee must encourage the Government to spend money on this problem. I recommend that the committee travel beyond Harvest Terrace so that it might become familiar with the problem and with the attempts being made by individuals and departments to try to solve it.

**HON W.N. STRETCH** (South West) [4.38 pm]: I am particularly pleased by the tone of this debate. It has continued for some time now and no speaker has condemned the establishment of such a Select Committee as that proposed by Hon Phil Pental. That is an indication of the awareness in the public at large of what a serious threat *Phytophthora cinnamomi* poses and the devastation it has caused in parts of the State forest estate. It has also reared its head and affected propagated wildflowers and other horticultural activities. I had not heard of it degrading wheat lands, but if that is true I have reason to be even more concerned than I was previously.

I came in touch with the dieback program from 1955 to 1960 when developing large tracts of forests for farmland. In those days the disease was called "jarrah" dieback. However, it was known to affect other species in other parts of the world, and we in this colony, being a little insular, concluded that jarrah was the main species to be affected and that is why it received that name. That situation stayed the same for many years. Hon Fred McKenzie is quite correct, as I would expect him to be, on the question of the spread of dieback from forest areas into national parks. The disease had been recognised many years earlier in pockets, but it had not been identified in such a way that it attracted public concern; like some of the wheat diseases, it was just one of those issues that if one were not affected by it, one did not worry too much about it because there seemed to be acres of forest land around. It was a concern to the general public, but not something which stopped them from sleeping at night. Whether they lose sleep now, I would not care to conjecture, but a very large body of scientific and silviculture experts are deeply concerned with the survival of the jarrah forests and much of the associated understorey growth, some of which is now being commercially utilised.

I understand it is likely I will be involved in the running of the proposed committee. I welcome the tripartisan approach, which augurs well for a cooperative and efficient committee. More importantly, that approach should enable it to present a constructive, positive and useful report to the Government of the day. I can assure Hon Fred McKenzie that, if I have anything to do with the matter, the committee will move outside St George's Terrace. As Hon Bob Thomas and Hon Sam Piantadosi have stated, dieback is a widespread disease. Members from the south coast have made it quite clear that, of late, the disease has caused major concern in some of that area's national parks. As you, Mr Deputy President (Hon J.M. Brown), well know it is a disease which has spread far beyond the south coast and south west timber areas. It is now emerging in national parks and various timber and heathland areas throughout the State. The committee will have to look at several areas away from the traditional places in which we expected dieback to be a problem. Some travelling around will take place, and that will be important because as widespread as dieback is, it is not as widespread as the organisations and the people who claim to have a cure or at least measures to control the disease. At this stage, as it has been said before, no recognisable efficient cure exists. The disease is controlled through a containment policy and has been managed in the past by quarantine.

I digress to say that a slight tendency has emerged during this debate to blame previous administrators and previous departments for their handling or neglect of the issue. I always maintain that it is easy to be wise after the event and that achievements of the time must always be judged against the available information. It is not fair or useful to say that if certain action had been taken in 1970 a certain result might have been achieved. We can certainly learn from our mistakes, but we do not have to accept any blame for those mistakes and it is pointless to try to blame anyone for them.

**Hon Sam Piantadosi:** We must ensure we do not repeat those mistakes.

**Hon W.N. STRETCH:** Absolutely. Hon Sam Piantadosi has taken the words out of my mouth. We must look at what was done during those days and take future action based on what was tried and what has proved to be satisfactory.

I see the role of this committee as being very much a collation exercise - a study of how things were done when the quarantine measures were in place, what they are like today, what has changed, what can be done for the better, and what is worth trying again. I am not claiming the committee will recommend anything better than conventional scientists have done at this stage, but it can gather information in such a way as to direct future research into an area it believes to be fruitful. A huge amount of information exists in the community,

much of which has not been recorded in scientific reports; much of it is conventional wisdom from bushmen like those mentioned. As I said, people all over the State believe they have a cure for dieback and that either too much burning or not enough burning has occurred, or the water has been running downhill when probably it should have been diverted uphill. There are a million various theories. Like some of the old wives tales for the cure of diseases, the information often contains a modicum of truth.

It will be vital that the committee travels around, advertises its attendance at various centres and allows those people to come forward and provide the information they have gathered. Much of that information has been gathered by their having lived or worked in the bush all their lives and through personal observations. Their information is very valuable. From my experience in the bush I have found that much is to be learned from such people. Scientists have also gathered much information from them. Call it folklore, but there is bush knowledge in the country which can bring more light to the subject.

I will be very interested to see what comes out of the study. It is not a witch hunt of Government departments or an accusing finger pointing at certain people saying they should have done more. We have all, at times, said they should have done more; what we cannot do is define "they". We will not attempt to do that. Nonetheless much can be done to collect knowledge by talking to some lateral thinkers on the subject, and by calling for wide submissions. That may include people from overseas who have handled the problem in other areas of the world. As has been said, it is widely believed - it is almost certainly true - that dieback is an imported disease and we may therefore learn more about it by finding out what its effects have been in other countries, where the disease has come from and whether Western Australia could be doing anything that it is not doing.

I wish the committee well; it has a major role to play. Hon Phil Pandal is to be congratulated for raising the matter to this level because there is a great need for a new approach to dieback. It is now a matter of public concern and the recommendations from the committee will probably require a considerable amount of funding. The public awareness of the problem is so great that there may well be a willingness to contribute such funding to ensure the disease can at least be controlled and that, I hope, research can be directed so that we may even find a cure. With the advances in modern science and technology, to say a cure will never be found for anything is dangerous. The committee's job will be to look at all possibilities to see where it can add to the body of knowledge held in the public arena and provide some guidelines for future research and how money can be better spent in attacking this very serious problem. I support the motion.

**HON D.J. WORDSWORTH** (Agricultural) [4.50 pm]: As Minister for Forests in the Court Government I listened with a great deal of interest to what has been stated during this debate; that is, how *Phytophthora* was introduced into Western Australia and how it had spread. I will quote from an information sheet which was put out by the Forests Department when I was Minister and which was written by none other than Dr S.R. Shea in 1977 when he was a budding researcher with the Forests Department. His explanation of the disease will be of interest to members. Having explained that it was a fungi he said in his information sheet that -

Fungi are lower forms of plant life. Some, like mushrooms, are readily visible to the naked eye at certain stages of their life cycle. Others such as *P. cinnamomi* can only be seen under the microscope. Some fungi are very beneficial as they break down dead plant material and in the process allow nutrients to be recycled. Others attack live plants and cause severe economic losses.

*P. cinnamomi* is recognised throughout the world as a major plant pathogen.

And members should listen to this -

It is a serious problem in the pine forests of south-east U.S.A., avocado orchards in California, pineapple plantations in Hawaii, and recently has been found to cause severe damage to some eucalyptus forests in eastern Australia. Over 400 plant species are attacked by this fungus including many horticultural species such as azaleas, camelias, plums and peaches.

That illustrates the severity of *Phytophthora*, which is a disease that has affected vegetation throughout the world. If we study history we will find that over millions of years a number

of diseases have attacked and destroyed vegetation. A disease is currently killing elm trees, and consequently the elm forests throughout the world are changing. At some time in the future another tree will replace the elm tree. Changes like this take a long time, but in the end *Phytophthora* will have an effect on forests in Australia. For that reason I doubt whether we will beat dieback; however, we can slow down the spread of the disease. One of our greatest concerns is that the jarrah tree is one of the few trees that can survive on the escarpment. It is able to get its roots into the nutrients and to drain the soil properly.

With the use of lime we have been able to kill the fungi and cultivate peach, apricot and other trees which are not resistant to dieback. As Dr Shea pointed out in his information sheet, we will never get rid of fungi; they will always be found in our soils and in the air. In most cases man can learn to live with them. However, the preservation of native vegetation is a little more difficult.

In looking through my papers I was interested to find a three page document which was sent to me when I was Minister and it is worth reading to the House. A note accompanying it, dated 29 December 1978, is signed by Bruce Beggs - it is interesting to note that public servants worked hard in those days because it was very close to New Year's Eve. He stated that the letter was a resume of the dieback position and outlined research which was currently under way. It reads -

The death of jarrah and some associated understorey species had been observed early in the century. By the end of World War II the disorder was a sufficient extent to prompt the initiation of a joint State - Commonwealth investigation into the problem, centred on Dwellingup. Many possible causes of the disorder, such as the nutrient loss, water logging and salt accumulation, were investigated, but none fully fitted the pattern. It was not until 1965 that Podger, with the help of local and overseas scientists, identified the disorder as a root-rot disease, caused by the fungus *Phytophthora cinnamomi*. He proved conclusively that the main means of spread was the transport of infected soil by machinery used in road construction and logging, and by vehicles. This finding initiated much active research into the conditions favouring the spread and development of the disease. It was found that under local climatic conditions the fungus was only active in the soil during an overlap between the high moisture level, characteristic of winter, and high temperatures, characteristic of summer, that is in late spring and early autumn. On the applied side, main accent was on hygiene methods which would minimize the spread of the disease, e.g. closing of some roads and washing down of vehicles and machinery entering disease free areas.

During early seventies there was somewhat of a lull in research, as some of the researchers were away on post graduate studies, and no ready solution to the problem was apparent. The idea put forward by Shea and Hopkins, that it may be possible to reduce or even prevent the impact of the disease by modifying the understorey through fire, so as to favour the resistant acacias at the expense of the very susceptible bull banksia, stimulated a new surge of work. Subsequent studies showed that not only were the acacias resistant themselves, but that they favourably altered the physical, chemical and biological conditions in the soil so as to improve the survival of the jarrah. The prevalence of the disease on certain sites has been identified.

On the applied side, the main accent in the seventies has been on the quarantine measures, which excluded the use of machinery from a large portion of the jarrah forest, and on improved detection of even very small infections by large scale colour photography.

In 1977, a joint study of alternative forest management strategies by C.S.I.R.O., P.W.D. and Alcoa showed that the association of the dieback disease with mining, rather than mining itself, posed the greatest threat to water supplies in the Darling Ranges. This prompted the establishment of a project (No. 8) under the auspices of the Hunt Steering Committee for the investigation of the impact of the bauxite mining on dieback occurrence. The supervising committee, consisting of Dr. Mulcahy of the Department of Conservation and Environment, Prof. Parker of the University of W.A., Prof. Loneragan of the Murdoch University, Dr. Hingston of C.S.I.R.O. and Mr. Havel of the Forests Department, organised a review of dieback research in W.A.

and recommended the appointment of a mycologist to back up the researchers already working in the field. The review indicated that the main topics under investigation were :

1. Dr. A. Glen and associates at Murdoch University  
- the role of organic matter and of soil organisms.
2. Dr. Shea and associates at Forests Department, Dwellingup  
- the suppression of the pathogen activity by acacias and the use of fire to stimulate the development of acacia understorey.
3. Dr. Malajczuk and Dr. Hingston of C.S.I.R.O., Wembley  
- the role of soil organisms and soil fertility.
4. Messrs. Titze and Dudzinski of C.S.I.R.O. Kelmscott  
- the progress of the disease, the role of beneficial fungi associated with sheoak understorey.
5. Dr. Kaqi and associates of W.A.I.T.  
- identification and synthesis of the substances in acacia roots which depress the activity of the pathogen.

The position of the mycologist has now been advertised and the applicants are being evaluated.

The question now arises, where to next?

It is interesting to note that the very question being asked today was asked more than 10 years ago.

Hon Fred McKenzie: Are the people who asked the questions still around?

Hon D.J. WORDSWORTH: Yes, most of them are. The reason I read this to the House is that many members would identify with them. Dr Shea now heads the department. The article continues -

The question now arises, where to next? The improvement of methods of detection of the disease, both from the ground and from the air, is currently being investigated by both the Forests Department and the C.S.I.R.O. The positive identification of the pathogen in the soil, which is strongly influenced by seasonal variations in soil conditions, is being investigated by the Forests Department, but the research could be intensified. The main opportunities for controlling the disease are through the manipulation of the physical, chemical and biological environment in which the pathogen operates, such as by cooling or drying out of the soil, by raising its fertility by inorganic fertilisation and stimulation of nitrogen fixation, and by increasing the competition and antagonism to *Phytophthora* by other soil fungi.

#### [Questions without notice taken.]

Hon D.J. WORDSWORTH: Before question time I was outlining that the main opportunities for controlling the disease *Phytophthora* were -

... through the manipulation of the physical, chemical and biological environment in which the pathogen operates, such as by cooling or drying out and stimulation of nitrogen fixation, and by increasing the competition and antagonism to *Phytophthora* by other soil fungi. Although most of these opportunities have been touched upon by past research, much work remains to be done. It is probable that not any single approach, but a combination of them, will provide an effective means of controlling the disease.

I hope that the members of the Select Committee will see what research has achieved in the past 10 years and that it will follow up those matters that I have read out which indicate where the research was taking place and not only be able to inform themselves better of the situation, but also inform the House and the general public. I admit that I have seen very little research come out in the past 10 years showing where matters have changed.

I was amazed to find that the Department of Conservation and Land Management had chained a large area of the Stirling Range National Park. This seemed to be against all previous research and information. When an area is chained, two tractors with a chain

between them, drive around and around an area. That practice was the subject of questioning in this House and the answer was that there was so much *Phytophthora* that what was the difference - why not do it! I find it hard to believe that at that stage the soil was completely dry and that the conditions for the spread of *Phytophthora* were not prevalent. Perhaps the latest research will show why CALM was able to chain in a national park and not increase the spread of *Phytophthora*. It will be of great interest to me when I read this committee's work and the report which will be presented to the House.

**HON J.N. CALDWELL** (Agricultural) [5.37 pm]: Dieback affects Western Australian forests and plants and some of the speeches on that subject today have been educational. I was not aware that dieback was prevalent in many other parts of the world. I also learned that it affects not only forests but also plants in Western Australia. It was interesting to hear Hon David Wordsworth mention that many garden flowers can be affected and I only hope that the horticulturists and floriculturists realise that and have some input to this committee.

Hon D.J. Wordsworth: They have to pay special attention not to spread *Phytophthora* in the plants they sell.

Hon J.N. CALDWELL: I liken this disease to AIDS and rye grass toxicity. Rye grass toxicity affects animals such as sheep and cattle in the great southern and other agricultural areas. AIDS, *Phytophthora* and rye grass toxicity have something in common; that is, there is no cure that can arrest the problem. It may be that one day, with a lot of experimentation, these diseases will be overcome. We have known about them for many years, but despite the research that has been done into these three diseases, which affect different areas of society, we have not found a cure.

One aspect of the problem I would like to draw to the committee's attention is that of fishermen in the southern areas. They have minds of their own and they love to go to certain areas on the south coast where no other person has been because they believe the fish they catch there will be bigger and better than elsewhere. In the Katanning and east Lake Grace areas fishermen who travel to the south coast invariably go through some of the national parks. They are extremely worried that they may be spreading dieback in the places they go to. I would like the committee to investigate a proposal to look into upgrading some of the roads into those fishing spots so that they can be safeguarded. Sand tracks can contain dieback which can be picked up in the wheels of four wheel drive vehicles and distributed elsewhere.

Hon Bob Thomas: On their farms.

Hon J.N. CALDWELL: That is correct; they could also bring the disease back to their farms. Hon Bob Thomas has mentioned that in the long run the disease could affect their wheat or some other cereal crop. The Government may be able to assist in that area - perhaps through the Western Australia Tourism Commission - to upgrade certain roads into fishing spots. The Government must also erect substantial signs on these inaccessible roads to indicate that vehicles must not go off the road and that if they do there is a substantial fine, and that very serious cases may result in the confiscation of their property. Governments have a role to play in research into this horrendous problem and in assisting in the upgrading of roads in affected areas.

**HON KAY HALLAHAN** (East Metropolitan - Minister for Education) [5.40 pm]: I am pleased to advise the House that the Government is prepared to support the motion to establish a Select Committee to inquire into the spread of dieback, which has become a significant problem in Western Australia's forests and heathlands. The Government and the Department of Conservation and Land Management are working hard to contain and to determine a long term solution for this problem. I agree with Hon John Caldwell that the debate on this motion has been educational and informative.

Dieback is caused primarily by the soil borne fungus *Phytophthora cinnamomi*. Other species of this fungus can cause disease in native vegetation but none of them is as devastating as *Phytophthora cinnamomi*. The fungus was first recognised in Western Australia just after the turn of the century but it was not until the 1960s that the actual cause of the death of plants in our forests was proved to be caused by *Phytophthora cinnamomi*. This discovery was made by a Commonwealth Scientific and Industrial Research Organisation worker, Dr Frank Podger. The discovery of the cause of the problem then led

to massive research and operational control programs which are continuing today. For more than 20 years it has been known that the fungus also causes very severe plant diseases in the coastal heathlands of the State's most significant national parks. Members in their contributions to this debate have expressed concern that this fungus could destroy our national parks. *Phytophthora cinnamomi* actually means "plant destroyer" and it is known throughout the world to be a major plant disease. Members with an Irish background may be aware that a *Phytophthora* infestation was present in the fungus which caused the Irish potato famine in 1845.

Hon Peter Foss: Even those who are not Irish know that.

Hon KAY HALLAHAN: That famine resulted in one of the biggest immigration programs to Australia from Ireland. Indeed, I am told that *Phytophthora cinnamomi* is very Catholic in its tastes. Dieback is a serious disease which occurs in thousands of different plant species. Hon David Wordsworth must have referred to similar notes as I did because he also mentioned that the fungus is significant in many horticultural, agricultural and forestry plantations, such as avocado, pineapple, pine trees and other ornamental plants, including azaleas. The devastation dieback has caused has been the subject of intensive research in many institutions throughout the world for over 40 years. Unfortunately for Western Australia, this fungus has a devastating effect on much of our native flora.

The fungus was introduced into Western Australia and many of our plant species have no resistance to it. It has tropical origins and requires warm and wet conditions to sporulate. In areas of Western Australia there is a known incidence - either because of the site conditions or because of the rainfall during warm weather - which makes the environmental conditions for sporulation ideal. Where there is a known incidence of highly susceptible vegetation and optimal environmental conditions the effect of this fungus is like a biological bulldozer. That is showing up in many areas now. Extensive research in Western Australia and throughout the world has also shown that even in the most intensely controlled situations it is impossible to eradicate the fungus completely from the soil. That is a very sobering thought. Once the fungus is introduced into an area of native vegetation in Western Australia the plant species grown in that area which are susceptible are irreversibly destroyed.

I am pleased to say that over the 30 years that people in Western Australia have been intensively researching the problem this State has become recognised as one of the world leaders in containing the disease in the field. That is contrary to some of the statements made in this debate. In a debate of this kind we need a balanced and fair representation of what has happened. Only 20 years ago many research scientists believed that the future of the jarrah forests was questionable owing to the presence of the fungus. Now, as a result of the research carried out and the operational techniques developed, it is possible to say that that very gloomy prognosis is not correct. It is not true to say that the disease has been controlled in the forest, but it certainly has been contained.

Unfortunately, we cannot be so optimistic about the future of the native heathlands, particularly those on the south west coast of the State. The Western Australian heathlands are incredible areas of diversity. Over 2 000 plant species may be found there and many of the species are unique to Australia. A significant proportion of those species are susceptible to the *Phytophthora* fungus. That combined with very favourable environmental conditions - which is it believed result from the incidence of summer rainfall and soil conditions - means that the fungus is particularly destructive. However, the Government has not given up hope of containing or eventually controlling the disease.

Over a number of years many of the techniques which have been used successfully in the forest to contain the disease have now been applied to our national parks and nature reserves. This is so particularly since the formation of the Department of Conservation and Land Management in 1985 which committed the extension of the Forests Department's expertise in controlling *Phytophthora cinnamomi* in the forests and national parks. Despite what has been said previously that work is not being carried out by the Government, the State Government continues to fund an extensive research program while at the same time developing and implementing strategies to stop the spread of the fungus into unaffected areas. Scientists in Western Australia are investigating the application of a new chemical, phosphoric acid, to control the extension of the disease in susceptible plants and using new sophisticated colour photographic methods to identify the disease in heathland areas; and

national parks are being isolated by road closures and subjected to standard hygiene procedures similar to those used in the forests.

It is interesting that in forest situations there is little or no evidence that the disease can be spread by animals or people walking through infected areas, but on the south coast there is no doubt that animals and bush walkers can spread the fungus. That makes the task of stopping its introduction into uninfected areas of our heath lands even more difficult and daunting. This is one of those environmental problems for which everyone in the community can take some responsibility. Our most important strategy is to make the general community aware of the cooperation that is needed to avoid practices which spread the fungus into new areas. The most important factor in spreading the fungus is the human factor. That is why the Government was delighted that all of the districts at the recent conference of Rotary District 946 endorsed a proposal to undertake a difficult public awareness campaign. The Department of Conservation and Land Management is now working with Rotary to provide each club with a kit. Other members have indicated the intensive nature of the campaign that will be carried out by Rotary members to educate the community. It is very clear that the straightforward policy of policing will not work. We must inform the community about the disease and its extraordinary consequences by informing it of the control measures that can be implemented. Additional restrictions have been and will be placed on the access of people to national parks and nature reserves.

I do not wish to minimise the importance or the magnitude of this problem to Western Australia. There has been some debate in the media about the degree to which our national parks are infected. The fact is that some of our national parks and nature reserves are very badly infected. However, some are only minimally infected. One of the problems peculiar to heath land dieback or to what the Minister for the Environment has more accurately called "wildflower dieback" is that the techniques that have been used successfully to detect *Phytophthora* infections from the air cannot be applied so easily to our heath lands. That problem is now being addressed with the use of new and sophisticated aerial photography. While it will be very useful to use photographs to identify trouble areas in our heath lands, it is very clear that we do not need sophisticated technology to tell us that we have a serious problem on our hands. I seek leave to table a collection of documents which provide a summary of the problem and some of the measures already taken by the Government to deal with it. The Government, through the Department of Conservation and Land Management, will provide scientific articles and other relevant information to the Select Committee when it is formed. I also seek leave to table a videotape which describes the threat that *Phytophthora* poses to the magnificent wildflowers on our coast.

[See papers Nos 355A and 355B.]

Hon KAY HALLAHAN: We have to be very careful to be as considered on this matter as we should be. Environmental issues should not be treated as political footballs. We should work together to raise community awareness and to assure it that we are not divided but are genuinely concerned about the problem. That is one reason that the Government is very happy to support the appointment of the Select Committee. It hopes to be able to project its concern on this topic and provide the community with leadership so that the community understands that this problem is a national and, indeed, an international problem and not just a beat up on an environmental issue for our own political ends or to encourage hysteria rather than quiet consideration and reflection in the media.

Finally, in his speech, Hon Phillip Pandal was unkind to the staff of some of our Government departments. Not so long ago some staff in CALM were being ridiculed by members of the public for giving advice that the best way to control this problem was to control roads in parks and along the south coast so as to minimise the risk of dieback.

Hon Peter Foss: By closing the areas that were infected rather than closing the areas that were not infected. Was that the problem?

Hon KAY HALLAHAN: The problem was that people did not understand the seriousness of the situation.

Hon Peter Foss: The criticism I heard was that, instead of stopping people from going into the areas where there was no dieback, CALM stopped people from going to the areas where there was dieback which meant that the areas that could be saved were being infected.



Hon KAY HALLAHAN: I am sure the member is making a considered comment. However, the strategy to control the spread of the fungus and to make the public aware of the magnitude of the problem was carefully thought out. Judgments had to be made and very professional people made those judgments. The member may have picked up some of the negative debate that followed those actions. People resented the fact that we tried to constrain their wood collecting in the hills. They did not understand how serious the problem was. Hon Phillip Pental's comments about officers in the Environmental Protection Authority and the Department of Conservation and Land Management were derogatory.

Hon P.G. Pental: I was quoting an outside scientist.

Hon KAY HALLAHAN: Some of those officers have picked that up as the member's sneering at them.

Hon P.G. Pental: That is because of the things you conveyed to them.

Hon KAY HALLAHAN: They can read *Hansard*. The member should make that clear when he again speaks on the subject. I am telling the member that that is how they picked up the comments.

Hon P.G. Pental: I am not the slightest bit interested in your accusations.

Hon KAY HALLAHAN: In that case, the member should belt up. Why is the member interjecting if he is not interested?

Hon P.G. Pental: I made it quite clear last week that I was quoting a scientist who expressed concern.

Hon KAY HALLAHAN: Even though Hon Phillip Pental says it is immaterial to him, he is straining to interject. I do not blame him for trying to interject if he is being misrepresented but I do not understand why he is suggesting that it is immaterial to him. However, I am pleased to hear him say that he was not sneering or being derogatory of the professional staff in the two departments. They do not deserve that criticism because they have worked diligently. They are among the leaders in the world on the control of this disease and we should be grateful for their attempts to provide the sort of advice that we need to make the policy decisions to solve this problem.

*Sitting suspended from 6.00 to 7.30 pm*

Hon KAY HALLAHAN: The Government certainly acknowledges the catastrophic nature of the dieback disease, and I reiterate that the Government will be pleased to make members available to serve on the Select Committee. The most important thing the committee can do is to raise the level of community and public awareness about this problem. Until we raise that community consciousness, no matter that this State has the finest scientists in the world working on this problem - and that seems to be the case - we shall not get the maximum benefit from the research undertaken. If this Select Committee is instrumental in raising community awareness it will have been useful, and I suspect that this will be its most useful function. The successes achieved in the 1970s and 1980s can be attributed to the level of community support for the control of the disease within the jarrah forests. However, the disease is now attacking heathlands and, therefore, the wildflowers and the multitude of flora that form part of our heathlands. The community must be made aware that this fungus they have known as jarrah dieback is becoming an even more serious problem.

I have said that I do not think we should become involved in partisan divisiveness on this issue, but for some peculiar reasons the Opposition has suddenly taken an interest in it.

Hon P.G. Pental: Not suddenly.

Hon KAY HALLAHAN: Yes, it is sudden. Some people are unkindly saying that Hon Phillip Pental has damaged his image with his conduct on the duck shooting issue, and this motion is an attempt on his part to re-establish himself and to create an image he thinks would be more acceptable to the community. If his personal and political interests coincide with the interests of the community in raising public awareness -

Hon George Cash: Why not support the motion in good faith instead of indulging in personal attacks?

Hon KAY HALLAHAN: That is funny coming from the Leader of the Opposition in this place. I suggest that he read the speech of his lead speaker.

Hon George Cash: Don't point your finger at me.

Hon KAY HALLAHAN: The Leader of the Opposition does not like to hear anything that comes close to reality.

Hon George Cash: I do not think you support the Select Committee.

Hon KAY HALLAHAN: That is disgusting. The Leader of the Opposition should not be pathetic about defending the poor little tulip sitting beside him.

Hon P.G. Pental: That's the first time I've been called a tulip! Perhaps I should take a point of order.

Hon KAY HALLAHAN: Although this fungus has been known about for some time, the public are not yet aware of the way it is rapidly spreading throughout the heathlands. Apparently there was no indication that native animals were spreading the disease in the forests, but there is great concern about the spread of the fungus on the heathlands, and many aspects of this disease are baffling our scientists. They deserve our support, as do the consultants they use and rely upon, and those who are part of our Public Service in the Environmental Protection Authority and the Department of Conservation and Land Management. We are lucky to have the expertise of these people available, and to have the opportunity to develop their expertise within our Public Service and State institutions. The Government will support this Select Committee. The Department of Conservation and Land Management will make available any of its scientific and research documents that will help the committee in its deliberations. However, the committee must bear in mind that its major role will be to raise public awareness and to publicise the new direction of the spread of this fungus, something that I do not think is yet widely appreciated by the community.

I understand that Hon Phillip Pental released a Press statement during the dinner break indicating that the Government has done nothing on this issue. He stands condemned.

Hon P.G. Pental: You have mixed it up again.

Hon KAY HALLAHAN: He must get a headline somehow. The Government has done a great deal about this problem and, as I said earlier, this State is regarded as the leader in containing this disease. Our scientists are at the leading edge and they should be appreciated and supported. However, the community must follow that lead and appreciate the nature of this threat to Western Australia. The Government supports the establishment of the Select Committee for the reasons I have outlined.

**HON PETER FOSS** (East Metropolitan) [7.38 pm]: The remark made by the Minister that the disease is not confined to the jarrah tree and that it is spreading to the heathland outlines the real horror and seriousness of this disease. It is not just the heathland we must be concerned about; when I was travelling to Karragullen on Sunday it became clear that dieback is affecting the particularly susceptible species. This includes not just jarrah, but also grevillea, banksia, dryandra, hakea, casuarina, and xanthorrhoea. The problem is that in a very short period the bush as we know it, even around Perth, will cease to exist; we shall not just lose a few trees but the whole character of the bush will change. People felt that the Dutch elm disease which struck England, removing all the elms and completely changing the countryside, was a horrifying thing, but in comparison with dieback that can be likened to a small bomb compared with that which was dropped on Hiroshima.

The effect of dieback in Western Australia will completely change our countryside as we know it. We have probably been unlucky because we thought the disease was not as bad as it was. Dieback works by slowly depriving the trees, bushes and other plants of their ability to soak up nutrients and water from the ground, and it is only when we have an extreme summer, as we have had recently, that the results are dramatically demonstrated to us. They would have become obvious eventually, but the useful thing about the summer we have just had is that it brought home forcefully to all of us the sort of devastation that we will see in future because of the effects of dieback. It is horrifying to drive through the bush and identify those species which are particularly susceptible to dieback and to realise that unless something drastic is done in a short time all those species will disappear. No species is entirely resistant to *Phytophthora*; it is just that some are more susceptible than others. The species which we are seeing being picked off at the moment are the ones which are most susceptible, but there are certain areas where it is unlikely that any tree or plant will ultimately be able to resist this disease, and those areas will become extremely devastated by

it. Therefore, I support the motion and the efforts which Hon Phil Pendal has been making over some months to draw the attention -

Hon Kay Hallahan: How many Press statements has he put out? Have you noticed that he gauges everything by the number of Press statements?

Hon PETER FOSS: That is a funny sort of criticism from a Government which seems to spend most of its time issuing Press statements rather than doing things. Hon Phil Pendal has made a valiant effort to draw to the attention of the Government the seriousness of the situation, and for his effort he was denigrated by the Minister for the Environment as not knowing what he was talking about and grossly exaggerating the problem. It now suddenly turns out that the Minister has worked out there is a problem, so at last the Government is admitting that Hon Phil Pendal is correct.

Hon Kay Hallahan: We have been doing a lot about it for a long time.

Hon PETER FOSS: That is nice to know, and that may be the case, but what has not been brought to the attention of the public and what has been denied by the Government is the seriousness of this disease. I am not greatly optimistic about the consequences of any action the Government may take because anyone who has anything to do with horticulture or agriculture knows that funguses are extremely difficult and expensive to control, and when we are dealing with the vast quantities of land we are talking about here I have serious doubts about what we can do at this stage. It always concerned me when I saw our quarantine process that we were not quarantining substantial areas of unaffected land to prevent them from being affected, rather than quarantining the areas which were already affected. That seems rather like shutting the stable door after the horse has bolted, especially when we consider that dieback has been endemic in the metropolitan area for a considerable time. However, be that as it may, I hope we have not left taking action until too late. I hope people will realise that dieback has the potential to devastate our countryside; that they will be prepared to take what may be unpleasant consequences in terms of restricting their ability to move around; that they will be prepared to permit and go along with the expenditure of considerable amounts of money to try to overcome the problem; and that they will take a more responsible attitude to what we have to do.

The problem is that it is not yet absolutely clear what we have to do, and we are all waiting for some guidance from the experts about how to best tackle the problem. I sincerely support this motion. One of the good things about parliamentary committees is that they tend to concentrate the minds of the bureaucracy quite successfully. Parliamentary committees often give people who work in Government departments the opportunity to express views which they may have some difficulty expressing in the ordinary processes. A Select Committee enables the beliefs and endeavours of the people who work in an area to be put on public record. Members of the Public Service often find it difficult to have their views publicly recorded and recognised. A Select Committee may help that process to take place a bit more quickly and effectively. I am optimistic that the appointment of a Select Committee will be a positive step. I only wish I could be as optimistic about the ultimate outcome.

HON P.G. PENDAL (South Metropolitan) [7.46 pm]: I thank those members of the House who have taken part in the debate, and in particular members of the National Party and the Government for their indications of support. I want to take members back to the starting point of this debate, which effectively was on 24 October last year when the matter came before the Legislative Council Standing Committee on Estimates and Financial Operations as a result of some questions which I asked of a senior member of the Department of Conservation and Land Management, Mr Roger Underwood. Mr Underwood responded to my questions by making certain distinctions which ought to be repeated here, because one of the purposes of this Select Committee will be to investigate the spread of dieback into national parks and conservation reserves. That has not always been clear - for example, to the Minister who responded to the debate - for a reason that I will come to in a moment. Mr Underwood said on page 224 of the Council Estimates Committee *Hansard*, in response to my question about where we are at in terms of jarrah dieback in Western Australia, that -

There are two parts to the dieback question. Dieback is an historical problem in the Jarrah forest and our general feeling is that the situation is pretty well in hand. We understand the biology of the disease and we are able to take effective measures to contain it.

Having discussed its impact in the jarrah forest, he went on to say -

The more worrying aspect of dieback is on the south coast in national parks and conservation reserves, particularly areas like the Stirling Range National Park and other threatened areas where the disease has more recently become established. That is where most of the research is focused. Obviously, we would like to have more money to spend on it, but we are doing as much as we can at the moment.

That told those members of Parliament who were prepared to listen at the time that dieback - and the phrase used tonight by the Minister was jarrah dieback; a phrase which the scientists ask us not to use, for the reasons outlined by Mr Underwood - is no longer a problem of the jarrah forests; it has been fairly much contained there. The greater problem is that dieback has spread into national parks and conservation reserves. That was the reason. The Minister nods her head, but of course she missed the point in her response, treating this as a motion about jarrah dieback when it is nothing of the kind.

Hon Kay Hallahan: What do you mean, it is nothing of the kind?

Hon P.G. PENDAL: My point in drawing the distinction between the two is simply this: For the matter to be under control in the jarrah forests is a welcome piece of news to this community. The very fact that it has been brought under control in one part of our ecological system means that, if we put sufficient resources and determination into it, it may well be that we can bring it under control in another part of the ecosystem, in this case the area that is the subject of the Select Committee; namely, the national parks and the conservation reserves. If members are unclear, they might like to read the motion again and they will see that it is a motion to appoint a Select Committee to examine the spread of dieback into national parks and conservation reserves. I will come in a moment to some very important figures that I quoted when I moved the motion last Thursday, which have not been disputed by anyone in this House in the debate today but which have been conveniently ignored by the Government. They go to the heart of the matter of whether this Parliament has been kept truthfully informed.

To show how we have advanced in the last couple of years, I was shown by Hon David Wordsworth just a few minutes ago a copy of *Forest Focus* from 1984, from which he quoted earlier in the debate. Herein lies part of the point I am trying to make to the House, because the first article in it is headed "A New Perspective on Jarrah Dieback". In the seven or so years since then the big advance that we have made is that we have got away from the mentality of talking about dieback as though it is a disease confined to the jarrah forests, where we once concentrated all of our efforts, and that in that space of time we have moved along to the point where the scientists in the literature I have here - and which I could quote all night, but will not - ask us not to refer to jarrah dieback because, as a number of speakers today have correctly said, it has now developed far beyond that.

As well, we heard tonight from the Minister - as, indeed, I have heard from the Minister for the Environment for six or eight months - that we know all of the problem; but therein lies part of my complaint. I am not saying that the Government does not know the extent of the dieback problem; I am saying the reverse: I am saying that the Government has known but has neglected to do the things that it ought to have been doing about it.

Hon Kay Hallahan: That is not true.

Hon P.G. PENDAL: In the last few days I have had drawn to my attention an interesting parallel of another environmental disaster where the same principle applies. Much discussion has taken place since Saturday, when *The West Australian* blew the lid on the state of the Swan River. We have seen a flurry of activity by the Government - significantly, not by the Minister for the Environment but by the Minister for Water Resources, who said yesterday, "Yes, the Swan River is in a mess and we have an action plan to solve the matter." I want members to see that alongside my complaint about dieback. I now know that the Government's inaction was not due to its not knowing about the state of the Swan River, because a document I have shows that the Government has known about it for several years.

Hon Kay Hallahan: And is doing lots about it. What are you talking about?

Hon P.G. PENDAL: That is the problem. Yesterday the Government announced the big action plan and what it will do as regards the Swan River's deterioration, but I ask the question: If the Government has had the information for at least three years, why did it not announce the action plan three years ago? That is the parallel.

Hon Kay Hallahan: It has been going on. This is silly stuff.

Hon P.G. PENDAL: I draw the Minister's attention to the Government's reaction on Sunday to the news about the Swan River. I will not quote from it now, but for anyone who wants to read the Government's own report, the Swan River Trust's annual report 1988-89 contains a number of references that show that, in this case as well, the information about the dreadful state of the river has been with the Government for some time. That is not the problem; the problem has been the Government's lack of response to the information.

That is the parallel I draw in the case of dieback. For example, I know that the Government has had access to all of the facts. I have more learned papers here than one can poke a stick at and the authors of those papers too are frustrated people because they say that the information has been before the Government for years but it has taken no action.

Hon Fred McKenzie: One thing the Burke Government did was to close the Belmont tip. I was not happy about that, but in hindsight it was the right thing to do.

Hon P.G. PENDAL: I do not know about that. However, on reflection, if that was a good thing history will show it as the only good thing the Burke Government ever did.

When Hon Muriel Patterson spoke earlier she correctly focused on a document called *Landscape*, Volume 1, No 2, of September 1985. She quoted a very important piece of information, namely -

With the discovery of outbreaks in several national parks and nature reserves on the south coast, the fight against dieback has become increasingly urgent.

That was written in 1985, and we have not progressed any further. Hon Muriel Patterson knew that the fight against dieback was becoming increasingly urgent, I knew it, the author of that document knew it, as did most of the other scientists; but the Government did not understand the urgency of it, because six years later - last month - the Government announced the strategy plan to fight the spread of dieback into the national park system. Why did the Government take six years to do that after it had discovered the urgency of the problem?

My complaint, therefore, is that the Government has been ignoring the warnings of its own scientists about the spread of dieback, as it has been ignoring the warnings of the Swan River Trust and its predecessors in respect of the nutrient pollution of the Swan River. There are remarkable similarities between the Government's inaction on both of these matters, and I believe I have satisfied members on that score. The Government had the information on what could fairly be described as two ecological disasters which currently face the State, but instead it preferred to put its political and departmental resources into other, more popular and so-called trendier environmental issues. The political arm of Government - and I distinguish that from the departmental and scientific arms - has never been serious about dieback in national parks, nor about the slow death of the Swan River -

Hon Kay Hallahan: They are outrageous allegations.

Hon P.G. PENDAL: - about which it has known, as I have indicated, as a result of the Swan River Trust - that is, the Government's own body - which is said to be in charge of all of those things.

Hon Sam Piantadosi: What about those things published about the Swan River in 1979, when your Government did nothing about them?

Hon P.G. PENDAL: One of the major charges I laid at the door of the Government the other day was that this Parliament had been misled. I presumed, wrongly as it turned out, that the Minister for Education might address today the various serious allegations I have made inside and outside the Parliament.

Hon Doug Wenn: Very many of them.

Hon P.G. PENDAL: I would be interested to know from the member whether he can answer the question: Why was this House misled?

Hon T.G. Butler: On what?

Hon P.G. PENDAL: In late 1990 I asked a question as a result of what Mr Underwood had told the Estimates Committee inquiry. I asked about the extent of dieback infection in the

Stirling Range National Park, and the record indicates that I was told by the Minister for Environment that it was infected to the extent of 20 per cent. That produced a flurry of activity. A conservation organisation came to me upon seeing those figures and said, "Hang on, we have just received a letter from the department and its figures are different." The department's letter contained some ambiguity, but it was reasonable to read in it that dieback had infected the Stirling Range National Park to the extent of not 20 per cent but 40 per cent. That is a little like what the Government has been doing with its other arithmetic. The difference between 20 per cent and 40 per cent is rather substantial.

Hon Fred McKenzie: One hundred per cent.

Hon P.G. PENDAL: Yes; however, it does not stop there. Several months later I came into possession of a scientific report written by Dr Brian Shearer, who, ironically enough, works for the same department. In early 1990 he was asked to write an article for the *Land and Water Research News*. His estimate was that the Stirling Range National Park was infected not to the tune of 20 per cent as the Minister told this House, and not to the tune of 40 per cent as the Minister told the Western Australian National Parks and Reserves Association, but 65 per cent as he indicated on page 20 of his report. Mr McKenzie is the mathematician, so I leave it to him to work out how the figure has moved from 20 per cent to 40 per cent to 65 per cent.

Hon Bob Thomas: Are you saying that 65 per cent is actually infected?

Hon P.G. PENDAL: I am not; Dr Shearer is.

Hon Bob Thomas: That was his estimate.

Hon P.G. PENDAL: I take the member's point; he took an intelligent interest in the debate. However, on page 20 of his report Dr Shearer wrote -

The rich flora of the Stirling Range National Park is under immediate threat, as about 65% of the park is infected . . .

That is unequivocal and unambiguous. Why has the Minister, in responding on behalf of the Government, failed to address why the Parliament was given misleading information?

Hon Bob Thomas: You weren't. We know that 20 per cent is infected - that is for sure. Maybe more is infected, but 65 per cent is over the top. Over time we will know the situation once that the geoscan is done.

Hon P.G. PENDAL: That is a valiant effort.

Hon Doug Wenn: I thought it was a very good effort.

Hon T.G. Butler: It is pretty close to the truth.

Hon P.G. PENDAL: However, it is ignorant of the reading of the Minister's response in the Parliament last year in which he said about 20 per cent of the park was infected. This was despite the fact that nine months before that the Minister's adviser said the figure was 65 per cent. I accept that Dr Shearer said "about 65 per cent". That could mean 60 per cent or 70 per cent, but it certainly does not mean 20 per cent. I am concerned about the misleading information provided in this House. It is very significant that the Minister read from briefing notes when answering a question - that is fair enough - but when she responded to the debate tonight she did not touch on that matter. That goes to the heart of the allegations I have been making for many months.

Hon Bob Thomas: You cannot qualify them.

Hon P.G. PENDAL: In the course of the debate Hon Bob Thomas, who has made a serious contribution, told us that dieback has been found at the top of Bluff Knoll.

Hon Bob Thomas: Halfway up.

Hon P.G. PENDAL: That leads me to a second question, which is part of my wider questioning: Why is it that when new areas of infestation are found, those areas are not being quarantined? Hon Peter Foss raised a very good point by way of interjection. He indicated that a number of scientists state that quarantining is part of the way to finding a solution to the problem. However, these scientists are confronted with a dilemma: Does one quarantine the parts which are infected so that people do not tramp in and out of the area spreading the infection, or does one quarantine the uninfected parts to keep them pure and

free from dieback? I do not know the answer to that. However, I know that sufficient interest has been shown on the part of the conservation movement to the introduction of quarantining in one form or another, and that the Government has been remiss in not taking that action. On 22 April the Minister and I were given space by *The West Australian* to explain our respective cases regarding dieback. He said -

In the highly susceptible wildflower dieback heathland areas, the disease is also being spread on the shoes of walkers and on animals.

I presume that he was not suggesting that the shoes of animals were spreading the disease; his English went astray. However, the Minister said that the shoes of walkers are helping to spread the disease. If that is not an argument in favour of one form of quarantine or another, I do not know what is.

Hon Fred McKenzie: The disease spreads fastest downhill. If it is halfway up Bluff Knoll we are in real trouble.

Hon P.G. PENDAL: That may well be an excellent observation, as Mr McKenzie's observations usually are. I appeal to the more sensible Government members, such as Hon Fred McKenzie: Why have we not given quarantining a go? This is a difficult thing to do politically as the Court Government found in the 1970s. The decision made in the 1970s to quarantine jarrah forests was a extremely courageous one as a great deal of forest was involved; the decision required more courage than the one confronting the current Government. The Court Government had to say to the timber companies, "We are locking the place up." That was a tough political and environmental decision, especially by a conservative Government. Yet the decision was made to quarantine huge sections of forest in order to give the countryside half a chance to limit the spread of dieback. Years down the track this Government quivers in its boots at the prospect of quarantining national parks. In a document from which I quoted last Thursday a scientist said that he could understand quarantining not being an option for the Government because the public would not wear it. On the contrary, if the public were told not to go into a national park because their presence might hasten the spread of dieback their response would be very encouraging. On that score alone the Government has grossly underestimated the feelings of the Western Australian people, who would be prepared to suffer conservation areas being quarantined. As I said, I do not know whether that quarantining should be of the affected or unaffected areas and I hope the Select Committee will examine that aspect.

Hon Sam Piantadosi made a valid point when he said that society preoccupies itself with the question of whether the State will be wiped out, for example, by a nuclear explosion when far more immediate, environmental issues confront the State. I agree with him 100 per cent and throughout this year I have been saying that the Government has been focusing on the wrong issues. The question of mining in national parks is a minor issue compared with the dieback issue.

Hon Bob Thomas: I agree.

Hon P.G. PENDAL: I am pleased Hon Bob Thomas agrees, because the scientists themselves - they are not prone to using extravagant language like some people in here - have called the situation a conservation disaster. They have said its impact on the region is catastrophic. They are not scientific words, but they use them unashamedly to bring the point home to us. Hon Sam Piantadosi, and Hon Bob Thomas by interjection, have made contributions in an effort to convince society to focus on the important environmental issues. Exploration and mining in national parks have caused infinitely less damage to our conservation reserves than has farming or the spread of dieback. Yet what are the marches up and down the street about?

Hon Sam Piantadosi: The farmers will be marching on you shortly.

Hon P.G. PENDAL: With Hon Bill Stretch on my right and Hon Eric Charlton on my left, I will move from that point very quickly. However, it is a fact that if in a non-political way we could agree to focus on the really important environmental issues, on a scale of 100 mining and exploring in national parks would rate at about 20. Salinity is said to be one of the major - if not the major - environmental problems in this State. Only recently I read a scientific paper claiming that scientists now believe the salinity issue, which has received almost no coverage in this House other than the excellent report prepared by Hon David Wordsworth, has now been surpassed by dieback.

Hon J.M. Brown: Be fair, it was a Select Committee report.

Hon P.G. PENDAL: Hon David Wordsworth's Select Committee was a very fine committee.

The next plea I have is that the Select Committee concentrate as much as possible on convincing society to move away from the trendier, more newsworthy issues and focus on the matter now under discussion and what scientists now tell us is the worst environmental issue. I welcome the Government's support, albeit its somewhat reluctant support, once the Minister came to report to members tonight.

Hon Kay Hallahan: That was not reluctance; it was an indication of how effective it could be.

Hon P.G. PENDAL: The Government will have the opportunity to show it can put its money where its mouth is.

Hon Kay Hallahan: It always does.

Hon P.G. PENDAL: It will be able to do that by properly funding the Select Committee because, like other members, I am aware no money is left in the Budget for Select Committees.

Hon Sam Piantadosi: If you are dinkum, there should be four members on the Select Committee instead of three.

Hon Kay Hallahan interjected.

Hon P.G. PENDAL: No, but I have said many times in this House that Parliament should receive first place in the queue for public funds and the Government should be given second place. Heaven only knows that the Government's record over the last eight years confirms its inability to manage that money properly.

Hon J.M. Berinson: Are you talking about services being cut to serve your convenience?

Hon P.G. PENDAL: Getting rid of about 50 Press secretaries would pay -

Hon Kay Hallahan: You would like to get rid of scientists; that is what you are saying.

Hon P.G. PENDAL: That is a silly, juvenile comment -

Hon Kay Hallahan interjected.

Hon P.G. PENDAL: - in view of the issue the Opposition has correctly sought to make of dieback.

The PRESIDENT: Order!

Hon P.G. PENDAL: I am asking that the Government not merely agree vocally with our position -

Hon Sam Piantadosi: If you are dinkum make it a committee of four.

Hon P.G. PENDAL: I am sure another debate will be held about that matter in a while. If any Select Committee -

Hon Sam Piantadosi: Are you dinkum?

Hon P.G. PENDAL: The member should pipe down for a second.

The PRESIDENT: Order!

Hon P.G. PENDAL: If ever a Select Committee can be of a non-political nature, this one can.

Hon J.M. Berinson: Why do you insist on the Opposition's having a majority on it then?

Hon P.G. PENDAL: Because we have a majority on this side of the House.

Hon J.M. Berinson: In Opposition!

Hon P.G. PENDAL: Yes; does the Attorney General know why? Because under a Labor Party electoral system the people gave that majority to the Opposition.

Hon Sam Piantadosi interjected.

The PRESIDENT: Order! Honourable members must come to order and talk about electoral



systems when an electoral Bill is before the House. In the meantime they should talk about dieback.

Hon Sam Piantadosi interjected.

The PRESIDENT: Order! The honourable member is being quite rude and I suggest he refrain from making interjections the second I have stopped telling him not to interject.

Hon P.G. PENDAL: Clearly that debate will be held at another time. I thank members for their contributions to the debate. I would like to think that in due course the Select Committee will report to the House in a way which will prompt, not the departments about the importance of this matter, because they understand that, and not the scientists, because they understand that, but the political arm of Government, which I know has many other priorities before it but which might then prompt the Government - or for that matter a Government which replaces it - to do what the Opposition has been suggesting for the last eight or nine months. There is no doubt, for example, that the fight against dieback spreading into our national parks and conservation system has been vastly underfunded. That was admitted in a professional way by Mr Underwood when he appeared before the committee last year.

Hon Kay Hallahan: That is not true. He made a comment that anybody would make: They could always do more with more funds. You are misrepresenting him. It will be interesting to learn how he feels about what you have said.

The PRESIDENT: Order! I ask the Minister to stop interjecting.

Hon P.G. PENDAL: I have already quoted what Mr Underwood said and that should be sufficient for the Government to say that it will not only fund the Select Committee to enable it to do its work, but also it will actually fund the research that is required by the Department of Conservation and Land Management and, in fact, by the private sector if it is found to be desirable.

I thank members for taking part in the debate and I commend the motion to the House.

Question put and passed.

#### *Appointment of Select Committee*

On motion without notice by Hon P.G. Pendal, resolved -

That Hon W.N. Stretch, Hon Murray Montgomery and Hon Bob Thomas be appointed to serve on the committee and that the chairman be Hon W.N. Stretch.

### **PRISONERS (RELEASE FOR DEPORTATION) AMENDMENT BILL**

#### *Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Minister for Corrective Services), and read a first time.

#### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Minister for Corrective Services) [8.22 pm]:  
I move -

That the Bill be now read a second time.

The Prisoners (Release for Deportation) Act was assented to in November 1989. The Act provides that where a deportation order is made in respect of a prisoner who is eligible for release on parole but has been denied parole by the Parole Board because he or she is subject to deportation, the Governor may order that the prisoner be released for the purpose of deportation after the parole eligibility date. The purpose of the legislation was to provide a mechanism for the release of such prisoners without the need to resort to the exercise of the Royal prerogative to remit the balance of the sentence in conjunction with the enforcement of the deportation order. The Act has not yet been proclaimed because, shortly after it received Royal assent, substantial amendments were made to the Commonwealth Migration Act. This resulted in an incorrect definition of the term "deportation order" being included in the Prisoners (Release for Deportation) Act. This Bill rectifies this incorrect reference.

In addition, the Bill provides for the Parole Board to initiate a written report to the Attorney

General recommending whether a prisoner subject to deportation should be released in accordance with the Prisoners (Release for Deportation) Act. The Bill further provides that in making such a recommendation, the Parole Board gives express attention to whether, if a deportation order had not been made, the prisoner would otherwise have been considered suitable for release from prison on parole. In that regard, the board must consider -

The nature and circumstances of the prisoner's offence.

The degree of risk the release of the prisoner would have appeared to have presented to the community or any individual in the community.

Such other matters that the Parole Board thinks fit.

I commend the Bill to the House.

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

### ADDRESS-IN-REPLY - NINTH DAY

#### *Motion*

Debate resumed from 2 May.

**HON T.G. BUTLER** (East Metropolitan) [8.25 pm]: I join with other members in supporting the motion moved by Hon Jim Brown thanking the Governor, Sir Francis Burt, for the address he gave to the Parliament. I will take advantage of this debate to bring to the attention of the House some matters of concern to me.

First, I refer to the comments made by Hon Peter Foss about the defamation laws as they relate to the Press. He said that the WA Inc problems would not have occurred if the laws of defamation had not been as rigid for the Press as they are at present. He also said it would have allowed far more creative investigative reporting. I am of the opinion that investigative reporters are a thing of the past in Western Australia. That certainly has been the case since Hon Phil Pental was elected to this Parliament.

Hon P.G. Pental: I thought you were going to tell me about the ALP's election funds during your term as president.

Hon T.G. BUTLER: What about them?

Hon P.G. Pental: I thought you might talk about it tonight.

Hon P.H. Lockyer: This is your chance to expose it. Did you know it was going on?

Several members interjected.

The PRESIDENT: Order!

Hon T.G. BUTLER: As I said, investigative reporting is a thing of the past and I doubt whether investigative reporters ever worked in Western Australia. The snide comments made by Hon Phil Pental, who was formerly a reporter -

Hon P.H. Lockyer: I thought you were going to cry. You were the president?

Hon T.G. BUTLER: I was and I am proud of it. If the member will cease interjecting I will continue. The comments made by Hon Phil Pental typify the kind of reporter he was.

Hon P.G. Pental: The trouble is we have not had enough investigative reporting.

Hon T.G. BUTLER: We do not have investigative reporting in this State and that is the point Hon Peter Foss made. I doubt very much, given Hon Phil Pental's history, whether he was ever an investigative reporter.

In view of the reporting of the proceedings of the Royal Commission we would have to think clearly before moving to amend our defamation laws to please the Press. Hon Peter Foss said it would require a good deal of responsibility by the media. I do not want to argue about whether the defamation laws, as they exist today, are adequate. I will leave that to people like Hon Peter Foss who have a great deal more information and knowledge than I have on this subject. One thing that is clear about the reporting of the Royal Commission is that a total lack of responsibility is being shown by the media to the allegations made in the commission.

Hon P.H. Lockyer: You never complained between 1983 and 1988. You were given all the good Press. You were the most wonderful thing in the world and you had nothing against you. The winds have changed.

The PRESIDENT: Order!

Hon T.G. BUTLER: That was a brilliant speech from the member!

The PRESIDENT: Order!

Hon T.G. BUTLER: That comment is typical of the member.

The PRESIDENT: Order! When I call order it means that everybody should remain quiet when I have something to say. The honourable member is entitled to be heard on whatever subject he wishes to speak about in this debate. As I have said on many occasions, other honourable members do not have to agree with what the person speaking is saying but they do have to listen to him. If they do not wish to listen, there are places members can be where they do not have to do so. In the meantime, it will make things a lot easier if the member with the call addresses the Chair and ignores those rude members who are interjecting.

Hon T.G. BUTLER: What has become clear from the reporting of the Royal Commission is that the media is showing a total lack of responsibility with allegations made to the Royal Commission. Royal Commissions make matters difficult because of the ability of people to make allegations without restriction. Most of the evidence accepted at Royal Commissions would not be accepted in a court of law because it is hearsay and therefore not the best evidence, or because it is impossible on most occasions to substantiate the allegations being made. That is bad enough, because the evidence before a Royal Commission is covered by privilege, and so is the reporting. A couple of classic examples of what I call irresponsible reporting by the media have appeared on the front page of *The West Australian*. The first appeared on 21 March under the headline "Banker 'told of cash to Parker'". A photograph appears of David Hurley leaving the commission building after making his statement. The editorial states -

Yosse Goldberg's former banker says he heard that the runaway entrepreneur gave \$50 000 to former energy Minister David Parker when the State Government bought Fremantle Gas and Coke from Western Continental Corporation for nearly \$40 million.

David Hurley, then state manager of Standard Chartered Bank, told the WA royal commission he could not recall if he heard of the payment through gutter gossip or directly from Mr Goldberg.

Those sorts of allegations are not worth reporting. To make matters worse, on Saturday, 23 March the cover given to the statement made by David Parker about the allegation made by David Hurley appeared on a corner of the front page of *The West Australian* as follows -

In a statement released late yesterday by his solicitors, Dwyer Durack, Mr Parker said he did not receive any cash from Yosse Goldberg or his companies.

Much more space was given to the allegation than to the repudiation. That sort of irresponsibility worries me when I consider Mr Foss's argument that we should give much more leniency to the Press in relation to defamation laws. The type of reporting I have referred to in *The West Australian* has the effect of helping to frame public opinion to the point where it would be difficult - and it is recognised it would be difficult - for anybody facing any corporate charge to receive a fair trial. It would be very difficult for a jury to comprise people who had not in some way been affected by Press reports of the Royal Commission's proceedings.

I enjoyed reading that part of Hon Peter Foss's speech because he spoke from a position of knowledge of defamation laws. He encouraged us to look at his suggestion and to consider an amendment that would provide a wider scope for reporting offences related to a public person. The reason we have the type of reporting we have today is the lack of good investigative reporters in Western Australia. As a consequence, under present laws newspapers can ruin a person's life in the name of a good story. I am sure Hon Phillip Pandal is familiar with that. It is a shame that Hon Phillip Lockyer was not a reporter, because he would have had much fun ruining people's reputations.

Hon Peter Foss: They have investigative reporters in the United States of America where they do have such a law. Is it possible that it is rather like anything else where, if one does not give people responsibility, they will not take responsibility, and there is no real encouragement for investigative reporting?

Hon T.G. BUTLER: Hon Peter Foss also made that point in his Address-in-Reply speech, which I appreciated very much, when he was talking about the Woodward/Burnside case. The point I am trying to make is that that is not necessarily the experience here. Reporting here is based very much on an irresponsible approach - more on sensationalism than fact. That concerns me. I would like to have the opportunity to talk to Hon Peter Foss at length about this matter. I have for some time been an admirer of the way in which Woodward and Burnside went after President Nixon. However, I find that nobody here has had similar training or seems to have the ability to do the same thing.

Hon Peter Foss: The system does not encourage that.

Hon T.G. BUTLER: It is probably wrong for me to suggest that the reporters are the ones in the wrong as that is not necessarily so. One could probably say that the reporting is based on the bias of the newspaper owner, or the editor or subeditor. I would like the opportunity to discuss this matter with Hon Peter Foss at some time because I appreciated the points he made in his speech. I am concerned under present conditions about any sort of relaxation of defamation laws as that would make it too easy for the Press to continue to sensationalise allegations rather than dealing with the facts.

I turn now to recent policy statements made by the Liberal Party and in particular by Opposition members of Parliament about car thefts and high speed chases as those statements concern me. Rather than sounding like an informed opinion, the comments of those people sounded like responses to the high level of publicity and public reaction to the publicity given to car thefts. I do not deny that car thefts, high speed chases and juvenile crime are reasons for major concern, because of course they are, but I question a policy that says a person convicted of car theft for the second time should be automatically gaoled for five years. I do not believe that that is necessarily the answer to the problem. To say that would prevent continued offending is not necessarily supported by the facts. That simply means putting people into a violent community where they can only learn from and be influenced by people who are better criminals. Only a small number of young people continue to offend.

It has been suggested by the police that the recent outbreak of violence is the work of a small gang of people. These people are more than likely to be graduates from the juvenile detention system. Unfortunately Western Australia has the highest level of incarceration of juvenile offenders in Australia. Instead of being solely concerned with punishment, we need to have a balance between punishment and other strategies. There is no simple answer to the problem. The "get tough" approach may have some short term results, but there is no evidence to suggest that it will succeed in the long term. The opinion of learned people such as Mr Justice Jackson and Mr Justice Walsh is to support the symptoms rather than wait until they become complaints. The Chief Justice, David Malcolm, has described sentencing as the most discussed but least understood topic. There is certainly no doubt that offenders must pay a penalty for offending, but throughout the world countries are looking towards schemes which will reduce incarceration levels. Many schemes use fines, community service orders and non-custodial sentences such as home detention, accompanied by rehabilitation programs. On the other side of the equation, the sentencing policy of the New South Wales Government saw in the first eight months of operation an increase of 319 prisoners against a predicted 200. These are the sorts of things which need serious examination to see whether the statements made by the Leader of the Opposition are necessarily the answer to the problem.

Members of the Joint Select Committee on Parole recently attended an Australian Institute of Criminology conference in Alice Springs on Aboriginal crime and detention. It was an excellent conference, and those who attended from each State brought with them an exchange of thoughts and programs which were in operation in their States. For example, in the Northern Territory home detention is used as a front end option. If a person in Darwin is a home detainee, he can expect to be visited by a parole officer two or three times a day at any time of the day, such as 3.00 am, at work or at home. Home detention areas are

designated as dry areas; there is no alcohol. In remote areas charter pilots act as surveillance officers. They are authorised to call on home detainees to make sure they are not drinking. The laws are quite stringent, and they are the same for black and white urban home detainees. They must ring before going to work or be subject to visits at work. They are not allowed to engage in any sport at all, either as a participant or as a spectator. That could be a very intimidating situation and a far greater hassle than a prison sentence. However, it would be very beneficial to all concerned. I think we can safely call them prisoners; and at least they are being partly productive.

The other options are the community service orders, but in dealing with those we must make sure that the work that people are given to carry out as a community service is not a mindless task. The orders would have to be able to provide some work satisfaction to be of any benefit to offenders or detainees. We visited a mobile prison in the Macdonnell Ranges around Alice Springs where prisoners were engaged in developing picnic areas and a walk trail. They were clearing areas and planting trees. Previously they were kept on the site for five days, but the overtime bill for prison officers became very costly. Subsequent negotiations between the Department of Corrective Services and the prison officers resulted in a compromise and the prisoners are now being kept on site for the full seven days.

There is also a camp for kids with the concept of making juvenile offenders more responsible. Juvenile offenders are sent to the camp, where they face a fairly strenuous schedule. They rise at six every morning, they go for a run which we are told is very physical, and on their return they get their own breakfast. Rangers take them to locations where they work, and in this instance they were establishing a picnic area and planting trees. They have lunch on site, and in the heat of the day they return to camp to rest and enjoy some music. They then return to work in the cool of the afternoon before returning and getting their own dinner and cleaning their rooms. At the end of the day they are too tired to do anything other than sleep. The criteria for kids who go to those camps is that they must be over 15 years of age, have no desire to go to school, and be assessed as medically fit to do the program. If they abscond, when recaptured they are kept at the camp rather than sent to prison to lie around and watch videos and so on. That is the difference between having kids locked up in a detention centre and having them in a situation where they are detainees carrying out valuable community services and learning the values of life.

Another report from one of the workshops was on post release. It was delivered by people engaged in the program, and again it came from the Department of Corrective Services in New South Wales. Its objective is to provide a program which offers education, training and job placement to Aboriginal people on bail, remand, probation, parole, or to those coming directly from gaol. This was an Aboriginal conference and an Aboriginal scheme, but its strategies apply equally to whites.

The strategies on this post release program read -

1. Liaise with relevant authorities in order to recruit participants (gaols, Probation and Parole, Courts, Aboriginal Community).

Those coming out of the prisons were identified very quickly and they were contacted to be included in the post release program -

2. Assess participants for suitability and commitment.
3. Work with education/training units (TAFE, DEET, CES, Skillshare etc.) to provide relevant training/education.
4. Organise pre-training and training programmes if necessary, to enable participants to develop self-confidence and job skills.
5. Encourage employment opportunities by liaising with prospective employers and by using any available training/education grants.
6. Assist participants to locate and retain stable employment in areas of their choice.
7. Promote the Post-Release Programme to Courts, Prisons, Probation and Parole Service and the Aboriginal Community.

These Objectives and Strategies should be made relevant to each individual Community/Organisation.

That workshop program was very significant because without some form of post release program, such as that outlined in the strategies of the New South Wales corrective services program, any other program or rehabilitation service in prisons would lack continuity. Prisons should be more involved in the rehabilitation process and, for that to be of value, post release programs are needed. In Western Australia, we have a number of programs: Work Aid, WorksYde, the Cockburn local offenders program, the Murchison program, and the Future Directions program. However, a great deal of work and thought is needed if we are to arrive at a proper balance between punishment and strategies.

Members opposite have expressed the view that a good swift kick in the backside has never done them any harm and would be of value today. That is how the Opposition thinks. Opposition members ignore the fact that the pressures on youth are greater today than in our day. As Chairman of the Lockridge/Bassendean Youth Service I know first-hand of the frustrations youth have in trying to come to terms with the pressures of life. The Lockridge/Bassendean Youth Service is prepared to work with young people in a non-threatening and unstructured environment. We deal with young people in crisis. The centre was established for that purpose. The police and citizen's youth clubs, the Scout Association of Australia, and other types of youth organisations provide services to young people who are very well balanced emotionally, but little is offered to people considered to be in crisis. Our centre has not been an overnight success but we are at least now able to see some results from our hard work. We have a very active committee, and some very active and sensible coordinators employed at the centres. We have a team from both the Bassendean and Lockridge centres competing in the Midland basketball competition. The young people who come to the centre have not had the feel nor the time for sport previously.

Most of the youth visiting the centres have been in an institution at least once or have been questioned, charged and let off. However, we have broken down considerably the incidence of recidivism among these people. We supply a community service by helping young people to receive counselling for problems with drugs, crime and unemployment and by providing assistance with training and recreation. It is a slow process, but our committee has gained a great deal of satisfaction from the progress made with the young people. The preventive measures we are applying have met with success at Lockridge. That centre is situated in the former medical health services building. It is an asbestos building, painted cream, which was constantly covered with graffiti, some of which would curl a person's hair. Because we have been able to instill in the youth some sense of responsibility and ownership as they work on the building, we do not at present have a problem with graffiti. It has not been an easy task. If members had an understanding of the youth we are dealing with, they would also understand that it is not a problem with which we can succeed overnight. We have experienced a great deal of progress with the youth associated with our service. We could have ignored these people and let them find their own way, which may have involved stealing cars and spending more time locked up. I issued an invitation last year to Hon Derrick Tomlinson to visit the centres. I will see him later and extend that invitation again. I extended a similar invitation to Hon Peter Foss. Given that the centres are in the electorates of those members, they should visit them and talk with the youth and in that way understand the type of person we are dealing with. The answer is not to lock up youths. The need is for more patience and more research; that is, we should temper justice with mercy.

It is a pity that Hon Phil Lockyer is not present. He was anxious that I talk about my time as the President of the Western Australian branch of the Australian Labor Party.

Hon N.F. Moore: He is outside this place on parliamentary business.

Hon T.G. BUTLER: Hon Philip Lockyer has a standard remark for someone who is not in the Chamber. I accept that is where he is. I do not intend to engage in the same sort of practice as Hon Philip Lockyer, who takes advantage and denigrates people when they are not present. It is a pity he is not here, because he took a great deal of interest in my being President of the WA branch of the Australian Labor Party.

Hon P.G. Pental: We all do.

Hon Garry Kelly: He was a good president.

Hon T.G. BUTLER: Mr Pental, it is better to be a "has been" than to be a "never was". The member has never been anything.

Hon P.G. Pandal: We will see about that. Tell us about the donations. You started to tell us.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon T.G. BUTLER: I did not start telling the member about anything.

Hon P.G. Pandal: So the member is not saying he did not know about the donations?

Hon T.G. BUTLER: I am not saying anything to the member.

The DEPUTY PRESIDENT: Order!

Hon T.G. BUTLER: The member is a "never was". He is not a worthwhile person in any way, or one who should receive a response to his question.

I made a decision last year not to nominate for the presidency of the Western Australian branch of the Australian Labor Party. I held the position unchallenged since the 1980 election when I defeated the late Colin Jamieson by one vote. The last 11 years of the Australian Labor Party have been significant. I was highly honoured to have been entrusted with the position of president for as long as I was. In that period we saw the election of Labor Governments federally and in Western Australia, South Australia, Victoria, Tasmania and Queensland. Sadly sprinkled in that was the loss of the New South Wales's Labor Government. It gave me a great deal of pleasure - because I have been involved in the Australian Labor Party since 1955 - to be part of that swing to Labor that occurred during the 1980s. I was advised that had I decided to contest the position again I would have been re-elected unopposed. I regret that I am not president this year, basically because it is the centenary of the Australian Labor Party. However, it did seem appropriate with party secretary, Stephen Smith, going to another position, that I should give the opportunity to someone else to contest the position of president. That position is now held by my good friend, Dr Geoff Gallop.

During the period of my presidency of the Western Australian branch of the Australian Labor Party, I worked with three State secretaries: Bob McMullan, Michael Beahan, and Stephen Smith. I was president of the party during the first four weeks of our present State Secretary's, Chris Evans', position. I have been told, and I am sure it is true, that being the president during the tenure of three State secretaries of the Australian Labor Party is a record in the WA branch. To have achieved that previously would have meant being president for something like 30 years, because the late Joe Chamberlain held the position of State secretary for over 20 years. So that rules out any sort of serious challenge to my claim for the record.

I served as secretary on the WA branch's administrative committee during Joe Chamberlain's time and was honoured to consider Joe as a close friend, as was Hon Cheryl Davenport. I am proud that the Australian Labor Party gave me the opportunity to preside over it for as long as I did, and I will always be grateful for the continued faith that it has shown in me. The party embraces all of my beliefs in social justice. It was founded on the need for trade unions to give themselves a voice in Parliament to ensure there would not be a repeat of the scandalous trials of 1891 in Queensland when 14 men were gaoled for their part in a shearers' strike. They were sent to gaol because they were part of a strike that demanded that squatters negotiate a rate for the shearing of the squatters' sheep.

Hon D.J. Wordsworth: They were sent to gaol because they burnt down the shearing shed.

Hon T.G. BUTLER: I knew that would bring Hon David Wordsworth to life.

The squatters' attitude was that the shearers would have to take the terms that they offered or they would bring in scab labour and break the union. The men were gaoled for taking action to support their wage rates and their union. The unions realised that they needed a voice in Parliament -

Hon John Halden interjected.

Hon T.G. BUTLER: Hon John Halden has reminded me of a ballad titled "The Ballad of 1891".

Hon N.F. Moore: I hope you will not sing it.

Hon T.G. BUTLER: I will not sing it, but the words are -

*The price of wool was falling in eighteen ninety one,  
The men who owned the acres saw something must be done  
"We will break the shearers union, and show we're the masters still,  
And they'll take the terms we give them or we'll find the men who will!"*

*From Clermont to Barcaldine the shearers' camps were full,  
Ten thousand blades were ready to strip the greasy wool,  
When through the west like thunder rang out the union's call;  
"The sheds'll be shore union or they won't be shore at all!"*

*O, Billy Lane was with them - his words were like a flame.  
The flag of blue above them they spoke Eureka's name.  
"Tomorrow", said the squatters, "You'll find it does not pay -  
We're bringing up free labourers to get the clip away!"*

*"Tomorrow", said the shearers, "They may not be so keen -  
We can mount three thousand horsemen to show them what we mean."  
"Then we'll pack the west with troopers from Bourke to Charters Towers.  
You can have your fill of speeches but the final strength is ours."*

*"Be damned to your six-shooters, your troopers and police;  
The sheep are growing heavy, the burr is in the fleece."  
"Then if Nordenfeldt and Gatling won't bring you to your knees  
We'll find a law," the squatters said, "That's made for times like these."*

*To trial at Rockhampton the fourteen men were brought;  
The judge had got his orders, the squatters owned the court.  
But for every one was sentenced a thousand won't forget  
Where they gaol a man for striking it's a rich man's country yet.*

Does Hon Phil Lockyer not agree?

Hon P.H. Lockyer: Don't talk about gaols.

Hon John Halden: It has not changed much in 100 years.

Hon T.G. BUTLER: That is my point: The unions realised, as a result of the trial in 1891, that they needed a voice in Parliament and in that year, for the first time, the unions endorsed parliamentary candidates under the banner of the Labor Party and 15 men were elected to the Parliament of New South Wales. Prior to the 1891 elections a peak union body called the Australian Labour Federation had political as well as industrial ambitions and as a result of the disgraceful squatters' actions those ambitions were brought forward. It is interesting to note that the newly formed Trades and Labor Council not only sought to endorse candidates but also worked up a platform of social reform, one of which was electoral reform. It is ironic that 100 years on we in the Western Australian Parliament are still talking about electoral form. It is also interesting that the conservative Press of the day warned against voting Labor. It said that it would create a system of representation of class interests and that the ultimate effect would be to degrade the Parliament into a nominee Chamber of the TLC. This is 100 years ago, not yesterday.

Hon P.G. Pental: You blokes degraded the Parliament in your own way - the WA Inc way.

Hon T.G. BUTLER: It reminds one that conservative thinking over the past 100 years has not changed one little bit.

Hon P.G. Pental: You are dead right.

Hon N.F. Moore interjected.

Hon T.G. BUTLER: The member would still love to see laws in place -

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! If Hon Tom Butler would address his speech to the Chair, interjections might cease.

Hon T.G. BUTLER: Hon Norman Moore and Hon Phil Pental would like to return to the laws of 1891 so they could deal with unions and unionists who do not want to buckle down to their demands. How many times have we heard the conservatives in this Chamber complain about unions and their role in society as did the conservatives of 1891?

Hon Sam Piantadosi: On a daily basis.



Hon George Cash: I am a proud former member of the Australian Workers Union.

The DEPUTY PRESIDENT: Order!

Hon T.G. BUTLER: How many times have we heard them say that they did not like unions because they involve themselves in matters that do not concern them? I do not know how they can do that. They represent working class people.

Hon Sam Piantadosi: They represent many unionists.

Hon T.G. BUTLER: Actually, they represent all workers.

Hon Sam Piantadosi: They tend to forget that.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon P.H. Lockyer: They represent less than half.

Hon T.G. BUTLER: That is not true. I explained that to Hon Phil Lockyer last year and I do not intend to explain it again.

Hon P.H. Lockyer: Explain about the money.

The DEPUTY PRESIDENT: Order! I keep asking for order and it is obvious that some members on both sides of the House are ignoring that. I do not want to have to get heavy with anyone. Let us have a bit of peace and quiet and listen to Hon Tom Butler.

Hon T.G. BUTLER: On Sunday, 5 May, I marched with the Painters and Decorators Union during the May Day celebrations at Fremantle. I was reminded during that rally of the achievements of labour organisations of the past 100 years, including improved living standards for working class people, the development of basic principles such as the right to organise labour, the right to employment, the right to workers' compensation, the right to safe work practices, the right to education, the right to social security, the right to universal health care and, as Hon Cheryl Davenport has stated, the right to strike. It is a pity that the extreme right wing in this country, including the H.R. Nicholls Society, control the Liberal Party in Australia.

Hon N.F. Moore: You really are an expert on this!

Hon P.H. Lockyer: We do not know how much control you have at present.

Hon N.F. Moore: How much money did you use?

Hon P.H. Lockyer: Was that in a satchel?

The DEPUTY PRESIDENT: Order!

Hon T.G. BUTLER: I think those statements will eventually come back and bite Hon Phil Lockyer on the backside.

Hon John Halden: You did not do much good for Mr Chaney.

The DEPUTY PRESIDENT: Order!

Hon T.G. BUTLER: As I was saying, the new right is completely in control of the Liberal Party, which has as its policy the objective of taking away from workers all the gains that have been made over the years. The Australian Labor Party is the oldest political party in Australia. Many movements have come and gone over the years parading under the banner of "labour", many of them initiated and financed by the Liberal Party; however, the Australian Labor Party has remained.

Hon Sam Piantadosi: Who were they?

Hon T.G. BUTLER: I will tell the member about them later. The thousands of dollars that the Liberal Party poured into the Democratic Labor Party in the 1960s is well publicised.

Hon N.F. Moore: Tell us about the thousands of dollars poured into the Labor Party.

The DEPUTY PRESIDENT: Order! I always hope that when I get the opportunity to be in this Chair I will never have to invoke Standing Order No 106, but the way the debate is progressing tonight I am starting to think perhaps I might. I give all members a fair warning.

Hon T.G. BUTLER: The Australian Labor Party is still with us and always will be. When one considers the history and the division the Labor Party has suffered from time to time one

can understand and appreciate the mechanisms that it has for rebuilding and reuniting; and one of the things that will always reunite and draw together Labor people, such as unionists and people from all walks of life, is their desire to achieve and maintain proper social justice. The present Liberal Party policy as it is enunciated - especially the industrial relations and social welfare policies - is just the type of thing that will reunite the Labor Party on every occasion.

Hon P.H. Lockyer: You need something to unite you.

Hon T.G. BUTLER: The Liberal Party is supplying the Labor Party with that impetus. The Liberal Party's so-called labour market reforms are designed to force people to sign individual contracts, not for what the market will bear but for what the employer is prepared to pay. Employers are saying, "They will take the terms we give them or we will find the men who will." Those words ring true in 1991 as they did in 1891. Hon Phil Lockyer can sit there and giggle as much as he likes. I have never heard him say that he does not like unions but I have heard his colleagues say on numerous occasions that they do not like unions.

Hon P.H. Lockyer: I have never said that.

Hon T.G. BUTLER: I have just said that I have never heard Hon Phil Lockyer say that; however, he may have muttered it under his breath now and again. The present Liberal Party labour market reforms are simply designed to force people to sign individual contracts, and if those contracts are not accepted by the workers they will be told that there are people who are out of work who are ready to take their places. Those who sign individual contracts - and there will be no voluntary signing - will be looked upon as subcontractors and will not be considered workers classified by the Industrial Relations Act. As a result they will not be entitled to workers' compensation, occupational health and safety standards, training programs or award privileges such as sick leave, annual leave or long service leave, because the contract will be on a take it or leave it basis. The benefits which have been so fiercely fought for by unions and working class people from time immemorial will be stripped from the worker. If members want any evidence of this they need only consider the housing industry. Hon Norman Moore looks as though he is in some pain.

Hon N.F. Moore: You are misrepresenting the position.

Hon T.G. BUTLER: I am not misrepresenting the position at all. Hon Norman Moore is one of those members who does not like unions.

Hon N.F. Moore: I do not like what they do at times.

Hon T.G. BUTLER: The member does not like unions. His history in this place is clear. He is on record as saying he does not like unions.

Hon Sam Piantadosi: That is true on many occasions.

Hon T.G. BUTLER: In the building industry the various trades are not employed on an award basis. They are employed on the basis of individual contracts; that is, on a take it or leave it basis, not on the union negotiated position. The worker must take what the employer wants to provide. An agreement is made on money and workers' compensation, but none of the other benefits, including occupational health and safety conditions, apply because the definition of workplace in the Occupational Health, Safety and Welfare Act requires the presence of employees. If there are no employees the Act cannot be enforced. They are the sorts of things that are presently in practice under voluntary contracts. I do not know where that idea came from. I was interested to read a Liberal Party pamphlet entitled "Liberal Party - Beyond 2000 Small Business (First Draft)" which stated under the heading "Support Freedom of Enterprise" -

We will initiate a programme to increase productivity in business to be known as "Productivity through Incentive and Profit".

Components of this programme will include:

legislation to allow more flexible work agreements based on a minimum prescribed wage;

strenuous prosecution of the rights of all employers and employees to carry out their business without threat or interference from industry or unions;

encouragement and incentives for employers to give employees the opportunity to profit through productivity by way of share participation or production bonuses;

Hon Sam Piantadosi will love that. Hon Tom Helm, Hon Sam Piantadosi, Hon Fred McKenzie and I know from our times in the trade union movement that all of the promises in the world about bonuses never come to fruition. The 17.5 per cent annual leave loading was granted because of the promises made about bonuses that were never paid.

Hon Sam Piantadosi: Ask Mr Lockyer about the slave labour in Carnarvon.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! The member should stop asking Hon Tom Butler to ask other members questions.

Hon T.G. BUTLER: The document continues -

and a reduction in the high costs of workers' compensation and encouragement for industry to use industrial medicine specialists to prevent injuries.

The policy says nothing about a clean and injury free workplace. It says it will encourage the employment of industrial medicine specialists, whatever that means. However the interesting part of that statement was "a reduction in the high costs of workers' compensation". The next section states -

#### PROTECT SUB CONTRACTORS

Subcontractors and self employed independent business people will be excluded from the jurisdiction of the Industrial Relations Commission.

That will remove the workers from the workers' compensation legislation, which will reduce the cost of workers' compensation because it will release them from the occupational health, safety and welfare regulations.

Hon P.H. Lockyer: That policy must get up your nose.

The DEPUTY PRESIDENT: Order!

Hon T.G. BUTLER: The voluntary signing of contracts would be looked upon as the employment of subcontractors. They would not be considered workers under the Industrial Relations Act and, as a result, would not be entitled to any of the things about which I have previously spoken. As a result of that, they would be in no man's land.

Hon N.F. Moore: Have you talked to the train drivers at Robe about this?

Hon T.G. BUTLER: They are not allowed to talk to unions.

Hon N.F. Moore: How much do they get?

Hon T.G. BUTLER: A constituent who had worked for a tyre company came to me because he had been putting up with a certain amount of abuse from his employer. Rather than do what he wanted to do, which was punch the employer, he decided to go home. The next day he was told that he had abandoned his position. I asked him why he did not go to the union. He said because the employer told him that if he joined a union he would get the sack. That is the sort of employer Robe River Iron Associates is.

Hon N.F. Moore: How much do the train drivers get paid at Robe? What is their annual salary?

Hon T.G. BUTLER: I do not know how much they are paid.

Hon N.F. Moore: They get \$140 000 a year.

Hon T.G. BUTLER: How many hours do they work for that?

Hon N.F. Moore: About 30, and they sign voluntarily.

The DEPUTY PRESIDENT: Order!

[Leave granted for the member's time to be extended.]

Hon T.G. BUTLER: I thank members. I want members to cast their minds back to 1981 when the Opposition was in Government. The Liberal Government introduced wide ranging amendments to the Industrial Relations Act. They endorsed the statements that I have made about the Liberal Party's industrial relations policy. The wide ranging amendments to the

legislation had the net effect of rendering the Industrial Relations Commission completely ineffective. It had no work to do. We all know what was meant by the introduction of section 6 to the Industrial Relations Act. That ruled out union membership and workers' compensation as industrial matters. It ruled out house rents, a dispute that was going on in the prisons and the iron ore industry. It also introduced the concept of employer prerogative, which meant that the Industrial Relations Commission could not deal with any dispute over those specified matters including workers' compensation and so forth, and all other matters were considered not to be industrial matters because employers were permitted to inflict whatever terms, other than those relating to wages, they wished because of employer prerogative. Those were the amendments moved by the Liberal Government in 1981. They were fairly stringent amendments to the Act, which rendered the Act ineffective and made it a toothless tiger. To make matters worse, in 1982 the Liberal Party introduced a wages freeze. The only person who could grant wage increases under that section of the Act was the then Minister for Labour and Industry, Hon Gordon Masters.

Hon Sam Piantadosi: He did a sterling job of stirring up trouble.

Hon T.G. BUTLER: The present Liberal Party policy will mean a return to those days of individual contract schemes. In New Zealand, on 1 May, its employment contracts legislation came into force. It is specifically designed to do exactly the same things as the Liberals are planning for the industrial relations scene in Western Australia, including the abolition of the Industrial Relations Commission, if and when the Liberals ever become the Government.

Hon N.F. Moore: Didn't Bob Hawke ignore the Industrial Relations Commission?

Hon T.G. BUTLER: The Liberals will move to disband the Industrial Relations Commission. Members opposite should not talk about anyone ignoring the Industrial Relations Commission.

Hon N.F. Moore: You continue to talk about ignoring the umpire's decision. Every time there is a decision you don't like, you say you will ignore it.

Hon T.G. BUTLER: As does the Opposition and Robe River. It has made a champion of Robe River yet it is the worst offender of ignoring the commission's decision.

Hon N.F. Moore: At least it is getting productivity.

Hon T.G. BUTLER: On the unlikely return of the Liberal Party to Government, this policy would be inflicted upon working people. It would simply mean that employers would work outside the industrial relations system. They could pay what they like and the commission would not be able to handle any of the complaints of underpayment to workers because workers would be subcontracted and would not be covered by the Industrial Relations Act. To get any redress they would have to take civil action - if they could afford to pay the solicitors.

Hon N.F. Moore: Would you rather they were unemployed?

Hon T.G. BUTLER: I will be glad to hear from Hon Norman Moore any time.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! I ask Hon Tom Butler to direct his remarks to the Chair and to ignore all interjections, and I ask other members to stop interjecting.

Hon T.G. BUTLER: That is good advice, Mr Deputy President, and I hope that one day I shall hear Hon Norman Moore tell me in this place how the scheme will create jobs. It cannot operate without a pool of unemployed people being available to take over the jobs of those workers who will not accept the conditions laid down by the employers. No-one will be able to negotiate individual contracts. Hon Norman Moore can tell me any time how this scheme can create jobs. A pool of unemployed people will be needed to make the system work.

Hon N.F. Moore: We have a massive pool of unemployed people now, thanks to your policies.

Hon T.G. BUTLER: We had that in 1981 and 1982.

Hon N.F. Moore: We now have a 13 per cent unemployment rate.

Hon T.G. BUTLER: A Liberal Party Government has never been able to offer any hope to working class people, because it regards the workers as pawns in the game. All its amendments to the Industrial Relations Act have been to the detriment of working class people and their unions. In all the time I have been a trade union official, and in the time of Hon Fred McKenzie, Hon Sam Piantadosi, and Minister for Housing Hon Jim McGinty, we have never heard a Liberal Government advocate an increase in wages for the workers.

Hon Fred McKenzie: Never.

Hon T.G. BUTLER: I spent 21 years as a trade union official and have been a trade unionist since 1945; I am still a life member of the painters' and decorators union. Every time wages are increased I hear Liberal Party members say that no increases should be given to the workers.

Hon N.F. Moore interjected.

The DEPUTY PRESIDENT: Order! I ask Hon Norman Moore to come to order.

Hon T.G. BUTLER: I can remember also an advocate from the Confederation of Western Australian Industry - this may be a slight exaggeration but it comes very close - being knighted because he convinced the Industrial Relations Commission that the basic wage should not be increased. He was applauded by the Liberal Government. Therefore, members opposite should not feed me any malarky or guff about any interest it has in working class people. Working class people are regarded as instruments which the Liberal Party has used for the benefit of the upper classes.

Hon E.J. Charlton: How are they doing now?

Hon T.G. BUTLER: Compared to 1981 and 1982 when there was a wage freeze, workers have received regular wage increases through the negotiating skills of the Australian Labor Party and the Australian Council of Trade Unions. That has got right up the noses of members opposite because not once have they applauded the work of those people who, through those negotiations, have advanced the cause of the workers.

Hon E.J. Charlton: They have taken them all to the cleaners.

Several members interjected.

The DEPUTY PRESIDENT: Order! I ask members to read Standing Order No 106 because they are pushing me to the very limit tonight. I advise them to take a long time to read that Standing Order.

Hon T.G. BUTLER: I would not like to see the provisions of Standing Order No 106 inflicted on anyone, so I will conclude my comments. It was a great honour to me and it was with some pride that I served the Australian Labor Party as President of the Western Australian branch. I thank all the people I worked with during that time, particularly those in the State office of the party, who are some of the best people I have ever had the good fortune to be associated with. I thank members of the Australian Labor Party, both in and out of the Parliament, who have given me their support and friendship throughout those years. Finally, I place on the record my appreciation to my family who put up with my being out at night at so many meetings for so many years. I thank them for the way they have matured into the very fine people they now are. I have much pleasure in supporting the motion.

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

## STATE SUPPLY COMMISSION BILL

### *Assembly's Message - Request for Conference*

Message from the Assembly requesting a conference on the amendment insisted upon by the Council, and notifying that at such conference the Assembly would be represented by four managers, further considered.

### *Committee*

Resumed from 2 May. The Deputy Chairman of Committees (Hon Doug Wenn) in the Chair; Hon Kay Hallahan (Minister for Education) in charge of the Bill.

Progress was reported after the following motion had been partly considered -

That the Assembly's request for a conference be agreed to.

Hon GEORGE CASH: When this matter was last before the Committee I had begun advising the Committee of the history of this Bill. It is important that members recognise the various stages through which it has moved on its passage to discussion in the Legislative Council tonight. The second reading of this Bill was given in the Legislative Assembly by Minister Henderson on 21 September 1989. On 18 August 1990, almost 11 months later, the Opposition was given an opportunity to respond during the second reading debate. By that time Minister Buchanan was in charge of the Bill. The Bill was given a second reading in the Legislative Council on 19 September 1990, and Hon Bob Pike, who had carriage of the Bill for the Opposition, responded on 31 October 1990. The Bill reached the Committee stage on 21 November 1990. A message was sent to the Legislative Assembly on 6 December and included in that message was a request from the Council that a certain clause be inserted. When the Bill was considered by the Legislative Assembly - by this time Minister McGinty was in charge of the legislation - the Assembly decided it was not prepared to accept the Council's amendment.

The amendment which the Legislative Council had suggested be inserted was to clause 7, page 4, line 13 -

To insert after "shall be" the following -

- (a) published in the *Gazette* and laid before each House within 6 sitting days of its being published if Parliament is then in session or within 6 sitting days of the commencement of the next ensuing session; and
- (b)

That amendment No 1 was considered in the Legislative Assembly on 30 April, and Mr McGinty, the Minister for Services, moved that the Assembly continue to disagree to the amendment made by the Council. That question was put and passed, the report was adopted by the Assembly, and a message was accordingly returned to the Council. The message was that the Assembly requested that the Council grant a conference of managers on the amendment insisted on by the Council, and that the managers for the Assembly be the mover, Mr McGinty; the member for Nedlands, Mr Court; the member for Cottesloe, Mr C.J. Barnett; and the Deputy Premier, Mr Taylor. That brings us to today. The point I want to make is that this Bill has been a long time in the pipeline. It is almost a case of the Government's not appearing to have much confidence in the legislation, because it certainly has not pushed it. The second reading of this Bill in the Legislative Assembly was on 21 September 1989. That is some 19 months ago. We now find ourselves at the stage of needing to appoint a conference of managers.

The Opposition strongly insists on the amendment which was moved and passed in this House. We believe that the amendment represents an opportunity to make the Government accountable for the actions of its Ministers. One of the reasons given last year by the then Minister, Hon Pam Buchanan, for the Government's refusal to accept this amendment was that the recommendations of the Burt Commission on Accountability were adequate and that the Government was in the process of putting into effect those recommendations. It has been a long time since Mr Justice Burt, as he was then, brought down his report, and we are still waiting for the Government to put into effect all the recommendations contained in that report. The report stated on page 3, under the heading "Accountability", that -

Hence it can be seen that accountability is accountability to the Parliament and, as will appear, the Parliament is the place within which the idea of public scrutiny must find its fulfilment. Whether those ends will be achieved in fact will depend upon the manner in which the Parliament calls up the information which the recommendations contained in this report will make available to it . . .

The Burt Commission on Accountability made many references to the need for Governments to be accountable to the Parliament. I put it to the Chamber tonight that the Opposition is correct in insisting that any direction given by Ministers be published in the *Government Gazette* and laid before each House within six sitting days of its being published if Parliament is then in session or within six sitting days of the commencement of the next ensuing session. I will be interested to hear any response which the Minister wants to make

on this matter, but the time has come for the Government to be tested. We will now see whether this is a Government of its word and whether it is prepared to accept the recommendations contained in the report of the Burt Commission on Accountability; or whether it is a Government which is not prepared to stand by the commitment which it gave to the people of Western Australia soon after the Burt commission reported to the Parliament.

Hon Kay Hallahan: It has been implemented.

Hon GEORGE CASH: It is just not on for the Minister to say it has been implemented, and to hope that everything will go away. It will not happen. The fact is that until we implement the requirement for Ministers to advise the House when they make a direction to their departments, we will not have accountability. The Minister may be relying on the fact that in due course the Financial Administration and Audit Act will require the Minister to publish in the annual report of the department a list of the directions or a statement of the directions made in any given year. However, that statement of the directions could be published some 18 months after the directions were given. That is not good enough. The community is entitled to know about those directions as soon as they are given, or as soon after as is reasonably practical. That is the essence of the amendment that was moved in this place, on which the Opposition continues to insist.

Question put and passed.

### *Report*

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

## **RETAIL TRADING HOURS AMENDMENT BILL**

### *Assembly's Message*

Message from the Assembly notifying that it had disagreed to the amendments made by the Council further considered.

### *Committee*

Resumed from 1 May. The Deputy Chairman of Committees (Hon Muriel Patterson) in the Chair; Hon John Halden (Parliamentary Secretary) in charge of the Bill.

Progress was reported after amendments Nos 1 to 3 were not insisted on.

Hon JOHN HALDEN: To clarify the point we have reached in our previous deliberations on this matter, I remind members that paragraph (b) of the motion I moved on 1 May read -

- (b) in relation to amendment No 4, that clause 10 be amended, as follows -

Page 7, line 26 - To delete "Where" and substitute the following -

Without limiting the operation of section 16, where

This proposal centres around two issues. The first is that the Act will be amended to increase Saturday trading for service stations from 1.00 to 6.00 pm; the second centres around the words "Without limiting the operation of section 16, where", which is the amendment. This offers protection to the tenant where, under section 14, service stations are required to be open for 61 hours per week. If this amendment is passed they will still be required to be open 61 hours, but if they do not open between 1.00 and 6.00 pm on Saturdays that will not place them in breach of their lease agreement, even if the lease agreement says they should be open between those hours. These are relatively simple and consistent matters and I hope they will have the support of the Committee.

Hon GEORGE CASH: The Opposition indicated when speaking during the last debate on this matter that it was prepared to agree with the Government in respect of amendments Nos 1, 2 and 3, which refer to clauses 5, 8 and 9 respectively. The amendment now being dealt with - No 4 - deals with clause 10. Since this matter was discussed in the Parliament last year the Opposition has given consideration to the matter. While we were prepared earlier to support in this Chamber the Motor Trade Association and, indeed, service station operators in the metropolitan area because of some very good statistical arguments put forward by those organisations, and were prepared to argue that there was no need for service stations to open on Saturday afternoons, it was interesting to note that after the Bill had been

discussed in the Legislative Council and returned to the Legislative Assembly the Minister responsible for the Act encouraged service stations to apply to her seeking exemption from the provisions of the Act; that is, she invited them to make application to trade on Saturday afternoons. It is interesting that, notwithstanding the arguments that were put to the Opposition - and, indeed, the arguments that the Opposition put to this Chamber late last year - a very significant number of service stations in the metropolitan area chose to open on Saturday afternoons. It is now clear that because of the apparent change of heart by the service station industry in respect of Saturday afternoon trading it would be quite reasonable for the Opposition to support the Government on this clause.

Hon John Halden: I believe 240 of the 457 service stations have done that.

Hon GEORGE CASH: I appreciate the advice from the Parliamentary Secretary that 240 of the 457 service stations now trade on Saturday afternoons. That in itself adds weight to my argument. Given that situation, the Opposition is prepared to support the Government on this clause.

**Paragraph (b) put and passed.**

Hon JOHN HALDEN: I remind members that paragraph (c) of the motion I moved on 1 May reads -

(c) in relation to amendments Nos 5 to 10, the Council insist on the amendments.

This is a very simple series of amendments. They arose out of the insistence by the Opposition that the Western Australian Council of Retail Associations have one extra member on the Retail Shops Advisory Committee. The Government agreed to that, but with the proviso that the balance between consumer, employee and employer representatives remain the same. Therefore, there must be an increase on the Western Australian Council of Retail Associations of one employer representative and one employee and consumer representative.

**Paragraph (c) put and passed.**

#### *Report*

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

### **ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL**

#### *Second Reading*

HON N.F. MOORE (Mining and Pastoral) [9.58 pm]: I move -

That the Bill be now read a second time.

This is my third endeavour to have this Bill passed. On the two previous occasions the Government did not support the fundamental principle of the Bill - freedom of association. The Bill seeks a very simple change to the laws of our State. It seeks to remove from the Statutes the legislative requirement for students at our tertiary institutions to become members of a student guild or association.

On the two previous occasions that this Bill was introduced, I argued the principle of the issue and appealed to the Government to abide by its own Labor Party platform, which supports the concept of freedom of association. I did not argue on those two occasions about the amount of funds that are available to the guilds through compulsory membership, nor did I offer any views about how the funds are spent. It seemed to me on those occasions that I would have a better chance of success if I appealed to the basic principles of members of the House. The fact that the Government would not support the Bill or its own party platform was a great disappointment. I have therefore decided on this occasion not only to argue the principle of the matter, but also to comment on the activities of the guilds. The ALP platform states -

Recognition and protection of fundamental political and civil rights, including freedom of expression, the press, assembly, association, conscience and religion.

The Liberal Party platform states -

The Liberal Party vigorously advocates individual liberty and the right of freedom of speech, religion, organization, assembly, procession and non-violent dissent.



Obviously both major parties support the basic principle of the Bill; that is, that no person should be required by law to join an association against his or her will. The situation which exists in our tertiary institutions is a denial of this principle.

The House needs to understand one simple fact about university guilds and associations; that is, it is not essential, or even vaguely necessary, for a person to be a member of the guild, or to use its services, in order to complete a course of study at a tertiary institution. Guilds are associations of students which provide services as determined by its members from time to time. It is not an inherent part of the academic life of a university; the services provided by guilds are not services which are necessary for a student to use in order to complete his or her course. For example, guilds can be compared with the Commonwealth Parliamentary Association, an organisation which members of Parliament may join if they wish, understanding that they will obtain benefits from membership. However, it is not essential for a member to join the CPA in order to carry out his or her role as a member of Parliament. Members decide whether to join, depending on their opinion of the benefits that membership of the association can provide. Guilds should be the same. Students who wish to use the guilds' services should join; students who do not require those services should not have to join.

For the sake of some members opposite, I emphasise that my Bill would, if passed, ensure that only fully paid up members of guilds would have access to the guilds' services. Those who did not join would not be able to avail themselves of a guild's services. However, all students would have access to all services provided by the university; these services are in effect provided by the taxpayer and the students through their tuition fees. What all this means is that, firstly, compulsory guild membership offends the principle of freedom of association and, secondly, it is not necessary for a student to be a member in order to complete a degree at a university.

Recent events at the Edith Cowan University have been the subject of some media comment. The fact that some \$700 000 appears to have been lost through an unfortunate investment raises interesting questions. One wonders how the association was able to accumulate such a vast sum of money. Obviously the compulsory fees are too high. With a captive market the guilds have set very high membership fees. They are as follows -

UWA	\$155 pa (f/t maximum) \$ 80 pa (p/t maximum)
Murdoch University	\$130 pa (f/t maximum) \$ 65 pa (p/t maximum) \$ 32.50 (external max)
Curtin University	\$120 pa (f/t maximum) \$ 30 pa (p/t minimum)
Edith Cowan University	\$ 98 pa (f/t maximum) \$ 50 pa (p/t maximum)

With compulsory membership the guilds are free to charge whatever they like. The accumulation of funds by the Edith Cowan association is an example of the amount of money involved. The Curtin University guild had accumulated funds of \$1.2 million in 1989 and the UWA guild had accumulated funds of \$5.4 million in 1989. I do not have access to the figure for the Edith Cowan University guild, but I know it is \$700 000 less than it might be. The annual income of the UWA guild from student fees is approximately \$750 000 while the Curtin University guild received \$1.27 million in 1989 from compulsory fees, out of its total income of \$1.8 million. These figures clearly demonstrate that the guilds are not little clubs made up of students who want to practice politics. They are businesses with a significant income and with significant reserves. Any suggestion that they need compulsory membership to make them viable is clearly nonsense.

Another question which is raised relates to the accountability of these guilds. The situation at Edith Cowan University appears to be a result of the treasurer of the association having decided to invest in an organisation run by his stepmother. Hopefully the multiplicity of inquiries into the Western Women group will shed some light on that investment. With such large sums of money involved, it seems that a considerably greater degree of accountability is required. I am sure that the students who have paid the compulsory fee are as anxious as I

am to know how this rather strange investment decision was made. Allegations have been made over the years about the way in which guild funds have been spent. Guilds have been involved in blatant political activities, using funds acquired compulsorily from students who, in many cases, did not support the causes being promoted by the guilds. If guild membership were not compulsory it would be out of order for me to raise any objections to how guilds used their money, provided it was done with the support of the majority of their members, was constitutional, and also lawful.

I conclude by asking members of the House to reflect on the basic principles and to ask themselves whether they support freedom of association. Even if one supports compulsory union membership, it should not preclude one from supporting this Bill - guilds are not unions and their role is not to seek better working conditions for their members; they are service providers and will continue to be supported by students who use their services. Most students would remain as members of guilds if this Bill were passed. However, they would have to become more accountable for their actions because it would be necessary for them to sell their wares in the market place. The situation at Edith Cowan University has again raised the need for an in depth inquiry into the activities of the guilds. Until this is done, and until membership ceases to be compulsory, the community is entitled to the view that serious questions need to be answered about the activities and role of the student guilds. Ironically, these organisations operate in our universities, the very places where, traditionally, freedom of thought, the pursuit of truth and the capacity to express one's views without fear of external interference should be paramount. However, in Western Australia students can be denied the opportunity to sit for examinations if they do not join the guild or pay a compulsory levy to a charity. It is outrageous that our tertiary institutions allow for the abrogation of one of our fundamental rights - the right to freedom of association.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

## TELECOMMUNICATIONS (INTERCEPTION) (WESTERN AUSTRALIA) BILL

### *Second Reading*

Debate resumed from 15 May 1990.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [10.08 pm]: As a very broad summary, the purpose of this Bill is to enable the Western Australia Police Force to be declared an agency of the Commonwealth Telecommunications (Interception) Act. This Bill has had an interesting passage through this House: It was introduced into the Legislative Council 12 months ago, but owing to a hiccup it has not been dealt with until today. The hiccup involved a provision contained in the Bill which required the Ombudsman to undertake certain functions. However, the Ombudsman wrote to you, Mr President, expressing his view that he should not be the person named in this regard. Therefore, the progress of the Bill was slowed.

Telecommunication interception, or phone tapping, has an interesting history in Australia and in this State. In fact, in recent times we have seen a number of people sentenced to terms of imprisonment after being found guilty of phone tapping in this State. In the future, a number of other people will be called before the courts to give evidence and justify their involvement in other phone tapping in Western Australia. You will be aware, Mr President, that when I was a member of the Legislative Assembly in December 1988 I stated that I believed phone tapping in Western Australia was being carried out to a far greater degree than most people would want to accept. As a result of making that statement - which I might say included reference to the fact that I believed that members of the Government were aware of phone tapping in Western Australia - I was called before the Parliamentary Privilege Committee to determine whether I had breached the privilege of the House. In view of the fact that in the meantime people had been sentenced to prison for phone tapping in Western Australia, it would seem reasonable to believe that my earlier comment was accurate. I say again for the record that in due course, as a result of the proceedings of the Royal Commission, we will hear of more instances of phone tapping with which former Government members were involved in Western Australia.

Hon Mark Nevill: It is not illegal to tap your own telephone conversations.

Hon GEORGE CASH: We are talking about intercepting other people's telephone calls. Hon Mark Nevill will know that Robert Smith was sentenced to prison for doing that.

Hon Mark Nevill: Did you say former members of Parliament?

Hon GEORGE CASH: That is right. They were involved in a conspiracy to have certain people's telephones tapped in this State. I would have thought Hon Mark Nevill was aware of that.

Hon Mark Nevill: I am certainly not aware of it.

Hon GEORGE CASH: That is good information to have on the record. I refer to Mr Justice Donald Stewart's report headed "The Royal Commission of Inquiry into Alleged Telephone Interception in Australia" which was published in April 1986. He was originally appointed on 24 June 1981 by the Commonwealth Government to inquire into and report on the activities of Terrence John Clark and persons associated with him involving contravention of laws of the Commonwealth. In general terms it was a case of a Royal Commission being appointed to inquire into drug trafficking in Australia. Mr Justice Stewart's findings are now history. Members will be aware that in March 1985 the Commonwealth varied the terms of reference which it had earlier given Mr Justice Stewart to investigate drug trafficking in Australia to include investigations to determine whether there existed in the possession of any person, including any member of the New South Wales Police Force or the Australian Federal Police, any information or material, including documents or taped recordings arising out of or relating to the unlawful interception, on or before 28 March 1985 in New South Wales relating to communications passing over a telephone communications system, being information or materials that disclosed the commission of criminal offences or the possible commission of criminal offences against a law of the Commonwealth or of a Territory and which warranted further investigation.

A number of other references were included in the Commonwealth letters patent to Mr Justice Stewart dated 29 March 1985. As a result of the investigations by Mr Justice Stewart and certain revelations which had been published in various Eastern States newspapers, it is interesting to note that on 3 April 1985 the New South Wales Government issued letters patent to Mr Justice Stewart. Those letters patent, in part, included exactly the same reference that I have just mentioned from the Commonwealth. It also included some other and separate references which Mr Justice Stewart was required to consider. By 17 June 1985 the Victorian Government had issued letters patent to Mr Justice Stewart. They were somewhat different from the Commonwealth and New South Wales references but essentially they led Mr Justice Stewart to consider the same general area; that was, the question of illegal phone tapping by certain police officers in Victoria. The Victorian letters patent were worded in the following manner -

- (a) whether any unlawful interception by a member of the police force of Victoria acting in collaboration with, or in the course of an investigation conducted by members of the police force of Victoria with members of the New South Wales police force or the Australian Federal police took place on or before 28 March 1985 in Victoria or New South Wales of communications passing over a telecommunications system;
- (b) If any such unlawful interception took place, whether there exists, in the possession of any person (including any member of the Police Force of Victoria or the Australian Federal police) any information or material (including documents or tape recordings) arising out of or in relation to that interception, being information or material that discloses the Commission of criminal offences or the possible Commission of criminal offences against the law of Victoria, New South Wales, the Commonwealth or a Territory of the Commonwealth and which warrants further investigation; and . . .

Other terms of reference are included in those letters patent but, for the purpose of tonight's debate, the matters to which I have referred are sufficient.

That generally introduces the situation that now brings us to tonight's debate. It is fair to say that telecommunications is an area of Commonwealth responsibility under the Constitution and is regulated entirely by Commonwealth legislation. In the 1960s the Commonwealth legislated to allow the Australian Security Intelligence Organisation to tap phones for

national security purposes and later the Australian Federal Police Force was also granted the power to tap telecommunications. Also, for many years the interception of telecommunications remained the domain of the Commonwealth. As I have already stated, the Stewart Royal Commission in the 1980s raised certain problems concerning telephone interceptions in Australia and as a result of the considerations of Mr Justice Stewart it became clear that there was evidence to support the view that the New South Wales and Victorian State Police Forces had been involved in illegal telephone interception. In considering the various matters brought before his Royal Commission, Mr Justice Stewart later recommended to the Commonwealth Government and the then State Governments of New South Wales and Victoria that amendments be made to enable State Police Forces to be given the power to tap telephones in those States.

I will read to the House the summary of recommendations contained in Mr Justice Stewart's report. It will indicate to members that it was Justice Stewart who recommended a widening of the phone tapping powers as we now know them in Australia. I refer to page 354 of his report which was published in 1986 as follows -

1. Amendments to legislation to extend the power to conduct telephone interceptions to police forces of the States and Territories and the National Crime Authority, be made as soon as possible.
2. It is recommended strongly that the legislative limitations on the use of telephone interceptions to drug trafficking offences only be removed.
3. The power to issue warrants should be restricted to Judges of the Federal Court and of Supreme Courts of the States or Territories.

He then referred to the Commonwealth Act. To continue -

4. The Act be further amended to give discretion to a Judge to authorise telephone interceptions by warrant after considering:
  - the gravity of the matters being investigated;
  - the extent to which the privacy of any person is likely to be interfered with; and
  - the extent to which the prevention or detection of the crime in question is likely to be assisted.

A number of other recommendations are contained in that report, but for the purpose of this debate there is no need to read them to the House.

The Commonwealth Government, having received Mr Justice Stewart's report, referred the question of extending the powers for telephone tapping to an all party joint Select Committee. The committee was appointed in April 1986 and in November that year it reported to the Commonwealth Parliament. It is interesting to read that report and some of the qualifications that the Federal members placed on the extension of telephone tapping. They raised a number of key issues and for the record I will refer to them. They are contained in the Senate *Hansard* of 20 November 1986 at page 2619. The key issues identified were -

- a. The requirement of law enforcement agencies to have rapid access to the information which would assist in countering organised and drug-related crime and in solving other serious criminal offences;
- b. The protection of individual privacy from unwarranted intrusion;
- c. The prevention of abuse of interception powers;
- d. The protection of the integrity of the telecommunications system;
- e. The need for a thorough and practicable system of safeguards, consistent with administrative efficiency;
- f. The requirement for a streamlined system for the lawful implementation of interception;
- g. The admissibility of evidence gained through legal and illegal interception;
- h. The communication of information gained through legal interceptions, and;

- i. The problems created by the free availability of devices capable of effecting illegal interceptions.

In 1987, as a result of the Senate committee's considerations, the Federal Government made some very significant amendments to the Telecommunications (Interception) Act of 1979. Provided, as part of those amendments, were provisions whereby a State Police Force, if it so wished, could declare itself an agency of the Commonwealth for the purposes of the Act. However, it is important to recognise that certain preconditions have to be fulfilled before a State can be in a position of being an agency of the Commonwealth for the purposes of the provision of the Commonwealth Government's Telecommunications (Interception) Act. These preconditions are, in part -

- (a) the Premier of the relevant State so requests;
- (b) the State has in place specified legislative safeguards; and
- (c) the State enters into an agreement to pay:
  - (i) all expenses connected with the issue of a warrant;
  - (ii) all expenses incurred in connection with the execution of a warrant; and
  - (iii) "an appropriate proportion" of the expenses incurred in establishing the Telecommunications Interception Division of the Australian Federal Police.

The legislative safeguards that a State must have in place reflect those which apply to Federal law enforcement authorities. They include:

- obligations on the Chief Commissioner of Police to keep detailed records of each application for a warrant and the outcome of its execution;
- regular inspection of these records by an independent authority, such as the Ombudsman and the furnishing of reports on those inspections;
- the provision to the responsible Minister of copies of all warrants and reports on the use made of information obtained, as well as detailed annual reports; and
- a requirement that the State Minister forward all this information to the Federal Minister.

As the ultimate sanction, if a State fails to comply satisfactorily with these requirements, the Commonwealth can revoke its declaration, thereby depriving the police of access to telephone-tapping powers.

The Senate Select Committee certainly considered the matter and the States now have to comply with the preconditions before they can become agencies of the Commonwealth.

The Bill before the House generally agrees with the requirements of the Federal legislation. It is an enabling Bill, as such, and is similar to the enabling legislation which has already been enacted by the States of New South Wales, Victoria and South Australia. It is interesting to note that the Federal Attorney General's office has considered the provisions of the Western Australian Bill and has indicated that they are acceptable to the Commonwealth in their present form.

Telephone tapping is a subject which often draws much comment from those in the community who jealously seek to protect the rights of individuals. Many people in the community would shudder to think that we were prepared to extend the provisions of phone tapping and they would require very special controls to be put in place to protect law abiding citizens and allow them to get on with their lives without having Big Brother monitoring every move they make and step they take. The Liberal Party has a proud record for standing up for the rights of the individual and has studied the Commonwealth Act and the enabling State Bill. It has made sure that every step has been taken in the provisions of the Bill to ensure that law abiding citizens in Australia will have their individual rights protected.

As a State Parliament we must recognise that we have a modern, high technology society. It is an ever changing society. If we are to provide the police with highly technical equipment of the sort that is obviously being used by organised crime in Australia, and in Western

Australia in particular, it is not unreasonable for us to agree to extending the powers of the State Police Force to enable it to tap phones for such serious crimes as murder, kidnapping and trading in narcotics. I mentioned matters other than drug trafficking. In the early 1980s it was believed that phone tapping should be used only in the case of serious drug trafficking offences. As a result of Justice Stewart's considerations and his recommendations from evidence given at the various Royal Commissions that he was in charge of, it is now considered that phone tapping should extend past the serious offences of drug trafficking to include other offences.

It is also important to note that the Commonwealth Telecommunications (Interception) Amendment Bill provides for two classes of offence and separate requirements on the police to justify making application for a warrant to tap phones in respect of those offences. There are also separate requirements on the Federal Court judges when they give consideration to granting a warrant. There are two separate classes of offence. One is a class one offence, and under the definition in the Act that means -

- (a) a murder, or an offence of a kind equivalent to murder;
  - (b) a kidnapping, or an offence of a kind equivalent to kidnapping;
  - (c) a narcotics offence; or
  - (d) an offence constituted by:
    - (i) aiding, abetting, counselling or procuring the commission of;
    - (ii) being, by act or omission, in any way, directly or indirectly, knowingly concerned in, or party to, the commission of; or
    - (iii) conspiring to commit;
- an offence of a kind referred to in paragraph (a), (b) or (c);

and, except for the purposes of an application for a warrant by an agency other than the Authority, includes an offence in relation to which the Authority is conducting a special investigation within the meaning of the Authority Act; . . .

A class two offence means -

- (a) an offence punishable by imprisonment for life or for a period, or maximum period, of at least 7 years, where the particular conduct constituting the offence involved, involves, or would involve, as the case requires:
  - (i) loss of a person's life or serious risk of loss of a person's life;
  - (ii) serious personal injury or serious risk of serious personal injury;
  - (iii) serious damage to property in circumstances endangering the safety of a person;
  - (iv) trafficking in narcotic drugs;
  - (v) serious fraud; or
  - (vi) serious loss to the revenue of the Commonwealth or of a State; or
- (b) an offence constituted by:
  - (i) aiding, abetting, counselling or procuring the commission of;
  - (ii) being, by act or omission, in any way, directly or indirectly, knowingly concerned in, or party to, the commission of; or
  - (iii) conspiring to commit;

an offence that is a class 2 offence by virtue of paragraph (a).

It is important to understand the requirements imposed on judges when they are considering whether to grant a warrant. With the forbearance of the House I will read into the record the requirements imposed on Federal Court judges which they have to consider before issuing a

warrant. The reason I seek the forbearance of the House to do this is that the section in the Commonwealth Telecommunications (Interception) Act is fairly lengthy but it is important for those who in due course question whether sufficient concern has been paid to a law abiding person's privacy to know that Federal Court judges have to consider a considerable number of things before they are able to issue a warrant in respect of these offences. The Act provides a different set of criteria for a class one offence compared with a class two offence. The following provision relates to a warrant for a class one offence -

"45. Where an agency applies to an eligible Judge for a warrant in respect of a telecommunications service and the Judge is satisfied, on the basis of the information given to the Judge under this Part in connection with the application, that:

- (a) Division 3 has been complied with in relation to the application;
- (b) in the case of a telephone application - because of urgent circumstances, it was necessary to make the application by telephone;
- (c) there are reasonable grounds for suspecting that a particular person is using, or likely to use, the service;
- (d) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to assist in connection with the investigation by the agency of a class 1 offence, or class 1 offences, in which the person is involved; and
- (e) having regard to:
  - (i) the extent to which methods of investigating the offence or offences that do not involve so intercepting communications have been used by, or are available to, the agency;
  - (ii) how much of the information referred to in paragraph (d) would be likely to be obtained by such methods; and
  - (iii) how much the use of such methods would be likely to prejudice the investigation by the agency of the offence or offences, whether because of a delay in obtaining some or all of that information or for any other reason;

some or all of that information cannot appropriately be obtained by such methods;

the judge may, in his or her discretion, issue a warrant authorising interceptions of communications made to or from the service.

Section 46 of the Telecommunications (Interception) Act provides in relation to a class two offence -

"46. (1) Where an agency applies to an eligible Judge for a warrant in respect of a telecommunications service and the Judge is satisfied, on the basis of the information given to the Judge under this Part in connection with the application, that:

- (a) Division 3 has been complied with in relation to the application;
- (b) In the case of a telephone application - because of urgent circumstances, it was necessary to make the application by telephone;
- (c) there are reasonable grounds for suspecting that a particular person is using, or likely to use, the service;
- (d) information that would be likely to be obtained by intercepting under a warrant communications made to or from the service would be likely to assist in connection with the investigation by the agency of a class 2 offence, or class 2 offences, in which the person is involved; and
- (e) having regard to the matters referred to in subsection (2), and to no other matters, the Judge should issue a warrant authorising such communications to be intercepted;

the Judge may, in his or her discretion, issue such a warrant.

"(2) The matters to which the Judge shall have regard are:

- (a) how much the privacy of any person or persons would be likely to be interfered with by intercepting under a warrant communications made to or from the service referred to in subsection (1);
- (b) the gravity of the conduct constituting the offence or offences being investigated;
- (c) how much the information referred to in paragraph (1)(d) would be likely to assist in connection with the investigation by the agency of the offence or offences;
- (d) to what extent methods of investigating the offence or offences that do not involve so intercepting communications have been used by, or are available to, the agency;
- (e) how much the use of such methods would be likely to assist in connection with the investigation by the agency of the offence or offences; and
- (f) how much the use of such methods would be likely to prejudice the investigation by the agency of the offence or offences, whether because of delay or for any other reason.

That is the provision for class two offences. I should indicate that a time limit of 90 days is imposed as the duration of a warrant. Some special requirements are placed on police officers who have been granted a warrant to intercept communications. They are required to make a clear declaration that the information received will not be passed on to any unauthorised person, and in dealing with the information they have to make declarations about the value or use of the information received on matters which they are investigating. If it is clearly shown that the interceptions do not support cases which they might be investigating, the police officer involved must report that to his superior and the telephone interception must stop. Provision is made for the warrant for the telephone interception to be revoked at any time by a judge, the judge having the discretion to so revoke. The Commonwealth Act also contains very special provisions in regard to keeping records and the distribution of information. When the records are not required they are destroyed. The police are required to maintain comprehensive records showing which warrants have been issued, which have been revoked, any inspections made, and any records in police possession.

There is a suggestion that the Ombudsman in Western Australia should be the person nominated by this Parliament to be the responsible officer to check on the activities of the police when they are involved in telephone interceptions. Members will recall that soon after the second reading of this Bill, the then Ombudsman, Mr Eric Freeman, wrote to you, Mr President, expressing his concern at being nominated in the Bill to check the activities of the police. I do not intend to read his letter to the Parliament because it is a fairly lengthy letter, but at the time the Minister for Police indicated that there would be a need for discussions to be held with him, the leader of the National Party and me, to try to come to some solution about who the authorised officer should be. I regret to say that that discussion did not occur. I regret further that the Minister for Police is not able to be in the House tonight owing to other parliamentary commitments, but I give notice to the Government that a need exists for considerable discussion with the Opposition in regard to nominating the Ombudsman, if that is still the Government's intention. The discussions will need to satisfy the Opposition that the Ombudsman is prepared to accept that responsibility. Although I note that the Ombudsmen in New South Wales and Victoria carry out the functions required, in South Australia that responsibility falls on the Police Complaints Board. That is something we can discuss with the Minister for Police in due course.

It is interesting to note the situation in some other countries. Australia is not unique in authorising certain of its agencies to tap telephones. The Stewart Royal Commission report published in 1986 indicates at page 309 certain overseas practices in respect of the interception of telephone communications. I can see that Hon Joe Berinson is keen to know what is happening in other parts of the world.



Hon J.M. Berinson: It is not just my thirst for knowledge but my enthusiasm for your presentation.

Hon GEORGE CASH: The Swedish Constitution prohibits the interception of telephone conversations except in accordance with the provisions of any enactment. There are two circumstances under Swedish law where telephone interceptions are permitted, and these are covered by a lengthy explanation in the Stewart report; perhaps too lengthy for me to read into *Hansard* tonight. Suffice it to say that Sweden allows telephone interception under certain circumstances. In Denmark, legislation dealing with the interception of telephone conversations was passed by the Danish Parliament on 6 June 1985. Telephone communications may be intercepted by police only where there is good reason to believe that messages are being sent or received by a suspect and that the use of the interception will have a considerable bearing on the outcome of the case. The suspected offence must be one punishable by imprisonment for six years or more, or a specified offence, including offences relating to national security, assisting a prisoner to escape, evading national service, blackmail, tax evasion and smuggling. The Netherlands Constitution permits the interception of telephone conversations only in criminal proceedings or for the security of the State. In France, it appears that there is no legislation specifically dealing with the interception of telephone conversations. The law - 70/764 of 17 July 1970 - to strengthen the protection of individual rights of citizens explicitly acknowledges the right to privacy. That law, however, has no specific provision in relation to the interception of telephone conversations.

In the Federal Republic of Germany the interception of telephone conversations is regulated by a 1968 Act to limit postal and telephone secrecy. That Act permits telephone interceptions in matters involving threats to the free and democratic order, national security, or to armed forces stationed in the Federal Republic of Germany. It must be shown that real indications exist giving rise to the suspicion that such crimes are being planned or have been perpetrated. Article 10A of the Austrian basic constitutional law establishes the generally inviolate right to privacy of telephone conversations except in cases where a judicial order is obtained in accordance with the law. In Italy, the Code of Criminal Procedure regulates the interception of telephone conversations. The code provides that, on authorisation by a magistrate, the police or certain officials may intercept telephone conversations in the investigation of offences carrying a penalty in excess of five years' imprisonment, drug offences, offences concerning arms and explosives, smuggling, and the making of threatening and nuisance telephone calls. In the United Kingdom, the interception of telephone conversations is regulated by the Interception of Communications Act of 1985. Members will be aware that in the United States of America the interception of telephone conversations is regulated by 18 United States code sections 2510 to 2520. That clearly indicates the extent that other countries allow telephone interception. Many more countries are listed in the Stewart Royal Commission report. However, given the time available, I see no need to advise on the situation in other countries.

The Opposition supports the enabling Bill. I now summarise the Bill as I have already described it: Firstly, telecommunications is a Federal responsibility. The Federal Government enacted the Telecommunications (Interceptions) Act in 1979; it was amended in 1987 following the report of the Senate Select Committee to allow States to become an agency of the Commonwealth for the purposes of the Act. Our Act provides for safeguards to protect individual rights. The enabling Act will, because of the provisions of the Federal Act, allow intercepts only on application to a Federal Court judge, and there will be a need to state the reasons for the telephone tap and other related details. A Federal Court judge may grant at his or her discretion an application for a warrant for a period of not more than 90 days. Severe penalties are provided in the Federal Act for the misuse of information. Provision is made in the Federal Act for records to be kept of all warrants, intercepts, and information received; and for the destruction of that material. Provision is made in the State enabling Act that the Ombudsman is required to inspect records and facilities and to report to the Minister. Provision is also made for penalties in the Federal Act to cover any misuse of information or records by the Minister's staff. Similar enabling legislation exists in New South Wales, Victoria and South Australia. The Opposition supports the Bill.

Before closing, because I have had responsibility for the shadow Police portfolio since 1986, and having had an interest in the question of policing and, in particular, the problems that can

be associated with telephone tapping, I want to relate some comments in Press releases that were distributed in 1986. Members will recall that in 1986 the then Minister for Police, Mr Carr, said that he believed that the State police should be granted authority to tap telephones in particular circumstances. As the shadow Minister for Police at the time, I said that the Opposition agreed with the concept of the State police being granted telephone tapping powers. We also suggested that a need existed for strict criteria to apply; that is, basically those which now appear in the Commonwealth Act. I was interested to read an article in *The Western Mail* dated 14 June 1986. The article was published after Mr Carr, the then Minister for Police, had stated that he supported telephone tapping, and certainly after the Opposition had given its support to telephone tapping. The statement by the then Premier, Mr Burke, under the heading "Phone taps still trouble Burke", reads in part -

Premier Brian Burke has admitted to grave reservations about giving State police powers to tap telephone calls.

Further on, the article reads -

Mr Burke said he agreed to extending limited phone taps to State police at the Drug Summit only because the growing drug problem in Australia was so horrendous.

Mr Burke said -

"At the same time I am troubled by the potential effect on civil liberties that phone taps could result in,"

That is an interesting statement from former Premier Burke. In June 1986 he claimed that he was troubled by the potential effect on civil liberties which telephone taps could produce. He went on in the article to say that he believed that Mr Carr was mistaken when he supported the concept of telephone taps. I invite the House to consider the words of the then Premier Burke and some of the events that have occurred since that statement.

Hon D.J. Wordsworth: It shows he was completely insincere.

Hon GEORGE CASH: Yes, but in due course - that is, if the Federal Police and the State Police have not already determined - it might be shown that in fact Mr Burke was himself involved in a telephone tapping operation in this State, the like of which we have never seen before. It interests me that Mr Burke should be saying in 1986 that he was troubled by the potential effect on civil liberties that telephone taps could result in, when it would appear from evidence from the Royal Commission, some published in the newspapers, that a certain BB - and we do not know the identity of BB - might have been paying people such as Robert Smith and others to tap telephones of people in Western Australia. That is something that will come out in due course. By the time the Royal Commission has finished we will discover that in recent years in Western Australia telephone tapping has gone on in this State - unparalleled in any other State in Australia.

Hon Mark Nevill: Have you ever been involved in telephone tapping?

Hon GEORGE CASH: I do not believe I have ever been involved in telephone tapping. If the member has any information that suggests that I or any other member -

Hon Mark Nevill: I do not have any information. I wanted to hear you answer no.

Hon GEORGE CASH: If the member believes that any member of this House, or indeed the other House, has been involved in telephone tapping, he has the obligation as a member of Parliament to make available that information to the Australian Federal Police.

Hon Mark Nevill: Don't put words into my mouth.

Hon GEORGE CASH: I took the opportunity three years ago to make a statement in Parliament that I believed that a lot of telephone tapping was occurring in Western Australia. I went so far as to say that I believed that Government Ministers were aware, in part, of that telephone tapping. The House should not forget that I said earlier that I was called before a Committee of Privilege established to try to determine how much I knew, but members of this House might not know that I asked for eight witnesses to appear. The first two witnesses on the list were Brian Burke and Terry Burke, and then a number of other people - one of whom was Robert Smith, who has since been convicted of telephone tapping - who I believe could have furnished information to the Australian Federal Police on their activities at the time. That is a debate for another time.

At the Committee stage of this Bill I intend to seek assurances from the Minister that the Ombudsman is prepared to act in the capacity outlined by the Bill. In the meantime, I indicate the Opposition's support for the Bill.

Debate adjourned, on motion by Hon E.J. Charlton.

### ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [11.00 pm]: I move -  
That the House do now adjourn.

*Adjournment Debate - Cameron, Mr Clyde - Australian Labor Party Comments*

HON R.G. PIKE (North Metropolitan) [11.01 pm]: The House ought not to adjourn until it gives consideration to an article appearing in today's *Brisbane Courier Mail* and in *The West Australian*. The article in the *Courier Mail* states -

The Federal Labor Party was at war with its traditional voters and would have to be voted out at the next election, former Labor Minister with the Whitlam government, Mr Clyde Cameron, said yesterday.

Mr Cameron was key speaker at yesterday's 100th May Day Anniversary rally and said voters were now left with no alternative but to sack all Labor politicians who had "betrayed traditional Labor policies and principals".

Hon Mark Nevill: What did he say about Liberal politicians?

Hon R.G. PIKE: The article continues -

He said the government was responsible for skyrocketing interest rates and for "bringing on the worst recession since the disastrous depression of the Thirties".

He said the party should revert to its socialist roots by providing the greatest good for the greatest number.

Hon J.M. Berinson: And are you agreeing with him, Mr Pike?

Hon P.G. Pendal: You should know, he was your mate, Mr Berinson. You served with him.

Hon R.G. PIKE: The article continues -

Mr Cameron said it was not surprising ALP membership had dropped to 50,000, because its parliamentarians were in direct conflict with voters on privatisation, uranium, media monopoly, monetary policy, wages policy, taxation and banking issues.

Hon J.M. Berinson: You agree with Mr Cameron do you, Mr Pike?

Hon Mark Nevill: You are becoming a socialist.

Hon R.G. PIKE: The article continues -

"Labor politicians' switch from socialism to corporatism in Western Australia, Victoria and South Australia has been a political catastrophe for Labor" he said.

Hon E.J. Charlton: They were not very successful.

Hon R.G. PIKE: In *The West Australian*, dealing with the same matter, there is an additional comment by Mr Cameron which does not appear in the *Courier Mail*. That comment is -

Canberra politicians had done the same thing by privatising companies set up under former Labor rule.

"As a consequence of what is now happening, the movement which gave rise to the formation of the great ALP in 1891, is now demanding a clean sweep of those who have betrayed their trust so that Labor's future will indeed be able to match its glorious past," Mr Cameron said.

It is time that we had one of these lessons and in my hand I have the Australian Labor Party's State Platform -

Hon J.M. Berinson: Not again!

Hon P.G. Pental: You have certainly forgotten its contents, Mr Berinson.

Hon J.M. Berinson: It is no wonder you have a photostat, you must have worn out your original copy.

Hon R.G. PIKE: The platform says -

The Australian Labor Party is a democratic socialist party and has the objective of the democratic socialisation of industry, production, distribution and exchange, to the extent necessary to eliminate exploitation and other anti-social features in these fields.

Hon J.M. Berinson: How would you be on the phrase, "to the extent necessary"?

Hon Mark Nevill: Which year's platform do you have?

Hon R.G. PIKE: I am referring to 1989. The second objective in the State platform is -

Establishment and development of public enterprises, based upon Federal, State and other forms of social ownership, in appropriate sectors of the economy.

Then further on the platform continues -

Democratic control and strategic social ownership of Australian natural resources for the benefit of all Australians.

Hon J.M. Berinson interjected.

Hon R.G. PIKE: Hon J.M. Berinson can have his turn in a moment.

Hon T.G. Butler: But do you agree, Mr Pike?

Hon R.G. PIKE: We will hear that in a moment. Of course, so that their platform can be properly in tune with the worldwide trends of socialism, item 21 on page VI states -

Commitment to and participation in the international democratic socialist movement as represented by the Socialist International.

Hon J.M. Berinson: Is that little Roman numeral vi?

Hon R.G. PIKE: What must be noted, and this is what it is all about, is the manifest hypocrisy of members of the Government in this place and in the other place by their constant disclaiming of their own rules and their own platform; that is, the massive dichotomy of what they stand for and what they do, and the problem that exists between the left members of that party who still hold to those socialist principles. While I do not agree with them in any way, which members may have gathered by my performance in this House over a period of years, I understand very clearly what they stand for.

Hon J.M. Berinson: You are a closet pinky.

Hon R.G. PIKE: The departure from that party by some of its left members in the other House has resulted because of the manifest hypocrisy of the Government in legislating contrary to what it says it stands for, and the disillusionment of the left of that party is because of the principles, and because of activities in this place by members like the leader, Hon J.M. Berinson, and his predecessor, who are forever disclaiming what their platform says they stand for by what they actually do when they are in Government.

Hon J.M. Berinson: My predecessor in what position?

Hon R.G. PIKE: Whatever members opposite might say about the National Party and the Liberal Party in this place our steadfast belief in free and competitive enterprise and less government, not more, is something with which we always act in accord. Members will not find on this side the manifest hypocrisy that exists on that side of the House in regard to what those members stand for. The real issue, and the reason I raised this matter - and members opposite may notice that the privatisation argument was used by Clyde Cameron as being one that is absolutely against what the Labor Party stands for, and nobody on the Labor side is about to deny it because that is what their platform says - is that nobody is more entrenched in, or has more knowledge of the history of, the Labor Party in this Commonwealth of Australia than Clyde Cameron. Indeed, Hon J.M. Berinson would have served with Clyde Cameron for some time and would have profound respect for him, as would Hon Tom Butler, for his fundamental belief in socialism and what the Labor Party stands for.

Hon J.M. Berinson: I would not elevate him to being the prime authority on the subject.

Hon R.G. PIKE: What members opposite will do, which is what they do with all their leaders, is that they will hip hip hooray them one day and jettison them the bloody next. We will see more of that happening, I am sure, in the very near future. It was absolutely proper and timely -

The PRESIDENT: Order! I do not know why it is that every time we have an adjournment debate, when a member is endeavouring to advise us why we should not adjourn, honourable members persist in endeavouring to prevent his telling us. I suggest that members allow him to continue.

Hon R.G. PIKE: I reiterate the point that we have had a saga in this place from the hip hip hoorays opposite, going through Burke and Dowding - and there will be more to come yet, I am sure - who are literally cock of the walk one day, and a feather duster the next; the transition from their eminence to their great descent into the morass of what has been happening to them is well known by everybody. Yet they keep up this saga, this manifest hypocrisy of pretending that it is all okay. I am merely saying to the House that the record should show that Clyde Cameron - a man of his eminence - has put his finger on the nub of why this Labor Party is going nowhere: The Labor Party has deserted its constituency; it stands for nothing except expediency and pragmatism, and because of that it will be consigned to the scrap heap of history when the next election comes around. It is in grave danger of losing its identity because it has prostituted the principles with which I disagree, but in which members opposite are supposed to believe.

Hon Mark Nevill: Does that disappoint you?

Hon R.G. PIKE: I invite Hon Fred McKenzie to enter this debate and say that he disagrees with what I am saying. He and the other lefties on the other side - notwithstanding the facade of humour with which we are being presented - know that what I am saying is correct.

*Adjournment Debate - Fruit Prices - The West Australian Report Cessation*

HON PETER FOSS (East Metropolitan) [11.10 pm]: I wish to draw the attention of the House to the fact that the fruit prices report has ceased to be published in *The West Australian*.

Hon T.G. Butler interjected.

Hon PETER FOSS: This is a serious matter. It affects Hon Tom Butler's constituents. Some time ago we debated the fact that the Australian Broadcasting Corporation ceased to report fruit and vegetable prices. However, the fruit prices have now ceased to be reported in *The West Australian*. There is no way whereby growers are able to obtain the details of the prices being paid at the markets. I understand that the reason for stopping the report in *The West Australian* was that figures were no longer being given to *The West Australian* for publication. Members may know that a levy is paid by producers for advertising their products and part of that was being used to fund a person whose job it was to collate the information for the report. I understand that person is still there. However, for some reason, the person was unable to collate the information. It is said that the reason it is not being done is because she was not getting full information from the operators on the floor; other reasons have been also suggested. I do not know the exact reason for that information not being obtained. The important thing is that the growers are paying for that information to be collated and for some reason the information is not being collated.

Hon Sam Piantadosi: Rubbish. If the market trust has no idea of prices, it may be that those people should not be there.

Hon PETER FOSS: That is a good point. The complaint comes from the growers. The growers are saying that the information on fruit is not being published and I understand that *The West Australian* says that it is not being published because it is not being provided by the market.

Hon Sam Piantadosi: All you have to do is go on the floor of the market to find out the price.

Hon PETER FOSS: Someone is employed to do that. Someone has the job of finding that out.

Hon J.M. Berinson: By whom?

Hon PETER FOSS: By the market. The excuse may be entirely adequate. I do not know what the excuse is. All I know is that the result has been that the fruit prices are not being published and that is a matter of considerable concern for small fruit growers. The reason it is extremely serious for small fruit growers is that they need to know what they should send to market, when they should send it and what quantity they should send. They are finding that, because they do not have the fruit prices, they may send a truckload of fruit to the market and all they get back is their boxes because the fruit was not able to be sold as there was no demand for it. They really do not know how they can respond to the market.

Hon J.M. Berinson: To whom do they pay a levy?

Hon PETER FOSS: They pay a levy to the market trust. They say they are no longer getting the fruit price. They will be receiving other services from the levy. That is not the only service that arises from the levy. As far as the small grower is concerned, the market information is a very important service. A market works by information being freely exchangeable. They cannot necessarily check all of the prices on the market. It seems perfectly reasonable for them to expect that the information should be published. I have the same problem as the fruit growers and that is that they have been told various things about why the service has ceased. The fact is that the publication of the prices has ceased. The important thing is that that is seriously disadvantaging the fruit growers, especially the small fruit growers who do not have contracts which give them a guaranteed return and guaranteed people whom they supply. The small fruit grower is most reliant upon this service and most needs to have this information. It is very important that the House notes that, whatever the reason, the information on fruit is not being provided to growers through *The West Australian* and it is important that that service be resumed as soon as possible.

Hon Tom Helm: Is this the end of the free enterprise system?

Hon PETER FOSS: There may not be much fruit grown and sent to the market from Hon Tom Helm's electorate and therefore his constituents may not be concerned about this matter. However, Hon Tom Butler and I are very concerned about it because it concerns a large number of our constituents. That is why we are taking the matter considerably more seriously than Hon Tom Helm.

Several members interjected.

Hon PETER FOSS: I am a little disturbed about the jocularity with which members opposite are greeting this matter because it indicates why this State is in financial difficulties. If that is the Government's attitude to free enterprise and to people who have to grow their own fruit and who have to rely upon a market which is subject to an instrumentality set up under legislation in this Parliament, I am not at all surprised that Western Australia has one of the highest rates of bankruptcy in Australia.

Hon J.M. Berinson: You were doing well until then, Mr Foss. Have you approached the trust director?

Hon PETER FOSS: No, I have not. It is important that people realise that this is a serious matter for growers. It may be late but the fact that members opposite cannot understand the seriousness of this matter should not cause them to make comments which I consider unfortunate. I have raised this matter because it is of serious concern to my constituents. I am concerned that the service is not being provided and I hope that, as a result of the concern that I have raised today, something will be done to ensure that the service is resumed.

HON SAM PIANTADOSI (North Metropolitan) [11.17 pm]: I will not take long. Clarification needs to be made about the system and how the market operates. I do not believe that, because one interjects, one is not interested in what happens to fruit growers. I was involved in the industry and worked at the markets for eight years. Part and parcel of the problem has been the growers. They have caused many of the problems by dealing direct. That has fragmented the system. The original system was an auction system which dictated a price. The growers have moved to a private treaty system and the growers are completely at the mercy of the private entrepreneur who dictates the price. What they get sometimes is the price of their crates, less their commission and handling charges. Sometimes, therefore, it costs them money and they do not get a return for their fruit. Hon Peter Foss could tell the growers that, if they returned to the auction system, they would not need to rely on the newspapers, the radio or anything else because the auction system

dictates the price and that price would be guaranteed. The private treaty owner-operators relied on the auction system as a yardstick for their prices.

Hon D.J. Wordsworth: It is strange that your Government sold the Midland abattoirs.

Hon SAM PIANTADOSI: Hon D.J. Wordsworth can have his say later.

The PRESIDENT: Order!

Hon SAM PIANTADOSI: They relied on the auction system for a price. Many cases of fruit were sold before the auction and as soon as the auction was finished the inspector would go to each operator at the market and get a price from them. The inspectors are still there. They are paid by the trust and they collate the information. Growers are also entitled to go to the market to see how their produce is sold.

Hon Murray Montgomery: Do you expect people to travel 200 kilometres to do it?

Hon SAM PIANTADOSI: No, but many of them are not travelling 200 kilometres from Kalamunda, Piesse Brook and Pickering Brook.

The other course of action available to them is to put a reserve price on their produce. This can be done by private treaty, and by taking this course of action they would be provided with a guarantee. In the past the Government, through the commission and the resources that have been channelled into the new Metropolitan Markets, has allocated funds to combat fruit fly, apple scab and other diseases affecting the fruit growing industry. Hon Peter Foss cannot say that the Government is doing nothing for orchardists because it simply is not true. If he is to be a responsible member of Parliament he should inform the people he represents of what is available to them. Perhaps he should call a meeting of concerned people to discuss a method of reverting to the auction system which provided the growers and orchardists with the greatest form of protection they have ever had. They went away from that system because of the quick buck they thought they would get from dealing direct. I worked in the industry and I am aware of when and how it began to fragment. If the growers and orchardists were honest they would tell Hon Peter Foss that this is what happened. They should consider the role they played in breaking down the system and implementing a new system which is now working against them. It was all done because of the lure of the quick buck they thought they would get from going direct and from bypassing the system.

Question put and passed.

*House adjourned at 11.22 pm*

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## QUESTIONS ON NOTICE

CENTRAL PARK DEVELOPMENT - ESJAY PTY LTD  
*Joint Venture Loans Liability - Release Cost Increase*

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

Can the Treasurer advise the reason why the cost of the release of Esjay Pty Ltd from liability of its joint venture loans with the ongoing development of the Central Park project had risen from \$5.1 million at 30 June 1988, to \$13 850 539, when the later sale was settled (Auditor General's Report page 20)?

Hon J.M. BERINSON replied:

The Minister assisting the Treasurer has provided the following reply -

Between the period 30 June 1988 and the settlement date 16 February 1989, a further \$17.6 million was spent on the project, of which Esjay's share was \$8.8 million, under the joint venture mortgage finance arrangement. Hence with GESB acquiring the whole project, Esjay was required to be released from its total liability to that date of \$13.9 million.

POLICE DEPARTMENT - SHIRT CONTRACT  
*Purchase Justification*

277. Hon R.G. PIKE to the Minister for Education representing the Minister for Services:

Will the Minister advise the justification for the Government's purchase of in excess of 7 000 police shirts from China instead of from Roland Smith of WA, shirt manufacturer as reported in *The West Australian* on 19 March 1991?

Hon KAY HALLAHAN replied:

The Minister for Services has provided the following response -

The quote submitted by Roland Smith WA was 34 per cent more expensive than the offer that was accepted from Kinar Pty Ltd.

## UNIVERSITIES - STUDENT IDENTITY CARDS

279. Hon N.F. MOORE to the Minister for Education:

- (1) Do the tertiary institutions in Western Australia provide students with a means of identifying themselves as students, for the purposes of obtaining discounts which are applicable to students?
- (2) If so, in what form does this identification take?
- (3) If not, is it correct that such identification is only provided by the various student guilds and is only available to guild members?

Hon KAY HALLAHAN replied:

- (1) Each enrolled student is issued with a student identity card by the university. The card is used for general identification purposes on campus, for example, when borrowing from the library, to gain access to computer laboratories or examination venues. Students may choose to use these cards as proof of student status when making purchases from businesses which offer student concessions on goods or services.
- (2) It is a small plastic card with the student's photograph, name, student number, university, course, and a machine readable tag for library use.
- (3) Not applicable.



**LAND - GOVERNMENT GAZETTE 22 MARCH**  
*Items LB603, 604, 605 Details*

281. Hon N.F. MOORE to the Minister for Education representing the Minister for Lands:

I refer the Minister to the *Government Gazette* of 22 March 1991 and ask with respect to items LB 603, 604 and 605 on pages 1228 and 1229 -

- (1) What area of land is involved in each case?
- (2) What use is intended for the land in each case?
- (3) What is the exact location of each area of land?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

(1)-(3)

The intended purpose for these three parcels of land is clearly stated in the *Government Gazette*; that is, "Use and Benefit of Aboriginal Inhabitants". The three parcels of land are in the Pender Bay area, Shire of Broome. The location and areas of the three parcels are shown on the plan and diagrams tabled as separate documents today.

[See paper No 354.]

**ROADS - YALGOO-GOLDEN GROVE ROAD**  
*Maintenance Responsibility - Yalgoo-Mullewa Double Width Proposal*

282. Hon N.F. MOORE to the Minister for Police representing the Minister for Transport:

- (1) Who is responsible for the maintenance of the Yalgoo-Golden Grove road?
- (2) Is it proposed to widen the bitumen road linking Yalgoo and Mullewa to double width for the whole length of the road?
- (3) If so, when will work commence on this project?
- (4) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The Yalgoo to Golden Grove road is part of the Paynes Find to Yalgoo road which is the responsibility of the Shire of Yalgoo. Because of a funding agreement between the Shire of Yalgoo, the Main Roads Department and Murchison Zinc Pty Ltd, a working committee representing the three organisations decides the specific maintenance works required from time to time on the section between Yalgoo and the Golden Grove mine site.

(2)-(4)

The Government recognises the desirability of widening the single lane seal between Mullewa and Yalgoo to two lanes. However, no firm program exists for this work which involves some 66 kilometres of roadway and an estimated expenditure of some \$6 million. Consideration to the allocation of funds for this work will continue to be carefully considered when future Main Roads Department programs are being prepared. As an interim measure the Main Roads Department is also investigating the feasibility of widening short sections of the road at strategic locations to increase the passing opportunities for motorists.

**FISH AND CHIP OUTLETS - FISH SPECIES VERIFICATION**  
*Consumer Affairs Ministry Inspections*

284. Hon GEORGE CASH to Hon John Halden representing the Minister for Consumer Affairs:

- (1) What inspectorial role does the Ministry for Consumer Affairs have in respect of the verification of fish species sold at retail fish and chip outlets?

- (2) Has the ministry received complaints claiming misrepresentation in respect of the species of fish sold at fish and chip outlets?

Hon JOHN HALDEN replied:

- (1) None. Under section 2460 of the Health Act 1911 the Health Department of Western Australia and the health departments of local authorities are responsible for the inspection and testing of misrepresented food and for the prosecution of infringements.
- (2) Yes. A small number of complaints has been received by the Ministry of Consumer Affairs and these have been referred to the Health Department of Western Australia.

#### WESTRAIL - PERENJORI OPERATIONS OFFICER TRANSFER

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

- (1) Would the Minister advise whether the last Westrail employee resident in Perenjori is to be transferred and not replaced?
- (2) If the answer is yes, what is the justification for this decision?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

(1)-(2)

The position of the operations officer Perenjori is being reviewed along with the positions of other operations officers, but no decision has been made at this time.

#### GAS - NATURAL GAS CYLINDERS

##### *Refilling Complaints*

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

- (1) Is the Minister aware of complaints that refilling of natural gas cylinders results in a person being charged for full capacity of the cylinder even though the cylinder may still contain quantities of gas?
- (2) If so, what action, if any can be taken to discontinue this practice?

Hon JOHN HALDEN replied:

- (1) Yes. A small number of complaints has been received by the Ministry of Consumer Affairs. These complaints relate to the expectation by consumers that they will be charged for the weight of the gas. In the case of non-prepacked LPG, however, there is no obligation on the trader under the Weights and Measures Act to sell the product by weight.
- (2) The Standing Committee on Trade Measurement has examined this issue and did not recommend changing the trade measurement laws to include special provisions for LPG. In reaching its decision, the SCTM took into account the small turnover in many retail outlets and the prohibitive cost of the purchase of approved weighing instruments.

#### LAND - CLASS CATEGORIES

##### *Pastoral and Other Leases, State Forests, Reserves*

294. Hon P.G. PENDAL to the Minister for Education representing the Minister for Lands:

Throughout Western Australia, what classes of land can be categorised as -

- (a) pastoral leases;  
 (b) other leases;  
 (c) State forests; and  
 (d) reserves?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

I refer to the extensive detail provided in the Minister for Lands' correspondence of 11 March 1991 responding to your parliamentary question 937 during the spring session 1990. I understand that the information was collated at a cost of over \$3 000 to the Department of Land Administration. If further detail is required of a specific nature, it will be provided. The Minister for Lands is otherwise of the view that very generalised questions of this kind are a waste of public money and resources.

**STATE ENERGY COMMISSION OF WA - MOTOR VEHICLES**  
*Sedans and Station Wagons - Private Number Plates*

309. Hon GEORGE CASH to the Leader of the House representing the Minister for Fuel and Energy:

- (1) How many sedans and station wagons does the State Energy Commission of Western Australia have in its motor vehicle fleet?
- (2) How many of these sedans or station wagons have blue Government number plates and how many have private number plates?

Hon J.M. BERINSON replied:

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

- (1) 395 sedans; 159 station sedans.
- (2) 518 blue Government plates; 36 private plates.

**HILLARYS BOAT HARBOUR - RESIDENTIAL UNITS DEVELOPMENT**

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

- (1) Is it intended to proceed with the development of residential units at the Hillarys Boat Harbour?
- (2) If so, when is this development intended to commence?
- (3) What source of funds will be used to finance the project?
- (4) What is the anticipated cost of the project?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1)-(2) Not specifically, but one commercial site for which expressions of interest were recently called could include some residential development. Any proposal incorporating a residential component would need to follow normal planning approval procedures.
- (3) Private sector funding.
- (4) The cost would depend on the extent of the project that is proposed.

**WHITEMAN PARK DEVELOPMENT STRATEGY**  
*Royal Agricultural Society Showgrounds - Long Term Considerations*

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

The report "Whiteman Park Development Strategy, Policy Four: Planning and Development", under the heading "Long-Term Planning and Development Options" states -

- (i) Royal Agricultural Society Showground relocation and upgrading within the Parks farm development theme.
- (1) Will the Minister advise what is considered to be "long-term"?

- (2) What plans are to be made for the disposal of the land currently used by the RAS at the Claremont Showgrounds?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

- (1) The Whiteman Park development strategy document is a draft document and does not place a time scale of options for long term considerations for areas such as the Royal Agricultural Society showgrounds.
- (2) No specific proposals have been presented or discussed in relation to the Royal Agricultural Society.

**CARAVAN PARKS - KOOMBANA CARAVAN PARK SITE**  
*Redevelopment Alterations*

346. Hon BARRY HOUSE to the Minister for Police representing the Minister for South-West:

- (1) Have there been any alterations to the plans for the Koombana Caravan Park site as previously outlined in the Bunbury Harbour City design concept?
- (2) On what date will the expressions of interest in the redevelopment of the caravan park be put up for public comment?
- (3) Will the actual public comments be taken into account when considering the successful applicant?
- (4) When will a decision be made as to who will redevelop the site?

Hon GRAHAM EDWARDS replied:

The Minister for South-West has provided the following reply -

- (1) Not as yet.
- (2) Submissions will be displayed for public comment in early June.
- (3) Community consultation has played a major role in the entire Harbour City project. This role will not alter during the assessment of submissions for the caravan park.
- (4) When final assessments and consultations are completed.

**SOUTH WEST DEVELOPMENT AUTHORITY - GIANFRANCO RASILE**  
*Consultancy Work*

347. Hon BARRY HOUSE to the Minister for Police representing the Minister for South-West:

- (1) Why did Gianfranco Rasile obtain most of the consultancy work with the South West Development Authority in recent years?
- (2) Why is it that consultancies to SWDA are not submitted for tender?
- (3) Will the Minister release details of the fees paid to Mr Rasile and other consultants?

Hon GRAHAM EDWARDS replied:

The Minister for South-West has provided the following reply -

- (1) Between 1988 and September 1990 the South West Development Authority contracted with consultants on 32 projects. Of these Gianfranco Rasile Architects or Gianfranco Design Management was employed on 10. Since then the authority has let four more consultancies. Gianfranco Rasile has not been employed on any of these projects.
- (2) As is the practice with other Government agencies, the South West Development Authority employs a range of experts based on a variety of commissioning practices. These include selecting a number of

consultants to provide a fee proposal, calling expressions of interest, or engaging professionals in their fields on rates as recommended by the relevant professional institutions.

- (3) A list of consultancies, the names of the consultants, and amounts paid was made available for inspection at the South West Development Authority in September 1990. I understand Hon Barry House inspected these on a confidential basis. For reasons of commercial confidentiality it is not proposed to make the list public, even though Hon Barry House has since caused some of the information to be made public through the *Bunbury Mail*.

**LAND - BROOME LOT 2222 (LEASE 3116-9813)**

*Rental Increase*

348. Hon BARRY HOUSE to the Minister for Education representing the Minister for Lands:

What is the justification for the rental on Broome Lot 2222 (lease 3116/9813) being increased from \$120 to \$4 500 per annum from 1 July 1990 when land prices have actually decreased in the area in recent times?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

To be consistent with recent Government policy to achieve a market return for the disposal of Crown land, the Valuer General is asked to provide market rental values for Crown leases. In this particular case, the increased rent was based upon such advice. The rental of \$120 was set in 1985 when this policy was not in place. As a result of representations made on behalf of the lessee, the Department of Land Administration is seeking a review of this valuation from the Valuer General.

**LOTTERIES COMMISSION - COMMUNITY SPORTING AND RECREATION FACILITIES FUND**

*Responsibilities Takeover*

350. Hon MURRAY MONTGOMERY to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Has the Lotteries Commission taken over all or any of the community sporting and recreational facilities fund's responsibilities?
- (2) If the answer is yes, what grants has it made so far this financial year?
- (3) Is money from the lotteries community group fund being used for purposes that were previously within the funding responsibility of the CSRFF?
- (4) If yes to (3), what grants have been made so far this financial year?

Hon GRAHAM EDWARDS replied:

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

(1),(3)

No.

(2),(4)

Not applicable.

**LOTTERIES COMMISSION - LOCAL GOVERNMENT FUNDING**

353. Hon MURRAY MONTGOMERY to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Which local governments gained funding from the Lotteries Commission during the period 1 July 1990 to 31 December 1990?
- (2) What were the purposes of the grants?

The answer was tabled.

[See paper No 353.]

**ABORIGINAL AFFAIRS PLANNING AUTHORITY - STATEMENTS OF RECEIPTS  
AND PAYMENTS**

*Opening Balance, Closing Balance Difference*

359. Hon MAX EVANS to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) With respect to the statement of receipts and payments of the Aboriginal Affairs Planning Authority as at 30 June 1990, why does the opening balance at 1 July 1989 of \$2 208 358 differ from the closing balance at 30 June 1989 of \$2 266 016?
- (2) Should the statement be amended?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) At 30 June 1989 the closing balance of this authority of \$2 266 016 included the Aboriginal Lands Trust. On 1 July 1989 the Aboriginal Lands Trust was required to submit a separate budget as it had become a separate subdepartment the year before. It had been operating under the authority's estimates but this was unacceptable to Treasury and the Aboriginal Lands Trust was required to prepare and submit separate budget estimates for the 1989-90 financial year. The closing balance of \$2 266 016 included an amount of \$57 658 - rounded to \$58 000 in the estimates - from the Aboriginal Lands Trust.

On 1 July 1989 this amount was shown under the Aboriginal Lands Trust and the authority showed only its component of \$2 208 358 carried over to the new financial year. The two departments only remained for 12 months and after the Aboriginal Lands Trust re-amalgamated, the estimates for the current year were merged into the Aboriginal Affairs Planning Authority budgets. All estimates have been accepted by the Auditor General.

- (2) No.

**ROADS - KWINANA FREEWAY SOUTH**

*Thomas Road-Metropolitan Region Scheme Boundary Extension*

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

- (1) Does a timetable exist for the extension of the Kwinana Freeway south from Thomas Road to the Metropolitan Region Scheme boundary?
- (2) What distance of extra freeway would be involved in such an extension?
- (3) Has all land been acquired by the State Government?
- (4) What costs would be involved in the extension?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the the following response -

- (1) No.
- (2) 26.4 kilometres.
- (3) No.
- (4) Unknown at this time.

**CHARITIES - DOOR-TO-DOOR**

*Unauthorised Collection Monitor*

366. Hon P.G. PENDAL to the Attorney General representing the Minister for Justice:

- (1) Does the Government have in place mechanisms to monitor the unauthorised collection for charities door-to-door?
- (2) How many prosecutions have been successfully launched against people/groups illegally posing as charities in each of the past five years?

- (3) Will the Minister seek to draw public attention to this situation, given that one of my constituents, confronted by a collector from a so-called charity, was unable to find any Government department or agency that recognised the group as a charity?

Hon J.M. BERINSON replied:

The Minister for Justice has provided the following reply -

- (1) The Charitable Collections Advisory Committee is established under the Charitable Collections Act 1946. The CCAC has a staff of one, and has traditionally taken the role of the Government "watchdog" on charitable collections. Therefore, the CCAC relies totally on instances of unauthorised collections being reported to it.
- (2) No records of the number of prosecutions launched have been kept. Because of the inadequacies of the Charitable Collections Act with regard to penalties, the police endeavour to pursue proceedings under the Criminal Code. Unless required to appear as a witness, the executive officer of the CCAC is not advised of the date of the proceedings or the result.
- (3) There is no register of charities as such. The Charitable Collections Act has a limited definition of what is accepted as charity. There are many non-profit associations which are conducting collections, which are not required to be licensed under the Act. Associations whose objectives are recognised as charitable must obtain a licence to fundraise. The objective of the proposed new legislation is to overcome many of these problems.

#### UNEMPLOYMENT - REGISTRATIONS STATISTICS

##### *Stirling and Wanneroo City Councils*

371. Hon GEORGE CASH to the Minister for Employment and Training:

- (1) How many people are registered as unemployed, according to the most recent figures available, in the area administered by the City Councils of Stirling and Wanneroo?
- (2) What percentage of the work force is registered as unemployed, according to the most recent figures available, in the area administered by the City Councils of Stirling and Wanneroo?

Hon KAY HALLAHAN replied:

(1)-(2)

The number of people registered as unemployed is only available from the Federal Department of Employment, Education and Training on individual application. The Australian Bureau of Statistics, however, provides information on the labour force status of Western Australians through a monthly sample survey. This survey indicates that in March 1991, the latest month for which information is available, the north metropolitan statistical subdivision which comprises the local government areas of Stirling and Wanneroo -

- (i) there were 23 700 people seeking work;
- (ii) the unemployment rate was 12.2 per cent.

These figures have not been seasonally adjusted and therefore do not take into account seasonal factors such as the influx of school leavers. Season influences on the labour market would have contributed to the high unemployment figure for March.

## CREDIT UNIONS - CREDIT ACT BREACHES

*Order of the Governor, Section 42 - Government Gazette Source*

372. Hon GEORGE CASH to Hon John Halden representing the Minister for Consumer Affairs:

With reference to the answer to question without notice 95 on Thursday, 28 March 1991, in which *Government Gazette* was the Order by the Governor, under section 42 of the Credit Act, published?

Hon JOHN HALDEN replied:

*Government Gazette* No 68 on 5 July 1990.

## LAND ADMINISTRATION DEPARTMENT - MIDLAND RELOCATION

374. Hon P.G. PENDAL to the Minister for Education representing the Minister for Lands:

- (1) Why was a decision made to relocate the Department of Land Administration?
- (2) Specifically, why was the Midland site chosen?
- (3) On whose recommendation was Midland proposed as the new site?
- (4) Were any approaches received from the Shire of Swan on this matter?
- (5) Is the site owned by the Government?
- (6) Is it correct that a telecommunications link is to be installed between Perth and Midland to accommodate the relocation?
- (7) If so, what is the cost of that telecommunications link -
  - (a) to install; and
  - (b) to maintain?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) The headquarters of the Department of Land Administration is to be relocated because -
  - (a) DOLA now operates from nine separate locations in Perth and is housed in generally inadequate accommodation, none of which was purpose built;
  - (b) it allows the Government to take advantage of lower rental costs and lower building outgoings, generating savings of at least \$1 million per annum;
  - (c) it frees the historic Central Government Building for refurbishing, which will allow it to return a more realistic rental to Government, while preserving it for future generations;
  - (d) it gives tangible effect to the Government's commitment to decentralisation; and
  - (e) it assists the economic development of Perth's emerging subregional centres.
- (2) Midland was selected because -
  - (a) it is well served by public transport services;
  - (b) as a subregional centre, it is in need of a strong focus for its continuing development.
- (3) Midland was recommended as the location by the Office of Government Accommodation in consultation with DOLA and the Department of Planning and Urban Development.



- (4) Yes, the Shire of Swan initiated the consideration of Midland by making representations to the Office of Government Accommodation.
- (5) No, the Shire of Swan.
- (6) Appropriate telecommunication links already exist to service DOLA data transmission requirements between its Midland headquarters and its proposed "shopfront" office in the central business district.
- (7) (a) Not applicable.
- (b) Telecom maintains its telecommunication links between Perth and Midland. However, DOLA's use of those facilities, based on double its anticipated peak demand, is estimated to cost \$150 000 in the first year and \$84 000 per annum thereafter.

**ABORIGINES - CITY RALLIES**  
*Transportation Costs Assistance*

377. Hon N.F. MOORE to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Did the State Government or any of its instrumentalities contribute any funds towards the cost of transporting Aboriginal people from the north west to Perth to attend recent rallies in the city?
- (2) If so, how much was contributed and why did the Government make the funds available?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

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

**QUESTIONS WITHOUT NOTICE**

**ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF  
GOVERNMENT - LEGAL REPRESENTATIONS**  
*Government Assistance Applications*

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

I have given some notice of this question.

- (1) On Thursday, 2 May 1991 I asked question 142, as follows -

- (1) Who has sought financial assistance from the Government for legal representation before the Royal Commission?
- (2) Who has been granted such assistance and what are the amounts of each grant?
- (3) What are the terms of those grants?

Is that information now available?

- (2) If not, why not?

Hon J.M. BERINSON replied:

(1)-(2)

I thank the Leader of the Opposition for advance notice of his question. I am advised that the information is still unavailable but is expected to be available either tomorrow or Thursday at the latest.

CONNELL, MR LAURIE - CONFIDENTIAL FINANCE DOCUMENTS  
REPORTS

*Rothwells Task Force Affidavits*

156. Hon GEORGE CASH to the Attorney General:

- (1) Is the Attorney General aware of the publication in last Sunday's *Sunday Times* and yesterday's *The West Australian* of extracts from allegedly confidential documents concerning the financial affairs of Mr Laurie Connell?
- (2) If so, is he aware that this information was contained in affidavits filed by the Rothwells task force in proceedings under the Crimes (Confiscation of Profits) Act against Mr Connell, his wife and a number of companies?
- (3) Is he also aware that those proceedings were conducted in camera, that the affidavits had not been made public, and that the Crown Law Department agreed to the maintenance of confidentiality in respect of those affidavits?
- (4) Did the Attorney General release or procure or authorise the release of the affidavits or any of them?
- (5) If so, did he do so to distract public attention from the performance of his former parliamentary colleagues, Mr Burke and Mr Parker, before the Royal Commission?

Hon J.M. BERINSON replied:

- (1) I was not aware of the *Sunday Times* article. I did not read it. However, I did note a headline in a paper being read by somebody else in a coffee shop. I am therefore able to say that the answer to the first part of the first question is no. The second part of the question related to publication in *The West Australian*. Although I am a more thorough reader of that paper than of the *Sunday Times*, I again must say that I did not note that item.
- (2) I was not aware of any matter related to affidavits filed by the Rothwells task force. As was the case with the McCusker inquiry itself, I am entirely at arm's length from the activities of that task force and would therefore not expect to be aware of affidavits which it has filed.
- (3) I am not sure that I am talking about the same proceedings, but I am aware that proceedings related to that Act were initiated at one stage by the Crown Law Department. I was not aware that they were in camera and, in fact, the proceedings of which I am aware may not have been in camera. In other words, I am not in a position to say whether we are talking about the same thing. I also have no knowledge of any Crown Law Department agreement in respect of the documents.
- (4) The answer to this question is, of course, no.

Hon George Cash: Not necessarily "of course, no". Is the Attorney saying no?

Hon J.M. BERINSON: I would think it follows from what I have said before about not having any knowledge of the documents that I could hardly be in a position to "release or procure or authorise" the release of them. I am quite happy to give an unqualified no; that is the position.

- (5) It again follows, and I think the Leader of the Opposition will accept that in this case it does follow, that the answer to question (5) is "not applicable".

CONNELL, MR LAURIE - CONFIDENTIAL FINANCE DOCUMENTS  
REPORTS

*Rothwells Task Force Affidavits*

157. Hon GEORGE CASH to the Attorney General:

As a supplementary question, will the Attorney General ascertain whether the Crown Law Department or any other agency or authority under his control released that information to the media?

Hon J.M. BERINSON replied:

I am prepared to make inquiries on this matter.

Hon George Cash: And advise the House?

Hon J.M. BERINSON: After I have made the inquiries I will respond to any further questions.

**TOTALISATOR AGENCY BOARD - AGENCY APPLICATIONS**  
*Three Kilometres Distance - Ascot, Belmont, Cloverdale, Rivervale*

158. Hon FRED MCKENZIE to the Minister for Police representing the Minister for Racing and Gaming:

Some notice of this question has been given.

- (1) Have any applications to establish Totalisator Agency Board agencies been received by the TAB during the last 12 months where such locations were less than three kilometres from any of the agencies operating at Ascot, Belmont, Cloverdale or Rivervale?
- (2) If so, will the Minister provide details of the proposed locations of the TAB agencies in such applications and the TAB's decision on them?

Hon GRAHAM EDWARDS replied:

I thank the member for prior notice of his question.

(1)-(2)

I am advised by the Minister for Racing and Gaming that the answer is no. However, past applications for a PubTab outlet have been received from the Winning Post Tavern, Belmont; Bel Eyre Tavern, Belmont; and Tibby's Tavern, Redcliffe. These applications remain under review, but they do not have a high priority in the TAB because of the existence of other outlets in the vicinity. Further consideration will be given to them when the TAB planning process, or changes to the sales outlet network under the direction of the new chairman, is complete.

**SCHOOLS - CARMEL REPORT RECOMMENDATIONS**  
*Disadvantaged Students*

159. Hon REG DAVIES to the Minister for Education:

I refer to the answer the Minister gave to question on notice 204 on 1 May, a copy of which I have sent to her. Does the Minister intend in the near future to implement the recommendations of the Carmel report in respect of assessing each severely disadvantaged student as more than one student?

Hon KAY HALLAHAN replied:

It would be beneficial if the honourable member put his question on notice, because when he posed question 204, it had the term "disadvantaged". I received information which I thought was a satisfactory response to his question, and which I supplied to him. However, the information I supplied to the honourable member referred to those students with disabilities. That was the interpretation put on a definition of "disadvantaged" students. It would be useful if the member would put that question on notice so that I can examine the area on which it is clear he is now focussing, and that is "disadvantaged" students as opposed to those with disabilities.

**BLACK, MR GREG - EDUCATION MINISTRY ACTING CHIEF EXECUTIVE OFFICER**

160. Hon N.F. MOORE to the Minister for Education:

Is it correct that Mr Greg Black, Chief Executive Officer of Homeswest, is to relieve as Chief Executive Officer of the Ministry of Education during the absence on leave of the ministry's Chief Executive Officer?

Hon KAY HALLAHAN replied:

It is a fact that Mr Greg Black is acting at present in that position and will be doing so in the absence of the Chief Executive Officer of the ministry.

**BLACK, MR GREG - EDUCATION MINISTRY ACTING CHIEF EXECUTIVE OFFICER**

*Appointment Tenure, Qualifications and Experience*

161. Hon N.F. MOORE to the Minister for Education:

- (1) In view of the Minister's answer, what is the tenure of Mr Black's appointment?
- (2) What are Mr Black's qualifications and experience in the field of education which makes him a suitable person to head the Ministry of Education?

Hon KAY HALLAHAN replied:

(1)-(2)

Mr Black is the Acting Chief Executive Officer for the Ministry of Education in the absence of the Chief Executive Officer, who is on long service leave for a period of three months. Mr Black will be the Acting CEO during that period. The reason he was considered for that position is that he has a very good reputation as a CEO, and this was deemed to be a good opportunity to bring the ministry under somebody who has had significant experience in an agency going through some period of change.

Hon N.F. Moore: "Turmoil" would be a better word. What educational experience has he?

Several members interjected.

Hon KAY HALLAHAN: May I continue?

The PRESIDENT: Order! Members will stop their interjections and let the Minister answer.

Hon KAY HALLAHAN: What the question is showing up is a belief that to be a CEO in the Ministry of Education one has to be a teacher. I do not want to cast any reflection on Hon Norman Moore's being back in the dark ages or anything like that -

Several members interjected.

Hon P.G. Pendal: When all else fails, abuse the questioner.

Hon KAY HALLAHAN: I was being very benign, conciliatory and objective.

Several members interjected.

The PRESIDENT: Order! Honourable members will recall some difficulties we got into one day last week. Members interject, the Minister proceeds to answer the interjector, everyone forgets what the question was and members become unhappy. It makes me angry and I do not like being angry.

Hon KAY HALLAHAN: The last thing I would like to do is contribute in any way to members' unhappiness or to your anger, Mr President. This is a potentially contentious issue because there has been a tradition within the Education portfolio, as I understand it, that educationalists come forward and move into senior administrative positions and decision making jobs. That is understandable. It is not dissimilar from what has happened in a number of other portfolios where there is a professional discipline. We are now into a new area where management is extremely important. Homeswest, as a number of members will know, has been through considerable change. It is delivering to the community very well. Mr Black is credited with having provided great leadership for the change which took place in that organisation. Given that leadership record, it seemed that he would be a very good person to bring into the Ministry of Education on a three months' basis. It is on that basis that that decision was made.

**EDUCATION COMMITTEE - REPORT TABLING**

*School Bus Services Reference*

162. Hon E.J. CHARLTON to the Minister for Education:

- (1) Could the Minister advise the House if the education committee of which Hon John Halden was chairman has concluded its investigations?
- (2) When will the report be finalised?
- (3) Will the report be tabled?
- (4) Was an investigation of school bus services part of that inquiry?

Hon KAY HALLAHAN replied:

(1)-(4)

The report will be tabled tomorrow. I intended to put out a Press release and table the report tomorrow, but I understand there has already been some comment to the media about the report, so I have had to change my plans and put out a Press statement this afternoon. However, I shall table the report in the House tomorrow for the information of members. The report contains a reference to bus services, but I leave it for tomorrow when the honourable member will have a copy of the report at his disposal. He can follow up any queries in that regard then.

**BLACK SWAN THEATRE COMPANY - GOVERNMENT FUNDING**

*Theatre Funding Rule Change*

163. Hon P.G. PENDAL to the Minister for The Arts:

- (1) Has she received a letter expressing the concern of the WA association of the professional performing arts about the manner in which the Black Swan Theatre Company has materialised and is to be funded?
- (2) Is it correct that there has been some change in the rules by which individuals and organisations may apply for financial assistance from her department?

Hon KAY HALLAHAN replied:

(1)-(2)

I may well have had a letter from the organisation to which the member has referred - I would have to check my records - but the member is referring to another somewhat contentious issue within the arts community. If members can bear with me I will explain that we are in the process of changing the structure of our theatres in Western Australia. That involves the creation of a new State Theatre Company.

Early last year the Swy Theatre Company put forward a proposal for funding a program which would include work by its director and by another director. On that basis a significant increase in funding was made to that theatre company. Sadly there was some difficulty on the board about that program in the theatre company; I think it was related to some personalities. In the end it was not possible for that organisation to proceed with the program it had proposed. In the face of that situation, a decision was then made that a revised program for both the Swy Theatre Company and the then newly formed Black Swan Theatre Company would be funded. Western Australia will be the richer for these theatre companies, but it would have been preferable had it been possible for the parties to remain under the one umbrella. That statement may be proved incorrect; in two or three years we may see the benefit of an additional vibrant theatre company.

**APPRENTICES - GOVERNMENT DEPARTMENTS**

*Decrease 1983-88*

164. Hon P.G. PENDAL to the Minister for Employment and Training:

- (1) Will the Minister investigate why the number of apprentices in training in Government departments has fallen by a massive 45 per cent between 1983 and 1988?

- (2) Will she make a commitment today to a reversal of Government policy of allowing the run down of the number of apprentices in training in Government departments, thus allowing more trade training opportunities for young Western Australians?

Hon KAY HALLAHAN replied:

(1)-(2)

I will examine the alleged reduction in apprenticeship training within State agencies. Perhaps the member would care either to put his question on notice or ask a further question on the matter at a later date when I have accurate information. Significant investment has been made in training. I do not know why the member would want to focus his question in such a negative way, except for political posturing - and we can understand that. However, we expect responsible members to do more research than the question indicates has been done in this instance.

#### POLICE OFFICERS - EUCLA

##### *Internal Police Inquiry*

165. Hon P.H. LOCKYER to the Minister for Police:

- (1) Can the Minister inform the House whether an internal police investigation is being carried out into former police officers who served at Eucla?
- (2) If the investigation is proceeding, when does the Minister expect the examination to be completed?
- (3) Will the Minister be in a position then to report the findings to the House?

Hon GRAHAM EDWARDS replied:

I invite the member to put the question on notice.

#### BLACK SWAN THEATRE COMPANY - GOVERNMENT FUNDING

166. Hon P.G. PENDAL to the Minister for The Arts:

I refer the Minister to my earlier question.

- (1) Is the Minister aware that the arts community is querying how the new Black Swan Theatre Company is being categorised for funding purposes?
- (2) Is it correct that the usual guidelines have been waived for the new group?

Hon KAY HALLAHAN replied:

(1)-(2)

I answered the member's question previously and outlined the history of the funding to both the Swy Theatre Company and the Black Swan Theatre Company. I was very clear in giving my answer.

#### SCHOOLS - DIFFERENTIAL STAFFING FUNDS

167. Hon REG DAVIES to the Minister for Education:

- (1) Will the Ministry of Education consider bids by PSP schools for the redirection of Federal CRA funds towards differential staffing?
- (2) If so, when?

Hon KAY HALLAHAN replied:

(1)-(2)

The ministry is well advanced with policy formulation that will cause it to look very carefully at the whole question of differential staffing. This is a matter I would be prepared to discuss with the member in a few weeks, because the matter is still progressing. It is seen as a way to provide additional resources to schools which have problems with the disadvantaged -

Hon Reg Davies: The Minister told me the other day that there was no definition of "disadvantaged".

Hon KAY HALLAHAN: I am using the term "disadvantaged" as I understand it. I am sure that the member will be pleased to hear that work is at an advanced stage in this policy area.

**SCHOOLS - MATHEMATICS, ENGLISH TESTS REPORT**  
*Test Instruments Report*

168. Hon DERRICK TOMLINSON to the Minister for Education:

I refer to a story in *The West Australian* yesterday in which the performance of school children in tests on mathematics and English was praised. Does a public report exist of this testing, including an analysis of the test instruments; and, if so, will the Minister table that report in Parliament?

Hon KAY HALLAHAN replied:

I thank the member for the question, as it relates to a good news story for our education system.

Hon P.G. Pental: You aren't getting many of those lately; in fact you are getting none.

Hon KAY HALLAHAN: That is not true. We are talking about one. Can the member wind back a little?

Hon P.G. Pental: I am happy to.

Hon KAY HALLAHAN: The report is available. It is being mailed to schools this week and I will be happy to table a copy of the report tomorrow. I am glad that the member drew the matter to my attention. I had thought that some members would have a particular interest in it but I had not thought of tabling it. From time to time, criticisms are made of our education system. This report indicates that our students are performing very well in literacy and numeracy - the test was based on aspects of literacy and numeracy. The results show that in some areas a need exists for further work. That is the value of the report; it is not only a good news story, but it is also an indication of the areas of deficiency where work needs to be undertaken. I am happy to table the report tomorrow.

**TOTALISATOR AGENCY BOARD - AGENCIES**  
*Hotel Licences Policy*

169. Hon FRED McKENZIE to the Minister for Police representing the Minister for Racing and Gaming:

Some notice has been given of the question.

- (1) Has the Totalisator Agency Board a policy of ensuring that the business of TAB agents remains viable by not permitting hotels to obtain an agency licence unless they are more than three kilometres away from the nearest TAB agency?
- (2) If this policy is in place, will the Minister ensure it is not changed in the future without consultation with the WA TAB Agents Association?

Hon GRAHAM EDWARDS replied:

I thank the member for some prior notice of the question. The Minister for Racing and Gaming has provided the following answer -

- (1) The contractual agreement between each agent and the TAB does not grant territorial rights to agents, and the TAB has always been very careful to highlight this to incoming agents prior to the assignment of the agency. However, the TAB recognises that establishing one outlet may affect the business of another, and does not even propose a new outlet unless additional overall turnover will result. If the proposed new outlet is within three kilometres of an existing metropolitan franchised agency, the agent and the WA TAB Agents Association are consulted before a decision is made. In the city, the relevant distance is one kilometre, and in small country towns it is 30 kilometres. In all

these cases the adoption of the distance is a guideline only, not a policy. Recently, a policy has been adopted of retaining part of the new outlet's turnover to be reserved for six months and paid to the existing agent if loss has resulted from the new outlet's operations.

- (2) The TAB and the TAB Agents Association are at present holding joint discussions on the future shape of the sales outlet network. The association will continue to be consulted on matters that potentially affect its members' livelihood.

#### SCHOOLS - SOCIAL EQUITY AND EQUAL OPPORTUNITY OF EDUCATION ASSISTANCE

170. Hon REG DAVIES to the Minister for Education:

I refer to the answer to question on notice 204 of 1 May. Are individual schools afforded resources which enable them to address social equity and equal opportunity of education?

Hon KAY HALLAHAN replied:

The honourable member referred to the priority schools program so he is clearly aware that schools get attention and assistance if they are eligible for PSP.

#### TOWED AGRICULTURAL IMPLEMENTS REGULATIONS

171. Hon MURRAY MONTGOMERY to the Minister for Police:

Has the Minister checked his file regarding towed implements, and, if so, what is his answer?

Hon GRAHAM EDWARDS replied:

The matter, which the member raised last Thursday, was published in the *Government Gazette* on Friday. It has been extended and will be in place until the new regulations are agreed to in this place. I reiterate that a tremendous amount of work has been done and thank the member for his assistance in what has been a very complex exercise. I look forward to tabling those regulations at some later stage.

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