

Legislative Assembly

Tuesday, 19 February 1985

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

PARLIAMENT

House Controller/Executive Officer

THE SPEAKER: Honourable members, I wish to introduce to you Mr and Mrs Pacecca. Mr Pacecca has been appointed House Controller of the Parliament, and on your behalf I would like to welcome them to Parliament House and hope that their stay with us is a most happy and fruitful one.

[Applause].

BILLS (29): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Acts Amendment and Repeal (Industrial Relations) Bill (No. 2) 1984.
2. Wheat Marketing Bill 1984.
3. Credit (Administration) Bill 1984.
4. Occupational Health, Safety and Welfare Bill 1984.
5. Acts Amendment and Repeal (Credit) Bill 1984.
6. Commercial Tribunal Bill 1984.
7. Workers' Compensation and Assistance Amendment Bill 1984.
8. Secret Harbour Management Trust Bill 1984.
9. Tourist Development (Secret Harbour) Agreement Amendment Bill 1984.
10. Lotteries (Control) Amendment Bill 1984.
11. Building Societies Amendment Bill 1984.
12. Stamp Amendment Bill (No. 2) 1984.
13. Financial Institutions Duty Amendment Bill (No. 3) 1984.
14. Financial Institutions Duty Amendment Bill (No. 4) 1984.
15. Acts Amendment (Conservation and Land Management) Bill 1984.
16. Loan Bill 1984.
17. Appropriation (General Loan Fund) Bill 1984.
18. Appropriation (Consolidated Revenue Fund) Bill 1984.
19. Metropolitan (Perth) Passenger Transport Trust Amendment Bill 1984.
20. Reserves Bill 1984.
21. Acts Amendment (Department for Community Services) Bill 1984.
22. Credit Bill 1984.

23. Housing Agreement (Commonwealth and State) Bill 1984.
24. Secondary Education Authority Bill 1984.
25. Rights in Water and Irrigation Amendment Bill 1984.
26. District Court of Western Australia Amendment Bill 1984.
27. Public Works Amendment Bill 1984.
28. Parliamentary Commissioner Amendment Bill 1984.
29. Censorship of Films Amendment Bill 1984.

MEMBERS OF PARLIAMENT

Party Designations

THE SPEAKER: I desire to inform members that I have approved a request from the members for Narrogin, Moore, and Katanning-Roe that their party designation in future be shown as "Liberal" in the records of this House.

"HANSARD"

Interjections: Statement

THE SPEAKER: On 20 November last, I made a statement concerning the operation of our *Hansard* service. In that statement I outlined staff restructuring which had taken place and also mentioned efforts which were being made to relieve the crowded conditions under which the *Hansard* staff were working. These matters are still receiving the attention of myself and the Acting Chief *Hansard* Reporter and approaches are being made to the Building Management Authority with the hope that some restructuring of the present accommodation will provide further relief. In my statement I explained that I had decided, for the time being, to ask *Hansard* not to record interjections unless such interjections had been responded to by the member speaking and such inclusion added to the flow of the remarks being made by the member speaking. I now indicate I have directed the Acting Chief *Hansard* Reporter that the system which began late last year should be continued. That is, interjections will not be recorded in *Hansard* unless those interjections have been responded to and their inclusion is necessary in the record of the debate.

FISHERIES: ROCK LOBSTER

Compressed Air Divers: Petition

MR WATT (Albany) [2.22 p.m.]: I have a petition addressed to the Speaker, and members of the Legislative Assembly of the Parliament of Western Australia, which reads as follows—

We, the undersigned, Object to any proposed legislation aimed at the prevention

of divers using compressed air in the taking of rock lobster.

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

The petition bears 69 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

(See petition No. 74.)

CONSUMER AFFAIRS: SMALL CLAIMS TRIBUNALS

Select Committee: Interim Report

MR D. L. SMITH (Mitchell) [2.33 p.m.]: I present the interim report of the Select Committee into the Small Claims Tribunals and I move—

That the report be received.

By way of a brief explanation the report deals with the petition referred by this House to the committee on 13 December 1984. It was a petition presented by a Mr Burton seeking the removal from the committee of the member for Clontarf, under Standing Order No. 98.

It was found that there was no provision under Standing Order No. 98 for the House or the committee to do anything. Indeed, the only provision contained within the Standing Orders which appeared to be relevant was Standing Order No. 357 which dealt with the question of pecuniary interest. The committee felt that the member for Clontarf had no pecuniary interest at the time the committee was formed, although he may have had a pecuniary interest in the past.

I emphasise that although the committee made a specific recommendation to that effect it acknowledges that the House could have dealt with the matter on more general grounds as the controller of its own affairs, and the affairs of the committees that it appoints. Any consideration of that matter by the House has now been overtaken by the fact that the member concerned has resigned, and I feel that no further consideration is warranted.

Question put and passed.

Extension of Time

MR D. L. SMITH (Mitchell) [2.35 p.m.]: I have an ancillary motion to move in relation to the Small Claims Tribunals Select Committee, which is necessary due to the time lost by the retirement

from the committee of the member for Clontarf. I move—

That the time for this Select Committee to report be extended until 30 June, 1985.

Question put and passed.

ABORIGINAL AFFAIRS: LAND RIGHTS

Government Proposals: Urgency Motion

THE SPEAKER (Mr Harman): I wish to advise that I have received the following letter from the Leader of the Opposition—

Hon. J. Harman, M.L.A.,
Speaker of the Legislative Assembly,
Parliament House,
Perth, W.A. 6000.

Dear Mr. Speaker,

In accordance with Standing Orders of the Legislative Assembly Nos. 47 and 48, I give you notice that I wish on the commencement of Sitting today to move,

“That the House do now adjourn—

for the purpose of debating a matter of urgency, namely, announced proposals by the Government for Aboriginal land rights in Western Australia, conflicting announcements (as recently as yesterday) by the Commonwealth, and conflicting statements by the Premier and the Federal Minister for Aboriginal Affairs as to the outcome of discussions on the subject.”

Mr Speaker, there is no matter more urgent or more important in relation to the future of Western Australia and the position as to what is to occur is uncertain and unclear. It is urgent that it be clarified and debated in the public interest.

Yours sincerely,
W. R. B. HASSELL, M.L.A.,
Leader of the Opposition.

Seven members having risen in their places,

The SPEAKER: I am prepared to allow debate on the motion that the House do now adjourn to proceed for one hour. This will allow 30 minutes for speakers on my left and 30 minutes for speakers on my right. I will not lay down any rules regarding the number of speakers who can be heard during that time.

MR HASSELL (Cottesloe—Leader of the Opposition) [2.36 p.m.]: I move—

That the House do now adjourn.

As is known to members of the House this motion is a form by which a matter of public urgency and importance can be brought on for debate in this House and, at the end of the debate, in accordance with Standing Orders, I will have no option but to seek leave of the House to withdraw the motion.

It is appropriate that on the first sitting day of the House for 1985 we should, as our first item of substantive business, discuss the Government's proposals to provide Aboriginal land rights in Western Australia—by whatever name the Government may call its legislation. The Government's proposal announced by the Premier in a recent Press release, which is the latest version available to us—there have been many versions—represents the final act in the fulfilment of a shabby political deal.

What the Premier set out to do when he was Leader of the Opposition was to buy control of several seats in the Parliament. He wanted to buy the seat of Pilbara, he wanted to buy the seat of Kimberley, and he wanted to buy the seat of Murchison-Eyre. He took it upon himself to make extensive promises to a group of voters in those areas who he believed could swing the seats in his favour. However, when he came to power he discovered that those promises were very uncomfortable to live with, so he began to shift ground and to shilly-shally. The Premier appointed a committee of inquiry and, after hundreds of thousands of dollars had been spent, its recommendations were rejected in the public arena before it reported. Indeed, what the Premier set out to do was to find a political solution that would satisfy his conscience in the light of the promises he had made and, at the same time, to get himself off the hook with some of the powerful groups which were opposed to what he was trying to do.

At the same time the Premier was saying to the State over and over again that he had done a deal with Canberra and that what he had agreed upon with Canberra would provide a solution in Western Australia without the requirement of Federal intervention at any time. Indeed, he told us in the public arena over and over again that we should accept his land rights legislation as a means by which to avoid Canberra's land rights legislation. The final sham and dishonesty of that position was revealed only today with a report from Trevor Gilmour in *The West Australian*. The report said that the Federal Cabinet yesterday approved proposals for a national system of Aboriginal land rights in Australia, and it endorsed the submission presented by the Minister for Aboriginal Affairs (Mr Holding).

It does not matter how this is dressed up or down to make it sound sweet or good; how it is twisted, or whether Aborigines to whom promises have been made are accused of being unreasonable. It does not matter how many times the Government turns its back on the genuine needs of Aborigines. None of these things matters compared with the enormity of the act that the Government proposes to perpetrate on this State: To divide Western Australia and destroy our community.

The Government's proposal, the personal proposal of the Premier on his own admission, is that not less than 46.7 per cent of Western Australia should become available for claim as of right by people who are Aborigines on the grounds that they are Aborigines. That is the essence and simplicity of it, no matter how much shifting and to-and-froing takes place; how many secret meetings are held in Canberra between Mr Holding and Mr Evans; the number of deals and backroom talks; or that the Premier sat through his national conference supporting a resolution endorsing national uniform land rights. For all of that—the twists and turns, the attempt to solve the problem of a veto on mining, the attempt to frighten the pastoral community with threats and intimidation about what will happen if it does not accept the Premier's proposal—the bald simplicity remains. So also does the tremendous implication, the wrongness of it, and the fact that it is bad through and through.

Legislation is proposed for this Parliament on a matter on which the Government cannot yet agree with the Commonwealth Government. It is delayed because the Government cannot reach agreement with the Commonwealth, notwithstanding the comments of the Premier on 5 October last year when an election was at hand, or what he said on 20 October in company with the Prime Minister when an election was at hand. There is still no agreement with the Commonwealth Government which continues down its path of national uniform land rights legislation. The Prime Minister is unable to deal outside the Labor Left, and the pressures marshalled by Mr Holding and his extreme friends. We are left with the basic simplicity of what the Premier and this Government propose for Western Australia: Almost half of this massive State to be made available to one group of Western Australians on the basis of their race. It is racism in its worst form; blatant, naked, crude, destructive, and simply wrong. The Government continues to move in this direction although with less fervour because it knows the game is up. It continues to say, "Accept our land rights legislation because it is not as bad as theirs".

It is hard to believe that anyone could suggest handing over 46.7 per cent of this State—the bare minimum on the Premier's own admission—to one group of people on the basis of race, bearing in mind the further claims made to the Seaman inquiry of sovereignty, the right to control access to land, to control mining, and to exclude aircraft and radio waves. These claims were all made to the Seaman inquiry. That is what this Government is going full steam ahead with. It is going straight down the path to try to get the public to accept that the wrong it proposes is in some way right. It is not and it never will be.

It does not matter if the Premier is able to satisfy particular groups which have an interest in the matter; if their interests are satisfied I am delighted. However, it does not alter the fact that the wider public does not begin to be satisfied by the Government's proposals. The interests of the wider public have been ignored by the Premier and the Government ever since the infamous day when the Premier appeared at the Royal Showgrounds and told the Aborigines from the central desert that he would give them land rights for their areas and much more besides. It was wrong then and it is wrong now. It has not altered materially in any way. The forms have altered and the titles have altered as the Government runs away as fast it can from the appearance of giving land rights. However, on this issue the Premier knows in his heart of hearts that no matter what he calls the Bill it is a Bill for land rights. It does not matter what he says about what he is doing; in reality he is dividing the State in half and proposing to give to 2.4 per cent of Western Australia's population an area of land greater in size than the State of South Australia and almost equivalent to the areas of Victoria and New South Wales together.

In particular the Premier knows full well that what he is proposing is not the end of the matter, but the beginning. If this Parliament were to accept the Premier's terrible legislation it would be providing the first major step for others to walk on and build on. The Premier would be providing the platform for the Makarrata treaty concept to be revived; the platform for the demands for sovereignty to be satisfied; and the platform for the veto on mining to be applied *de facto*, if not in the present legislation, either through the vehicle of sacred sites legislation in this State or the Commonwealth, or through some exercise of control over mining by a tribunal. The Premier knows full well that his own members are nervous and restless about the legislation and that each day more of them have grave doubts because they are concerned about the public reaction to these pro-

posals. The Premier knows that the Commonwealth does not have half the constitutional powers that it has claimed to have to impose land rights. However, he has never honestly told the people of this State of the limitations of the Commonwealth power. Instead he has played up the Commonwealth power as a threat against the people of this State to try to create a climate in which the people will accept his proposal to avoid something worse from Canberra. What a dishonest and dishonourable course of action it has been from beginning to end. When it was exposed in all its weakness last year the Premier's answer was to say to the people, "Don't worry about this land, it is only desert anyway"—as if the needs of the Aboriginal people were to be satisfied simply by giving them a big chunk of desert, and wiping them off as though they did not matter.

He appealed to the worst sentiments of the public of this State in an attempt to get off the hook he had made for himself with his dishonourable promises made to buy some seats in this House. He won a couple of seats, although I cannot imagine those Aboriginal people will ever vote for him again, because they are not stupid; they know full well the dishonour involved. They know full well the trumped up charge brought against Robert Riley of leaking documents and therefore the Government would not talk to him again. The Government knew he was not the only member of the committee leaking documents all over the place.

The Aborigines at least have been honest and consistent all the way down the line. They have said, "We want land rights, we want sovereignty".

This dishonourable and despicable legislation which the Government is leading us towards is the most serious issue in our future and should be treated in that way. There is no chance that this Government will ever be allowed to forget—whatever it does, whatever the outcome—that it seriously proposes to create racist land rights legislation based on 2.4 per cent of the people having a legal right not available to any other Australian or Western Australian, a right to claim almost half of the land in this State because of their race. None of that is acceptable as a proper or right way to govern this State.

MR BRIAN BURKE (Balg—Premier) [2.52 p.m.]: I do not believe I have ever heard a greater display of pious humbug on behalf of a political party than has just been delivered by the Leader of the Opposition. His speech was wrought with internal contradiction. On the one hand he said he acted as the great protector of Aboriginal people, saying that Aboriginal people had been sold down

the drain; that they had been lied to; that they had been ill-served; and that their needs would not be catered for.

Yet, this Leader of the Opposition was the architect of the Noonkanbah dispute. In all his political career, if he has shown nothing else, he has shown a distaste for anything that Aboriginal people might put forward in good faith in their search for relief from the sorts of conditions that have been imposed on them by conservatives in recent years predominantly as Governments of the party to which the Leader of the Opposition belongs have passed the laws that affect them.

One cannot run away from the lack of credibility that stands behind anyone who will stand in this place, and who is proposed, with crocodile tears, to have some special tenderness for Aboriginal people, ignoring firstly the record of that party when in Government, and secondly the statements and actions of the now Leader of the Opposition as they were so vividly displayed during the time of the Noonkanbah dispute. Who cared about Aboriginal people then? Under the auspices of the Leader of the Opposition, \$1 million was spent to roll trucks across sacred sites, to carry out drilling and so on when the Aboriginal community was in tears trying to stop it, and to cause the deaths of old people, as has been demonstrated to be the case, as a result of that sort of heartlessness by a man who today will stand here and claim that Aboriginal people are being treated shabbily at the hands of this Government. If that is an example of shabby treatment, as it was described by the Leader of the Opposition, then what is Noonkanbah?

The Leader of the Opposition would do well to remember what I said to him some months ago. I said then that he was steadily painting himself into a corner, and that fairly shortly there would not be room for him to stand on one leg in the corner. That is rapidly becoming the case.

The Leader of the Opposition cannot disguise the fact that significant interest groups and significant public opinion is fleeing from his cause, because his cause is extreme and unreasonable. Ignoring what is a very meaningful comparison, his cause is summed up in his claim that 2.4 per cent of the population will control 46.8 per cent or thereabouts of the State's land area. He does not say to the Aboriginal people, "You cannot have it". Six hundred pastoral lessees control 38 per cent of the State's land area. What is he saying to the pastoralists? He is promising them perpetual tenure in a last-minute effort to win their support.

The truth is that not even the Pastoralists and Graziers Association, that hotbed of political rad-

icalism, will accept the extreme position of the Leader of the Opposition.

A four-page letter was written replying to the lies, misstatements and half-truths about the situation. The Leader of the Opposition says today he does not know what is in the Bill, but the pastoralists and graziers were highly motivated to come to the defence of the Leader of the Opposition and voted 39 to five to reject the four-page letter with which the Leader of the Opposition prevailed upon them in order to get them to support his position.

While he was doing that, he was at the same time on the radio reserving his opinion until the legislation became known to him. He was saying one thing to the pastoralists and graziers and another publicly. The only consistency between the two statements is the lack of relationship to reality. At the same time he is saying he is reserving his position but they should not reserve theirs. He is saying that the Burke Government is dishonest, that Mr Burke is trying to divide the country on racial grounds, but he will reserve his opinion until he sees the Bill.

Where is the honesty and credibility? Where does the Leader of the Opposition draw strength for his position in respect of the Pastoralists and Graziers Association? Does he really believe that the Pastoralists and Graziers Association is manipulated by the Labor Party; that those people who sat through the drafting committee sessions representing that association somehow or other lacked integrity? Is that what the Leader of the Opposition is saying about the Pastoralists and Graziers Association? Is that what he is saying about the increasing number of interest groups which are coming to realize that this legislation which the Government will be introducing is inherently good and will help to overcome years of neglect that Aboriginal people have suffered at the hands of Liberal Governments in this State?

We do not apologise for the legislation at all, and we do not apologise for the way in which the legislation was drafted. It stands in sharp contrast to the way in which the Leader of the Opposition approaches everything. With the Leader of the Opposition it is either black or white. There is no understanding, no accommodation, no generous spirit in his personality. The Leader of the Opposition consistently takes vivid positions that I am sure are ones he would modify on reflection were he politically able to do so.

The truth of the situation is that he has been hoist with his own petard. He has painted himself into a corner, an unreasonable corner the limits of which were not defined or known to him.

As far as the legislation is concerned, as I have said previously, we believe it is inherently good. However, we do not deny that we have had difficulty with our Federal colleagues and that it was their intention to introduce legislation which we would not presume to be in the best interests of our State. We have made that clear, and to the credit of the Federal Government, it has accommodated the points of view we have put to it consistently. We have no reason to believe that it will not obey that accommodation as we have arrived at it point by point.

However, members should remember that, underlying all of this politicising of the whole issue is one fact. After 200 years of the Aboriginal people having no security whatsoever in their land of origin, of having no sense of security or feeling of belonging, as a result of the way in which we have confiscated from them the rights which we take to ourselves so clearly and forcefully, that position will change. We are not saying that this legislation will solve the whole problem; it will not. It is wholly a responsibility of the Opposition that the climate of hatred and racism which has been created has been built upon the tissue of half-truths and innuendo which it has been spreading. However, this legislation will be one piece in the jigsaw puzzle which will lead to a much brighter future for Aboriginal people. We will be looking, as the previous Government never looked, at housing, water supplies, education, and police facilities, and we shall be making resources available in all of those areas.

If members look at our record after two years, they will see our commitment in those terms stands stark in its contrast with the minuscule commitment made by the previous Government. That is the situation.

Let us put to bed some of the lies which have been told as recently as the publication of the newspapers which carried the advertisement of which I have no doubt the Leader of the Opposition is so proud. I refer to the advertisement which shows the State split up into black and white where, in small letters underneath the diagram, the following appears, "Reproduced from the Seaman report". Everybody knows that report is no longer current, but the Leader of the Opposition still uses it—

Mr Hassell: Are you suggesting that that land is not available for claim?

Mr BRIAN BURKE: The Leader of the Opposition has painted himself into a corner which will not be shared by associations such as the Pastoralists and Graziers Association. The people who comprise those associations are not dopes. They

will not agree to something which is not in their interests. They have sat in on the meetings of the drafting committee, they have helped to frame the law, and they support it.

The Leader of the Opposition can smile if that is how he believes this subject should be treated; that is entirely up to him. However, I would admit that it is a rather cold and calculating smile.

The truth is that this legislation has the promise of helping the most disadvantaged and distressed minority within our community without hurting anyone; and why should not we take that option if it is available to us? We made perfectly clear our position in respect of the veto on mining and exploration and we took that fight to the national Government and told it what our view was.

That situation does not coincide with the earlier statements made by the Leader of the Opposition about bringing the mining industry to a halt. Do members know what frightens the mining industry most? It is the prospect of a Leader of the Opposition whose pride is so firmly tacked to the mast that he cannot accommodate the necessary passage of a piece of legislation that the Legislative Council, in its detached moments, would seek to support. That is the danger this State is facing. It is facing the danger of the political pride of the Leader of the Opposition who refuses to swallow because he opened his mouth too wide to begin with.

Let us return to some of the fundamentals associated with the legislation. You, Sir, will understand, when you consider those fundamentals, how wrong the statements of the Leader of the Opposition are. Firstly, the only land which will be claimable will be public land; that is, vacant Crown land for which no future use has been allocated. In his letter to the Pastoralists and Graziers Association the Leader of the Opposition said that even national parks were to be handed over. He said that only last week, and he was wrong.

The Leader of the Opposition made one truthful statement which was that he did not know what was in the legislation. The reason the Leader of the Opposition does not know what is in the legislation is that he has refused to be briefed. We have offered a briefing on the legislation to the Leader of the Opposition. The Chief Minister from the Northern Territory came down and asked for a list of phone numbers of Legislative Councillors. He said, "Where is a phone? I will start to ring them, because they are crazy". That statement was made by one of the Leader of the Opposition's conservative colleagues.

Mr Wilson: They were asked to take part in the drafting process.

Mr BRIAN BURKE: The Minister for Community Services notes the point that was made earlier; that is, the Leader of the Opposition, or his representative, was asked whether he wanted to take part in the drafting process. Of course, the answer was, "No". However, from the vantage point of ignorance about what the Bill contains and what it will do, I suppose the Leader of the Opposition has the insulation necessary to say things which are untrue.

It is time the Leader of the Opposition faced up to the fact that, when he goes to Esperance and shows big, colourful maps of farming land which is claimable, he is not telling the truth. Does it matter to members of the Opposition that their leader stands there and fails to tell the truth? When we visited the Esperance Shire Council last Friday, we told the councillors what was in the Bill, showed them the details, and asked, "Does anyone have any objection to that?" Not one Esperance Shire councillor said he had an objection. However, many of them said, "We were told that the land to be claimed included all of this prospective agricultural land". When they were asked who told them that, they said it was the Leader of the Opposition.

Where does the Leader of the Opposition start and stop if he builds a house of cards on foundations of less than honest representation? Where does this campaign of hysteria which the Leader of the Opposition attempts to build up stop? He attempts to support that campaign with petitions which are circulated throughout the community in a bid to set white against black.

The Leader of the Opposition consistently refers to the special access provisions which Aboriginal landowners will possess. The truth is that the ordinary laws of trespass will apply and we will be phasing out the permit system which the Leader of the Opposition supported for so many years. Therefore, not only will special conditions not apply, but also we will be phasing out from the present situation some of these special conditions which smack of the paternalism for which the Leader of the Opposition is known. The ordinary laws of trespass will apply to Aboriginal-owned land, as they apply to other areas of land which the Leader of the Opposition or I might own. Where does the Leader of the Opposition say that these special privileges are coming from? Where does he say they languish?

The Leader of the Opposition talks about special title. There is no special title, with the exception that the Minister's approval is required

before land can be sold or mortgaged. That is all. There is no inalienable freehold title. Had he bothered to become acquainted with the legislation, the Leader of the Opposition might have realised that many of the things he said bore no resemblance whatsoever to the truth. They are simply untrue.

From where does the Leader of the Opposition draw his strength for his position that over 40 per cent of the State is to be, as he says, handed over or divided off from the rest of the State, when the truth is that the claims procedure will be settled by a Supreme Court judge according to strict guidelines which are laid down?

From where does the Leader of the Opposition draw his conclusion that every claim will be approved satisfactorily? Perhaps all claims will be approved; perhaps they will not. However, it is certainly untrue to say in advance of even seeing the legislation that a situation will come about which is not even predicted by that legislation.

That is the truth of the present situation. The Opposition has one issue and, if we are to be political realists, we all know that is true, and the issue has turned into a shrinking violet. I can understand the chagrin of the Leader of the Opposition, because there is nothing easier to ride on the back of than racial tension. If one scratches the surface of many people, one finds the sort of bigotry on which the whole position of the Leader of the Opposition is based in this matter. That is the truth. There is nothing easier to do than that.

It gives me a great deal of delight to be able to teach members opposite and to tell them that to start with their position is not moral. Neither is it politically sustainable, because the balance of the community—and the member for Gascoyne saw them sitting there; they were all his friends at the Pastoralists and Graziers Association meeting, and they have lined him up since that meeting for some of the things he had to say—

Mr Laurance: You couldn't even win a vote among your own members on this.

Mr BRIAN BURKE: The member's constituents will not be voting for my members.

No-one can deny that the Opposition stance is both immoral and indefensible. The Leader of the Opposition cannot accuse me of doing insufficient at the same time as he accuses me of doing too much. One cannot be guilty of being both the murderer and the victim. If I am guilty of doing too little, then the Leader of the Opposition's in-principle stand is remarkable for its lack of principle. If I am guilty of doing too much, then the Leader of the Opposition is guilty at least of being

detached from the reality that was obvious to the member for Gascoyne.

It has been a difficult issue. Members opposite have rubbed the skin off the palms of their hands. The Leader of the Opposition has been wandering about the corridors saying that there will be an election in May. He did that until some journalist told him that I would be in Norway in May. That would be about the only way he would get a look in at present.

Right across the community, starting with the churches, there are people with different points of view on the land rights debate. It is true that people occupy different positions in the land rights spectrum. I suppose the extremes are represented by the Kimberley Land Council on the one hand and the Leader of the Opposition on the other.

Mr Laurance: You have tried to accommodate them all.

Mr BRIAN BURKE: No; we are not trying to accommodate the Leader of the Opposition and nor would we seek to. We are not going to get any compromise within those two extremes.

Mr Thompson: You are doing your best.

Mr BRIAN BURKE: And I do not apologise for that, because all I have said to Aboriginal communities when they expressed to me their opposition to not getting a veto is that there is an in-principle argument that would go to refusing the veto. In any case, we have to face reality, which is that if this law passes it has to persist in a situation that is as free from racial tension as it is possible to be. I have said that to Aboriginal communities and now to members opposite.

One of the hallmarks of this legislation, if it is to work, is that those people who are affected by it should be able to live as comfortably as possible with it.

So that is the "practical application" problem we have confronted, leaving aside the moral question of whether a veto is a satisfactory manner of redistributing the nation's wealth. I happen to believe it is not. The absurdly extreme position taken by the Leader of the Opposition is not taken by the people of this State.

Mr Clarko: The polls show that 80 per cent of the people are against land rights.

Mr BRIAN BURKE: I do not know whether that means the member for Karrinyup tailors his approach to the polls, yet that is what the Leader of the Opposition is accusing me of doing. As I said some months ago, the corner into which the Leader of the Opposition is painting himself is steadily diminishing in area.

There is a sensible, fair, just, and equitable solution to a difficult problem, but that solution does not consist of letting the Federal Government legislate to affect our State and it does not consist of being absolutely unreceptive to the problems created by generations of neglect of Aboriginal people. Aboriginal people may not be getting everything they want. There may be people on this side of the House who would give them more and no doubt there would be people on this side who would seek to give them less. Throughout the community there is the same gradation of opinion.

What is inescapable is the moral responsibility we all have to attempt to find some constructive solution to a difficulty that sees Aboriginal people simply die.

Mr Clarko: You are giving away half the State to two per cent of the people and you are doing it on racist grounds. This is pure, unadulterated racism because you are giving land on the basis of skin colour.

Mr BRIAN BURKE: When the first settlers came here they were given land rights.

Mr Clarko: The Aboriginals were not the first settlers either.

Mr BRIAN BURKE: I do not know how the member justifies the Peel Estate. But let us consider the legislation itself. It is not known yet, and the Leader of the Opposition has based his case on a piece of legislation of which he is ignorant. He said that himself.

Mr Laurance: Which draft is this?

Mr BRIAN BURKE: Whatever it is the Leader of the Opposition has said that he does not have a copy of it and that he does not know what is in it. He said that on the radio last week. My statement was made prior to the radio broadcast during which the Leader of the Opposition said that he would make up his mind and take up his position when he saw the Bill. Yet today he has tried to mount a credible case.

The legislation will not go to the complete satisfaction of those people whose expectations have been unrealistically raised. It will go to meet some of the needs of some of the people who are now without an ability to obtain the sense of security and the feeling of belonging that is derived from the ownership of land.

If they comply with the criteria set out in the legislation the Supreme Court judge will, I presume, grant the claim made. If they do not meet those criteria, the judgment will go against them and the claim will be rejected. At least in the final analysis the Government will have done two things: the first is to shoulder its responsibility in

legislating as it believed was appropriate for this State, and the second is to enter upon the combat of a difficult problem that the previous Government failed to grasp at all.

We are not dividing the community in the way the Leader of the Opposition himself did—Noonkanbah was a plan he hatched and implemented when he was Minister for Police and Traffic. I suppose we might be able to accept that he was not dividing a community, but destroying it. The facts are that the integrity of the Opposition when it takes a position on Aboriginal affairs and on its view of the interests of Aboriginal people is undermined by its performance and by its failure to act and by all its actions contrary to the interests of the people it now pretends to protect.

This legislation will not answer everyone's wishes. The Opposition can knock it out in the Legislative Council; it can make plans and use the Legislative Council in any way it likes. We will not mind because its actions will be written down for the public to see; its actions will be entirely against its name. It will have to accept the blame that will stand when the Federal Government legislates and when we are forced, if it becomes necessary, to take a stand as a Government against that legislation. But remember, when we take a stand against that legislation, if that is what we consider is appropriate, there will be no opportunity for us to change or reject that legislation which, regardless of the vestige of constitutional strength in the argument the Opposition tries to draw, will affect this State and fill the vacuum left by the actions of the Legislative Council in rejecting the legislation we will propose.

MR LAURANCE (Gascoyne) [3.20 p.m.]: In all of this there can only be one morally defensible position, and that is that we are charged with the onerous responsibility of having been elected to this place to do one thing: to make laws that are equal and fair to all citizens of Western Australia. It is a very onerous responsibility and it is not taken lightly by any member of Parliament who has been elected to this place, but let us remember that our oath says that we shall be fair and just and right to all people in the State, that we will not bring in divisive legislation which will exclusively give credits to one group of people that are not available to others. That is the situation. That is the only morally defensible position, and that sort of position cannot be adhered to while members stand behind a land rights Bill. I think it was originally called a land rights Bill, although in recent days we were told it would be called something else—another back off by the Burke Government. That is one of the difficulties for

groups out there in the community in saying whether they support land rights legislation or not, or whether they support the Burke Government on this matter or not, because we never know from one day to the next what its stance is.

The Government cannot bring the Bill to the Parliament. It has admitted that it cannot bring it to the Parliament. The Government cannot present it in a written form that agrees with all the machinations of the Premier. Members know he bends over backwards every day in order to accommodate some new group or some new turn of a new group, and that is exactly what has happened. Members sitting opposite would not know the contents of the Bill. They would not know what is in it today and they did not know what was in the different draft yesterday.

We know ourselves from private information that many members on the Government side of the House do not support the Bill, and those members have said so to groups of people in their own electorates, and privately to members of the Opposition. So we all know that it is all right for the Premier to get up and bluster his way through when he has a full team of people behind him. If he is lucky he has 20 per cent of the population behind him, and I would doubt very seriously whether he has even half of his own members behind him. This point can be established if one speaks to members individually and gets them to talk truthfully about this matter. However, Government members will carry the day. They will all vote for the legislation according to the way Caucus has instructed them, but "in their hearts" the Premier has not got even half of his people behind him.

I want to take a little bit of my time to allay some of the untruths that have been spoken about Noonkanbah. What has Noonkanbah got to do with land rights anyway? The Premier spent a considerable amount of his time trying to get back to that issue. In some way the Government is trying to embarrass the Leader of the Opposition, but the Leader of the Opposition is not embarrassed about Noonkanbah. That was not an argument about sacred sites; it was an argument about oil drilling. Let me tell members, oil drilling did continue on Noonkanbah under the previous Government and oil drilling continued on Noonkanbah under this Government in exactly the same way. Where is the Premier now, so he can come out and say that it stopped the day—

Mr Brian Burke: I had an agreement with the community—

The SPEAKER: Order!

Mr LAURANCE: From the day the Premier took office drilling continued at Noonkanbah, and that is the truth.

The SPEAKER: Order!

Mr LAURANCE: We saw that drilling was to continue on that station and so did this Government. Let me take the Premier's humbug away. Let me tell the Noonkanbah people about it. They would be laughing themselves silly if they were able to hear what the Premier said today about Noonkanbah.

Mr Clarko: If it was really sacred, how could you continue with it?

Mr LAURANCE: Not very well. The Premier tried to drag a red herring across the land rights debate this afternoon, and the record of assistance to Aborigines. If we take away all the posturing that has gone on over the last two years, what has this Government done for the Aboriginal people? They are not even satisfied with what they are going to get out of the land rights deal. But what other things have happened—absolutely nothing!

The Premier said, "We are not going to give you anything else because we are talking about this marvellous land rights deal". The real problems of Aborigines have not been addressed by this Government, and the Premier knows it. This Government has a record of inactivity. The Government has the record of the Seaman report—many words! No action has been taken on the part of this Government to address the real problems of Aborigines.

Mr Gordon Hill: What did you do during your time in Government? Noonkanbah, that is what you did!

Mr LAURANCE: Yes. Look at the record. There was a great and real history of worthwhile achievements on behalf of the Aboriginal people, not in trying to give them half of the State, but in trying to give them meaningful assistance in the way that it counted, in terms of housing, in terms of the Aboriginal communities Bill that members know went a long way towards trying to give Aborigines status and trying to sort out some of the problems in the Kimberley. That legislation was hailed as innovative by the member for Kimberley and by people in other States; it was one of the big breakthroughs in the rights of Aboriginal people in the Kimberley.

It was not sponsored by a Labor Government; it was sponsored by a Liberal Government. This Government's record is absolutely devoid of any good. All the Government has done is talk about land rights. The Government has not even got the Aboriginal people on side about that issue.

As a contortionist the Premier is brilliant. Every time somebody has said, "Hang on; we do not like this", he has bent over backwards; he has nearly turned himself inside out to accommodate all the groups. What has happened is that along the way it would appear that some of the groups have been bought temporarily. They have been bought in the short term because of the Premier's contortionist act. He has said, "Okay, we will give you this. We will give you that. We will change this. We will change that". He says this even to the pastoralists on one day, and he says something else to the mining people on another day, and tomorrow he will go down to the Primary Industry Association and say something different again, and then he will go to the Aboriginal people because by now they are squawking saying, "Hang on a minute. You cannot say all of that to all of them and still say the same thing to us".

The Premier says, "Hang on, you will be right. I will fix you. I will come there. I will turn myself inside out and fix your problem". He knows he cannot keep them all satisfied all the time and he will run himself out of options. That has happened. Is it not disgraceful to see our Premier beating a path to Canberra? One could follow his footsteps along the track that he has worn, from here to Parliament House in Canberra, and every time the Premier returns what he says is rebutted by his Federal colleagues. Even as late as today, if members pick up their copy of *The West Australian*, they will see Mr Holding says, "Burke's got nothing". What he has is what he agreed to and what he voted for when he went to the Federal ALP conference. That is what Mr Holding keeps telling us. That is what he keeps telling the Australian public.

If the people want to know what Mr Burke stands for, they should have a look at what he voted for at the Federal ALP conference, the decisions of which Mr Holding says binds him, Mr Burke, and the whole of the ALP in Australia. That is the policy he voted for. Do not let me keep reminding members. Just keep reading Mr Holding's comments. He refuses to back off. He must be pretty thick but, we must give him full marks for persistence. Every time Mr Burke and Mr Hawke do a deal, and kiss and make up, before Mr Burke lobs back in Western Australia, Holding is on the hustings saying that he is wrong, that he has lied to the people again, that what he says has no credibility. Is that not demeaning to the Premier of Western Australia? He is not sending the old Anglican minister backwards and forwards to Canberra; he is going himself—our senior representative, the Premier of this State, demeaning

himself in front of the people in Canberra, only to be rejected every time.

The newspaper today says—

The Federal Cabinet endorses the submission presented by the Minister for Aboriginal Affairs, Mr Holding.

He endorsed it yesterday, not before Mr Burke's last trip to Canberra, or the time before that, or the time before that, but after his recent visit the Federal Cabinet yesterday said it was still pressing ahead with Federal legislation.

So the Premier cannot get his Federal colleagues onside. He has got the Aboriginal people definitely offside because they have been absolutely sold a pup and every time they pick up the newspaper and see he has given something away to somebody else to appease them, they realise what a pup it is, a bit of a mongrel pup at that—members would have to agree.

What about the people the Premier says are onside? Let us take the group he mentioned—the pastoralists; my friends. He referred to them in that way and I am pleased that he did because they are my friends.

We do not have to agree on everything. We have got on pretty well over the 11 years I have been here so far. We do not agree on everything, and that is healthy, but the Premier says they have agreed with him. Let us look at the motion carried by 39 votes to five at last week's annual conference of the Pastoralists and Graziers Association of Western Australia. I want to quote it because it belongs and deserves to be in the records of this Parliament. The conference motion reads thus—

The Pastoralists and Graziers Association rejects the concept of Land rights . . .

I interpolate here; the very first words of the motion, and I will repeat them, are "The Pastoralists and Graziers Association rejects the concept of Land rights", as does 80 per cent at least of the public of this State. The Premier flies in the face of public opinion by saying he has got any sort of majority in this matter. He has not even got a decent minority, let alone a majority. The PGA motion continues as follows—

... as proposed by the Federal Government or any other agency but supports in its present form the proposed legislation contained in the W.A. Government Aboriginal Land Bill 1985 . . .

I told them already that it is not the Aboriginal land Bill of 1985. The Government has changed the name. The Government has backed off on even the name of the thing.

So the pastoralists have said, "We accept the Aboriginal land rights Bill 1985". There is no such Bill. The Government does not have a Bill called the Aboriginal land rights Bill.

To continue—

... in so much as the proposed legislation within the bill affects the interests of the rural industry in W.A.

That section improves their position. If someone said, "Here is a whole heap or mess of pottage, 90 per cent of which one cannot swallow, but here is a little bit one could take, I would say, "I'll take it".

That is what the pastoralists have done. We cannot blame them; the association is a commercial organisation. The organisation said, "That is the little bit we will take, but we do not want to take the rest—we reject it". They have taken the part that affects the rural industry. I will continue to quote—

But in so doing reserves the right to influence the Parliament of W.A. to make amendments to those areas within the Bill with which the Association still has some concern.

Let us consider what that motion states. It states, "We don't want land rights". It states that fact loud and clear, as does everyone else in Western Australia. The association has said, "We will take, however, the little bit that may influence us and our situation". That is fair enough. We did not enjoy their vote, but we are prepared to understand their position on that. However, they say that even with that little part they reserve the right to change.

Where does that leave the Premier's agreement; I think he should go back and read the PGA conference motion. Everyone who has shown any agreement with the Bill has done so because of a deal he has entered into. The Premier has offered something; he has given something. He has said, "Before you oppose this, what can we give you?" The PGA motion is, at best, a shred of support.

Other serious matters are involved. I think it was right and proper that on the first day of this session of Parliament, in the session in which the Premier says he will bring forward a land rights Bill, that this matter was brought forward. Later on in the year the Premier's Federal colleagues will legislate anyway, so he has to get legislation through this session, although it cannot be brought to the Parliament yet. The Leader of the House has told us that he is having some difficulty with this legislation. The Government cannot get the ink dry on one draft before it starts on another one. It cannot even decide on the name. That is the Government's first problem: what will we call

it? That is as far as the Government has proceeded.

So, the Premier is in a bind over this. He has postured, for half-an-hour today, in an attempt to explain away a position which is absolutely inexplicable and indefensible. Let us look at some of the more radical matters which will arise out of this legislation. The Leader of the Opposition did his best. All he can do is use the Parliament to bring forward the major concerns of the people of this State, at the very first opportunity. It is private members' day tomorrow, but the Leader of the Opposition brought this matter forward today, by way of an urgency motion. At the first opportunity the Leader of the Opposition raised this matter on behalf of the people of Western Australia. He is doing his bit for the majority of the people in Western Australia. I am proud of the fact that the Opposition has put this matter forward so strongly, at the first opportunity.

Who will get the land under this legislation? Regional Aboriginal organisations will get the land. Seaman has already divided up the State into nine areas. It is another parliament! It is another whole regional structure. There will be nine areas. Those people who get the land will have elections, and it will be funded on a *per capita* basis. That is what will happen.

The area of the member for Kimberley was not funded on a *per capita* basis, but his regional Aboriginal organisation will be. It is absolutely diabolical, and the more this matter is investigated, the worse it appears.

Sea rights is another matter we must consider, because it has come into the argument over the last few weeks. Who talked about sea rights before? Those rights will be extended three nautical miles into the ocean.

We cannot film on Ayers Rock! Let us talk about national parks. The Aborigines will not own national parks, but they will have joint management of them. One special interest group will have joint management of national parks and may say that the situation will be like that which pertains to Ayers Rock—no one can go in without a permit, or permission. Pastoralists will not be able to travel across other pastoral land, which belongs to Aboriginal people, without their permission.

People will not be able to fish or take prawns in certain areas without first obtaining permission. The sea will be closed off to our people. That situation is intolerable, and it is not an "either or" situation.

We cannot have the Premier say, "Take our rotten stuff, or you will get worse from the Federal Government". Both Governments will find them-

selves in trouble. It will be on their political heads, because as a result of that action they will be out of office.

I ask the Premier to hold a referendum or an election on this matter of land rights. Let us have those two options on the matter of land rights. If the Premier will not hold a referendum on this matter, let us have an election. We would love it!

Motion, by leave, withdrawn.

UNIVERSITY MEDICAL SCHOOL, TEACHING HOSPITALS, AMENDMENT BILL

Second Reading

Debate resumed from 28 November 1984.

MR THOMPSON (Kalamunda) [3.35 p.m.]: The Opposition supports the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) BILL

Second Reading

Debate resumed from 28 November 1984.

MR MENSAROS (Floreat) [3.38 p.m.]: The subject of this legislation has had a long development in discussion on all levels, to the extent that the Federal Act, which this State legislation mirrors, even had a stillborn situation during the time of the previous Government. It became an Act of Parliament, but did not start to operate. After the election of the Hawke Government, extensive discussions and a national conference were held on the question. The basis of this Bill was formed after the Commonwealth conference.

The question is a difficult one, because no-one has denied that organised crime, which has slowly become a threat to communities in the whole of Australia, must be dealt with efficiently.

Not everyone agreed, however, on the method of dealing with organised crime. Three Royal Commissions were appointed, with specific terms of reference.

It appeared they were not all-embracing. So the idea arose that there should be a centralised sort of agency which could deal with the question, but the suggestion was made at the same time that this agency should be a law enforcement agency and take over the duties and responsibilities of the

State police forces on an undefined basis with undefined boundaries. It was also suggested that this centralised agency should have powers and responsibilities overriding those of the States.

Those were the two aspects which many people did not like—oddly enough people from different areas. They did not like the idea that the existing police forces, which appeared to be, with minor exceptions, quite efficient, should not be able to do their job as they had in the past, and that the Commonwealth should take over certain State responsibilities.

The majority of people involved in this question also did not like the idea that individual rights and the liberties of people which have been fought for in the English system of law for centuries should be thrown away because we had to deal with a temporary question, no matter how important or grievous that question is.

When this conference which I mentioned took place—I had the honour to participate on behalf of the Opposition, and I expressed my appreciation to the Government for letting me participate—one realised that from the almost extreme left, if one can use that expression, to the near extreme right, many people were taking the same stance. Conversely there were differences within different parties. I took an entirely different view, as the Minister will recall, from that of my Federal counterpart, and I said so.

I still believe the whole question could have been solved without setting up a centralised agency, by simply strengthening not the power but the means at the disposal of the Police Forces—the technical equipment, manpower, and communications equipment of each force, and with co-operation which is not new or strange. In that way, we would have been able to deal with the situation. The solution came about almost as a face-saving exercise because the Federal Government was committed to a central agency. It was prepared to re-assess the existing body which was then called the National Crime Commission, not an authority. The Federal Government was surprised to some extent that its own supporters were against the idea, but it did not want to withdraw from the commitment for a central agency.

The whole problem could have been solved without a central agency and this view was put without exception by every Police Force whose representatives were allowed to speak at the conference. Every force in every State took the same view, apart from civil libertarians, and what have you. The States' view was best expressed in the Victorian paper and it is quite interesting that it should be Victoria which stood up in a meaningful

and quite intelligent way to support the States' rights against centralism. I seldom experienced that; I have often represented Western Australian conservative Governments and taken the same stance as the Tasmanian and South Australian Labor Governments on different questions, but seldom sided with the Victorian Liberal Government and that of New South Wales. Those States apparently think they are the Commonwealth, they own the Commonwealth, hence there is no question of State rights from their point of view other than constitutional questions. This is not entirely true, because in any question where the State Treasury would have benefited, Victoria and NSW were strong supporters of State rights.

I refer to the offshore legislation in relation to Victorian consideration of State rights. In that case Bass Strait was a very important stake in the question.

The Victorian paper set out what the situation should be if the majority came down in favour of a central agency, which as I said, was expected to happen for a face-saving reason. It is worth while looking at what the Victorian Government proposed in its paper before I deal with the provisions of the Bill before us.

Its proposition was first that if there had to be a central agency it should not be a crime commission which would investigate and prosecute an act as a law enforcement agency, but it should operate only as a national intelligence gathering body—a repository of criminal intelligence. It is interesting that when one examines the provisions of the Commonwealth Act one sees that that has been accepted and surpassed to some extent. The Victorian Government suggested the functions of the agency should be to co-ordinate the gathering of intelligence, to analyse it, to liaise with international intelligence organisations, inform existing authorities, and recommend to them whatever it felt necessary. The agency should be able if necessary to recommend the establishment of an *ad hoc* Royal Commission at either the Commonwealth or State level.

Everything in those recommendations has been accepted with the sole exception of the proposal for Royal Commissions, and that is not very important after all, because any State or Federal Government can appoint a Royal Commission without having to wait for a recommendation by a central agency. In relation to the agency's powers, the Victorian paper recommended that existing agencies should be obliged to furnish information about organized crime and that witnesses should be called and documents produced by subpoena only. It also recommended that witnesses and people producing documents should retain the

right of non self-incrimination; they should be able to refuse if they felt that producing documents or answering questions would incriminate them. The present Commonwealth Act accepts all those recommendations.

The Victorian paper referred to the structure of the authority and recommended that Commonwealth legislation should be introduced and mirrored by the States and Territories, and that there should be one chairman, not necessarily a judge, and two members. It also recommended the establishment of a ministerial council, a sort of board, which would oversee the activities of the agency, and that the agency should be domiciled, not in Canberra but in one of the States. It also recommended that an annual report be tabled in Parliament and any other information as directed by the ministerial council. Although I could not find anything in the Act which spells out that the domicile of the authority should not be in Canberra, all the rest of the recommendations have been accepted.

That fact simply proves my point that the legislation followed the Victorian paper and, if anything, it is weaker from the point of view of centralised power. It is stronger from the point of view of the States and from the advocacy of individual liberties and freedoms and control of the excessive powers of the Police Force. I feel, therefore, that such a centralised agency is not necessary and the problem could have been solved without this legislation.

The State Bill, of course, should really be read in conjunction with the Commonwealth Act. There are references in the State Bill relating to definitions and interpretations in the Commonwealth Act. However, there are many silent references which have to be read in conjunction with the Commonwealth Act. A number of provisions in the State Bill do not meet the provisions contained in the Commonwealth Act. I will come back to this point, because I think it is important.

The most important point, I suppose, is the interpretation of the definition of organised crime. I cannot understand why, when so many provisions have been taken from the Commonwealth Act and put into the State Bill—provisions which seemingly affect the Commonwealth and do not affect the State directly—other matters have not been put into the State legislation. This makes it almost impossible for one to read the Bill without having the Act in the other hand. Because their sequence is not the same, it is fairly difficult to compare the two pieces of legislation. It varies from one provision to the other.

The definition of organised crime is enormously important because the legislation deals only with that subject and every intelligence gathering action by the authority will be related to organised crime. Consequently, that definition was the most difficult to draft properly. When one looks at the parliamentary debates in the Federal Parliament, one realises that the Government began to define "organised crime" in a more general way. The Opposition tried to amend the definition but was unsuccessful. It was later amended by the third party, the Australian Democrats, with some degree of success but did not survive the House of Representatives and came back to the Senate in a slightly varied form, which became the definition now appearing in the Act.

I do not think the definition is perfect. Nothing can be entirely perfect. However, the definition relating to organised crime is the salient point in the whole Act. Organised crime is called "relevant offence". An offence under the definition must involve two or more persons. I query that definition, because very few crimes do not involve more than one person; even juvenile crime today involves more than one person. It must involve substantial planning and organisation. A further interpretation of "substantial" emerges immediately without any answer being supplied by the Act. It involves sophistication and I think it is a difficult task to try to define that word. An organised crime, under the definition, should be committed together with other offences which include theft, tax evasion, currency offences, drug dealing, gambling, gain from vice, extortion, corruption, harbouring of criminals, the forging of passports, and even the exporting and importing of fauna. All of those offences could be taken into consideration only if their relevant penalty is at least three years of imprisonment. The period of imprisonment cannot be less than that.

A significant exclusion is an offence which the legislation excludes. I think that is significant considering that the Commonwealth Government is a Labor Government and that most of the State Governments are Labor Governments. I wonder whether the average person would accept that anything committed in the course of a "genuine" dispute between an employer and employee cannot constitute an organised crime.

The Costigan Royal Commission was set up, because of alleged corruption and crime within a particular union. We all accept the fact that organised crime was not born in Australia and that it came from more densely populated countries such as the United States, from which so many good things and, unfortunately, so many bad things have come. Such problems as drug

abuse and various other criminal offences have, in due course, come to this country and, unfortunately, have come to the west of this country from the east. There is no doubting that America is a hotbed of crime and that many books and films and evidence from grand juries and the like prove that much of organised crime stems from the union movement in that country. To blatantly exclude from the scope of this centralised authority anything which is connected with a dispute between employer and employee is partly political and shows a weakness in the legislation which nobody picked up, because it was not pointed out in a newspaper article or emphasised in some other way. The Government has therefore got away with it. I maintain that an enormous weakness in the legislation is the fact that the lengthy definition of organised crime states that the definition does not apply when an employer-employee dispute is involved or, in other words, when it is union sourced.

The Commonwealth Act then deals with the authority. I must say, with due respect to the Minister who normally displays a very thorough knowledge of the subject of his second reading speeches, that this second reading speech did not explain anything. The Government has often used its power by telling the Public Service Board that it should recommend a certain person as the "best qualified" for an appointment, in order to pass the buck in relation to political appointments. The Government should rather use its power to tell its advisers, the Crown Law Department, or whoever drafted this legislation, that they should have respect for Parliament and explain the legislation properly in the second reading speech. I therefore take it upon myself to try to explain the provisions of this Bill, because they have not been explained by the Minister. The Minister gave a very brief second reading speech which included half sentences in an attempt to explain what the Bill was going to do.

It is very important legislation and, therefore, it would have been incumbent upon the Minister to insist on a second reading speech which thoroughly explained the provisions of the Bill before this House. He should have explained not only the provisions contained in this Bill, but also those contained in the Commonwealth legislation. To continue, the Commonwealth Act deals with the functions and the powers of the authority. Similar provisions have been excluded from the State Bill possibly because the authority will be a Commonwealth authority. However, it is vitally important that all members understand what will be involved in this legislation.

The National Crime Authority consists of a chairman and two other members who will be appointed by the Governor General. Apart from the chairman the members appointed do not have to occupy their positions on a full-time basis. The chairman of the authority must be a judge, an ex-judge, or a legal practitioner with at least five years' practical experience meaning a lawyer who has the qualifications to be appointed as a judge.

An interesting provision is that one of the members will be appointed by the unanimous recommendation of the Attorneys General of the Commonwealth, all the States and the Territory. The other member will be appointed on the unanimous recommendation of the Ministers in charge of the police forces in the Commonwealth, all the States and the Territory. We have a situation where members cannot be appointed to the authority unless such recommendation has the unanimous support of all the States and the Territory. It is a very commendable situation and it should be carefully examined by this House.

The Commonwealth Government, State Governments and the Northern Territory will participate in the board of directors as outlined in the Victorian paper. It is not called a ministerial council, but an intergovernmental committee. The board of directors will consist of the Commonwealth and respective State Ministers who have been appointed respectively by the Prime Minister, the State Premiers and the Chief Minister of the Northern Territory. These people will constitute the governing body of the authority. The authority will depend on the intergovernmental policy. Each of the Ministers will have the power to appoint a delegate who may act as his proxy at meetings. The meetings will be held as agreed upon by the members. A quorum will consist of five members if the meeting is represented by all the States and the Territory or if all the States and the Territory do not participate only half the number of members who should be in attendance will form a quorum.

The Minister may say by interjection that none of the States or Territories will reject the legislation. I understand that all States have not yet legislated.

Mr Carr: It is expected that all States will legislate.

Mr MENSAROS: Under the constitution of the intergovernmental committee the majority opinion will prevail. Opinions can be taken by telephone, teleprint, or any form of message which cannot be objected to.

The most important function of the committee will be the approval of referrals by individual Min-

isters for the authority to investigate. The authority can deal only with matters which are referred to it by the Commonwealth or State Ministers. However, the referral must be approved by the ministerial council.

The interesting provision which strengthens the case of the individual States which refer matters, is in the decision-making of the ministerial council. The Minister or his delegate who made the referral must vote with the majority. If that is not the case apparently the referral lapses and it cannot be dealt with further. This, in itself, proves that there is not a great deal of necessity for the establishment of such an authority. I honestly believe that this matter would have been better dealt with through the co-operation of the individual police forces.

Another interesting provision with regard to the authority is that it cannot gather information by hearing witnesses or requesting persons to produce documents until it is established that the matter cannot be better resolved in a conventional way by the police force. This could strengthen the argument of those people who believe that such an authority should not be established because the police force has certain measures available to it in order that it can deal with organised crimes.

The functions of the authority are to collect and analyse criminal information and to disseminate it to law enforcement agencies. It is similar to the recommendations contained in the Victorian paper. The authority can also suggest that matters which are referred to the authority should be further investigated by a task force. Such a task force could be appointed within the Commonwealth and one State or two or more States, and an investigation can only be undertaken with the concurrence of the Minister of the State to which the task force belongs. Special functions of the authority can be undertaken by the Commonwealth Government.

The provisions I have so far mentioned are contained only in the Commonwealth Act, yet they are vitally important from the point of view of all States. Restrictions have been placed on these functions so far as they are supervised by the ministerial council.

The authority shall co-operate with the Australian Bureau of Criminal Investigation and this also has been advocated in the Victorian paper. The authority can make recommendations concerning law and request the States and Territories to amend certain laws or administrative procedures if it is considered that they are not appropriate when dealing with organised crime or crime generally. In such cases the States or

Territories concerned would be asked to change the law in order that it can be administered in an appropriate manner.

The Commonwealth referral is on a strict basis; it cannot be done on the willy-nilly decision of the Commonwealth Minister because the Commonwealth Parliament has the power to make the Minister withdraw. This again is a fairly important and seldom seen concession by the Government. Governments tend to strengthen the executive and administrative power and not to put power in the hands of the Parliament. It is a commendable situation to give the Federal Parliament power to make the Minister withdraw the referral. From that point of view it is very significant that this measure is missing from the legislation before us. I ask the Minister to explain why it was decided not to include the provision whereby the State Parliament could make its Minister—presumably the Minister for Police and Emergency Services—withdraw a referral in the State Bill, such as occurs with the Commonwealth legislation. Does this mean that the State Government is less of an open Government than the Commonwealth Government intends to be? Does it mean that the State Government is more secretive? The fact remains that the provision is in the Commonwealth Act and it has not been mirrored in the State Bill before us.

The instructions and guidance given by the Commonwealth Minister to the authority are fairly strictly described and kept. For instance the Minister must gazette these instructions; he cannot direct the authority to do something without publicly gazetting the fact. I can think of many occasions on which this Government issues instructions to public servants without even putting those instructions in writing. I think it is afraid to put them in writing. Many instructions are given by the Premier on the telephone and no signed letter is issued. It is significant that the Federal legislation requires the Minister to gazette his instructions to this authority.

When I was in charge of the State Energy Commission and subsequently the Metropolitan Water Authority I did not go as far as gazetting my instructions but I incorporated in the legislation of both agencies the provision that the Minister's instructions should be recorded. This record was to be kept and shown to the following Minister who had the choice of continuing or cancelling them. In that way he had a record of instructions issued. This safeguard is sadly missing from the State legislation which is another omen of the State Government's attitude.

In specific circumstances, if evidence can be expected to be lost or destroyed, the authority can

ask judicial authorities only to issue a search warrant. Appeals are available against such a warrant. Also a judge or court can, under prescribed circumstances, order the delivery of a passport to the authority if it is not only suspected but also reasonable proof exists that the person concerned might want to leave the State. Furthermore rules are laid down regarding witnesses; they can be represented by counsel. Even those involved in the case who may not be witnesses can be represented by counsel if the authority thinks it is appropriate. Considering the many reporting duties of the authority and taking other factors into consideration this seems to be a reasonable provision.

Further provisions not mentioned in the State legislation allow witnesses to be reimbursed and to receive legal and financial assistance. This is not mirrored in the State legislation because presumably when the proceedings take place the Commonwealth will make the reimbursements or provide legal aid if it is necessary.

Both the State and Commonwealth legislation provide for the issue of summonses to witnesses and for the production of documents. Penalties for refusal to comply are laid down in the Bill. The State Bill, as well as the Commonwealth Act, sets out penalties for offences of non compliance and contempt from a \$2 000 fine to six to 12 months' imprisonment. Referring to the administrative provisions, I must again stress that this was not mentioned in the Minister's second reading speech. I am doing his job for him although I am not being paid for it.

The appointment of authority members shall be for a period not exceeding four years and the members cannot be re-appointed. In these circumstances this is an acceptable and commendable provision.

In the authority, as opposed to the intergovernmental committee which is the ministerial council, the chairman has a casting vote. That again is acceptable because there are only three members of the authority and two members represent a quorum. Therefore, if only two members were present there could be a state of indecision if the chairman did not have a casting vote.

Secrecy provisions are included for staff, members, consultants and others.

There are transitional provisions from the Costigan Royal Commission to the National Crime Authority in Canberra, which are quite understandable. Also, presumably to keep the authority under the control of the elected Government elaborate provisions are included for keeping Federal and State Ministers informed and also the Commonwealth Parliament.

Another safeguard to protect the rights of individuals is that no information should be disclosed where the safety or reputation of a person could be jeopardised. For the sake of public and open administration, obligations to make reports are included as well as opportunities for public sittings and the issue of bulletins. Quite importantly the Act concludes its provisions with a sunset clause for five years which has been taken over by the Bill.

These are broadly the provisions of the Bill and the Commonwealth Act which the Minister did not mention, or if he mentioned them at all it was only in brief half sentences without explanation.

In its written form, once the principle of the Commonwealth Act has been accepted this legislation appears to be modest with little or no excess and seemingly plenty of safeguards. However, this is on paper and only the future can tell how the National Crime Authority will work and whether the practice will justify my present comments.

These are used mainly from the point of view of two important principles which I mentioned earlier: Centralisation where the traditional responsibility and rights of the States would have been taken over; and, impinging on the rights of the individual. On paper the legislation appears to have sufficient safeguards regarding these matters.

I now return to an earlier point and query why certain provisions of the Commonwealth Act are not mirrored in this Bill.

This Bill is a mirror of the Commonwealth Act. We had some similar legislation in the past; indeed, I was connected with some concerning offshore administration. That State legislation was taken verbatim from the Commonwealth Act.

I cannot understand the reason behind this. I would like the Minister to elaborate on these omissions.

The interpretation provisions are not mirrored, but there is reference to the Commonwealth Act. That is only a formality. Some of the functions of the authority, particularly those of the intergovernmental committee where the State Minister participates, are not mirrored. The referral to the authority by this committee, or by the Minister, is not mirrored. That could be a function of the State Minister. The information to be gathered from private sources is not mirrored. I would be obliged if the Minister would say whether that was deliberate, or whether it was left entirely to the legal people.

The Minister may have to seek some advice, but I would not object if he could perhaps give an answer during the Committee stage. These are

very important questions which should be answered. There might be some technical explanation for some of them, but it would have to be a good explanation to be acceptable.

Some provisions are omitted for policy reasons, obviously. That is something which cannot be passed over to the draftsman. *Prima facie* the Minister and the Government are responsible. That appears under section 13(3), where the Commonwealth referral has to be withdrawn if this is so decided by each House of the Commonwealth Parliament, and the withdrawal has to be gazetted. Why is this provision not in the State Bill? The Minister refers matters to the authority, the intergovernmental committee agrees to them, so why should this Parliament not be entitled, as the Federal Parliament is, *vis-à-vis* its Minister, to have his referral withdrawn if the Parliament sees fit to do so?

More importantly, however, sections 52 to 55 of the Commonwealth Act deal with the parliamentary joint committee. The Commonwealth Act establishes a joint committee of the Federal Parliament which signifies a desire for an open Government. It supervises the Minister and his referral.

I would like briefly to refer to section 55. It provides that as soon as practicable after the commencement of this Act and after the commencement of the first session of each Parliament, a joint committee of members of Parliament to be known as the parliamentary joint committee on the National Crime Authority shall be appointed according to the practice of the Parliament with reference to the appointment of members to serve on joint Select Committees of both Houses of the Parliament.

Then it goes on to state who cannot be a member of the committee. It says later that all matters relating to the votes and proceedings of the committee shall be determined by resolution of both Houses of Parliament. It goes on to enumerate the duties of the committee.

There is a tremendous similarity between that and the State procedure, because the Minister at least has as much responsibility in connection with this National Crime Authority as has the Commonwealth Minister. Indeed where the Minister participates, his actions cannot be scrutinised by the State parliamentary committee. I do not know the political consideration behind it, but I would be interested to hear the Minister's explanation.

It might be of some interest to mention one of the observations which more than slightly amused me during the not uninteresting but fairly difficult and lengthy task of comparing the two legislations. I tried to see if the mirror was a true one,

whether it distorted, as do those in Luna Park, or whether it exaggerated.

I wonder whether the Minister noticed the situation where the State draftsman wanted to exercise his one-upmanship over the Commonwealth? Whenever the Commonwealth drafted a proposition in normal English—if anything in legislation can be called normal English—such as mentioning a gender, the State draftsman exercised his one-upmanship. I will give members an example. The Commonwealth Act states, "Where a person has in his possession a passport—". The one-upmanship of the State draftsman is obvious in the phrase, "When there is a passport in a person's possession—". I congratulate the Minister and commiserate with him on this. We must be a lucky country indeed if the draftsman has the time for such things which I do not think anyone, even those most seriously concerned with equity, would take seriously.

I have only to deal now with what I said at the beginning; whether there is a necessity for such an authority. I do not think there is. Even though the authority is there, it is only an intelligence-gathering authority.

I would suggest to the Minister that he should consider seriously discussing with his colleagues whether an amendment should not be moved to the Act which would oblige the authority to destroy all information gathered after a certain time. A sunset clause is not enough. This would be fairly important, because very few people—indeed, very few members, including the Minister—would have any idea how extensive the information could be.

I had the honour of being invited to visit the Costigan Royal Commission, where I spent five hours with the head of the computer section, an expert, who showed me what was stored on the computers. Every file, every paper, every verbal hearing had been stored in the computer. At one stage that person, a very nice gentleman, asked me to give a name and address in Perth. I deliberately named a city address, thinking there might be a company on the computer. From that address he found out through the computer not only what one might expect, but the banker of the company and the name of the hairdresser of the bank manager's wife—information which I suppose would have been entirely pointless, but the concept was frightening. I think the Minister would have felt the same thing. It comes to the ironic question of what is better—organised crime or things like this.

If we are subject to such regimentation, every citizen, irrespective of what he does, could find his name recorded on the computer. I might have shaken hands with someone who was the father of

the girlfriend of an organised crime suspect, and that could be recorded on the computer. That is a serious matter. I prevail on the Minister to give this serious consideration.

I do not want to be accused by those who talk about law and order—something I very much support myself—of being soft on organised crime; neither the Opposition nor I am soft on organised crime. What we are on about is the fact that the long fought for individual rights of people should be safeguarded. I have said that the legislation attempts to do this, but I have pointed to one matter which needs to be considered: This information should not be stored forever. Who knows who will use it or for what reason.

Further, we feel that the English and consequently the Australian system of justice is quite sufficient to deal with these matters if sufficient funds are given to the various police forces and if sufficient co-operation is being achieved between those forces. If we do not have this amendment, this 1984 Act of the Commonwealth will really be an omen of that year 1984. It could have tremendously sad consequences.

We will not oppose the legislation and we will not move any amendment. This legislation is in part dealing with an administrative task which the elected Government has to do by negotiating with the other Governments of Australia. It would not be proper for us to try to move for changes because, after all, it is mirror legislation. I emphasise again to the Minister that some matters ought to be changed in the Bill so that it reflects truly what the Commonwealth Act provided for. Some matters ought to be changed in this Bill as well as in the Commonwealth Act, and this relates particularly to the storage of information. Although we do not oppose the legislation I would appreciate the Minister's responding to the matters I have raised.

MR HASSELL (Cottesloe—Leader of the Opposition) [4.33 p.m.]: My contribution to this debate will be relatively brief and it will undoubtedly not match the extent of study and examination undertaken by the member for Floreat, who has so thoroughly and carefully examined the legislation and what it represents. However, as a former Minister for Police who was very closely involved for three years in the development of national proposals to deal with organised crime of one sort or another I indicate that while, as the shadow Minister has indicated, we do not oppose the legislation, it is in reality moving in the wrong direction.

I have no doubt that the National Crimes Authority will fail eventually. It will be seen to fail.

When it is seen to fail there will be those who want to build it up and increase its powers, authority, secretiveness and resources. But if we stood back and looked at it dispassionately and objectively now we would say that we should not move in that direction but move in the direction taken by Ministers for Police in Australia between 1980 and 1983 to see whether the course proposed then was not a better course to follow.

The National Crimes Authority is really a very feeble attempt at the creation of another national police force. That is how it started out under the Fraser Government, which was reacting to some very serious situations confronting it. Then under the Hawke Government it was watered down. It investigates but does not prosecute and it is not technically a law enforcement agency.

We have been having those kinds of activities for years in this country; we have had so many Royal Commissions into aspects of organised crime that we lose count of them. They go back to the early 1970s. These commissions have investigated the docks, meat, bottom of the harbour schemes, alleged payments to maritime unions and all sorts of other issues which have been shoved off to Royal Commissions and have led up to the greatest of them all, the Costigan commission.

But how many people are in gaol, how many people have been put away, as a result of those Royal Commissions? The answer is, very few; no more than half a dozen at the most. This authority is a perpetuation of a Royal Commission. It is not the Royal Commission that Senator Durack and Malcolm Fraser wanted when they were in power; it is a watered down version. Their version had no attributes of any great appeal to me, and I said so publicly at the time. Neither does this version have any attributes which offer to me any real hope that it will tackle organised crime.

The truth is that organised crime became a political embarrassment to the Fraser Government and it wanted to be seen to be doing something about it. When the Hawke Government came along organised crime became an embarrassment to it because of Mr Costigan's report on the activities of the Government's union mates, and it wanted to be seen to be doing something about it.

The left wing of the Labor Party moved in and said, "You might be able to do something about it but you had better not fiddle with civil rights". It is one of the rare occasions when I agree with the left wing, and I said so publicly at the time. The original proposal for a crimes commission and the crimes authority proposal here represent a real threat to civil liberties and to the Federal nature of

our nation. Those twin objections were set out in discussion papers we prepared.

The fact of the matter is that the National Crimes Authority must fail. It will fail because it is too weak. If it were strong enough to do the job it would be unacceptable to me and to most people, because the whole idea of approaching it in this way is fundamentally off beam. As the member for Floreat said in his most learned address, it has taken us hundreds of years to work out, through trial and error, a system of justice which keeps delicately balanced the interests of people who are accused and the interests of the community in having guilty people convicted.

And how do we achieve this? If we stand back and look at it we find that we deal with those people by having a police force which investigates, a Crown Law Department which assesses evidence and decides whether to prosecute and, if so, the appropriate prosecution—I am talking of serious cases as distinct from petty sessions-type cases—an independent judiciary who head up the courts which consider the prosecutions, and to cap it off, juries which judge and decide on the facts.

Now, that is our system, and even under our system there are many occasions when things get out of balance. For instance, we saw in the last few days how a man, accused of rape, was publicly named and publicly disgraced as a result of being named. Yet a few days later he was cleared by his very accuser. That was out of balance in the system. That is a flaw in the system when a man can be so badly treated.

We have seen other cases where the victims are not protected because the forms of the law are used to stop a substantive prosecution. We see in the country areas in this State many cases where prosecutions, particularly of juveniles, are not carried through to a conclusion, firstly, because of technical legal objections that are raised by various legal services, including in particular the Aboriginal Legal Service, and, secondly, because the police and the prosecutors know that securing a conviction achieves nothing—it achieves no punishment for the offender. So, there is another example of where our system is out of balance.

If we take a national crime authority or commission and say to it, "Well, we simply want you to investigate", then it is a police force. If we say to it, "We want you to investigate and prosecute", then it becomes a Crown Law Department as well, and it begins to look dangerous to the ordinary man.

The shadow Minister gave an example of how investigating and putting all this information into the Parliamentary records can be a threat. That is

something we all would be concerned about. Even if we say to the crime authority, "You are going to work as a crime authority, as the Americans do, by exposing people for their activities", we will really have a crime authority acting as a judge and jury, as well as being an investigator and a prosecutor. That is wrong also.

In relation to the National Crime Authority there is no combination which is satisfactory. There is no combination of powers or structure that will serve the interests of justice, as well as a tried and true system even with all its deficiencies. What a tried and true system needs is a better police force in Australia and better co-operation between those police forces, as well as the continued co-ordination of those police forces through a voluntary commitment on their part. That is exactly what the national Police Ministers were asking for consistently, without regard to political affiliation, through the years 1980-83 until the Commonwealth, in response to a political situation, put forward a proposal for a crimes commission which was taken up by the succeeding Government—a watered-down version of the same thing. However, no-one has now taken up and confronted the real problem which is that our police forces, the ones we have and know down the street, need to be given resources, expertise and training that will allow them to do the job. Prosecuting offices need to be built up as well. Prosecutors need access to the expertise of accountants, financiers and others who can unravel the information that a better police force would gather. Then we need a system which can cope with the prosecutions. We will get none of that out of the crime commission.

Already, Mr Temby, the national Director of Public Prosecutions, is calling for more powers and will go on calling for more powers. The crime authority will call for more powers and as sure as we sit here the civil libertarians will say, "No more powers, because they are dangerous". The people who want to satisfy the need to do something about organised crime will call for more powers and so we will go on having a half-baked, compromised national crime commission.

The solution is very simple: Between 1980 and 1983 real progress was made by the proper people. The police established the Australian Bureau of Criminal Intelligence. It had teething problems, but it provided the basis for co-operation on the gathering of intelligence material, and its classification and use in a professional way. There was established, by agreement between the States and the Commonwealth, a national police research unit and there was a major experiment in the exchange of information between Victoria and

New South Wales, which was to be extended to the other States, once proved. There was an agreement to establish a national institute of forensic science and of course there was the agreement to establish a National Police Academy, on new territory, with new facilities to give the police officers the kind of training they needed. All of that has gone on in a practical, down-to-earth way in a system that we have had for generations, and it could have gone much further.

Mr Carr: It has not stopped, of course. Every one of those things has been proceeded with.

Mr HASSELL: Yes, but the resources are being misdirected. The extra money the Commonwealth has to spend in this area should not be going to the National Crime Authority and all of those fancy bodies. It should be going to building up the police forces of this country. The more it goes on, the better, but we are talking about a Bill which contributes to a non-event in so far as it is a weak and sometimes threatening or dangerous kind of system and if it were made as strict as is needed for the job it would be something about which we all would be concerned.

That is my simple contribution to the House. While the Opposition is not opposing this legislation—as was fully explained by the member for Floreat—it has flaws which will manifest themselves and lock us into a system which is wrong and was wrong several years ago when it began.

What is really needed is not being pursued with the necessary vigour. What has happened to the National Police Academy which was to be placed in Western Australia? The fact is it has not been proceeded with. What has happened to the real training programmes? They were to be upgraded with the idea of a college of such standing that it would serve the whole of South-East Asia and the Pacific, as well as ourselves, and bring about an interchange of knowledge and understanding which is so desirable in police work. What has happened to it? It has languished for two years. Since this Government came into office there has been no progress in this area.

We cannot be enthusiastic about this authority. No one believes it will solve any of our problems with organised crime. If the Minister believes that I would like him to tell us so.

Mr Carr: No one is saying it is the be-all or end-all of the problem.

Mr HASSELL: That is true. It certainly is not.

MR CARR (Geraldton—Minister for Police and Emergency Services) [4.50 p.m.]: I am a little unclear as to which of the two Opposition speakers I should reply to; whether I should, first of all,

reply to the serious, considered contribution made by the member for Floreat who spoke at considerable length and in a moderate way addressing the pros and cons of this matter, or whether I should reply to the Leader of the Opposition who took the opportunity to make a few simplistic, cheap, political points. In fact, I wish to spend most of my time referring to the comments made by the member for Floreat because his contribution was much more valuable. I thank the Opposition for its support of the legislation, and in particular I thank the member for Floreat for the detail with which he discussed the proposal. I think the House is indebted to him for the manner in which he gave a fairly historical account of the background of this legislation. I note that he said he would do that because I had not provided enough detail of the legislation in the second reading speech. I am sorry if he saw it that way. I thought I had, although I suppose it is a case of the old system of Parliament in which the Opposition says that it has not been given enough information and the Government believes that it has provided adequate information.

I suspect that a number of the points made by the member were principally his placing on record his position and understanding and, to a large extent, the Opposition's position on the legislation. It is clearly a difficult issue and that was the point from which the member for Floreat began his speech. Clearly, there is no universal agreement on the best way to tackle the problem of organised, large-scale crime. The member for Floreat referred to the conference which was held in Canberra in 1983 and which both he and I attended. I believe that was a particularly significant meeting because it brought together all of the different points of view relating to this issue. It had in attendance people who supported the Fraser Government's national crimes proposal which was, as stated by the Leader of the Opposition and others, a quite draconian proposal. People who supported civil liberties and people who wanted to protect State rights also attended the conference. I am sure that anyone who was present that day would agree that the whole spectrum of points of view were represented. It is probably that point which made it practically impossible for us to find a solution which everybody would consider satisfactory.

The proposal that has come out of that conference is, I believe, as close to a reasonable compromise as one could reasonably expect in that situation. The member for Floreat referred to the commitment of the Federal Government to a central agency. There is no doubt that that is a strong commitment, not only of the Federal Government,

but also it was a strong commitment of the previous Federal Government. I suggest that it is not a commitment based on a Federal Government's wish to have more power, although some people would interpret it that way. It is partly due to legitimate difficulties in enforcing the law between jurisdictions. A situation exists where criminals in the modern situation can become involved in activities which cross State boundaries and which involve offences against both State and Commonwealth laws. While it is easy to say that if the offence was committed in Western Australia, the Western Australian Police Force should deal with it, many people involved in those crimes are also committing acts against Federal laws and therefore it is not as easy as it sounds to deal with those offences by upgrading the Western Australian Police Force. There clearly needs to be a national organisation of some form to attempt to redress the difficulties involved when criminals cross State boundaries.

The Leader of the Opposition referred to the Australian Bureau of Criminal Intelligence and other agencies which have made progress towards coming to grips with an approach to the national problem. I argue very strongly that that problem needs to be addressed on as many fronts as possible. This Bill was described as a face-saving exercise and a compromise between those people in the Federal Government who want a strong central agency and those people in the States who want a greater State involvement in the organisation to be set up. While it is easy for Oppositions to talk about face-saving arrangements, it is equally appropriate to talk about a genuine compromise which strikes a balance between the two conflicting points of view.

Reference was made to the Victorian Government's proposal put forward during the seminar held in Canberra. I think it is relevant to note that while that was the paper that received a lot of currency at the time, it was similar to a paper that had previously been prepared in Western Australia under the previous Government. While the present Leader of the Opposition may pontificate about how opposed he is to a National Crime Authority in any form, the simple reality is that, prior to 1983 when the Fraser Government embarked upon its national crimes legislation, Western Australia was attempting to combat that Fraser initiative by coming up with a proposal of its own, a proposal which was not dissimilar in some ways to the proposal which has come into effect and which is called the National Crime Authority.

Mr Mensaros: That paper was prepared by the Attorney General.

Mr CARR: My advice from the Police Department is that a considerable police input was made into the proposal at that time. I reject any view that this proposal should be seen as a soft approach towards organised crime. There is, as the member for Floreat said, a great difficulty in striking a balance. On the one hand we need to have a strong approach in tackling a very serious problem which has the potential to do great harm to this nation. On the other hand we need to consider civil liberties.

The examples that the member for Floreat referred to relating to his visit to the Costigan headquarters in Melbourne should be noted by everybody in this House. I think the computer age and the great ability it has to intrude on people's lives carries with it very serious concerns if that computer capacity is allowed to run free without there being proper constraints placed upon it.

I am sure that no-one on this side of the House would be unaware of the need for serious consideration to be given to finding that balance between the two competing aims.

The Leader of the Opposition referred to this legislation as being certain to fail. He referred to it as a weak version of the Fraser proposal. I think it is worth making a little reference to what happened in the time of the Fraser Government. The Leader of the Opposition made considerable reference to the Police Ministers' Council meeting making great progress in terms of joint policing agencies. He did not mention that the Police Ministers' Council was meeting with the Standing Committee of Attorneys General one day in 1983. It was discussing the Commonwealth proposal on whether it was appropriate for amendments to be made to the legislation before it was introduced. Out of the blue the meeting received a message that the Federal Government had actually introduced its legislation into the Federal Parliament that day. The Police Ministers and Attorneys General from all States who were meeting to consider the proposal simply had it dropped upon them that the Fraser Government's proposal had been introduced without consultation with the States even though it had been described as draconian. If we are going to be critical of the approach of the present Federal Government we should bear in mind the performance of the Fraser Government.

The Leader of the Opposition made considerable comment about the progress made by the Police Ministers' Council between 1980 and 1983. The impression he tried to give was that all things bright and wonderful happened in those three years while he was Minister for Police and Traffic and that when he ceased to hold that office all

these initiatives stopped and nothing further happened. Nothing is further from the truth. It is true, as the Leader of the Opposition says, that considerable progress was made and is being made by Police Ministers and commissioners around Australia to attempt to approach national matters in a national way. His references to the Australian Bureau of Criminal Intelligence, the National Police Research Unit, the computer exchange programme, the National Institute of Forensic Science, and the national police academy project are all perfectly relevant references. However, he was wrong when he gave an impression that when he ceased to be Minister for Police and Traffic in 1983 everything stopped. Each one of those projects is proceeding.

The Australian Bureau of Criminal Intelligence has continued to expand and develop in a most useful and effective way. It is significant that the Australian Bureau of Criminal Intelligence is administered by the Police Commissioners from the States and the same body which will provide advice to the intergovernmental committee associated with the National Crime Authority.

The National Police Research Unit in Adelaide is doing excellent work and has a number of initiatives under way to prioritise the projects with which the unit is involved. It is producing a valuable output.

The computer exchange programme involving Victoria and New South Wales is continuing on its pilot stages and it is intended that it will become a national project once its viability has been proved.

The National Institute of Forensic Science is a current proposal. There has been difficulty with the funding of the scheme because the original proposal was to locate it in Brisbane. However, the Queensland Government does not now want NIFS in Brisbane and it is likely that it will be located in Melbourne or elsewhere. Work on the project is continuing.

The national police academy was mentioned by the Leader of the Opposition. It is certainly true that an agreement was made some three or four years ago between the States and the Commonwealth that a national police academy should be located in Perth. At that time no agreement was reached regarding appropriate funding arrangements and no arrangements have been made to enable that academy to be constructed. In the meantime, a number of commissioners in the Eastern States have expressed opposition to the location of the academy in Perth and have expanded training facilities in their own States. We have to be concerned in terms of the prospects of gaining that academy in Perth. However, the work in

terms of the curriculum development of a national police academy has not stopped.

We may or may not finish up with a national academy on the Bentley site but we are advancing in terms of curriculum development and training resources relating to senior officers, as envisaged under the national police academy proposal. We can have distinct confidence that training of senior police officers will be upgraded following the national approach. These national police proposals which the Leader of the Opposition put forward as alternatives to the National Crime Authority should not be considered as alternatives, but should be considered alongside the National Crime Authority.

All national police services are proceeding, making advances and achieving significant results alongside those established by the Federal Government, and we are co-operating in the establishment of a National Crime Authority. I do not think anyone will say the National Crime Authority is the be-all and end-all in the fight against organised crime. There is no single solution to the problem of organised crime. We are saying that we should approach the problem from every possible angle and that we should have a significant national organisation involving all the States in co-operating with powers where appropriate, under proper safeguards to tackle the problems which cannot be tackled in any other way. That is not saying that we should run down the Police Force or should not provide resources for the State Police Force.

State offences committed within a State are the province of the State Police Force: Nothing changes that. The responsibility of the police is to be the prime combat authority to deal with offences which are of a State nature and which occur in Western Australia.

On the question of providing resources to the police, this Government has provided a greatly expanded range of resources to the Police Force and none more significant than in the sphere of police manpower. There is no doubt that the number of police in the Western Australian Police Force is less than it should be. There is equally no doubt that it is due to the fact that in the late 1970s and early 1980s the ratio of police to population was allowed to run down. For example, in the last three years of the previous Liberal Government only 160 extra police were provided in this State compared with 230 extra police made available to the force during the two years of the present Government. Let us not have the Leader of the Opposition making political speeches about the Government's not providing enough resources to the force. This Government has set out to cor-

rect the shortages brought about under the previous administration.

The main point I make in concluding my remarks is that the key to making this scheme succeed will be co-operation between the State Police Force, co-operation between the Federal and State Governments, and co-operation between the people who represent the different States on the intergovernmental committee.

No-one is saying it is the final solution to the problem and I have no doubt that experience will show the need for various modifications in one form or another. This Government approaches the matter in a spirit of goodwill and hopes that this project, in conjunction with other traditional police services, will come to grips with the problem.

Mr Mensaros: I ask the Minister why we have not translated in our legislation the provisions of the Federal legislation.

Mr CARR: The point made by the member for Floreat is valid. While this is substantially mirror legislation, it differs in a number of ways from the Commonwealth legislation. That is entirely because of the legal drafting of this particular Bill, which is a model Bill drafted by representatives from all States. Once the Commonwealth proposal was cleared, the various States provided a drafting person from the Crown Law Department or appropriate authority to participate in a general drafting team. As a result of that, each State has found itself with the same model Bill. I am aware that a couple of States have looked at a particular alteration with regard to the powers of a judge to be appointed to the National Crime Authority at some future time. The question has been raised of whether it is appropriate for a person from the judiciary to sit on the intelligence gathering organisation. One or two States have looked at that idea and considered whether the proposed Bill should be amended.

Other than that, the legislation before us is the same as the legislation before the other State and Territory Parliaments.

Mr Mensaros: The Federal Parliament has a standing committee to supervise the legislation, but the State Parliament does not have a corresponding committee.

Mr CARR: I can give no specific reason that that was not done. In fact, it has not even been considered, but maybe it should be. There was certainly no deliberate decision not to do that.

The member for Floreat raised a number of points which could fall into the category of "constructive suggestions". I am perfectly happy to have the officers examine his remarks to see if

they can lead to appropriate amendments at the appropriate time.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

MR CARR (Geraldton—Minister for Police and Emergency Services) [5.11 p.m.]: I move—

That the Bill be now read a third time.

MR MENSAROS (Floreat)[5.12 p.m.]: I appreciated the Minister's response, and I think he understood the points made by the Opposition. However, a few matters were left unanswered. When I interjected, the Minister said that he would examine some of them. However, I wish to stress two matters particularly.

I pointed out that the legislation does not mirror every provision of the Commonwealth Act, and that the Commonwealth Parliament has been given certain rights over the executive power of the Commonwealth Government or the Commonwealth Minister. I cannot see any good reason that a State or Territory Parliament could not have the same rights over the executive power represented by the Minister. The Minister said that that point was not ever considered. I can imagine that if the executives and their advisers sit together, they might not consider this; but it is a fairly important and vital question.

Another section of the Commonwealth Act allows the Commonwealth Parliament to annul the Minister's decision of referral. Again, our Parliament is not being given that power. If we disagree with the regulations, we can disallow them; but we cannot question the Minister's referral. I can see no good ground for that.

I emphasise my other question because it merited a response from the Minister. It is a politically significant matter, but that does not mean that I dealt with the legislation from a political point of view only. Of course, one cannot escape the observation that the definition of "organised crime" as referred to in the Commonwealth Act goes to a lot of trouble to spell out that more than two people should be involved, what sort of offences could be committed, that if the offences are serious enough they have to be punishable by three years' impris-

onment, and all sorts of other things. It is a fairly lengthy definition which I think will prove to be very difficult to interpret.

Undoubtedly organised crime will have the means, when it is successful in certain criminal activities, to employ sufficient lawyers to probe this definition. After all the trouble taken to define "organised crime", why does the definition provide that a crime cannot be organised crime if it relates to an employer-employee situation? I will not labour this situation any further, but I emphasise that it is a very ugly part of the Bill in that everything can be organised crime unless it ema-

nates from an employer-employee relationship, which means it emanates from unions.

Leave to Continue Speech

MR HASSELL (Cottesloe—Leader of the Opposition) [5.18 p.m.]: I seek leave to continue my remarks at a later sitting.

Leave granted.

Debate thus adjourned.

[Questions taken.]

House adjourned at 5.57 p.m.

QUESTIONS ON NOTICE

COMMUNITY SERVICES: CHILDREN

Assault: Kent Street High School

2135. Mr HASSELL, to the Minister for Community Services:

Referring to an article which appeared in *The West Australian* newspaper of Wednesday, 19 December 1984, titled "Students sent for Department Care" beginning with the words—"Two 15-year-old boys who assaulted a student at Kent Street Senior High School were yesterday placed under the control of the Community Welfare Department..." will he please advise the House precisely what steps were taken in relation to the boys following their being dealt with in the Perth Children's Court?

Mr WILSON replied:

Following the Court Order placing the boys, who are cousins, under the control of the department for 12 months, the boys were released to the care of their mother/aunt.

No recommendation was made by the court in connection with the detention of the boys, and in accordance with departmental practice to follow the court's recommendations in this regard it was not considered appropriate to detain them in custody.

A social worker was assigned to work with the boys, and when visiting the home was advised by the mother/aunt that the boys had moved to the home of another relative. Further urgent attempts are now being made to contact the boys with a view to introducing them to a range of community based departmental programmes and activities designed to assist young offenders.

Future legislative changes are envisaged which would place the responsibility for determining custodial sentences clearly with the court, rather than the present system which only allows the court to recommend such sentences to the department.

Pending the introduction of these changes, I have issued instructions that in all cases where the court orders children to be placed under the control of the department and the children are not detained in custody, frequent contact

must be maintained with the children by the responsible officer apart from their involvement in community based offender programmes.

LAND: CROWN

Release: South-west

2136. Dr DADOUR, to the Premier:

In view of the decision by Government in 1978 to impose controls on the alienation of Crown land in the catchments of the south-west rivers—

- (a) how does the Government justify its October 1984 decision to release further Crown land for agriculture in the catchments of those same rivers;
- (b) is the decision to release the 7 000 hectares of Crown land and State forest a single exception to the policy against the alienation of public land in this area, or has there been some change in the Government's policy on the acceptability of land alienation in the catchments of the south-west rivers?

Mr BRIAN BURKE replied:

- (a) Any further land release will be in non-saline areas;
- (b) this matter is being considered by the agricultural land release review committee which is yet to submit final recommendations.

LAND: CROWN

Release: South-west

2137. Dr DADOUR, to the Premier:

- (1) (a) With respect to the Premier's announcement on 30 October 1984 that 7 000 hectares of State forest and vacant Crown land in the Manjimup region would be released for agriculture, does any or all of the land proposed to be released, or under consideration for release, fall within one of the catchments which are subject to Public Works Department clearing controls;
- (b) if "Yes", what areas of land fall within each of the four clearance control zones?
- (2) If "Yes" to (1), will the Government undertake that any public land released

for agriculture under the agreement with Manjimup Shire Council will be subject to the same controls on land clearance as all other private land within the respective clearance control zone?

- (3) If "Yes" to (1), how does the Government justify releasing land for agriculture when the Public Works Department is simultaneously engaged in purchasing land to reduce the future salinity of potential water sources?

Mr BRIAN BURKE replied:

- (1) (a) Yes;
 (b) approximately 1 100 hectares in Warren D Land Control Zone.
 (2) Yes.
 (3) Land being considered for release may assist relocation of agriculture from sensitive areas of catchments.

HEALTH: DEPARTMENT

Pamphlet: Cost

2138. Mr HASSELL, to the Minister for Health:

How much did it cost to produce the pamphlet "Important Message to Staff—It's About Your Job, Your Team, Your Health Department"?

Mr HODGE replied:

16 000 booklets were produced at a cost of 46 cents each.

ROADS: HIGHWAY

Kent Street-Orrong Road: Plans

2139. Mr BATEMAN, to the Minister for Transport:

- (1) (a) Does his department intend to carry on with the development of a four-lane highway along Kent Street, Victoria Park, over Albany Highway, along Miller Street, over the railway line to join up with Roberts Road, and eventually connect to Orrong Road;
 (b) if "Yes", when will this road construction commence?
 (2) (a) If funds are not presently available for this particular road construc-

tion, can an approximate date of commencement be given;

- (b) if not, why not?

Mr GRILL replied:

- (1) and (2) Kent Street east of Jarrah Road, Miller Street, and Roberts Road are all under the control of the Perth City Council which is the authority responsible for any further development of this route. The Main Roads Department has no current requests for assistance to fund such work.

TOURISM: COMMISSION

Managing Director: Terms of Employment

2140. Mr MacKINNON, to the Minister representing the Minister for Tourism:

What are the terms of employment of the Managing Director of the Western Australian Tourism Commission?

Mr BRIAN BURKE replied:

The Managing Director is employed on a contractual basis for a period of two years with option to the Managing Director of extension for a further three years at a salary of \$55 000.

TOURISM: COMMISSION

Managing Director: Advertisement

2141. Mr MacKINNON, to the Minister representing the Minister for Tourism:

- (1) Is it the Government's policy to advertise all senior staffing positions within Government?
 (2) If so, is it the Government's intention to re-advertise the position of Managing Director of the Western Australian Tourism Commission?

- (3) If not, why not?

Mr BRIAN BURKE replied:

- (1) It is Tourism Commission policy to advertise all positions, where practicable.
 (2) The Managing Director was appointed by the Commission, effective 1 January 1985.
 (3) Not applicable.

2142. *Postponed.*

TOURISM: INQUIRY

Task Force: Members, and Report

2143. Mr MacKINNON, to the Minister representing the Minister for Tourism:

- (1) Has the Government appointed a task force to investigate tourism and the involvement of the Tourism Commission in the promotion of tourist attractions within the metropolitan and regional areas?
- (2) If so, when was the task force appointed?
- (3) Who are the members of the task force?
- (4) When is it anticipated that the task force will complete its report?

Mr BRIAN BURKE replied:

- (1) No.
- (2) to (4) Not applicable.

TOURISM: COMMISSION

Expenditure: Accommodation

2144. Mr MacKINNON, to the Minister representing the Minister for Tourism:

Will the Minister provide me with a detailed breakdown of accommodation expenses for the Tourism Commission totalling \$567 500 as detailed in answer to part (2) of question 1187 of 16 October 1984, asked of the Premier?

Mr BRIAN BURKE replied:

| | \$ |
|--|-----------|
| PERTH St George's Court | 116 000 |
| Wesley Centre | 36 000 |
| BAYSWATER Advertising and Pro- | |
| motions Store | 5 500 |
| ADELAIDE King William Street | 125 000 |
| MELBOURNE, Royal Arcade | 64 000 |
| SYDNEY Pitt Street | 80 000 |
| BRISBANE Queen Street | 14 000 |
| LOS ANGELES | 8 000 |
| Office maintenance (cleaning, laundry, etc.) | 30 000 |
| Rates and taxes | 30 000 |
| Electricity | 47 000 |
| Parking | 12 000 |
| | <hr/> |
| | \$567 500 |

TOURISM: COMMISSION

America's Cup Unit: Staff

2145. Mr MacKINNON, to the Minister representing the Minister for Tourism:

- (1) How many staff have been appointed to the Tourism Commission's America's Cup Unit?

- (2) Since 1 July 1984, what work has been undertaken by that unit?

Mr BRIAN BURKE replied:

- (1) Five, two of whom commence 1 March 1985.
- (2) The Unit was formed 1 November 1984, with the General Manager and Sales Secretary commencing 1 February and 14 February 1985, respectively.

To date the framework of a marketing plan aimed at spreading the beneficial effect of this event has been established for submission to the commissioners by 1 March next.

An accommodation register has been drawn up.

A calendar of events January 1986 through February 1987 is in preparation.

A study of available tour products has commenced with particular attention being paid to ensure all regions of the State benefit.

PORTS AND HARBOURS: MARINA

Sorrento: Development

2146. Mr MacKINNON, to the Minister representing the Minister for Tourism:

With which private developers is the Government working in conjunction with its development of the Sorrento marina?

Mr BRIAN BURKE replied:

None.

TOURISM: INDUSTRY

Communications: Task Force

2147. Mr MacKINNON, to the Minister representing the Minister for Tourism:

- (1) Has the Tourism Commission established a task force of tourist industry members whose objective will be to improve communications between the industry and the Western Australian Tourism Commission?
 - (2) If so, when was the task force appointed?
 - (3) Who are the members of the task force?
- Mr BRIAN BURKE replied:
- (1) Yes, the Tourism Commission Consultative Group.
 - (2) January 1985.

- (3) Mr M. A. Michael
Mr F. Camer-Pesci
Mr C. Herbert
Mr T. Kitcher
Mr G. Court
Mr K. Cahill
Mr B. Archer
Mrs D. Davies
Mr S. Huang
Mr P. Prendiville
Mr R. Wally

TOURISM: CARAVAN PARKS

Regulations: Review

2148. Mr MacKINNON, to the Minister for Health:

- (1) Has the review of the regulations and by-laws pertinent to caravan parks, camping areas and chalets mentioned in question 1778 of 14 November 1984, yet been completed?
- (2) If so, are these regulations now to be changed?
- (3) If so, when?

Mr HODGE replied:

- (1) The review of the Caravan Parks and Camping Grounds Regulations is nearing completion. By-Laws are the responsibility of Local Government Departments.
- (2) Present indications are that regulations may be changed.
- (3) As soon as possible after the return and study of data from Local Government and Industry.

SUPERANNUATION: BOARD

Rottneet Island Complex: Tenders

2149. Mr MacKINNON, to the Premier:

- (1) Did he approve the State Superannuation Board's decision not to call tenders for its planned \$20 million Rottneet tourist complex?
- (2) If so, why?

Mr BRIAN BURKE replied:

- (1) and (2) I approved the Board's involvement in the project subject to the discussions of the Rottneet Island Board on whether the project should proceed, and also subject to the Chairman of the Superannuation Board and Oceanic Equity Limited providing a full explanation to the Opposition of the circum-

stances relating to the project. I understand the member has been briefed on the matter.

I am informed that the proposed building contractor, Multiplex, was one of the original equity participants in the project proposal submitted to the Board. During ensuing negotiations Multiplex withdrew from an equity position in favour of being awarded the building contractor. The Superannuation Board agreed to the change only on the basis that the terms of the building contract are competitive.

EDUCATION: PRIMARY SCHOOL

Bibra Lake: Site

2150. Mr MacKINNON, to the Minister for Education:

- (1) (a) Does the Education Department have a school site in the Bibra Lake area;
- (b) if so, what is the location of that school site?
- (2) How long has the department held that school site?
- (3) When is it likely that a school will be constructed on that site?

Mr PEARCE replied:

- (1) (a) Yes;
- (b) the 5.258 5 hectare primary school site is bounded by Bibra Drive, Parkway Road and Annois Road, Bibra Lake.
- (2) Transfer of the site to the Education Department was registered on 26 April 1984.
- (3) No firm decision has been made on the timing of establishment of a Government Primary School at Bibra Lake.

EDUCATION: HIGH SCHOOL

Rossmoyne: Hall-gymnasium

2151. Mr MacKINNON, to the Minister for Education:

- (1) (a) Has detailed planning been completed for the proposed hall/gymnasium facility which is to be constructed at the Rossmoyne Senior High School;
- (b) if not, when is it anticipated that this work will be completed?

- (2) When is it likely this project will commence?
- (3) When is it anticipated that the facility will be ready for use?

Mr PEARCE replied:

- (1) (a) and (b) Sketch plans are still proceeding. Finality on the design and the siting would be expected during March.
- (2) and (3) Funding is available to commence the work in the current financial year and completion would be expected by the beginning of the 1986 school year.

EDUCATION: PRIMARY SCHOOL

Leeming: Enrolments

2152. Mr MacKINNON, to the Minister for Education:

- (1) How many students are currently enrolled at the Leeming primary school?
- (2) Would he please provide me with a breakdown, by class, of this number?
- (3) Has a decision yet been made on the location of the next primary school in Leeming?
- (4) If so, what is that location?
- (5) When will that new school be established?

Mr PEARCE replied:

- (1) On 15 February 1985 there were 654 primary and 104 pre-primary students enrolled at Leeming Primary School.
- (2) Year 7—35, 34
Year 6—31, 29
Year 5—33, 36
Year 4/5—10/24
Year 4—32, 32
Year 3/4—20/10
Year 3—33, 34, 34
Year 2—23, 28, 29, 30
Year 1—27, 28, 30, 31
- (3) No. Any decision will depend upon information obtained from a survey to be conducted before the end of February 1985.
- (4) Not applicable.
- (5) Preparation of the 1985-86 budget is proceeding and the needs of the Leeming area are being considered.

ROTTNEST ISLAND

Kingston Barracks: Use

2153. Mr MacKINNON, to the Minister representing the Minister for Tourism:

- (1) When will the Rottnest Island Board be deciding on the future use of the old Army barracks on Rottnest Island?
- (2) If that decision has already been made, what will the old Army barracks be used for?
- (3) When will school groups be notified as to whether or not the barracks will be available for their use?

Mr BRIAN BURKE replied:

- (1) 28 February 1985.
- (2) Not applicable.
- (3) When a decision has been made.

ABORIGINAL AFFAIRS: FARMING LAND

Leases: Conditions

2154. Mr OLD, to the Minister with special responsibility for Aboriginal Affairs:

- (1) (a) With reference to agricultural land designated for farming by Aborigines, is the successful applicant granted a lease of the property;
- (b) if "Yes", what is the length of lease?
- (2) (a) Are any provisions made for the Aboriginal Lands Trust to grant freehold title to Aboriginal lessees who have demonstrated an ability to manage their operation efficiently;
- (b) if "No", will consideration be given to making provisions for freeholding subject to satisfactory assessment?

Mr WILSON replied:

- (1) (a) Yes;
- (b) determined by individual circumstances.
- (2) (a) No;
- (b) this matter will now be subject to the outcome of the proposed Aboriginal Land Bill.

GAMBLING: BEER TICKET MACHINES

Legislation: Introduction

2155. Mr OLD, to the Premier:

Is it envisaged that legislation will be introduced during this session to allow

approved charitable organisations to raise funds by the use of Beer Ticket machines?

Mr BRIAN BURKE replied:

It is anticipated the legislation will be introduced during this Session.

TRADE: EXPORTS

Live Sheep

2156. Mr OLD, to the Minister for Agriculture:
What numbers of live sheep were exported in the year ended—

- (a) 31 December 1980;
- (b) 31 December 1981;
- (c) 31 December 1982;
- (d) 31 December 1983;
- (e) 31 December 1984,
from—
 - (i) Western Australia;
 - (ii) Victoria;
 - (iii) South Australia;
 - (iv) Australia?

Mr EVANS replied:

Numbers of live sheep exported (for slaughter)

| Year ended December 31 from: 1980 | 1981 | 1982 | 1983 | 1984 |
|---|-----------|-----------|-----------|-----------|
| Western Australia | 3 131 764 | 2 963 193 | 2 852 771 | 3 437 245 |
| Victoria | 713 081 | 339 843 | 1 127 983 | 1 509 907 |
| South Australia | 1 637 397 | 2 366 140 | 2 120 395 | 2 177 605 |
| Australia | 5 669 841 | 5 796 710 | 6 295 501 | 7 276 637 |

Numbers of live sheep exported (for breeding)

| | 1980 | 1981 | 1982 | 1983 | 1984 |
|----------------------|--------|--------|-------|------|-------|
| Western Australia | — | 30 | 1 | 4 | 199 |
| Victoria | 17 715 | 359 | 491 | 24 | 1 866 |
| South Australia | 27 155 | 23 161 | 662 | 55 | 300 |
| Australia | 61 992 | 55 390 | 1 198 | 84 | 2 385 |

(Source: Australian Meat and Livestock Corporation)

CHARITABLE ORGANISATIONS: JESUS PEOPLE INC.

Fairbridge: Government Assistance

2157. Mr OLD, to the Minister for Youth Affairs and Community Services:

- (1) Has the Government given consideration to assisting the Jesus People in retaining their operation at Fairbridge?
- (2) If so, what offers have been made?

Mr WILSON replied:

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

FISHERIES: SCALLOPS

Abrolhos: Restrictions

2158. Mr OLD, to the Minister for Fisheries and Wildlife:

- (1) What restrictions have been placed on the Abrolhos scallop fishery?
- (2) How many boats are authorised to operate in the fishery?
- (3) (a) Has any research been carried out to establish the level of fishing pressure the fishery will stand;
(b) if "Yes", what is the estimated number of fishing units the fishery can stand on a continuing basis?

Mr EVANS replied:

- (1) and (2) On 26 November 1984 I announced that no new vessels would be permitted to enter the fishery during the 1985 season. Only trawlers with a history of fishing for scallops in the area will be permitted to fish in 1985. At this stage it is not known how many operators eligible to fish will do so this year. Furthermore, I have just recently decided that vessels authorised to take scallops in Shark Bay will not be eligible to fish for scallops in the Abrolhos area this year.
- (3) (a) and (b) A four-year research programme into the scallop fishing of Shark Bay and the Abrolhos Islands is now into its second year. It is too early in the programme to come to any final conclusion on the question of the number of fishing units the fishery might maintain. However scallop stocks are renowned for their variability and the number of fishing units which the fishery may support is likely to fluctuate quite significantly from year to year.

TRANSPORT: WESTRAIL

Katanning: Staff

2159. Mr OLD, to the Minister for Transport:

- (1) Is there to be further reductions in staff at Westrail, Katanning?
- (2) If "Yes", what is the timetable and how many staff will be left at Katanning to run the operation?

Mr GRILL replied:

- (1) Yes.

- (2) A clerical officer who is currently surplus to requirements is expected to transfer shortly to another branch.

Longer term planning has yet to be finalised.

TRANSPORT: RAILWAYS

Signals: Katanning

2160. Mr OLD, to the Minister for Transport:

- (1) Is it envisaged that the railway signals on the main line at Katanning are to be removed?
- (2) If "Yes", what are the reasons for such action, and when is it anticipated they will be removed?

Mr GRILL replied:

- (1) and (2) There are no immediate plans for removal of signals from the Katanning railway station. However, it is likely that within the next two years, with the introduction of enhanced radio and train control, Katanning signalling will become obsolete.

FISHERIES: SWAN-CANNING

Licences: Professional

2161. Mr TRETHOWAN, to the Minister for Fisheries and Wildlife:

Will he initiate a review of the existing 18 Swan-Canning professional fishery licences in order to ascertain how many of the licence holders wish to continue fishing in a full time capacity?

Mr EVANS replied:

Not at this stage. As the member will be aware, public submissions in relation to the report of the Swan-Canning Estuary Fishery Working Group only closed last Friday. I have not had the opportunity to consider the submissions or the recommendations contained in the report.

LOCAL GOVERNMENT: ELECTIONS

Businesses: Disfranchisement

2162. Mr TRETHOWAN, to the Minister for Local Government:

Why has he made no effort to inform small businesses who are the occupiers of commercial property that they will be disfranchised from the local government

elections next May unless they re-enroll before Friday, 22 February?

Mr CARR replied:

The Government has taken action to inform occupiers, being those who do not qualify for automatic enrolment, of the need to enrol to vote in Local Government elections.

Advertisements explaining enrolment procedures applicable to the new electoral reforms have been placed in *The West Australian* newspaper.

TRANSPORT: BOATS

Barge: Attadale

2163. Mr TRETHOWAN, to the Minister for Transport:

- (1) Is he aware of the barge sitting in shallow water off the foreshore in Attadale?
- (2) How long has the barge been there?
- (3) Is it sunk or moored?
- (4) Does the owner of the barge have departmental permission for it to remain where it is?
- (5) Is he aware that the rusting barge could represent a dangerous hazard to any children who swim or wade out in order to play on it?
- (6) What action does he propose to take to have the barge removed to a more appropriate mooring?

Mr GRILL replied:

- (1) Yes.
- (2) Approximately 3 years.
- (3) Sunk and moored.
- (4) No.
- (5) No. It is a wooden barge.
- (6) The Department of Marine and Harbours is continuing efforts to have the owner remove the barge.

PORTS AND HARBOURS: MARINA

Sorrento: Environmental Impact

2164. Mr MENSAROS, to the Premier representing the Minister for Tourism:

Has the Minister been correctly reported that "there are no environmental reasons to prevent a Sorrento marina"?

Mr BRIAN BURKE replied:

No.

2165 to 2167. *Postponed.*

ENVIRONMENT: STIRLING CITY COUNCIL

Coastal Report: Recommendations

2168. Mr MENSAROS, to the Minister for the Environment:

- (1) Has his department examined the Stirling City Council's Coastal Report and its recommendations?
- (2) If so, can he say—
 - (a) which of the recommendations are acceptable;
 - (b) which would receive Government financial support; and
 - (c) at approximately what time?

Mr DAVIES replied:

- (1) Yes.
- (2) (a) The recommendations are in accord with good coastal management and are acceptable;
- (b) the Government has allocated \$2 000 out of a total of \$40 000 for coastal management projects to the Stirling City Council through the Department of Conservation and Environment budget;
- (c) the \$2 000 allocation will be made before the end of the financial year.

PORTS AND HARBOURS: MARINA

Sorrento: Environmental Impact

2169. Mr MENSAROS, to the Minister for the Environment:

- (1) Has the Government and/or the Environmental Protection Authority arrived at a conclusion about the Sorrento marina proposal from an environmental point of view?
- (2) If so, what is that conclusion?

Mr DAVIES replied:

- (1) No. The Environmental Protection Authority is currently receiving public comments on the Environmental Review and Management Programme for the proposed boat harbour near Sorrento. When it has completed its assessment it will advise the Government accordingly. The Government will make its decision after considering the EPA report.
- (2) Not applicable.

EDUCATION: SCHOOLS

Cleaners: Co-ordinator

2170. Mr MENSAROS, to the Minister for Education:

- (1) Has an officer been appointed, or are there plans to appoint an officer, to be in charge of co-ordinating cleaning activities in Government schools, and to be involved and make recommendations of policy about the most desirable methods and ways of cleaning schools?
- (2) If so, is the appointment as a public servant or as a contract employee/adviser?
- (3) What was, or what is going to be, the means—advertisements, short-listing, interview, etc—of procurement of this officer?
- (4) What is, or is going to be, the remuneration of this officer?

Mr PEARCE replied:

- (1) The position has been created and advertised amongst Building Management Authority staff as part of the redeployment initiatives.
- (2) The appointment will be as a public servant under the Public Service Act.
- (3) If no suitable BMA staff are available the position will be advertised inside and outside the Public Service and normal interviewing and recommendation procedures will apply.
- (4) G-II-8/10 (\$29 024-\$33 329).

WORKS: PUBLIC WORKS DEPARTMENT

Mr W. Mitchell: Remuneration

2171. Mr MENSAROS, to the Minister for Works:

Adverting to a number of questions and seemingly contradictory replies regarding the remuneration of Public Works Department Executive, Mr W. Mitchell, and in view of his latest reply to question 2084 of 1984 stating that the "precise amount of (Mr Mitchell's or his company's) remuneration will not be known until the expiration of the financial year", would he now state whether the reason for not knowing the amount is due to lack of agreement between the Government and Mr Mitchell, or to the fact that he will receive a percentage on the so-called savings, including salaries of ex public Works Depart-

ment officers who were, or are going to be disposed of, or any other reason?

Mr McIVER replied:

Mr W. Mitchell is not a "Public Works Department Executive".

As previously stated, Mr Mitchell is a Director of Allied Westralian Ltd. which has been engaged by the Government to implement the restructure of the former Architectural Division of the Public Works Department.

A flexible time scale was adopted for the implementation programme and therefore the precise amount to be paid to Allied Westralian will not be known until the expiration of the financial year.

WORKS: BUILDING MANAGEMENT AUTHORITY

Computing Services: Savings

2172. Mr MENSAROS, to the Minister for Works:

- (1) Could he please elaborate about the reasons for "saving" approximately \$1.5 million yearly from the computing area, by the Building Management Authority, as opposed to the prepared and budgeted expenditure for the Architectural Division, Public Works Department?
- (2) In particular, would he please detail the comparison of tasks the Architectural Division, Public Works Department, was expected to perform for the provided \$3.5 million during a year, as opposed to the tasks the Building Management Authority is going to perform in the same area during the same period of time?
- (3) Also, could he include in the information sought how much, in each case, was earmarked for acquiring and/or renting hardware/software, sub-contracts and in-house labour?

Mr McIVER replied:

- (1) The estimated cost saving in the computing area applies only to the 1984-85 Budget and is not an annual saving. Budgeted expenditure will not be achieved because of the need to reassess systems development priorities, hardware-software strategies and staffing levels appropriate to the goals and objectives of the Building Management Authority.

- (2) A comparison of tasks is not currently possible until consultants' reports on computing strategies are received and adopted by the Building Management Authority.

- (3) Not applicable.

WORKS: BUILDING MANAGEMENT AUTHORITY

Staff: Review Committee Report

2173. Mr MENSAROS, to the Minister for Works:

Would he please table the reportedly 54 pages report to the Government on the Building Management Authority's Work Force prepared by a Committee of Review within the then Public Works Department's Architectural Division?

Mr McIVER replied:

No. The report is an official departmental document and as such is not available for perusal at this stage.

TRAFFIC: CONGESTION

Indoor Sports Centre: Government Plans

2174. Mr MENSAROS, to the Minister for Transport:

- (1) Now that the Minister for Sport and Recreation has announced that there are already 19 architectural and construction companies who will tender for the State Indoor Sports Centre in Swanbourne-Graylands, what plans have been prepared for facilitating the expected large volume of traffic to attend spectator sporting events at the centre without unduly disturbing the peace and normal enjoyment of life for surrounding residents in the so-far quiet suburbs of Swanbourne, Graylands, and Mount Claremont?
- (2) Have such plans taken into consideration the inevitably increasing traffic flow in the area on account of the John XXIII school complex and the planned residential subdivision of the Swanbourne Hospital area?

Mr GRILL replied:

- (1) The proposal for the State Indoor Sports Centre involves an area west of McGillivray Sports Grounds close to roads such as Stephenson Avenue, Underwood Avenue, and Brockway

Road, which will easily handle traffic generated by the Centre. This location is in the City of Nedlands and it is understood that there has been discussion with the Council which is responsible for roads in the Graylands and Swanbourne areas. It is not expected that the Centre will create problems that will unduly disturb the peace and normal enjoyment of life for surrounding residents.

- (2) Traffic generated by the Centre will not normally coincide with the peak flows associated with the school complex or the residential subdivision so this is not seen as a problem.

QUESTIONS WITHOUT NOTICE

COMMUNITY SERVICES: CHILDREN

Assault: Kent Street High School

689. Mr HASSELL, to the Minister for Community Services:

In relation to the answer to question 2135 concerning two students responsible for an assault on a student at Kent Street High School, the Minister replied that the students had been committed to the control of the Department for Community Services and had been placed by that department in the care of their mother-aunt—I do not know what that means—

Mr WILSON: They are cousins. The woman is the mother to one of them and the aunt to the other.

Mr HASSELL: When did the social worker first visit the home of the mother-aunt, where the social worker was advised that the boys had moved to the home of another relative?

Mr WILSON replied:

It is obvious that the Leader of the Opposition has information about this case which has been passed on to him, and he is asking me questions on the basis of the information that he has.

I have received a preliminary report about this case which indicates there was considerable delay before that visit took place. I find that a great embarrassment. As a result, I have instructed the department to prepare an urgent report on the whole situation. Included in that report is an instruction that I be given full details about the reasons that it appears a

proper plan of treatment was not prepared with in-built and firm supervision.

Mr HASSELL: Maybe it was because you have closed down all the institutions in which these children might have been dealt with.

Mr WILSON: I might say, if the Leader of the Opposition allows me, that in fact this is a matter at which we are looking in terms of further legislation. It is the sort of legislation with which he, when Minister, and his Government, when in office, failed to grapple. I refer to the need to place on the court the onus for passing custodial sentences. The onus should be on the court and we are currently looking at legislation which is part of a total package which would bring about that change. In any system of justice the onus should be on the court to make that sort of custodial sentence and to direct the sort of custody or other treatment which should be meted out to those convicted by the court.

Mr HASSELL: That will not be of any use if you have no institutions left to put them in. You are closing them all down.

Mr WILSON: I do not intend to be dictated to by the narrow, vindictive, and punitive attitudes of the Leader of the Opposition. Therefore, I will not take much notice of them if he carries on in that way. However, if he is prepared to co-operate with the Government and ensure that such legislation is passed by the Parliament, we will be in a much better position to deal with this situation as it should be dealt with; and I look forward to his co-operation in that regard.

REGIONAL DEVELOPMENT: "BUNBURY 2000"

Mandurah: Removal from Policy

690. Mr READ, to the Premier:

(1) Does the Government intend to adopt the Liberal Party's proposal to remove Mandurah from the "Bunbury 2000" strategy.

(2) If not, why not?

Mr BRIAN BURKE replied:

I thank the member for some notice of this question which raises a very interesting aspect of the Opposition's position. The answer is as follows—

- (1) No, it is not the Government's intention to adopt this proposal from the Liberal Party's Mandurah policy options document.
- (2) By taking Mandurah out of the development strategy, the Liberal Party will effectively begin the dismantling of "Bunbury 2000" and end one of the most exciting development projects in Australia's history.

Mandurah's importance as the gateway to the "Bunbury 2000" scheme is illustrated by the recent appointment of two men to be based in Mandurah as part of the total operation of the South West Development Authority.

It is a great pity the Opposition would take Mandurah out of the total scheme and thus confiscate from Mandurah the many benefits the total strategy will provide.

The majority of the announcements in the Liberal document on Mandurah are already being done by the current Government.

For example, the idea of a police station-courthouse complex for Mandurah has been on the capital works programme for four years, but no money was allocated by the previous Government. The State Government now plans to purchase land for the development of a police station and courthouse complex. Officers of the Crown Law Department, the Police Department, and the Building Management Authority visited Mandurah recently to inspect a possible site. The complex has been one of several targets being pushed by the member for Mandurah.

The most interesting question left unanswered is where the Opposition stands in respect of "Bunbury 2000". Does the Opposition's previous statement that, in Government, it would dismantle "Bunbury 2000" stand? Is that the Opposition's policy, or is it too frightened to repeat what it said previously; that is, it will not support "Bunbury 2000"?

HOUSING: PURCHASE

Engaged Couples: Policy

691. Mr MacKINNON, to the Minister for Housing:

- (1) Is it correct that the State Housing Commission will not allow engaged couples to purchase a State Housing Commission home, should they qualify, yet couples living together in a *de facto* relationship are eligible to purchase the same home, should they qualify?
- (2) Does he consider this a reasonable approach for the commission to take?
- (3) Will he take this matter up with the commission to ensure that this rule is changed, so that young people who are engaged and wish to pursue a married life are not encouraged to prostitute their morality to comply with commission rules?

Mr WILSON replied:

- (1) to (3) The Deputy Leader of the Opposition is a bit late. I have already taken up the matter with the State Housing Commission and the implementation of this policy is currently under consideration and review. When the matter has received sufficient consideration, we shall adopt a policy which will take into account the concern that has been raised.

Mr MacKinnon: I thought it would take about one minute to consider that policy.

Mr WILSON: It would take the Deputy Leader of the Opposition one minute, because he is quick to open his mouth.

Mr MacKinnon: I have a clear view of morality which is more than can be said for some members on your side of the House.

Mr WILSON: I am not intimidated by the Deputy Leader of the Opposition closing his eyes and mumbling under his breath. I am concerned to give him an answer if he will let me, but otherwise I will not bother. What I was going to say—I thought quite reasonably—was that there are practical difficulties in what the Deputy Leader of the Opposition proposes, because it is possible that an engaged couple who may be intending to proceed to marriage do not do so. It could be the case in those circumstances that the SHC is left in a position whereby one person is occupying a house

or unit in such a way that would not be justified. However, I take the other point of the argument which is that some people—

Mr MacKinnon: The same applies to *de facto* relationships, surely.

Mr WILSON: —may feel that that is discriminating against people who are not prepared to enter into a *de facto* relationship.

The matter is not as simple as the Deputy Leader of the Opposition tries to make out and I appeal to him to try to think a little more deeply about these issues which affect the personal lives of people, instead of trying to deal with them as if they were superficial matters which do not really concern people very deeply.

FISHERIES: DISRUPTION

America's Cup

692. Mr BARNETT, to the Minister representing the Minister for Transport:

- (1) Is the Minister aware of the concern in the community that the America's Cup should not cause any problems to the economy by disrupting the fishing industry at Fremantle?
- (2) Could the Minister say what the Government is doing to ensure that the fishing industry based in the Fremantle fishing boat harbour is not disadvantaged by the America's Cup preparations?

Mr Parker (for Mr GRILL) replied:

- (1) and (2) It has always been our objective in the preparations for the America's Cup to use this as an opportunity to bring about needed developments for those likely to be affected by the cup in some way. For the fishing industry in the fishing boat harbour this is particularly evident. Projects include—

- (a) A recently announced new unloading facility as part of the redevelopment of the Mews Road public jetty. This will provide 60 metres of additional land-backed berthage which will ease congestion in the boat harbour particularly during the crayfishing season. As part of this development plans are also in hand to provide a lower level jetty on the southern side of the Mews Road facility which would enable service vehicles to have di-

rect access to vessels using the berth.

- (b) More than 80 metres of land-backed berthing for the fishing industry on the new breakwater spur developed for the America's Cup syndicates on the northern side of the fishing boat harbour.
- (c) Thirty new pens which are currently under construction to replace those displaced by the development on the northern side of the harbour.
- (d) After the cup, whether it is won or lost, the whole of the new redevelopment on the northern side goes to fishing industry use.
- (e) New parking facilities on the southern groyne for fishermen are being pursued at present.

ABORIGINAL AFFAIRS: LAND RIGHTS

Claims: Reserves

693. Mr CLARKO, to the Minister with special responsibility for Aboriginal Affairs:

Does the 38 per cent of Western Australia outlined by the Premier as being unallocated Crown land and, therefore, available for Aboriginal land claims include the 8.7 per cent of the State that is already held as Aboriginal reserves?

Mr WILSON replied:

As far as I am aware, the answer is, "Yes".

EDUCATION: HIGH SCHOOL

North Albany: Overcrowding

694. Mr STEPHENS, to the Minister for Education:

- (1) Is the Minister aware that because of the unavailability of demountable classrooms which were to have been moved from the Albany Senior High School to the North Albany Senior High School, and also because of lack of furniture, there is severe overcrowding of students in the North Albany Senior High School and that some students are forced to sit on chairs without desks and have their books on their knees?
- (2) Will the Minister undertake to have these difficulties rectified immediately?

Mr PEARCE replied:

- (1) and (2) The short answer to the member's question is, "No", except that it was the case that demountable buildings which were at the Albany Senior High School and due to be transferred during the school long vacation to the North Albany Senior High School, for some reason as yet unknown to me, were not moved until the last couple of days of the holiday period and furniture to equip those rooms which was on order from some time well before that date did not arrive at the beginning of the school year, the net effect of which was that there was a problem of students being without proper furniture for the first two days of the school year. That situation has now been rectified in a temporary sense by borrowing furniture from the Albany Senior High School and the students, as I understand it, are now properly accommodated and "furnished", if that is a word, for the purposes of their studies. When the new, ordered desks and chairs turn up the borrowed equipment will be returned to the Albany Senior High School.

SWAN BREWERY: OLD SITE

Purchase: Government Attitude

695. Mr BURKETT, to the Premier:

- (1) Will he outline the Government's attitude to the purchase of the Swan Brewery site and to the proposed site for a casino on Burswood Island?
- (2) Is he aware of the views of the Leader of the Opposition on these sites and do they accord with the Government's position?

Mr BRIAN BURKE replied:

- (1) and (2) Yes. I was interested earlier this afternoon to hear the member for Gascoyne talk about my turning myself inside out. On this issue the Leader of the Opposition has set an example that is almost impossible to follow or to fathom. The Government wants to preserve the old Swan Brewery site on Riverside Drive for public use. Discussions initiated by the Minister for Planning will investigate the options for preserving the site. The Government is keen to preserve the old brewery site because it is uniquely positioned adjacent to Kings Park and on the Swan River foreshore. The preservation of the site will also allow attention to be paid to the serious

traffic hazard in Riverside Drive at the site of the old brewery.

In respect of Burswood Island the Government proposes to establish the Burswood Island park under the Parks and Reserves Act to guarantee permanent public access. With a "C"-class reserve, the only way public access can ever be denied to the park in the future is if a further Act of Parliament is passed by some future Government.

Work to convert Burswood Island from its current "eyesore" status will begin as soon as Parliamentary approval has been obtained and would be completed in October 1986. The calibre of development in the park will be guaranteed by a requirement that the developers retain internationally acclaimed landscape architects to plan and supervise its establishment. Annual maintenance costs of \$1 million will also be met, in perpetuity, by the tourist-casino complex operators. This will mean that Perth will receive, at no cost to taxpayers or ratepayers, a revamped eastern entrance to the city of a standard which will demand approval of all visitors from other States and overseas.

The Government has insisted that no building be constructed within 150 metres of Great Eastern Highway and the Causeway, guaranteeing a parkland setting for the city's eastern entrance.

This requirement has involved resumption by agreement of Perth City Council land zoned and intended for residential development.

By comparison, the Leader of the Opposition's view on the brewery site, as reported in the *Sunday Independent* of 20 January 1985, is as follows—

I don't believe the brewery has ever detracted from the park so I don't think its worth worrying about.

I can't understand why so many people are up in arms over its future. Why aren't they worried about Burswood Island?

He has no objection to the private development of the foreshore at the brewery site. However, when it comes to the rehabilitation of 118 hectares of debilitated and degraded area on Burswood Island and the use of 1.4 hectares of Crown land for the casino site, the

Leader of the Opposition is reported in *The West Australian* of 22 January 1985, as follows—

Burswood Island is regarded as a piece of almost sacred land.

What is being proposed is equivalent to excision of Kings Park.

The Opposition policy is to lose the Swan Brewery site for further generations and to oppose proposals which will turn the Burswood Island site from an eyesore into an international standard park. The Leader of the Opposition needs to explain why he is pious about preserving an eyesore but so unconcerned about protecting a unique foreshore site.

Perhaps the explanation was shown in the photograph of Sir Charles Court when he protested about Burswood Island. The photograph was taken to go with his protest but the photographer forgot he was standing on Heirrisson Island.

ABORIGINAL AFFAIRS: LAND RIGHTS

Legislation: Title

696. Mr LAURANCE, to the Minister with special responsibility for Aboriginal Affairs:

- (1) Is it a fact that the Government has changed the title of its Aboriginal land rights Bill?
- (2) If so, what is the proposed title?
- (3) What is the reason for this change?

Mr WILSON replied:

- (1) First of all, if only the member for Gascoyne had been able to convince his Leader to have a representative on the drafting committee, he would not need to be asking that question now.
- (2) and (3) The Bill will be introduced soon and when it is introduced he will know what it is called.

HEALTH: HOSPITALS

Private: Mandurah

697. Mr READ, to the Minister for Health:

- (1) Has the Minister seen the *Coastal District Times* of 14 February where a front-page story alleges that efforts to

establish a private hospital in Mandurah have been thwarted by the State Government?

- (2) What are the facts, and can the Minister advise what the Government is doing to meet the health needs of Mandurah?

Mr HODGE replied:

- (1) and (2) I have indeed seen this amazing story which contains a variety of allegations about the Government thwarting plans for a private hospital. The story is based on quotes from the prospective entrepreneurs and the Liberal Party candidate for Mandurah.

I suppose one should not be surprised by the attitude of the Liberal Party candidate because in this eye-catching little document issued by the Liberal Party recently, and called *WA Liberals Future Directions, Mandurah*, three paragraphs are devoted to the health needs of Mandurah. One of those paragraphs contains the incredible statement that "A Liberal Government will provide every assistance to those seeking to provide a private hospital in Mandurah, until such time as the need for a public hospital can be demonstrated".

Perhaps the Liberal Party is not aware that a very comprehensive study of Mandurah's health needs was conducted by independent consultants, Pearce Thomas, and that the need for a public hospital in Mandurah as the population of the district expands was clearly established.

The Liberals, as stated in their policy, may well be prepared to "guarantee to fund public beds in a private hospital", but this Government has no intention of wasting taxpayers' money by buying beds it does not need in a private hospital simply to ensure the profits of private investors.

The health needs of Mandurah are a high priority of the State Government as evidenced by the decision to accept in principle the recommendations of the Pearce Thomas report to build a public hospital in Mandurah in a phased development starting next year.

ABORIGINAL AFFAIRS: LAND RIGHTS

Legislation: Fishing Permits

698. Mr TUBBY, to the Minister with special responsibility for Aboriginal Affairs:

Under the Government's proposed sea rights legislation, will it be necessary for professional and amateur fishermen to obtain permits to enter sea which has been granted to Aborigines?

Mr WILSON replied:

These are matters on which we are currently talking to the Australian fishing industry. We will have further consultations with industry about the proposals with regard to so-called fishing rights. However, I can assure the member that under any proposed legislation, all existing commercial fishing and pearling licences will be protected. I trust also that the member will be reassured by the knowledge that amateur fishermen with established rights in an area would already be protected. That protection is certain and definite, and I hope the Leader of the Opposition will also take notice of that statement and not start putting about scaremongering ideas that have no substance or basis.

EDUCATION: STUDENTS

Reforms: Effects

699. Mrs BEGGS, to the Minister for Education:

- (1) Has the Minister seen the article headed "Senior students opting for tougher time ahead" in *The Sunday Times* of 20 January?
- (2) Are the remarks attributed to the member for Karrinyup correct?
- (3) Does the article represent the member for Karrinyup's main—or perhaps only—contribution to the widespread public discussion on the essential education reforms that have been undertaken as a result of the McGaw and Beazley reports?

Mr PEARCE replied:

- (1) to (3) I must admit *The Sunday Times* of 20 January gave me one of my good laughs early in the year because the article attributed to the member for Karrinyup, I guess correctly although the member can deny it if he wants to, an interesting contribution to the edu-

cation debate which this Government has sponsored over the last two years. Members may recall that within a week or two—in the case of the Beazley report within a day or two—of taking office, we sponsored two very large education inquiries, one relating to the whole of the system and the other, the McGaw committee, with regard to years 11 and 12. We sought input from all over the State in that regard, but despite my widespread requests no submission was put in by the Opposition or its so-called shadow Minister for Education.

Mr Clarko: We are not required to.

Mr PEARCE: I know the Opposition is not required to.

In March 1984 the McGaw committee reported and made a number of very good recommendations about the shape of years 11 and 12 and their relation to tertiary selection.

Mr Clarko: How long did it take you to respond to the report?

Mr PEARCE: Members will recall that I asked several times about the Opposition's attitude and when it might be making an announcement. No such announcement was forthcoming. I waited some little time because members will recall that the question of tertiary selection in particular was a matter of some controversy last year, although it was resolved to everybody's satisfaction.

Subsequently, we legislated to set up a Secondary Education Authority and thereby lock in the whole of the McGaw arrangements. That proceeded largely with the Opposition's support. I accepted a number of amendments and the member for Karrinyup and other Opposition members then voted for the Bill which related to the McGaw arrangements. Students then chose their year 11 subjects in such a way as demonstrated quite specifically that the philosophical thrust of the McGaw report was accepted by Western Australian youngsters, and they chose across a variety of subjects in accordance with the new freedom and flexibility that they got.

Then on 20 January 1985, a mere nine or 10 months after the McGaw report came out, we saw a comment from the member for Karrinyup that the whole system would not work. If the member had

made that comment or prediction earlier we may have been able to take some account of it. The Opposition has been unbelievably tardy in making its response to this matter. I sincerely hope the unconsidered response of the member for Karrinyup after nine or 10 months is not a response on behalf of all his colleagues.

ABORIGINAL AFFAIRS: HOSTELS

Meekatharra

700. Mr COYNE, to the Minister for Community Services:

- (1) Referring to two Aboriginal hostels in Meekatharra, could the Minister inform the House on what date was the Darlot Street building completed and occupied on lots 243 and 244? Could he provide similar details in respect of the Consul Street development on lots 659 and 660?
- (2) What is the present situation in terms of occupancy and are the hostels satisfactorily fulfilling the function for which they were intended?
- (3) If the answer to (2) is "No", is there a danger that these buildings may become redundant and if so, what action is the Government planning to redress the situation? Is there any likelihood that the buildings in question could be sold to private enterprise or any other local government instrumentality?

Mr WILSON replied:

I thank the member for some notice of this question, the answers to which are as follows—

- (1) The Darlot Street hostel was opened to students in February 1981.

The Consul Street hostel was opened, for the same purpose, in February 1983.

- (2) The Darlot Street hostel is currently being used as an emergency child care placement centre. The Consul Street hostel is being maintained as an unoccupied facility.

These facilities were built primarily to accommodate Aboriginal children from Wiluna who needed to attend high school in Meekatharra. This situation has now changed as these children have displayed an increasing reluctance to leave Wiluna and have demonstrated their

preference for attending school at Wiluna, which has begun to offer courses for children who would not normally fit into an academic stream.

- (3) At least one building is now superfluous to present requirements and I have requested both the Department for Community Services and the Aboriginal Affairs Planning Authority to consult on this matter, to liaise with local Aboriginal groups, the local shire and to consider possible plans for the future administration of these facilities. I would only be prepared to consider such proposals which incorporated a proper and effective management structure, and it may well be that a joint plan could be developed by the shire and local Aboriginal groups which could receive my support.

ELECTORAL: BOUNDARIES

Alterations: Criteria

701. Mr BERTRAM, to the Minister for Parliamentary and Electoral Reform:

Can the Minister report the discovery of, and will he reveal any reasons or criteria for, the statutory boundary alterations made in 1981 now that he has had time to examine the files at the State Electoral Department?

Mr TONKIN replied:

I thank the member for ample notice of the question. I have contacted the Acting Chief Electoral Officer to find out what criteria were used by the previous Government in determining the boundary between the seats of Pilbara and Kimberley, and also the metropolitan boundary which that Government altered in 1981. Of course there is nothing on file at all.

The only thing we can find is by looking at the answers to questions which I have already given, numbers 349, 375, 445, and 1329. These answers show that it depended on how people voted at the poll whether they were put inside the metropolitan boundary or outside. It depended on the ballot boxes whether they were in Kimberley or Pilbara.

In other words, people were shifted around like pawns on a chess board depending on how they voted at previous

elections. That is a scandalous way to rig the boundaries and to decide where electorate boundaries were to run. It is a scandalous way to treat people who vote. People who voted one way were being rewarded by that Government, and people who voted the other way were being disadvantaged. That is the only criterion I have been able to discover in respect of when those boundaries were so shamefully manipulated by the previous Government.

STATE FINANCE: LOANS

Foreign Currencies

702. Mr HASSELL, to the Treasurer:

- (1) Has he examined the potential exposure of the Western Australian Government and its instrumentalities to increased liability for loans taken out in US dollars or foreign currencies in view of the depreciating Australian dollar?
- (2) If he has examined the question, what is the outcome in terms of potential dollar liability?

Mr BRIAN BURKE replied:

- (1) and (2) I have discussed this matter with the Under Treasurer and am informed that the major exposure is via the State Energy Commission which is fully hedged, and which as a result does not expect to lose anything whatever as a result of the decline in the Australian dollar. At the same time, the Leader of the Opposition will be pleased to know that the decline in the Australian dollar has meant increasing prosperity to our resource-based industry, both mineral and other primary resource industries, and that naturally will lead to an increase in the State's revenues in terms of royalties.

On that basis, in discussions with the Under Treasurer I am informed that the net effect of the decline in the value of the Australian dollar in our budgetary terms is not likely to be harmful in any way; rather the reverse may be the case in terms of revenue increases.

WOMEN'S AFFAIRS: PEACE CAMP

Graffiti: Cost of Cleaning

703. Mr MacKINNON, to the Minister for Sport and Recreation:

- (1) Has he received a bill for the cost of security services provided and for the cleaning of graffiti from roadways caused by the Cockburn Sound peace camp at Point Peron? I understand that is from the Rockingham Shire Council.
- (2) How much is the bill?
- (3) Does he intend to pay the account?

Mr WILSON replied:

- (1) to (3) I have not personally received a bill. However, I will check with my department to see if a bill has been lodged and make a decision accordingly. I know nothing more about the matter.

PASTORAL INDUSTRY: LEASES

ALCCO: Future

704. Mr BLAIKIE, to the Minister for Lands and Surveys:

Has the Government made a decision on the future use of the ALCCO pastoral leases in the Kimberley which were forfeited last year?

Mr McIVER replied:

This matter is under discussion and a decision will be made in the future.

PASTORAL INDUSTRY: LEASES

Emanuel Family: Negotiations

705. Mr BLAIKIE, to the Minister for Lands and Surveys:

What is the current position relating to the negotiations between the Government and the owners of the Emanuel pastoral properties in the Kimberley?

Mr McIVER replied:

Considerable discussion has taken place in regard to the Emanuel pastoral properties. No decision has yet been reached in regard to this matter.

PRISONS: PRISONERS

One-legged: Escapes

706. Mr THOMPSON, to the Minister for Police and Emergency Services:

- (1) What progress has been made in the apprehension of the one-legged rapist who escaped from the Albany Regional Prison weeks ago?
- (2) If there are any prisoners in Western Australian gaols who have no legs will he ask the Minister for Prisons to double the guard on them?

Mr CARR replied:

- (1) and (2) That question is an interesting follow-up to some questions that were asked during the last session of Parliament where a number of Opposition members attempted to turn question time into a joke session. I do not think this is a joke at all because it is a serious matter.

The member is treating a serious matter in a joking way insofar as that part of his question is concerned. It obviously must be reported that the police have not as yet apprehended the criminal concerned. It is also true that considerable efforts have been made regarding this matter and the police are pleased that the public have responded in giving advice and evidence in regard to sightings of the criminal.

All I can say is that the police are doing all they can to apprehend the criminal and they will continue to seek any advice or information that anyone in the community can give to assist in apprehending this fellow and getting him back behind bars as soon as possible.

ELECTORAL: CHIEF ELECTORAL OFFICER

Appointment: Dr Dennis Rumley

707. Mr HASSELL, to the Minister for Parliamentary and Electoral Reform:

When is Dr Dennis Rumley to take up his position as Chief Electoral Officer?

Mr TONKIN replied:

The Governor-in-Executive-Council has annulled the appointment of Dr Rumley.

Mr Hassell: When was that done?

Mr TONKIN: It was done a few days ago—perhaps a week or two ago—and

the matter of his replacement will be expected to come before the Governor-in-Executive-Council shortly.

ELECTORAL: CHIEF ELECTORAL OFFICER

Appointment: Annulment

708. Mr HASSELL, to the Minister for Parliamentary and Electoral Reform:

Why was the appointment of Dr Rumley annulled and why was it not announced?

Mr TONKIN replied:

The Chairman of the Public Service Board contacted me because Dr Rumley was desirous of obtaining leave without pay from the university in order to take up the appointment. Dr Rumley had agreed to take up the appointment on 1 February.

There has been some correspondence between the Chairman of the Public Service Board and Dr Rumley on this matter. It seems that Dr Rumley was not prepared to take up the appointment unless he could obtain leave of absence from the University of Western Australia, which was denied.

The Opposition will have to ask Dr Rumley for his reasons, but I understand that academics who have a life-time career in a tertiary institution may see themselves as being able to move backwards and forwards between an academic institution and the Government. In fact, I would say this would be a desirable development in our Government. There should be some movement between the Public Service, academic institutions, and industry. We do not want people who are necessarily in one particular job, and it would be useful to have a cross-fertilisation of ideas if there was some exchange between industry, Government, and academic institutions. That kind of development has been welcomed by the Liberal Party nationally. It has been implemented by the Liberal Party nationally because it is felt desirable to have a cross-fertilisation of ideas.

Perhaps Dr Rumley saw that at some time in the future, after his five-year appointment or at some other time, he may wish to move back into the academic stream. Of course, members opposite

would have to address this question to Dr Rumley because I am not responsible for his reasoning. However, because he was unwilling to take up the appointment by resigning before 1 February the Public Service Board recommended that his appointment be annulled.

ELECTORAL: CHIEF ELECTORAL OFFICER

Appointment: Procedures

709. Mr HASSELL, to the Minister for Parliamentary and Electoral Reform:

As the Minister is so keen to bring forward measures for parliamentary and electoral reform to this House, even though there is no agreement between the two sides, and his Caucus has been urging the Government to do more about that recently, is he prepared to give an undertaking that before a replacement for Dr Rumley is appointed he will bring in that measure of reform which has been agreed between the Government and the Opposition, at least in the broad sense, for procedures relating to the appointment of a Chief Electoral Officer or will he be seeking to make yet another political appointment to that post?

Mr TONKIN replied:

I certainly cannot give any such undertaking. The Leader of the Opposition has an absolute check—he never consulted with the Opposition once while he was Minister responsible for the Electoral Office. I am saying that the Leader of the Opposition never once consulted the Opposition on electoral matters, but stood in this House and said that we had the fairest electoral system in the world—as he said it he giggled like a schoolboy because he knew he was not telling the truth. That is the kind of Minister the Leader of the Opposition was, and he expects us to consult with him before we appoint any public servant.

I make it clear that we are the Government of Western Australia and we are responsible for appointing people who work in Government departments. We have consulted to a degree never seen before in this State. The Leader of the Opposition should remember how much he consulted with the Opposition in the nine years his party was in Government. If he had any sense of fairness he would not have the gall to ask for consultation, considering he never displayed a desire for it when in Government.