

Legislative Assembly

Thursday, 14 March 1985

THE SPEAKER (Mr Harman) took the Chair at 10.45 a.m., and read prayers.

CASINO (BURSWOOD ISLAND) AGREEMENT BILL

In Committee

The Deputy Chairman of Committees (Mr Burkett) in the Chair; Mr Pearce (Minister for Education) in charge of the Bill.

Clause 1: Short title—

Mr BLAIKIE: It may be more appropriate for me to speak at a later stage about this clause. One matter that has given me very grave concern about this Bill is the fact that there has been a lot of rhetoric spoken within the Parliament by the Government and, while the Legislative Assembly has been given this Bill to consider, it has not been given any other papers, documentation, maps, or plans which would indicate the Government's final intention.

Point of Order

Mr PEARCE: It is not appropriate for the member to make a second reading-type speech under the pretext of debating the short title of the Bill. The short title is a summary of the long title. If the member does not wish to address himself to the short title, he should wait and make his further comments during the third reading stage.

The DEPUTY CHAIRMAN (Mr Burkett): I accept the point of order.

Committee Resumed

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation—

Mr RUSHTON: I want to pursue my interest in the identification of this land and I ask the Minister to indicate why the Parliament has not been provided with a suitable map indicating the precise locations of the proposed developments in relation to the casino; that is, reserves, car park, golf course, and the proposed buildings. Why is the Government resisting the pegging of the land which would allow members of the Opposition to physically observe what is proposed?

It is obvious that the developer is prepared to carry out certain improvements and that he will continue to do so, but I am concerned that the Parliament and the public have not had the oppor-

tunity to peruse the plans of the proposed development. The Government has the responsibility to provide that information.

This Chamber should also be provided with plans showing the present reserve and what is intended to be established on that reserve. It is not good enough that a building of this nature should be proceeded with without the Parliament and the public being given details of what is proposed. It is a very large undertaking, but it is accompanied by a poor explanation. We must take it with goodwill that the development will be for the benefit of this State, and that is not good enough.

A claim has been made that the casino development will create jobs. That is correct, but regardless of where the casino is sited the same number of jobs will be created.

Mr Wilson: Aren't you interested in jobs?

Mr RUSHTON: Jobs will be provided regardless of where the casino is sited. The Minister must be a slow learner to believe that jobs will be created only if the casino is established on Burswood Island.

Mr Wilson: You are not interested in jobs.

Mr RUSHTON: I certainly am.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Burkett): Order! I ask the member for Dale to confine his remarks to clause 3 of the Bill. I also ask that there be fewer interjections.

Mr RUSHTON: I am pursuing the issue of the need for the Government to present adequate plans of the proposed development on Burswood Island in order that members of this Parliament and the public will be in a position to understand what will take place. The information is needed at the outset because at present it is an open book and anything could take place.

The Opposition understands that the financial agreements between the developer and the Government were signed last night. It is an insult to Parliament that that has been done before the final approval of this Parliament has been given. However, we are used to that sort of treatment.

We do not know where the car park will be situated and whether it will be large enough to accommodate 6 000 or 7 000 vehicles. Perhaps it will accommodate 12 000 vehicles—I do not know. We have no understanding of what the situation will be and a car park will have a huge impact on the development.

It is time the Government made a ground plan available showing what currently exists on the site, and showing its present zones and uses, together with an overlay indicating the proposed develop-

ment. The proposed development should also be identified on the actual land by pegging and I ask that that procedure be undertaken and that an officer be made available in order to explain and identify the proposed location of the buildings. It is not too late for that to be done.

This Parliament has a responsibility to the people of Western Australia and it must ensure that the development takes place in accordance with the plans. However, it is difficult for the Opposition to ensure that the development will take place in accordance with the plans if the plans have not been made available to this Chamber.

I understand that \$220 million will be expended on the project, and it is not right that, with a development of that magnitude, the Government has not provided the plans. I am not aware of any other project of this size being proceeded with before the Parliament has been presented with a copy of the plans.

Despite his previous refusal I ask the Minister whether he will immediately make available to the Parliament a plan which will suitably describe the present position and the future development. Further, will he have the site pegged to show where the various activities will be situated and will he make an officer available to explain the proposed development?

I am most concerned about what will happen to the present road system, especially in relation to the airport. What will happen to the beautification programme that has already taken place?

I also ask what the foreshore reserve is like. We do not know whether the site is adequate for the proposed development, but we have had to take the Government's word that it is. An environmental examination has not been undertaken to indicate the impact of the proposed development on the area. I am not referring only to the chemical impact on the river, because to me it will have a social impact as well as an aesthetic impact.

This information should be available so that we can see how these factors relate to our city and to the whole vista. More importantly, it should be available in any development of this magnitude. I have never known an instance where such information was not available for a development of this size.

Mr Bryce: What about the Merlin Hotel?

Mr RUSHTON: That was developed on properly-zoned land through the normal processes.

Mr Blaikie: How much public money is involved in the Merlin Hotel?

Mr Bryce: How much is involved in this one?

Mr RUSHTON: There is \$50 million in this one. The public involvement in this development is the land on which it will be built.

Mr Bryce: There is no public money in the casino.

Mr RUSHTON: It is our heritage which will be put down the chute. The Merlin Hotel development took place on properly-zoned land processed in the normal way. It was not built on an "A"-class reserve and the processes of planning were not waived. They were all carried out. However all those requirements have been avoided with the present development.

Mr Bryce: You were talking about a development of this magnitude.

Mr Pearce: The Merlin development is closer to the river than the casino is.

Mr RUSHTON: That interjection by the Minister for Education is an indication of his lack of sensitivity on what this issue is about. The Minister does not understand the heart and soul of the city and how much effort has been involved in creating a city as beautiful as Perth is today. He does not understand how easy it would be for the city to be destroyed by people who do not have sensitivity for its long-term future. It is left to us to defend that position.

We are entitled to be given a plan which will provide details of the work. It is not good enough for us to be asked whether we oppose the plan. I am of the opinion that it is certainly on the wrong site. We do not have the opportunity to give our reasons. The view I have expressed is held by most thinking people in this State, but they have not been given the opportunity of expressing their opinion. Had normal planning processes been involved that opportunity would have been available to them.

Mr Wilson: Are you opposed to the casino in principle?

Mr RUSHTON: Yes, I am personally. However, the issue of whether we shall have a casino has been dealt with by Parliament and, therefore, it is now a question of the siting of the development. I have advocated Northbridge for the casino site.

Mr Wilson: You would be opposed to it anywhere.

Mr RUSHTON: I have acknowledged that. Parliament has approved a casino and it would be burying one's head in the sand to oppose a casino at this stage. The approval for the casino was given last year and we are now dealing with the question of location. It is nebulous and false to use the rubbish tip background as the reason for siting

the casino on Burswood Island. It is also false to raise the question of employment opportunities because jobs would be created no matter which site was involved.

Mr Wilson: You would be opposed to the creation of jobs in any event.

Mr RUSHTON: That is an idiotic statement to make. The Minister for Housing must be childish to make a statement such as that.

I am asking the Minister to provide adequate plans to clearly describe this location. I ask the Government to have the site pegged immediately and to make an officer available to indicate to members who wish to visit the site where the various developments will take place.

Mr MacKINNON: I support the comments of the member for Dale. I am concerned about the lack of information provided by the Government in support of this legislation. I repeat the comments of the member for Dale for the benefit of the Minister for Housing. The member for Dale like me, opposed the casino in principle but that debate has been and gone and we are now discussing the development itself. We want to ensure that the development is in the best interests of the community of Western Australia. We have that responsibility. If the Minister wants to absolve himself from that responsibility, so be it.

I now refer to the points which concern me about this development and the apparent lack of information that is at hand today. The member for Dale indicated that we do not know the location of the development activities on Burswood Island.

As I pointed out in the second reading debate, we are today expected to ratify several items included in the agreement and definitions that we are debating and we do not have that information. The first of these is the development proposal. I referred to this the other evening and I indicated then that the Minister representing the Minister for Racing and Gaming said that only one copy of the proposal was available and I would have to go to the Minister's office to view it while he was present.

Mr Pearce: You were too lazy to do so.

Mr MacKINNON: The Minister knows that is not true. I have endeavoured to arrange an appointment and on each occasion the Minister has not been available. The Minister wants to sit with me while I look at the information. I cannot understand that point of view. What is so secretive about an item called a development proposal, which is defined in the Bill we are debating, that I have to be accompanied by a Minister while looking at it? A copy of that proposal should be run off

and tabled in this Parliament for all members to study.

The Government is asking all members to ratify an agreement, a very important part of which is the development proposal, yet we are not entitled to have access to that information before debating it in the Parliament. I find that very strange to say the least. What has the Government to hide in this issue?

If the Government wants to provide the jobs—and I believe it does, as we all do—why not come clean and present the details? What is there to hide? I do not know.

I will explain some other areas of the agreement where information has not been made available.

Points of Order

Mr PEARCE: We are currently discussing the definition of "the Resort Lands". That is the point before the Chair and not the general aspect of lack of information or otherwise. In fact, when I get the call I will point out where the resort lands are and I will table a map. I do not think it is competent for the Deputy Leader of the Opposition to launch into a general tirade, in repetition of what he said in the second reading debate, when he should be discussing the definition of resort lands.

Mr MacKINNON: On a point of order, in clause 3 we are discussing the agreement which is defined as "the Agreement a copy of which is set out in the Schedule . . ."

The DEPUTY CHAIRMAN (Mr Burkett): I ask the Deputy Leader of the Opposition to restrict his comments to the clause before us, but I do not accept the point of order.

Committee Resumed

Mr MacKINNON: Why does the Minister wish to suppress debate on this point? Does it matter whether we discuss it now or later? What is the difference?

The foundation agreement in this Bill refers to the agreement dated 20 February 1985 between the trustee to manage it, Dempster, Genting WA and Tileska providing for the subscription of units and options. If we turn to page 25 of the Bill it can be seen that the foundation agreement has great relevance to clause 14. It refers to the issue of units and options to the public of Western Australia. We are supposed to represent the public and we are supposed to be interested in those we represent. Under this clause the units and options will be offered and upon acceptance units will be issued to the public at a selling price of 50c to a total value of at least \$40 million and payable in such instalments as are provided for in the found-

dation agreement. If that is the case, and if the public may in future be able to subscribe to the shares in terms of that agreement, why are the details of that agreement not available for us to peruse now? The Government is asking us to peruse a Bill, which is its prerogative, but why does it not provide information upon which we can make an assessment of its impact on the public?

May I ask the Minister whether he has seen the foundation agreement itself? Has he studied the details in it? It appears that the Minister has not even seen a very important part of this Bill. I have not seen it, and I think I am entitled to if I am being asked to vote on this matter before the Parliament.

Let us go on to the definition of the "Operation Management Agreement". Again information has been refused to the Parliament. We are not to know what is in the agreement. Once again, if one is to have a casino in Western Australia, part of the profits of which, through taxation, will be the property of the people of Western Australia, surely we should be able to see what is in this operation management agreement. After all, we are supposedly, as the Parliament, the custodians of the interests of the people of Western Australia in the project.

Has the Minister seen that agreement?

Mr Pearce: The Minister for Racing and Gaming certainly has.

Mr MacKINNON: I am asking whether the Minister for Planning has seen it.

Mr Pearce: It is a private commercial arrangement between the partners involved in the agreement.

Mr MacKINNON: The public has an interest in these agreements. It is the public's money which is being played with.

Mr Pearce: It is a private commercial arrangement.

Mr MacKINNON: If it is a private commercial arrangement, why does the Bill refer to this private arrangement? It is defined in the Bill, and it involves dealing with the Government here.

I turn to page 28, where it is provided that neither the project management agreement nor the operation management agreement shall be altered or amended without the prior approval of the Minister. Obviously the Government and the State have an interest in those agreements because they are to do with the operation of the casino set up under the legislation of this Parliament in which we all, as taxpayers of this State, have an interest. What is the problem about making that agreement public?

I understand there is no problem from Mr Dempster's point of view, so why does the Government not make it public? The Government wants us to approve the Bill, not Mr Dempster. He is not arguing about the Bill, the Government is. The Government wants us to pass this Bill, but it is not willing to come forward with the information.

I turn now to the project management agreement. Exactly the same thing applies. This project will get up and run. We have heard statements about \$200 million-worth of investment. How do we know what is in the agreement which will ensure that? Who are the quantity surveyors, or will there be quantity surveyors checking on the progress of that development? Who will ensure the agreement's provisions are complied with? Are they part of the project management agreement? Are we able to see them now, as we are asked to approve of this legislation? It seems that the answer is "No".

As I said during the second reading debate, I for one will not be voting in favour of legislation when there are great holes in it, when I do not know the details of it, and when I am being asked to ratify things which are being kept secret. I for one do not accept it. The Government should come clean and make this information available so that we in the Opposition parties and the general public of Western Australia can make a valid judgment on what is before us.

Mr PEARCE: I hope the debate on this Bill will not proceed along the lines it has so far; I hope that members opposite will exercise some discipline in the way in which they deal with this legislation.

Mr Blaikie: You have not provided the information.

Mr PEARCE: This is exactly what I mean. If members ask all sorts of questions when I stand up to provide the answers, I can hardly get a word in edgeways.

Mr Blaikie: Do not give us a lecture like a petulant schoolmaster.

Mr PEARCE: Here again the member for Vasse does not want any information. Firstly, the member for Dale, who I hope will certainly not be the Opposition lead speaker on this, knows so little.

Several members interjected.

Mr PEARCE: Only in the sense we will be here for a week.

Mr Blaikie: If you continue to carry on in this way we will be here for a month.

Mr PEARCE: It will be a solid month if necessary. It will be a month without a break.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Burkett): Order!

Mr PEARCE: The member for Dale told us that the signing of the agreement yesterday was an effrontery to Parliament, but he should be aware that no agreement is signed until such time as the casino Bill has been passed. He was putting round a furphy that the casino was being built now.

With regard to his queries on the resort lands, I draw his attention to the agreement contained in the schedule to this Bill. On page 14 he will find a definition of "Resort Site".

Further down I refer him to the definition of "Site".

So the information which the member for Dale says is being withheld from him so far as the location of the land is concerned is right there in the Bill before the Parliament.

Several members interjected.

Mr PEARCE: In order to make the whole question clear to the House, I intend to table a drawing of the Burswood Island site which makes these locations plain, and which is in fact part of the agreement documents. I hereby table that document for the interest and edification of the members.

Mr Blaikie: At the eleventh hour; you should be ashamed of yourself. It should have been done a week ago.

Mr PEARCE: It was tabled the first time anybody asked for it.

Mr MacKinnon: It is not the first time the member for Dale has asked that question.

Mr Blaikie: I asked the question last week.

Several members interjected.

Mr PEARCE: I have tabled that. I would have tabled it earlier if the Opposition did not waffle so much.

It is the intention of the Government to produce a comprehensive drawing and scheme of precisely what is planned with regard to the casino for the information of everybody.

Mr Blaikie: After the legislation is passed in the Parliament, no doubt. Why was it not tabled before the legislation turned up?

Mr PEARCE: Any fundamental problems—

Mr Blaikie: Why did you not say you made a stuff-up?

Mr PEARCE: We have not made a stuff-up.

Several members interjected.

The DEPUTY CHAIRMAN (Mr Burkett): Order! Let the Minister continue, please.

Mr PEARCE: I am astounded at the reaction of members. All that is required for the Parliament to agree to is the agreement and the funding terms of that agreement and the ceding of the land to the developers. It is not up to the Parliament to design the building or to decide whether there should be holes in the golf course. It has not been possible to produce many of these details much in advance because of the complex negotiations which have been going on with a whole range of people, including the Perth City Council. Many of the exact engineering details have to be considered.

Mr Blaikie: The approach was made to the Perth City Council after the decision had been made. The Deputy Premier has seen the plan for the first time.

Mr Rushton: He thinks it is a rubbish tip.

Mr PEARCE: I am doing my best to provide information for members. If they do not want it they do not have to have it.

The document was tabled (see paper No. 495).

Mr RUSHTON: I return to question 2476 of 5 March to the Minister for Racing and Gaming. It reads as follows—

- (1) Will he please table and let me have a copy of a plan of Burswood Island showing the present reserve designations and zoning for the land with an overlay showing the proposed uses and indicating the location of proposed buildings, golf course, etc?
- (2) Will he please urgently have the boundaries pegged for land to be freehold, the buildings, the golf course, the public open space and any other important feature of the development proposals so that members of Parliament can visit the site for first-hand viewing?
- (3) Will he make an officer available to assist members to identify the boundaries?

The answer was—

- (1) to (3) No plan as described is in existence.

That is the first thing which should be produced for a development of that nature. The answer goes on to say—

However, I am prepared to table a plan showing the surveyed boundaries of the proposed freehold land.

That is one boundary which will excise something like 12.5 hectares. The Government is prepared to identify that boundary. What a big deal! The Government is prepared to identify that boundary

when it is seeking support for the approval of a development of this nature.

Mr Blaikie: The Minister has tabled the plan today, so we cannot complain too much!

Mr RUSHTON: That is not the plan for which we asked. Obviously the developer would have a plan of the type for which we asked. After I had asked the question to which I referred, the Premier became upset and abused me for suggesting that we should want any further information. He believes that we should be embracing this development with open arms. If we do not do that, he maintains that we are acting against the interests of the State. That is simply nonsense.

We require the normal presentation of maps and plans to identify the development that is proposed to take place on Burswood Island. It is important that that identification be provided now, so that, in the years ahead, we do not find the building has been constructed in the wrong place, the car park is not where it is supposed to be, and the reserve is of a lesser area than was expected.

We want everything to be identified in order that the Government can be held to its commitment. At present the Government has an open book. It can do whatever it likes, because it has not identified a plan of what is to happen on Burswood Island. The map which has been produced in the Chamber gives a broad outline of the proposed golf course, the peripheral areas, and the buildings to be constructed. However, it does not indicate the location of the buildings, nor does it identify the reserve which will be set aside alongside the river. It is all very well to produce a map of that nature in this Chamber, but we sought a map which would identify the present use to which the area is put and the area of the "A"-class reserve on Burswood Island. I want to be able to identify that reserve, the improvements which have been made to it, and the effect this development will have on the area.

It may not be important to some people to be able to do that, but it is important to me. We have a moral commitment to the people who developed Burswood Island into the beautiful site it is today. We have a moral commitment to the people who came forward voluntarily on the invitation of the town clerk at the time and who gave their time and donated materials to develop the area. I want to see how that area and the perimeter of the foreshore are to be treated. If the proposal is not generous enough, we shall have more to say about it even at this late stage.

Secrecy has surrounded this Bill and the public have not been provided with adequate information. In subsequent clauses we shall have the

opportunity to explore why the normal process was not followed in the case of this development. There was ample time to follow the normal procedures and for maps to be exhibited at various places so that the public could examine the position and react positively either for or against the casino.

Such a procedure is the basis of good planning, good management, and good government, but it has not been followed in this case.

I have listed my request, but it has been avoided, and the Minister is not answering it. Once again he is putting off replying to me.

Once again I ask the Minister to obtain a plan of the development. The MRPA and the Perth City Council have not been involved in this project, so they will not have any plans. The Government does not have any plans, but it tells us that, if we want this sort of information we should approach the developer. That indicates the shoddy nature of this deal. We should not be dealing with the developer; we should be dealing with the Government. The Government should ensure that plans are prepared by the MRPA and the Town Planning Department before the development proceeds.

A rough sketch has been placed before me, but it does not set out the river boundaries. It indicates roughly the location of various boundaries, but it is not possible to identify where the buildings will be located on the site. A pressing need exists for the Minister to make a commitment that he will answer the request I made in question 2476 of 5 March. The Minister should indicate that he will provide that information. Even though we know the agreement will be passed and the casino will be constructed, it is essential that the public have this information.

The Minister should be prepared to indicate whether the Town Planning Department or the MRPA has proper planning maps at which we can look. Those departments were not involved, so I suppose they do not have those maps in their possession. Has the Perth City Council been participating in the drawing of maps? I suppose it has not.

Such maps would normally have been incorporated in the whole scheme and they would contain the relevant details. If a traffic survey had been conducted, it would indicate where parking should be located. However, if a traffic survey has not been carried out, the development should not proceed until that matter has been attended to. If the regional road system has not been sorted out, obviously nothing can be presented.

It appears no adequate plans have been drawn up, therefore, we must accept in good faith that

the Government will do the right thing. I am sick and tired of being asked by this Government to accept that everything is right, because it says it is. That attitude was evident on the part of the Government when we debated the motion in respect of the Attorney General last night and, indeed, we see that attitude in everything the Government touches. It does not produce any facts or furnish any proof of what it says or seeks to do.

Obviously the agreement should be supported by plans and pegging so that members of Parliament and the public who are interested in the long-term future of the area can see what will take place on Burswood Island. I shall press for that now and I shall continue to press for it in the future. It is not good enough that we must rely on the developer in this respect. It is up to the Government to produce the normal maps and information to which members are entitled.

Mr PEARCE: This is sheer humbug! The fact of the matter is that the vast majority of members opposite are opposed to this development. That is the truth of the matter and it was demonstrated beyond doubt in the Chamber last Tuesday evening. Moments ago I produced a map which indicated the area we are talking about in respect of the location of the casino on Burswood Island. That information is contained in the agreement which has been before Parliament for some time and on which we shall vote again today.

The member for Dale is asking for the production of a coloured picture which lays out a drawing of what the casino will look like, where the golf course will be located, and the like.

Such a coloured map as is asked for by the member for Dale is in the process of being produced. Because of the negotiations which are continuing, some of the areas where the various aspects are to be placed physically are matters of continuing discussion. To the same extent, the precise form and placement of the building—the concept drawing we have already produced in line with the original concept which the developers publicly produced when their development application was announced to be the successful one—will be contingent upon engineering studies in regard to the placement of pylons in the clay of Burswood Island.

The answer I gave to the member's question was accurate because no such coloured drawing was in existence. Had one been available I would have produced it. One is being drawn up now and it will be produced when it is finalised.

As for surveying the site and putting in pegs so that the member for Dale can tramp around in the mud among the tiger snakes and the recycled rub-

bish in order to satisfy himself that everything is more than two Esplanade's-width from the river foreshore, I can indicate that we would not waste Government money on such an exercise. I might add that I cannot recall any project in this State having been pegged out in advance of the commencement of the construction of the project.

Mr Peter Jones: What about the realignment of Hackett Drive?

Mr PEARCE: That, a major project? That was just road pegs which went in before the road was constructed. That is not amazing. The Government is proposing to make available all the information which is reasonably sought. The developers have made every facility available to Opposition members with regard to what they intend for their part of the project.

For my part I can say on behalf of the Government that we will be closely involved in the development of the golf course and the resort areas and we will make information about them widely available for public input.

Mr Rushton: You will say what the developers tell you to say.

Mr PEARCE: Not at all. I hope that Opposition members, and particularly the member for Dale, will read the legislation before they raise other matters so that they do not put themselves in the foolish position of claiming they are denied information which is actually in the agreement.

Mr MacKINNON: Let us make it quite clear what the Minister is saying: Firstly, he is indicating that at this stage of the game the Government is not prepared to make available to the Parliament key pieces of information which the Opposition needs to enable it to make a determination on this agreement. I refer particularly to the development proposals such as the foundation agreement, the operation management agreement and the project management agreement. If the Minister does not think they are particularly relevant, I refer him to clause 9 of the schedule to the Bill, which reads in part—

The Trustees shall in accordance with the Development Proposals, the Drawings, the Design and the Construction Programme and the provisions of this Agreement construct and develop the Resort . . .

Is that not what this Bill is all about—the development and construction of a resort? Yet the Government is not prepared to make this information available to the Parliament to enable it to make a proper judgment.

Secondly, let me make it clear just what the Minister has tabled today: He has tabled a rough

outline of the land perimeters where we can only presume the casino will go. The map seems to indicate the Belmont Racecourse and then a piece of land beneath that and then further down I presume another piece of land, perhaps the railway reserve.

Mr Bryce: The freeway.

Mr MacKINNON: Then we see some further land. Are we to assume that all that land will be for the casino, including the land on the other side of the freeway? If that land is to be developed on the other side, how are people to get access to it?

Mr Brian Burke: That is Burswood Park.

Mr MacKINNON: This is all the Minister tabled as an outline of the casino land.

Mr Brian Burke: Do you think the casino will straddle the freeway?

Mr MacKINNON: That is an indication of how the Premier treats this matter—with complete flippancy. But if the freeway reserve runs through the centre of the development, is the project to straddle the freeway, and if so, how are the public to get access to either side and how will the casino development accommodate that problem?

Again I remind members that nowhere on the map are we shown where the casino will be. This is a useless piece of paper. I could have constructed such a map myself from my road directory in my car, but it would not show me anything at all, and nor does this useless piece of paper. I see that it was prepared on 8 February and it has taken until 14 March for it to be tabled. So much for the Government's coming clean and disclosing matters to indicate what it intends doing.

My final point is that this Minister is asking us to approve all this information even though he has not read the key documents referred to in this agreement. He does not know what is in those documents, yet he is trying to convince me that we as a Parliament should agree to this agreement. He, like his Premier, must think we came down in the last shower.

Mr BLAICKIE: The Minister and the Government have not been honest in their approach to ensuring that the Opposition is provided with all the necessary information, and they should bear in mind that we represent half the people of Western Australia.

Mr Pearce: About 40 per cent if you are lucky.

Mr BLAICKIE: Even then, if we accept the Minister's view, we still represent 40 per cent of the people. Surely they are entitled to know what is going on with the land, which is not owned by the Government but which happens to be Crown land held in trust for the people of WA.

The Deputy Premier has said that this land is no different from the land on which the Merlin Hotel is constructed. It is vastly different because the Merlin syndicate developed that project on commercial property which had gone through all the planning processes. They met all the conditions required for them to build, but on freehold land.

However, this land happens to be Crown land and any changes in usage requires the approval of both Houses of Parliament. Just a few minutes ago the Minister, for the first time, provided a map indicating boundaries of the resort site. The map means very little and is one which could have been drawn up by his office boy or his ministerial adviser.

Mr Pearce: It is part of the agreement.

Mr BLAICKIE: Where is the rest of the map and the agreement?

Mr Pearce: In front of you in the Bill.

Mr BLAICKIE: Let us go back to the third grade so that the Minister might understand. Out of all that the Minister and the Government may have said, I defy any person to indicate on this map where the casino is to be developed. A couple of days ago I presented a map to the Minister for Lands and Surveys—a map which caused him great embarrassment—and it contained far more detail than the Minister's map; it set out carefully and precisely all the areas involved.

Mr MacKinnon: Where did you get it from?

Mr BLAICKIE: From the Department of Lands and Surveys. I asked to be shown the Crown reserve, the vested land, and the vacant Crown land and I was given that information. But when we ask questions of the Government in an endeavour to learn where the casino is to be sited we are never given any indication. And today all we have received is this map.

Mr Parker: Do you expect us to do your research?

Mr BLAICKIE: The Department of Lands and Surveys certainly will not indicate to me where the Government will build its casino.

Mr Parker: No, but it gave you the map you wanted.

Mr BLAICKIE: I have asked for the map on a number of occasions during question time in Parliament and the information the member for Dale has sought again in the Parliament without any success is: What are the perimeters of the casino; where will it be sited; on what areas of land will it be sited; what areas of land will be used; and what is the size of the area of land concerned? None of that information has been brought to the Parliament.

Mr Pearce: It is right in front of you if you have the map I have tabled.

Mr BLAIKIE: I have it right in front of me and I would be delighted if the Minister, by interjection, would explain it.

Mr Pearce: The casino site, which appears on page 14 of the agreement, is that land marked lease No. 10662 and lease No. 10661.

Mr BLAIKIE: Before the Minister goes any further, I want to interpolate at this stage to ask: What is the size of the area of land involved in lease No. 10662? I am interested to know because it is quite important.

Mr Pearce: I do not have that information in front of me.

Mr BLAIKIE: The Minister is handling this Bill and he expects people to hand over Crown land to the Government, and he comes here without sufficient information. I will wait while the Minister obtains advice from his adviser.

Mr Pearce: It is 10.5 hectares.

Mr BLAIKIE: For the first time, thank goodness we have advisers in the Parliament because the Minister does not have a clue! Again I ask the Minister what will be located on that site. I still have a few minutes of my time remaining.

Mr Pearce: List your questions out and I will answer them when you sit down.

Mr BLAIKIE: I am very interested to know what will be located on that site. I am also interested to know what will happen in relation to lease No. 10175. That lease is quite important to the people who currently hold it and it took them a number of years to acquire it. With this new development going on now the Government has a responsibility to advise those people as to what their tenure is.

Mr Pearce: That land is excluded from the agreement.

Mr BLAIKIE: For how long?

Mr Pearce: It is not relevant to the agreement. If you look at the thick black line which faces the border, you will see that land reserve is outside the area we are discussing.

Mr BLAIKIE: So, the Western Australian Power Boat Association has been approached and it is in agreement with what the Government is doing?

Mr Pearce: The Western Australian Power Boat Association is not subject to this agreement.

Mr BLAIKIE: I make an assumption here that the Minister has not even spoken to the Western Australian Power Boat Association and he does not understand its views.

Mr Pearce: The member for Nedlands canvassed this matter in the House the other night.

Mr BLAIKIE: It is all very well for the Minister to say that. All I am indicating here is that the Minister really has not done his homework and he has come to the Parliament without sufficient knowledge of this reserve and also without sufficient knowledge of the total land area which will be involved, and he expects the Parliament to put a rubber stamp on whatever he wants.

I want to make this very pertinent point once again: We are talking about more than land held in trust for the people of Western Australia. It is not, and has never been, Government land. The Parliament makes the determination. I am not arguing about whether there shall or shall not be a casino; I am arguing about the use of the Crown land held on behalf of the people of Western Australia.

Mr Bryce: Compared with its existing use, this will be marvellous and it will be a great step forward.

Mr BLAIKIE: I am prepared to accept that argument of the Deputy Premier provided he has the other documentation to indicate what will happen. The Deputy Premier from time to time shows glimpses of being a responsible sort of fellow; I hope he is in a responsible mood right now, and that he understands that his colleague has given us very scanty information on a scanty piece of paper saying, "That is all the information you get. The rest of it happens to be contained in the legislation with the schedules, and that is the map I am going to give you". Even the Deputy Premier, with his limited degree of intelligence, would find it somewhat difficult to follow, let alone other people.

This Minister has come to the Parliament without being properly briefed and he is trying to bulldoze this legislation through the Chamber, running roughshod over the Opposition. We have a responsibility on behalf of the people of Western Australia. I will be listening to the Minister's answers and if they are not satisfactory I will make other comments in relation to further areas of land that I believe in fact will be affected by the casino. Certainly those answers are not contained on the map that I have—this flimsy slip of paper possibly drawn by the Minister's office boy.

Again I condemn the Minister for his lack of courtesy to the Parliament and his obvious lack of preparedness to advise the Parliament and the people of Western Australia properly.

Mr PEARCE: I just want to make clear to the Opposition about my dealing with this legislation. I am not the Minister for Racing and Gaming and

I have not been involved directly in the negotiation of this agreement.

Mr Blaikie: You are the Minister in charge of the Bill.

Mr PEARCE: I know I am the Minister in charge of the Bill and I am perfectly prepared to deal with all the queries members may wish to raise, and for that purpose I have ensured that a person from the department concerned who has been involved in the negotiations is available to the Chamber so that those questions will be answered to the satisfaction of members. However, to suggest that I have been derelict in my duties because I have not been personally involved in the negotiations is simply to misunderstand the whole nature of Ministers representing other Ministers in this place.

I have not been involved personally in the negotiations but I am sufficiently briefed to be able to answer members' queries on the legislation. The difficulty is that members are not arguing about the legislation in fact; they are seeking to raise a whole number of extraneous issues which reflect their own inability to understand the Bill before the Chamber, or indeed to follow the map which I have produced and which clarifies in diagrammatic form the provisions of the agreement regarding the sections of land referred to.

It was within the competence of any member to have gone to the lands department and obtained the maps for the area and a copy of the agreement. I produced the map in the Chamber so that members could follow these sorts of things very easily, but it is still complete humbug because members opposite are opposed to the casino. They are opposed to the investment and the jobs that will be produced.

Mr Blaikie: Stop throwing in red herrings.

Mr PEARCE: Some, but not all, members of the Opposition are opposed to the site of Burswood Island for the casino. I stand with the Deputy Premier on this matter because I cannot understand the attachment members opposite have to this claypit and rubbish tip which desecrates the foreshore areas of our beautiful river. It is the intention of the Government to ensure that developments which take place both on the site of the casino and on nearby lands will be beautified by parks and associated facilities which will be built. The intention is that the resort site, which is the area which will be beautified as parkland and which will contain the golf course, running over both sides of the freeway, will be generally accessible to the people of Western Australia and will be an attractive and beautiful site too, but it is not the case that it has been decided where every tree

will be planted on that resort site, or the precise location of each tee for the golf course.

Mr MacKinnon: Not one member of this side of the Chamber has suggested that, and you know it.

Mr PEARCE: It is not possible then to produce the kind of coloured drawing which would so delight the member for Dale until those matters are finalised. However, those matters have not been finalised and it is not possible to convey this information without knowing the nature of the decision which will be made.

Mr Blaikie: So what you are suggesting is that the plan that you put here will now be flexible because this information has not been finalised?

Mr PEARCE: I really am finding it difficult to cope with the lack of intelligence of members opposite because that is not an inference that can be reasonably drawn from what has been said.

The map that I produced for the Chamber illustrates in diagrammatic terms the areas of land which go to the very uses that are to be involved in this casino development. It is not possible to provide the coloured overlay which the member for Dale wants, to show where the golf course holes will go, the carpark, the precise outline and shape of the building, and where precisely it will sit on that site until these matters have been finalised. One of the reasons those matters have not been finalised is that they will not and cannot be finalised until the public environmental report itself has been produced and finalised because, clearly, no final decision will be made on the precise placement of the casino building and other matters until the site has been environmentally cleared. A whole range of environmental matters have been stressed by members opposite and until assurance on them is forthcoming, these matters will not be decided.

That will be produced when we have the public environmental report. Any further discussions and decisions will be announced at the time. Once that has been done and the final drawings have been completed for the placement of the building, as well as associated resort developments, the details will be produced.

All the people of Western Australia, not just the members of the Opposition, will be able to make their comments about the way they want to see these things developed. It is totally unreasonable to expect these things to be in the Chamber at the moment because until this Chamber agrees there is not an agreement upon which this can be based.

Mr Peter Jones: What was signed last night?

Mr PEARCE: The Premier sat by while other signatures were put to the loan agreement. Even if

it had been the major agreement, it would still have no force until such time as an Act of this Parliament ratifies it. Therefore the member's point is really quite irrelevant.

We are prepared to produce the information and documents on this matter. The only area in which we have drawn some distinction is with private agreements, which are referred to in the major agreement between the various partners in this development.

There is no difficulty in the Leader of the Opposition seeing these documents. I draw an analogy with commercial agreements that are made with mining companies, and which are ratified by this Parliament—where the commercial details are not normally produced. I am certainly prepared to discuss the matter with the developers because these are their agreements, and if they are prepared to have them made available to the Opposition I see no difficulty in their being made available in that context.

Mr RUSHTON: The presentation by the Minister today is typical of the shoddy way in which the Government has gone about this project. The Minister expects us to accept a plan which does not lay out the building sites. He is not giving us the opportunity to say whether we think the vista of Perth is being destroyed because the buildings are too close to Great Eastern Highway.

The Minister referred to the fact that the area was a rubbish tip at one time. He only needs to look across a few metres of water to see Heirisson Island. This area will be nothing more than another Heirisson Island as far as being a reservation and a beauty spot is concerned. We have heard hogwash about the Government doing something so grand. For a few thousand dollars Heirisson Island was beautified. If we consider the sum of money which has been put up for Burswood Island development and compare it with the Heirisson Island development we realise it is a disgrace. The whole development could have taken place with minimal impact on ratepayers and taxpayers of this State. We could have had a city vista to be proud of, but instead we will have a commercial building. At this stage we do not know where it will be located.

I ask the Minister what will take place in these various nodes he has on the map. We are entitled to know and have a say about this. I would like to know what will be in that node which is placed on top of the freeway nearest to the Belmont racecourse. What will take place there? The Minister does not know. We see some shapes on the map where the Minister says the casino will be. What will be in the circled area shown on the map? The

Minister says that will be the casino. He has said that the casino will be in both areas. He has not the answers. We are supposed to accept this map as gospel, yet it does not tell us anything. The map just indicates the perimeter of the total development. No indication is given of where structures will be. There is no indication of where the foreshore reserves will be.

The Minister has said this is a decrepit area, but we only have to look a few metres from Burswood Island to Heirisson Island to see what has been done with not too much money. The Minister has now gone into his shell. That is strange for him because he usually speaks on any subject at any time.

Mr Pearce: I have told you three times already.

Mr RUSHTON: I would like to know what will take place in that circled area. I would like to know what will take place in the other areas.

Mr Pearce: Why don't you call it Swan location 10662 like everyone else?

Mr RUSHTON: What takes place in that area?

Mr Pearce: That is where the casino is to be built.

Mr RUSHTON: The casino complex will not take up 10 hectares.

Mr Pearce: I guess there will be lawns and car parks. I have said all this but you have not listened.

Mr RUSHTON: Will other buildings be there also? Will there be various restaurants, etc.?

Mr Pearce: For the third and last time on this particular issue: There are two sorts of land involved in this issue. One section of land is referred to as the site and that is where the casino, car parks, and associated facilities will go. The sites are Swan Locations 10662—the large irregularly shaped one—and 10661. The rest are called the resort site. That will include the parklands and the golf course areas which will be available for public use.

Mr RUSHTON: Will the car parking take place on those areas exclusively?

Mr Pearce: Basically they will be on Swan Location 10662. I told you that also when these matters are finalised, drawings will be produced and placed before the Parliament and public.

Mr RUSHTON: What sort of car parking will be required?

Mr Pearce: There will be a hard standing area. There will not be 12 000, I can assure you.

Mr RUSHTON: What does the Minister say? It will be for 18 000, because 20 000-odd people will go onto the site, so how else does it work out?

Mr Pearce: The car park has not been designed yet.

Mr RUSHTON: How can the Minister know the requirements of the roads if he does not know how many car parks will be on Burswood Island?

The Government is inept in presenting this proposal. Its actions are a disgrace because the public have been kept out of the proposal. The Government has ridden roughshod over the rights of the public. It will bring in an amended environmental plan after the horse has bolted, and expect people to accept that as reasonable. The only thing that can be said is that the Government has put itself on the line for the next election. If the Government is knocked out, it will be too bad. The Government has violated every principle of planning, environmental protection, and traffic control.

The Government has the effrontery to present an inadequate plan to this Parliament. Who knows whether those buildings will block the vista when people are travelling to the city from the airport right through to Kings Park? One building is placed near to the road. How many storeys high will it be? What will that do for the vista?

Mr Pearce: You tell me what would be a suitable number of storeys.

Mr RUSHTON: I am saying I would like to know where the buildings will be. We are entitled to know. We have not been supplied with a coloured glossy picture of the area, as the Minister says. That is not what I am asking for: I am asking for a base plan with an overlay which indicates the present uses of the area in the way of reserves and what they will be in the future.

We are entitled to that. This map does not even show the foreshore reserves. There is no indication of how it relates to the other areas, and we do not know where the long-term alignment of Great Eastern Highway is; we do not know how the freeway fits in. There is a golf course on one side—on the northern node—and another part of it on the southern node.

The Government should let the public know what is going on with this big proposal, this big development which it claims is unique. I conclude my remarks by saying that the Government has violated its trust in informing this Parliament inadequately of the development of this project.

Mr BLAIKIE: I support the remarks made by the member for Dale and indicate to the House that I was very disappointed with the unreason-

able attitude the Minister has adopted and the lack of information that he has supplied to the Parliament.

The member for Dale referred to a number of issues which I would like to raise with the Minister as well.

The CHAIRMAN: Before the member for Vasse raises those questions with the Minister I indicate that this is the eighth or ninth speech in which those issues have already been raised. At this stage they have been particularly well canvassed. I am not saying the member is necessarily satisfied with the answers he is getting, but I want to remind him that the Standing Orders provide that tedious repetition should not be entertained.

I request the member to address his remarks to matters that have not already been raised.

Mr BLAIKIE: It was my intention to deal with those matters that had not been raised, but also to support those final comments made by the member for Dale and again seek from the Minister an appropriate response and the provision of information that the Parliament should be given, but which to date has not been given.

The question of car access and car parking has been raised. Clause 3 involves the interpretation of three words—"Municipality", "the Agreement" and "the Resort Lands". As far as I am concerned the agreement determines the location of a casino, providing that the casino is to be built on an area of land known as Burswood Island; and, "the Resort Lands" relate to those matters to which I have referred. In order for the Government to proceed with this agreement to establish these resorts a road system must be put in place. Adequate parking areas will need to be provided. If that detail is not contained in this agreement will the Government bring in a further Bill at a later stage to carve out more Crown land to create public car parks?

The Minister has not indicated what is going on. The map does not indicate any of those points. The developers say they are going to set up a convention centre to house some 17 000 people but one only has to look at the Perth Entertainment Centre which has a capacity for accommodating some 8 000 to 9 000 people. I point out the size of the car parking areas required to service that centre and the fact that this facility will be almost double the size of the Entertainment Centre. Car parking therefore is a matter of great importance. The access ways to this facility will also be important. Those points are not specifically related to the development of the casino; they will come about as a result of the agreement in which the Govern-

ment is already involved. The Government has brought this Bill to Parliament and it has a responsibility to indicate and give details of what the legislation proposes to do.

My remarks so far have been related to public access and the amount of parking to be provided. I have made no mention of the casino. I have referred to a convention centre which accommodates 17 000 people, and which will thus require twice as much car parking as that which currently exists for the Perth Entertainment Centre. That centre is able to use existing car park facilities in the vicinity.

Does the Government intend there should be a series of roadside car parks? I hope that will not be the case, but in the absence of any information to the contrary we have to ask questions and the Minister has a responsibility to advise the Parliament what is going on.

The second point I want to raise goes back to those very simple words "the Agreement". Is it the Government's intention to speed up work on the Burswood Island bridge across the Swan River? If the Government intends to do that, what access will there be to the resort area, and what provision has the Government made in its agreement to allow that to take place? This map shows precisely nothing. It does not give any detail or any indication of what will happen in relation to the Burswood Island bridge. A section of it is marked "Reserve 36430", with an unbroken line indicating that it goes to the Swan River. It does not say what it is for and what it will do.

Mr Pearce: That is the road reservation for the bridge. It is not subject to this agreement. Those big black lines are excluded.

Mr BLAIKIE: I accept that because I have my own map which indicates that as well. The question I ask the Minister is: As part of the arrangement between the developers and the State does the Government intend to proceed with the Burswood Island bridge as a matter of priority so that it fits in with the development of the casino?

Mr Pearce: I indicated to the House the other night that work on the approaches to the bridge has already been undertaken.

Mr BLAIKIE: I know, I have been there and seen it. Will it be expedited now, and if that is the case what access ways will be provided to cater for the resort development?

The other point that has been raised which I want to canvass carefully with the Minister relates to the north side of the road reserve. There is a further area of land of about 18 hectares which is Reserve No. 23251. Some comment has been made as to where a golf course will go. I do not

know where it will be built because the agreement and the resort are included in the confidential papers between the Government and the developer.

The Minister should indicate whether the golf course will be built on that area of land—if that is the case, I would question whether there is enough land for a reasonably-sized golf course—or whether it will include Reserve No. 23251 on the south side of the reserve. These are matters on which information could have been made available to the Parliament so members of the Opposition could have some opportunity of understanding what was contained in the broad principles of the agreement. We simply have a document before the Parliament—a Bill—and I venture to say that very few members on the Government side would have any idea of what is going on unless they have been privy to information in the form of maps and a detailed briefing which I doubt.

The Government through the Minister has said time and again, "Pay no attention to the Opposition, it is only sour because this is about a casino and Opposition members are totally opposed to a casino".

This issue was decided many months ago and, as far as I am concerned, it is a dead issue. The issue on which I have concentrated during the second reading debate and through the Committee stage has been the use of land for commercial purposes. If the Minister and the Government want my support for these sorts of proposals, they will have to ensure that the Parliament is adequately informed. The Parliament has not been adequately informed on this matter. The Minister has failed in his duties. It is my intention to vote against the clause in the absence of any proper information from the Minister.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Reserves Nos. 23251 and 19631 at Burswood Island cancelled—

Mr RUSHTON: Once again we have the vexed question of not being able to identify the reserves on the map which has been presented to Parliament. There are 39,681 hectares of "A"-class reserve involved in the area. Maybe I have the opportunity now to make the Minister eat a few of his own words. He said that the Kings Park reserve could not receive the same treatment as the Burswood Island reserve has received because it is an "A"-class reserve.

Mr Pearce: I said the Government had no intention of interfering with the vesting of Kings Park.

Mr RUSHTON: That is what the Minister says today. In the future he could come up with a development which could cost \$300 million and which would mean jobs, jobs, and more jobs.

Mr Pearce: That is rubbish and you know it.

Mr RUSHTON: That is the Minister's recorded opinion. The Minister has had time to go through the proper processes in relation to Burswood Island but did not do that because he thought voices would be raised in opposition.

Where are these reserves referred to in the Bill marked on the map? This legislation is designed to cancel those reserves, but we cannot find them. I believe those reserves, and especially the "A"-class reserve, should be identified on the map.

Mr Pearce: If you want a plan of those reserves, I will provide it. Put a question on notice. However, it is up to members to do some of their own research on Bills.

Mr RUSHTON: I suggest that those reserves should be marked on the map. They need not be coloured; but they should be clearly indicated.

I fear for the future of Kings Park. In order to allow for development to go ahead in Kings Park, the Government will argue that there has been dieback of the vegetation in Kings Park and there is too much veldt grass.

Mr Brian Burke: We are doing something about that. We are working with the board to get rid of that veldt grass.

Mr RUSHTON: The Premier will build "Brian's golden palace" in Kings Park; that is the next thing. He will set up a nominee company to build a castle for the Premier.

Mr Brian Burke: Are you anti-everything?

Mr RUSHTON: I am anti the Government riding roughshod over people's rights. That is what happened in relation to Burswood Island. Kings Park is sacred and should not be used for any sort of development. Our forebears fought hard for those areas and Parliaments have protected them. That protection is being destroyed by the actions taken by this Government. The same methods, promotions, and claims could be made about Kings Park with the same devastating results.

The Government has spoken about Burswood Island being a rubbish tip. When one looks across the river one sees a beautiful park.

Mr Bryce: And a cement factory.

Mr RUSHTON: I worked to get rid of that.

Mr Brian Burke: You did not get rid of it. All you got was a rubbish tip.

Mr RUSHTON: I feel the cement factory should be transferred to the mine site. I took steps,

when I was Minister to shift the factory as soon as it could be arranged.

The CHAIRMAN: Order! Will the Minister please come back to the matter under discussion.

Mr RUSHTON: I am concerned about the impact of the proposed development on the reserves and especially on the "A"-class reserves. I ask the Minister to identify those reserves on a map. I want him also to explain why it was necessary to remove the reserve classification from the areas of land without that matter being considered by this Parliament. The public should have a say about those actions. The Government is creating a very dangerous precedent indeed. It means that in the future, the Government will be able to develop these sorts of proposals behind closed doors and the public will have no participation whatsoever. This sort of action cannot be validated just because the development will attract jobs, jobs, and more jobs.

Mr Brian Burke: But they might not have built it on another site.

Mr RUSHTON: If they wanted it badly enough, they would have.

Mr Brian Burke: They all wanted to build on their own land.

Mr RUSHTON: There is Government-owned land in the middle of the city which could have been used.

Mr Wilson: But you would have opposed that, too.

Mr RUSHTON: I recommended its use at the time. Once the casino issue had been decided on, I recommended that it should have been built at Northbridge in the area bounded by James, Beaufort, and Stirling Streets and by the railway. It should have been built close to the railway so that transport would then not be a problem. Transport facilities will be strained on Burswood Island. Nothing has been co-ordinated.

I want the Minister to explain why it was necessary to take this action in relation to the reserves on Burswood Island.

Mr Tonkin: Did you enjoy being Deputy Premier?

Mr RUSHTON: I did. I enjoyed carrying out my tasks at that time as I enjoyed carrying out my responsibilities as Minister for Transport, Town Planning, and Local Government.

In conclusion, I require the Minister to answer the questions I have raised.

Mr BRYCE: I would hate the members of this Committee to get the impression from what the member for Dale has said that there is anything

about this reserve area of land that is attractive at the present time and that it is an important and valuable leisure centre. In fact, it is one of the worst eyesores on the doorstep of our city and it gives me a great deal of pleasure to throw my entire support behind this project because it will transform one of the untidy backyards of the Perth metropolitan area. The casino is a very important means of doing so.

I am one of the very few members of this Committee who has actually walked over the land—I would venture to say that most members in this Chamber have not—and I know it very well.

I find it extraordinary that this piece of land which is the subject of great concern for the member for Dale was formerly a rubbish tip. It is no longer even accessible to those people who want to drive their cars on to the area. I have failed twice in the last 18 months to get the City of Perth to agree to allow local citizens who want to drive their vehicles onto the land in order to go fishing, to have access to the water's edge.

It is most extraordinary that the member for Dale would seek to promote this piece of land, which is the backyard of our metropolis, as a particularly important and valuable leisure centre, which it is not.

The great tragedy is the way the publicity has been handled on this issue. As a result of the carping about this concept from members opposite a number of people in the city have mistakenly believed that Heirrisson Island is Burswood Island. A number of people have gained that impression, including a former Premier, Sir Charles Court.

This piece of land we are talking about is, in part, infested with tiger snakes; part of it was formerly a rubbish tip and generally speaking it has been a shocking eyesore as far as the exit to the city is concerned.

The Government deserves congratulations for the job which is to be done. I expect that members opposite, when the moment arrives, one by one, will write to the developers and congratulate them on the amazing transformation which will take place to that part of the city.

The Bill has my complete support.

Mr RUSHTON: I expect that the Minister is involved in a telephone conversation in order to seek some information so that he can reply to the questions that have been raised. I have taken this opportunity to speak to give the Minister an opportunity to find out the necessary details in order that he can reply to the queries.

Mr PEARCE: The member for Dale raised two questions, one of which was concern over the can-

cellation of the reserve. The reason for the cancellation is to enable the amalgamation of the entire Burswood Island area which at the moment is under a whole series of reserves—railway reserve, Class "A" reserve, and Class "C" reserve.

The cancellation of the reserves will bring the classification of the site into a simple area which will be known as "Resort Lands" and which will allow for the casino building, theatre-restaurant, and exhibition centre. The land will be placed under the control of the Burswood Island Board and it will be the responsibility of the board to ensure that a proper standard of maintenance of the public amenity is always available. It will be run in a similar way, but in a more limited sense, to the Kings Park Board. The previous reservations did not match the uses we are proposing for Burswood Island.

The second question the member for Dale raised was, "How do we know this will not happen to Kings Park?" This Government has no intention of permitting any development of this nature in Kings Park. What the member for Dale said was that if the Government makes a change to an "A"-class reserve it will be setting a precedent in order that it can get its dirty hands on Kings Park.

When the member for Dale was the Minister for Urban Development and Town Planning or the Deputy Premier, the previous Government made changes to a Class "A" reserve. I refer to the Class "A" reserve at Woodman Point being fiddled with. There is no truth in any suggestion that this Government is intending to allow any development in or the alienation of any part of Kings Park. I make that statement unequivocally and that is the end of the matter. I am sure that in the future the opposition being expressed in regard to the Burswood Island site will disappear.

Mr RUSHTON: I seek further information in relation to the railway reserve. I understand there will be a need for a new railway bridge and I ask the Minister what work has been done to make sure that we have adequate reserves to accommodate a new bridge. Is the new alignment provided for? It appears that the present alignment is too sharp and that it should have a greater curve which will make the train service far more effective. I would appreciate it if the Minister would present a plan to this Chamber.

Another issue I wish to raise concerns the road reserves. Some years ago there was an argument about the provision of a link road from the western roundabout of the Causeway to the western end of the Burswood Island bridge. It was proposed that such a link road would increase the traffic on Riverside Drive. A decision has not yet been

reached and in all the presentations made to the Parliament no mention has been made of this link road.

From what the Minister has said it is my understanding that part of the golf course will straddle the freeway.

I am concerned that no environmental studies have been carried out in relation to the reserves; we do not know what impact the proposed development will have in the area.

The two vital issues which I bring to the attention of the Minister involve the railway reserve and the link road from the western end of the Causeway to the western end of the Burswood Island bridge. I do not think we can make a decision in regard to this land being made available for resort purposes without considering the road issue and the railway issue. If the Minister is unable to answer my questions now I hope he will obtain the answers and advise me accordingly.

Mr PEARCE: The current railway reserve line is basically to the direct north of the northernmost part of the resort. Some railway land will be taken but I am not aware of any proposal to change the alignment of the railway line. It will not come within the scope of this agreement or any administrative responsibility that I have.

The member should address these extraneous questions which are not related to the Bill by putting them on notice.

With regard to the general road plan for the area, it falls into two areas; the agreement stipulates that the road reserve and layout on the resort lands will be matters for later ratification. A number of proposals have been put forward and none has been finally settled with regard to the proposals for realignment of more regional roads to service that and related areas. They will now revolve around the proposal to build the Burswood bridge; and the road reserve is on the map which has been tabled in Parliament.

I appreciate the interest of the member for Dale in these matters but they are basically extraneous to the matter before the Chamber. If the member wants to review specific items, they should be put on notice and they will be dealt with by the appropriate Minister in the normal way.

Clause put and passed.

Clause 6 put and passed.

Clause 7: Certain planning laws modified—

Mr RUSHTON: This is a vital clause of the Bill because it creates a dangerous precedent in the metropolitan area. It states that—

Notwithstanding anything in the Metropolitan Region Town Planning Scheme Act

1959 or in the Scheme, the Scheme does not apply to or in relation to the land within the Resort Lands.

With those few words the normal planning processes will not apply in this development. I strongly object to this aspect; there was no need for it. Time was available for the MRPA to consider the matter and it could have been put before this Parliament for amendment. It should have been referred to the Perth City Council and the development should have complied with normal processes. A dangerous precedent has been set.

I brought legislation before this Chamber in the past to allow the public to make submissions both for and against proposed developments. Previously provision was made for negative submissions only on developments. However, I felt there was a need to allow supporting viewpoints to be considered.

The danger in this clause is that the MRPA has not considered the project in relation to other developments in the region. It is quite amazing that this opportunity has not been given to the MRPA. Also, the Perth City Council has not had an opportunity to assess the impact of the development on the city. It is deplorable to read in the newspapers that certain senior councillors have told their colleagues that it is no use their objecting to the development because the Government will go ahead anyway. They have been told not to raise their voices in protest but to support it because it will take place whatever happens. That is a shocking thing to happen in this community. I do not know why the media has not given greater emphasis to that point.

On talkback radio one morning I heard Des Guilfoyle raise this point; he queried why the rights of the people were to be denied on this occasion and pointed out the dangers of the situation. No satisfactory reply came from the Government. The only thing that can be said in this regard is that the Government has put its future on the line because it will be judged on the results of its actions. The Government is hoping that its glossy presentation of this development will persuade the public to forget that loss of valuable restraints, restraints which are in place to protect our city from adverse developments.

If the development had gone through the normal processes quickly and had resulted in the same decisions that we now have, I would have been quite happy to accept that. If consideration had been given to the long-term planning and needs of the region by the MRPA; if a report had been made; and, if the Perth City Council had considered and reported upon the requirements and found in favour of this development I would

have accepted the situation. However, that is not the case and we do not even have a plan of the area.

It is obvious that the road requirements have not been considered because the Minister cannot tell us that the regional road has been determined. In the past when I brought the proposed realignments of Riverside Drive before the Chamber it was my expectation that when a complete examination was made, it would be seen that a reduction could be made in the reserve on Riverside Drive and the link road between Burswood Island bridge and the Causeway could have been on the eastern side of the river. The impact of the Government's proposal has not been addressed. It is quite amazing that it has not been acted upon by those interested. At one stage I had a light-hearted word with the Editor of *The West Australian* and suggested to him that he must have caught tadpoles in his youth off Riverside Drive because every time this subject was raised, there were headlines and leading articles in the newspaper on the sacredness of Riverside Drive. My objective was to reduce the road reserve so that Riverside Drive could become a feeder route to the city.

Mr Pearce: You wanted to get your greedy hands on the reserve.

Mr RUSHTON: We know who has greedy hands. There is no precedent for what this Government is doing and that is what most people are concerned about.

Section 30 of the Metropolitan Region Town Planning Scheme Act sets out the procedures which should take place in such developments. Maps are required to be produced at different places for public viewing and time must be made available for the public to respond to the proposals. Sufficient time was available within this development for the normal processes to take place. However, the Government has denied those rights and prevented the public from reacting to its proposals. The Government has been afraid that the public would not have accepted the proposals and in that case it would have been in a worse position than it is at present; that is, it has denied the public the right to express an opinion rather than face the odium of taking certain actions against the expressed views of the public.

I have an example in my electorate of the Government's attitude to public opinion; the Government put forward a proposal for deep sewerage and said it would invite people to express their views on the proposals. The majority were against it.

Mr Pearce: They were not.

Mr RUSHTON: It was something like 55 to 45 with a lot of spurring on by a member of Parliament from outside the area. The majority were against it but they were overruled.

Mr Pearce: The majority of that scheme covered my electorate, not yours.

Mr RUSHTON: The Government did not take any notice. This time it denies any reaction at all because it has denied planning the process which should take place. What concerns me most is that no attention has been given to the long-term impact of this development, whether one is in agreement or against it. No study has been made of what the impact will be. The traffic impact has not been examined or reported upon. What is to take place with regard to the Causeway?

I have asked questions relating to the environment, and I am still waiting for replies. There is a question on notice relating to the environmental reports. Once again the public are being denied the ERMP.

This is not merely a question of polluting chemicals. If one has enough money one can fix up the local environmental problem, but one cannot fix up the aesthetic environmental problem and the social problem.

I am concerned that this has taken place. The normal checks and balances have been waived. This Government cares little for the citizen in this community, for the long-term beauty of this city. It is prepared to waive the checks and balances by the inclusion of clause 7, whereby it waives the requirement of the regional plan and removes the aspect relating to town planning.

What we need is more Mrs Rischbieths who will have the courage to tell the Government what they think of it. The Government should have gone through a process of making sure that this development could be contained within the long-term planning for this wonderful city of ours, and that there will not be a blow-out in the traffic system because of the massive number of vehicles in this location. There should have been a study to prove there will not be an impact on other parts of the region, because we are generating traffic here.

Consideration should have been given to the question of transport. Some people will have to go by train, which will not be convenient because they will have to catch a bus to get to the casino. There will not be easy access except by motor vehicle. If the casino had been located in the centre of the city it could have been part and parcel of the redevelopment planned for the city. The railway station and the bus station could have been upgraded. This casino is being built as a monument to the Government's decision-making

process. It will be a legacy which this Government will regret. It will be able to be pointed to at any time in the future as an indication that the Government was prepared to ride roughshod over the people's right to a say in the environmental and aesthetic planning of the city.

This has shown up the Government for what it is. It is a socialist Government with no regard for people's sensitivity about their environment. It is saying to the people, "All right, Jack, you will take what we deliver". The Government places all the blame on the developers.

The developers merely wish to use something which they see as being to their advantage. We received the same approaches when we started the beautification of Burswood Island. Developers came up with ideas for seminar centres and so on. We rejected them on the basis we thought Burswood should be parkland available to the public.

Agreements with the Perth City Council have been verbal as far as that part of the city is concerned. It was my intention to have the cement works moved to where its resources were. There could have been a residential approach and parkland. That was a magnificent concept. It is regretted that there should be this unnecessary commercial operation.

The commercial operation could have been near Northbridge. This would have enhanced the operations within the city, something which the Perth City Council supports; however, it has been overridden. The ERMP has been overridden. The long-term checks and balances for the planning of our city have been overridden. This is a shoddy business with no adequate explanation from the Government about why it has been necessary.

Why has it been necessary to wipe out the requirements of the metropolitan town planning scheme when it was time to make sure that long-term planning was protected and everything would work? Now we are taking a chance and leaving it open for anything to happen.

Mr PEARCE: The simple answer to that is that the present arrangements whereby we legislate the zoning and planning decisions necessary for this development are simply to expedite the development. Thousands of jobs hinge on this development, and thousands of our young people are currently unemployed. We cannot have them hanging around for another six, nine or 12 months so that the member can be satisfied.

Mr Rushton: The jobs would have been available on another site.

Mr PEARCE: We have chosen the Burswood site because we think it is the best place.

The member has asked where 12 000 or 17 000 cars will go, and then he comes before the Parliament to suggest we should go to Northbridge, an area where car parking facilities are already strained.

Mr Rushton: You have only been in the job for four weeks.

Mr PEARCE: Where would the member put the cars in Northbridge on a Wednesday night, or even a Tuesday night; or, for that matter, even during lunchtime? If the member is proposing a 17 000-space car park development or a facility which would require that many cars for Northbridge, he is being absolutely ridiculous.

The fact of the matter is that we are choosing this method of arranging the zoning because it will expedite the project. I do not think, in those circumstances, there is anything philosophically wrong with it.

The normal processes are to ensure that the planning is not done in secret. When proposals are made for one use or another in a particular location, the public should have a chance to know what is going on and make their opinions known about it before the whole thing is locked up and put away. No one can say that the Government's selection of Burswood Island has been a secret one. The Government's proposals for Burswood Island were announced last April. There have been meetings and letters; viewpoints have been expressed for and against, but no-one can be under any misapprehension about what is proposed here. Everybody has had a chance to make some input.

The fact of the matter is that there are people who agree and people who do not. I am one of those who agree, and the member for Dale is one of those who disagree. The Government has to make its decision upon these submissions. For the reasons which the Deputy Premier cogently outlined, this development will be good for Burswood Island and for the people of Perth. We are doing it in a very open way. The philosophical reasons for the planning process are dictated in an open way. Those people who are still dissatisfied will have an opportunity to do something about it when the election is held next February or March.

The decision that the Government has made is the right one. It has been endorsed already by the Legislative Council and I expect it soon to be endorsed by the Legislative Assembly.

Mr RUSHTON: The Minister has not answered the real issue which is that no formal facility has been provided to the public so that they can react to this development. People have been bombarded with extravagant claims about what this development will do for Burswood

Island. The Minister did not say why the Government did not go through the normal processes and evaluate the likely traffic, social, and aesthetic impact the casino will have. The environmental aspects were ignored also. The Government has taken that stance, because it wants to build a monument and, in the process, it is riding roughshod over people's points of view.

Within the present planning framework we have a technical committee, and the Minister's liaison committee was set up to enable the city council and the Government to consider these sorts of projects.

The Government had no intention initially of discussing this issue. When the pressure came on and the matter appeared in the media, the Government said that it would go before the Minister's liaison committee. The technical committee previously investigated the development of Forrest Place and brought down its findings in that regard, but that has not happened in this respect.

The CHAIRMAN: Order! I am not sure how the member relates what he is saying to the clause.

Mr RUSHTON: It is not difficult, Mr Chairman. The clause reads, in part—

Notwithstanding anything in the Metropolitan Region Town Planning Scheme Act 1959 or in the Scheme, the Scheme does not apply . . .

The Government has not followed the standard practice in respect of this development. The normal procedures have been followed in respect of other important developments, such as Forrest Place. They have been used to decide the future of the central business district of Perth.

A committee established by the late Herb Graham has for a long time been working on plans for the Perth foreshore. In this case, those plans have been scrapped, but there is no reference to it in the legislation.

The Bill has scant regard for anything that has happened in the past. It does not recognise that Burswood Island has been beautified already. It is an affront to the city council and the lord mayors who have taken a leading role in this matter.

By scrapping the provisions in the regional plan which was established for the long-term benefit of the citizens of this wonderful city, the Government is creating a precedent which will haunt us in the future.

The Minister said that the Government will be judged at the election next February or March, but it will be too late then to change the position. We shall have to accept it and make the best of it. The same situation occurred in respect of the En-

tertainment Centre. When the Liberal Party came into office in 1974, the first thing it had to do was accommodate the bad planning of the previous Tonkin Government. We had to take up the guarantees and deal with the matter.

The Government is interested only in expediency. As long as the ends are what it seeks, the means by which it achieves what it wants are unimportant. It does not matter to the Government that what is done today may be to the long-term disadvantage of the city. The advantages we have today will be eaten away if every time people see a bit of vacant land they are permitted to put something on it. Such people do not see the value in maintaining a reserve such as Burswood Island. They think it is just an old rubbish tip. Those are the sorts of comments we hear from the Premier and they are very short-sighted indeed.

The planning which has taken place since 1928 for the long-term good of the city is being ignored. The careful attention given to planning by the City of Perth has been of great benefit to this wonderful city.

It is sad that those checks and balances are being destroyed. A precedent is being set which will enable anything to take place. Rafferty's rules or Burke's law will apply and anything will be able to take place in the future.

The Government hopes that the young people of Perth are not concerned about the beauty or aesthetics of the city. However, the young people are even more concerned about those aspects of our city than are many others.

We have a group of uncaring people in Government, people who seek to destroy the environment and are interested in only one thing; that is money and all that goes with it.

The benefits in the form of jobs and the like which the Government claims will flow from a casino sited on Burswood Island would have flowed also from such a development regardless of where it was sited. There has been plenty of time for the normal planning procedures to take place. Had that occurred and had favourable results been obtained, I would have been satisfied. However, people capable of judging these matters have not been given the opportunity to examine the cases for and against the development. That is a disgrace and the Government should be condemned for its actions.

I trust that the public will give the Government the boot in February or March so that it will not be able to repeat this performance on other important issues.

I trust that, although the public have been denied the right to express their views in a formal

way on this occasion—they have not been able to say whether they support or reject a casino sited on Burswood Island—the time will come when they will revolt against these acts of piracy which are taking place now.

Clause put and passed.

Clauses 8 and 9 put and passed.

The CHAIRMAN: We shall deal with the schedule in two sections. We shall take parts I to IV first and then parts V to VII.

Sitting suspended from 1.00 to 2.15 p.m.

Schedule: Parts I to IV—

Mr MacKINNON: I draw the Minister's attention to clause 6(4)(e) which deals with the sum of money attributed to the value of the land which the developers are buying from the Government. It provides for such sum to be apportioned as to \$20.6 million in respect of such security and assurances.

On 5 March I asked the Minister here representing the Minister for Racing and Gaming what security and assurances were referred to and the advice I was given was that the Bill was before the Legislative Council and that the Minister would ask the responsible Minister to deal with this question during debate on the Bill in the other place. I have read the debate which took place elsewhere and it does not cover this matter. I would therefore like the Minister now to explain exactly what security and assurances are involved.

My further query relates to clause 7(8). One of the major concerns with the casino that the State should have relates to the security systems; in other words, the surveillance systems. In all casinos, of which I am aware, catwalks are built above the gaming tables not so that the public can see, but so that the public and the operators at the tables can be seen. The management likes to be able to see the croupiers and the like to watch that they do not appropriate money in a fraudulent way.

If that is the case, I would have thought that in the construction of the casino this clause should be perhaps the most restrictive of all. Some very strict requirements should be laid down to ensure that the security, surveillance, and alarm systems are of the highest quality. The Government, of course, should have a direct interest therein if it wishes to protect the interests of the taxpayers of Western Australia. After all, we hope they will stand to benefit from the casino if any benefit is to be gained.

I ask the Minister to explain to me these two points: (1) What security assurances have been provided for the \$26.2 million? (2) Why is it that

there has been such a—not lax—very lenient wording of that clause? Why has it been written that way? Why is not more responsibility shown, or has no effort been made to ensure that the developer really does provide proper drawings to the Government to ensure that the security systems are, as we would expect them to be, of the highest quality?

Mr PEARCE: I will answer the Deputy Leader of the Opposition's questions one by one. The first relates to the security and assurances given. The Government's share or return for entering into this agreement fundamentally reposes in two or three areas, two up-front, and one on an ongoing basis. The ongoing basis is the tax charges which the casino will pay in the normal way as a proportion of its valuation offer, and that is an ongoing payment to the State and is of benefit to the people of WA.

For the establishment of the casino the State is effectively levying two charges. One of those is for the freehold title to the land and there we simply take the valuation of the Valuer General as to what the land is worth and then we have added onto that a direct input by the developers, basically for the fact that the State is giving certain assurances in this agreement—assurances about monopoly, for example, of certain games—within a certain radius, and over quite a period of time. For the observance of those restrictions we feel the State is entitled to a return. Obviously, one way we could get that return is simply to build that into an increased charge for the land, but it was not our intention to do it that way because, for example, if something went wrong with the casino and the developers sought to sell the land back to the State, we would want very clearly spelt out the value of the land, and there is no argument about that. The additional charge which we are effectively levying—the charge that we are making for entering into the agreement and for all of the undertakings and assurances we enshrined into the agreement—that \$20.5 million will be of very considerable cash benefit to the people of WA. Members on the other side of the Chamber pointed to some of the disadvantages and we accept there will be some in the operation of the casino in Perth but, in our view, they are outweighed by the contribution the casino will make to ordinary services in WA and the jobs it will create for young Western Australians. This \$20.5 million effectively represents a cash payment being made by the developers to secure the undertakings from the State which are given in this agreement and to make sure that the State benefits in a very considerable way from this significant development.

Mr MacKINNON: Could I just draw the attention again of the Minister to the question I asked in relation to the security provisions in the clause?

Mr PEARCE: I am sorry. I apologize for that omission. With regard to the security provisions, I can remember a debate in this Chamber about the security provisions on offer when the Argyle diamond mine agreement was entered into and I particularly remember the attitude of members opposite who were of the view that very tight security arrangements were necessary for the mine, and quite extraordinary powers were included to police the potential benefit of diamonds to this State; in fact, in a way that impinged very heavily on the ordinary human or civil rights of the people who went into the diamond mine.

I think that analogy is quite accurate when applied to the present situation because any casino that handles very large sums of money during the course of an evening must have security systems to make sure that its money is safe. I mean security systems, not just to make sure the people cannot steal money in the ordinary way, but that there cannot be the means of collaboration between employees of the casino and gamblers in a way that would make it appear that one member of that collaboration partnership was winning legitimately large sums of money at the casino when the actual winning was occurring because of the corruption of employees of the casino. So every casino has very elaborate security arrangements to ensure that these things cannot happen.

Obviously the success of any such security arrangements rests largely with the secrecy under which the system operates, because if the security arrangements were widely known, it would be very easy and open for people to get around them. So what we are seeking to do in this clause of the agreement is, on the one hand, to ensure that the casino can police itself and be secure in the knowledge that money cannot be defrauded from the casino in a very easy way; but, on the other hand, we do need to know, as the Deputy Leader of the Opposition points out, that the security system is secure and is in the best interests of the State.

So what is provided for in these agreements is basically that the security arrangements are not to be a matter of public record or even of minor private record, if I could put it like that, but there is a mechanism whereby somebody effectively nominated by the Government can overview the security arrangements to make sure that the interests of the State are being protected.

It is not an easy thing to try to catch the balance of these two things, but I think the mechanisms we

are looking for here really do suit the best interests of everybody.

Mr OLD: While I do have some general reservations about the establishment of the casino, they are not so important that I would talk about them, at this stage but I do have some reservations in regard to clause 7 (2)(b) on page 19 in regard to the commissioning of the resort. According to the definition, the resort means the resort complex and the resort complex means the hotel, function centre, restaurant, exhibition centre, recreation facilities, and the Burswood casino.

My particular concern is about the Royal Agricultural Society. Successive Governments have supported the Royal Agricultural Society and those Governments have recognised its great importance. It is somewhat of a disappointment that the present Government does not seem to have had the inclination to support the society as much financially as past Governments of either colour have done.

The inclusion of an exhibition centre in the casino is sounding the death knell of the Royal Agricultural Society. I am sure that representations have been made to the Premier on this matter, but I wish to bring this subject forward because I believe that action is an incursion into the province of the Royal Agricultural Society.

The society has been supported in the past to the extent that it has been enabled to build some very good facilities at the Claremont Showgrounds. Those facilities were built with the object of not only providing excellent facilities for the exhibition of livestock and general goods at the Royal Show, but also for use throughout the year by various sections of the community which may wish to hold exhibitions. A couple of organisations which come to mind are the Housing Industry Association and the boating industry. Such exhibitions are of great importance to the Royal Agricultural Society, because the society virtually exists on the generation of its own income.

A major part of the society's income is utilised in the upkeep of the Royal Agricultural Society grounds during the duration of the Royal Show. Of course the speedway is held at the grounds, as well as equestrian events. Those events raise money for the society when it hires out the grounds.

If this Bill is passed and an exhibition centre is built on Burswood Island, that will sound the death knell for the society. We should encourage the society to utilise the Claremont Showgrounds. If this provision is passed I would require a guarantee from the Government that it will ensure

an injection of funds into the Royal Agricultural Society so that it can survive.

This may seem a small matter to some; however, I assure members it is a matter of great concern to the Royal Agricultural Society. If this fact is made public, and the Government allows the society to go down the gurgler, a tremendous amount of protest will issue forth from country people.

Mr JAMIESON: We have just listened to a remarkable speech from the member for Katanning-Roe in regard to the exhibition centre section of the agreement. Surely the member does not suggest that the Royal Agricultural Society is the only organisation which holds exhibitions. The trotting grounds are used for motor and truck shows and both racecourse venues are used for exhibitions. The Perth Entertainment Centre is used for exhibitions as well.

I cannot see where that private enterprise background of the member is when he says that we can channel all exhibitions into one area. That would be difficult.

If exhibitions which were previously held at the Royal Agricultural Society's venue were held in the proposed exhibition centre, the member would be entitled to be worried. However I am sure with the experience the society has had in marketing its venue for exhibitions it will still be competitive in this field.

I do not know what sort of exhibitions will be held at the Burswood Island centre and the member does not know either, but I would imagine that a limited type of exhibition would be held there. I do not think it would be a multipurpose exhibition such as the recent homes exhibition which was held at the Royal Agricultural Society's venue.

I do not think that the society fears this proposal any more than the WA Turf Club or the Western Australian Trotting Association would. All those organisations use their venues for exhibitions.

Mr OLD: If my speech was remarkable because of my departure from my private enterprise philosophy then I must say the speech of the member for Welshpool was remarkable for his lack of concern—as an ex-Leader of the Opposition and one who supported the Royal Agricultural Society—for the welfare of the society.

I acknowledge the fact that other venues are used for exhibitions, but what is happening now is that another component is being brought in. Surely to goodness the member must realise that that will syphon off something from the Royal Agricultural Society.

I am delighted that the Minister for Agriculture has made one of his incursions into the Chamber at the right time. I am sure that he will support my remarks about the necessity to continue supporting the Royal Agricultural Society. I am expressing this concern on behalf of the society; it is not something I dreamed up a few moments ago! The president and the committee of the society have had their pants frightened off about what will happen to their financial situation if one of their avenues of finance is taken away from them.

The present Government has not been generous to the Royal Agricultural Society. I said in my opening speech—in which I was being benign—that Governments of various colours have supported the society. However the present Government has not supported the society. What I am saying is that if the Government goes ahead with this provision it will remove one facet of support for the Royal Agricultural Society which will in no way, shape, or form affect the casino. However if the Government goes ahead with this provision it will make one hell of a difference to the Royal Agricultural Society.

Mr RUSHTON: I just want to ask two questions of the Minister. However, I must say firstly that the subject which has been debated by the member for Katanning-Roe is of real concern to us.

The Minister knows that a tremendous number of facilities will be provided in the casino complex. There will be a 400-room hotel of international standard; a freestanding casino with 135 tables; a convention centre for 2 400 people; a theatre with seating for 1 200 people; an exhibition and sporting centre with seating for 17 000 people; an 18-hole golf course; and a swimming pool. All of those areas will attract many people.

I ask the Minister whether he can indicate to the Chamber what consideration has been given to the impact that these facilities will have upon the facilities that are already in place in this city; that is, the five-star hotels; the Government-owned Entertainment Centre—which was not to be Government-owned, but which is now—and other facilities such as the Perth Concert Hall, etc.? Can the Minister give us a summary, from the report, relating to the impact these new buildings will have upon the facilities already available in this city?

The second question relates to car parking. Can the Minister give a summary of what has been assessed and considered in this regard, how it is to be handled, and how it relates not only to that site but to surrounding roads, regional roads, and the city itself? How will the transportation of those people be handled?

Mr PEARCE: With regard to the impact on the Royal Agricultural Society, it is our belief we are providing a facility which will continue to be operative for Perth people for many years to come. Perth is in a growth phase, as everybody knows. We do not see this facility competing for a fixed and limited amount of available business, if I can put it like that. It is a major component at a time when there is extra growth. A whole range of organisations are preparing exhibitions to bring people in to see their wares, such as the electronics and computer industries—industries other than those associated with the boat show and housing industry show which go to the showgrounds. There may be some impact on the RAS in the short-term; I cannot pretend there would not be an impact.

If the Royal Agricultural Society were to come to the Government after this facility has been in operation for a time and demonstrate there has been an adverse impact on its finances, I am sure the Government would give sympathetic consideration to its position as we did last year when the RAS came to see us and we gave the society a grant of \$20 000 to help it overcome its financial difficulties. The Government is prepared to be sensitive to the needs of the RAS and the owners and entrepreneurs associated with other facilities in the city if they feel they are adversely affected. That is a matter which the future will determine.

Mr Rushton: Has there been an assessment?

Mr PEARCE: How can there be an assessment—

Mr Rushton: It has been done every other time.

Mr PEARCE: Is that the case when any facility is built?

Mr Peter Jones: Financiers would have made some assessment of whether they would get their money back, and some assessment of the market. The developers would have done so, too.

Mr PEARCE: I do not imagine the developers have done an assessment of the impact on the Royal Agricultural Society.

Mr Peter Jones: Of the total market for venues where exhibitions can be held.

Mr PEARCE: I have no doubt the financiers have done an assessment of what they will make.

Mr Peter Jones: You don't know what it is?

Mr PEARCE: No. It is our view, and I think we made this quite clear publicly, that we do not have to ensure that the casino or the facilities on Burswood Island are financially viable. That is the responsibility of the developers.

Mr Rushton: It is using public land.

Mr Peter Jones: You are supporting this.

The SPEAKER: Order!

Mr PEARCE: Members opposite misunderstand the situation when they say we are supporting this casino proposal. We took the view before the election that one of the projects which would be of financial benefit to Western Australia was a casino. We effectively called for tenders for the casino.

Mr Rushton: Using 250 acres of public land.

Mr PEARCE: Our approach was to get the most we could for the State. It is probably the case that some \$100 million developments would have been more viable for the entrepreneurs than this \$250 million development. It is not our responsibility to ensure they are as profitable as possible for the entrepreneurs; it is to ensure the greatest return for the State.

Mr Old: You do not care about the side effects?

Mr PEARCE: That is not what I said. The member asked specifically about the position of the Royal Agricultural Society. I said that to the best of our belief the impact would be minimal. If that is not correct and there is a greater impact we would listen sympathetically to any approach the RAS might wish to make on this matter, as we did last year.

Mr Peter Jones: Has the society approached the Government in the last two or three weeks?

Mr PEARCE: It has not approached me. It approached the Premier.

Mr Old: I am sure he reported to Cabinet on it.

Mr Brian Burke: They came to see me this week to ask questions and make general requests about assistance on this and a number of issues and they are very satisfied with the response, I understand.

Mr PEARCE: The second point is that raised for the umpteenth time by the member for Dale, the point relating to car parks. The member is fixated by car parks. I have never seen such a car park fetish in all my born days.

Mr Rushton: It reflects on the roads around it.

Mr PEARCE: Or such a road fetishist. I have indicated several times to the House that the agreement specifically provides for the road layout and reservations to be determined subsequently. A lot of work is being done on it and on the question of car parking. The tentative proposals—they are not fixed and finalised—are for a considerable measure of undercover car parking. To use the Merlin Hotel as an example—and it is an adequate analogy because it is a substantial development of a hotel on or near the river foreshore—most of the car parking is underfloor. The

building is constructed a floor higher and the whole of the floor plan is available for undercover parking. That is one proposal being explored by architects and planners for the casino development.

Mr Court: The casino parking is undercover, but the area of concern is the exhibition building parking. The Minister knows the amount of parking required at the Entertainment Centre, but in this proposal you are talking about 17 000 people being able to go there.

Mr PEARCE: The parking arrangements will operate for the whole of the complex. Surely the member for Nedlands has sufficient business sense to understand that one tries to get double and triple use of car parking facilities. Much of the time people will be going to the exhibition centre during the day.

Mr Old: Not necessarily.

Mr PEARCE: That will often be the case, and the use of the casino will be largely in the evening or late evening.

Mr Court: It was mentioned that car parking for the casino is well catered for under cover, but parking for the other site is the problem area if there is a big exhibition which draws a lot of cars.

Mr PEARCE: We are well aware that the developers have given the Liberal Party Caucus all their proposals with regard to these issues. The agreements in relation to these matters have not been finalised and those relating to car parking will be subject to the approval or otherwise of the Government. We will be careful to ensure there is sufficient parking for all the uses available at the site.

Mr Court: Is there room?

Mr PEARCE: Our belief is it will be possible.

Mr Old: They could always take a bit more land!

Mr PEARCE: When these matters are finalised we will advise the Chamber and the people. It is not in everybody's interest to have an exhibition centre where no-one can park because no-one wants to run an exhibition if people are going to be put off because they cannot park. Given the fact that the sites are more or less contiguous, I do not see why an arrangement cannot be made for casino parking to be utilised for exhibition parking during the day so there would be an influx and outflow of people from one to the other. The Hobart casino demonstrates that people tend to go there at 9.00 p.m., 10.00 p.m., or later and the peak usage of the casino is in the late evening. No exhibition I know of runs after 8.00 p.m. or, at the latest, 10.00 p.m., and if parking were a constraint

one might find that times for exhibitions were built around it.

Plenty of options are available. The developers are working on the proposals with the relevant planning and architectural people, but there has been no finalisation of those proposals. When there is, I will bring them to the Chamber.

Mr PETER JONES: Clause 13 of the agreement refers to stage 2. Will the Minister detail what is involved in stage 2?

Mr PEARCE: Stage 2 involves the second 400-room hotel.

Mr Peter Jones: Is that all?

Mr PEARCE: That is all.

Mr PETER JONES: Clause 13 states—

If the Trustee shall resolve to proceed with Stage 2:

Does that mean that the trustee may not resolve to proceed with stage 2, and has the Government any right to force stage 2 to be developed? Can it request someone else to proceed with that stage? Is the Government entirely at the mercy of the trustee as to whether the hotel is developed?

Mr Brian Burke: You can't force development.

Mr PETER JONES: I am asking the question of the Minister. I did not say the Government should force development. Is it possible, if the trustee advises the Government that he does not wish to proceed with that development, for the Government to request another developer to proceed?

Mr Brian Burke: It is entirely up to the developer.

Mr PETER JONES: If the trustee says that he will not proceed, regardless of whether it is a desirable development, is that the end of it? In other words, the Government has not negotiated a position whereby it can say, "All right, if you do not want to go ahead with that development, we will find somebody else".

Mr Brian Burke: You are perfectly right.

Mr PETER JONES: I would like the Minister for Planning to tell me.

Mr PEARCE: Let me place the situation on the record. The developer has the option to go ahead with stage 2, the second 400-room hotel, as he sees fit. There is no way that the Government can force the development of the second stage. The developer owns the land because we have sold it to him.

Mr Rushton: What about in other parts of the city?

Mr PEARCE: I wish members could hear themselves speak. They are saying that anybody who owns freehold land with any sort of developmental zoning in the city can be forced by the Government to develop that land. They are saying that if that land is not developed by the owner, the Government should be able to arrange for somebody else to develop it. That is incredible.

I ask the member for Dale where the car park for the 400-room hotel will come from? I think members opposite should get their act together because they have been saying that the development is too intense for the site. Now the member for Narrogin, this new member of the Liberal Party, is saying, "Wait a minute, why have you not made arrangements to force the developer even if it is totally unviable, financially, for the development to go ahead?" That will ensure an even more intense usage of the site even if the developer does not wish to go ahead. It will be a straight economic decision. If, after stage 1 is off and running, there is money to be made out of the construction of a second 400-room hotel, the developer will go ahead with that development and make money out of it. If money cannot be made out of the development, it would be silly to force the developer to go ahead with the second hotel.

Mr PETER JONES: The Minister has confused what I said. I never mentioned anything about a car park. I have not contributed to this debate up until this stage.

Mr Brian Burke interjected.

Mr Old: The Premier is out of order; he is now speaking from the back of the Chamber.

Mr MacKinnon: There is one rule for them and another rule for us.

The CHAIRMAN: The Deputy Leader of the Opposition interjected, indicating that there was one rule for one member of this House and one rule for another. If the Deputy Leader of the Opposition used the Standing Orders, he could have risen, and made his complaint, and I would have taken action. I do not expect that sort of comment to be made by the Deputy Leader of the Opposition in the future. I expect him to use the Standing Orders.

Mr PETER JONES: I am trying to point out that the question of whether there is a stage 2 at all is now beyond the Government's control because the agreement says so. Clause 13 of the agreement says that the trustee will resolve to proceed with stage 2. That places the whole development of the second stage within the province of the trustee.

Mr Pearce: That is right.

Mr PETER JONES: Fine. The reason it has been placed within the control of the trustee is that the Government has made available land on a freehold basis. In so doing, it has abdicated any hold it might have had on that land to determine the development of the land.

Mr Pearce: If it was on a leasehold basis, the same would be true.

Mr PETER JONES: Wait a minute; I am entitled to finish. There should be no doubt that the Government has abdicated its responsibility in relation to stage 2. Mr Dans, in his statement on 20 November, said that once leasehold land was gone and the land became freehold, the negotiating strength of the Government was weakened. The whole basis of agreement Acts is flexibility. If a particular requirement under an agreement Act is no longer relevant or economic, alternatives should be available to the Government of the day to impose certain conditions on the other participant. The Government is considering those conditions in relation to other agreements at the moment. In this instance, the Government has left the decision in the hands of the trustee as to whether that stage will be developed. The Government no longer has any option. I am only drawing these points to the attention of the Committee. The Government has determined that the sole prerogative for the development of stage 2 resides entirely with the trustee and is outside the province of the Government.

I draw the attention of members to that point. I also ask the Minister to define the exclusivity agreement.

Mr RUSHTON: It appears that the second 400 room hotel can proceed at the will of the trustee. What will happen when this city has a need for hotel accommodation and other developers as well as the public know that there is approval for the trustee to proceed with another hotel, but he is holding land for an hotel in another part of the city. Nobody will move to develop another hotel because of the threat of the 400-room hotel being proceeded with at any time.

How can the trustee be granted a privilege ahead of time that it can proceed with the development when it feels like it?

If the public environmental report shows that there will be a long-term adverse impact on the area because of the 400-room hotel development, will the Government have the authority to stop the hotel development if it is found not to be a viable proposition environmentally in relation to the rest of the region? Will the PER be enough reason for this arrangement to be made void?

Mr PEARCE: The propositions which have been put by the two previous speakers are the most absurd I have heard in my life.

For the member for Narrogin to suggest that the Government is weakening its negotiating position by selling the land and that it would have a stronger negotiating position if the land remained leasehold is arrant nonsense. It is strange to hear the member for Narrogin lecturing this Committee on any agreement after he had so many fingers in the North-West Shelf agreement.

If the Government had granted the developers the land on a leasehold basis, the same conditions would have applied in regard to the building of a 400-room hotel. The Government would have been in a position to resume the land and give it to another developer if it had remained leasehold; and it is also within the Government's control to do the same with freehold land. Of course, it will not do that. The Government's negotiating strength has not changed.

Mr Peter Jones: Not much. They have the option to choose whether to build a hotel.

Mr PEARCE: The member for Narrogin is shifting ground because his original position was that the Government had weakened its position by making that land freehold.

If we had given the developers the land leasehold—it was an alternative proposition—we would have had no greater negotiating position with regard to that land and no less a period to get the land back if we wanted to give it to some other developer.

The Government has included in the agreement everything that it could for the benefit of the State. If the Government had left out the proposition of there being a stage 2 in the agreement, members opposite would have had nothing to say about this. Even without stage 2 we would have gained a great deal for the State. However stage 2 will provide a further benefit to Western Australia because when the initial facilities are being used to full capacity further facilities can be considered. That has been written into the agreement and it will be beneficial to Western Australians.

The Government's position has not been weakened in regard to any additional development being included in the agreement and it is a complete red herring to say that if the land had stayed leasehold instead of freehold the Government's negotiating power would have been strengthened.

Mr Peter Jones: Will you answer my other question?

Mr PEARCE: The exclusivity arrangements are outlined in clause 22 of the agreement—page 34 of the schedule—and I could read them out.

Mr Peter Jones: I can read them myself. I would like to be advised how the distances were determined. I have read the member for Bunbury's criticism about the distances determined in relation to Bunbury. Why did the Government decide on 100 kilometres or 200 kilometres?

Mr PEARCE: Basically, the Government did not decide these things. What the developer asked for initially was an exclusivity arrangement which would have applied throughout the State.

Mr Peter Jones: You must have considered whether they were right or wrong.

Mr PEARCE: The developer wanted as much exclusiveness as possible, and the Government wanted to give him as little as possible because it would minimise development in the future.

Mr MacKinnon: I understand that you gave him everything he wanted. I am not aware of anything that the developer wanted that you did not accede to.

Mr PEARCE: That is totally untrue. In his negotiations the developer was seeking a wider range of games which were to be exclusive to the casino. He wanted exclusivity across the State initially.

The Government understood that some exclusivity had to be given to make the casino a viable proposition given the amount of money being paid to the State. I repeat, I was not a party to the negotiations, but I was a party to the agreement. A special Cabinet meeting was held to go through the agreement stage by stage, the Cabinet made a decision on what it would accede to, and it was sent to the developer for further negotiation and finalisation of the various arrangements. With regard to the distances, there is nothing magic about them. They represent a compromise. We tried to get as little as possible for the developer and as much benefit as possible for the State. In the end, these arbitrary compromises were reached by both parties.

Part I to Part IV put and passed.

Part V to Part VII put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Pearce (Minister for Education), and passed.

**ACTS AMENDMENT AND VALIDATION
(CASINO CONTROL) BILL**

Second Reading

Order of the day read for the resumption of the debate from 7 March.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Barnett) in the Chair; Mr Pearce (Minister for Education) in charge of the Bill.

Clauses 1 to 10 put and passed.

Clause 11: Section 24A amended—

Mr MacKINNON: I seek an explanation from the Minister on one aspect of clause 11 and I also draw attention to two aspects of this clause. Proposed subsection (1)(a) includes the passage "(whether or not that holder is a casino licensee)", and later refers to the specific power of a casino licensee. I do not understand why that is included in the first part and also specifically referred to in the second part. I ask the Minister for an explanation.

In several clauses throughout the Bill, including this clause, amendments are to be made to the Liquor Act to allow the casino to trade 365 days of the year. It is not excluded from trading on Christmas Day or Good Friday. However, the liquor industry in this State is not permitted to trade on those days. It seems strange that the casino is to be given an exclusion not granted to others in the industry. The casino should not trade on either of those days. Christmas Day and Good Friday are religious festivals observed throughout this country, which is for the most part a Christian country, and the casino should be able to make a profit from trading on 363 days of the year.

My final question in relation to this clause refers to proposed subsection (1) (b) which states "as the Court may specify and subject to such conditions as may be agreed by the Court and that holder". What happens if there is no agreement? If there is a Mexican stand-off between the casino proprietor and the court, is the casino allowed to proceed anyway? What procedures are available for resolution of the conflict?

The first point I raised is fairly minor, but the other two points have some relevance and I would appreciate an explanation.

Mr PEARCE: The answer to the first question is that a distinction is drawn because the casino licensee may have other interests in the industry. We would not want to make an exclusion that would affect other areas of his operation.

I must admit that I think on similar lines to the Deputy Leader of the Opposition with regard to opening on Christmas Day and Good Friday. Although hotels do not open on those days, licensed restaurants may open on Christmas Day, although I am not sure about Good Friday. The nature of the casino may be that we would not wish to exclude a Christmas lunch arrangement. The decision will be in the hands of the Casino Control Committee which will determine whether the casino should be opened or closed on those days. It may well be that the Casino Control Committee will prevent the casino from operating on those days. It is not clear-cut that they are permitted to open; the ability to make that decision has not been fixed in the legislation, but has been left to the committee which can make a decision in the light of different rules which apply to various sectors of the entertainment industry.

With regard to the third query, there is no mechanism for resolving a dispute, but the Licensing Court would have the upper hand because it could decline to issue the permit.

Mr MacKINNON: I thank the Minister for his explanation. I urge the Government to put pressure on the Casino Control Committee and the proprietors to ensure that the casino does not operate on Christmas Day and Good Friday. Those days have great significance in our community and the operators should respect that, as do other operators in our community.

I am aware that licensed restaurants operate on Christmas Day but I am not aware of any that operate on Good Friday. I hope the committee will make sure that it applies to the casino.

Clause put and passed.

Clauses 12 to 22 put and passed.

Clause 23: Section 3 amended—

Mr MacKINNON: Reference is made to a casino complex which means a "casino established...an hotel and other amenities constructed to international standards". I have two questions: Firstly, who determines what is an international standard under this agreement? If one travels around the world, as many of us have been fortunate enough to do, one observes varying definitions of international standards.

Certainly there are methods of construction that give hotels a five-star appearance but after five years they will look more like two-star hotels given normal wear and tear. Secondly, from my experience as Minister for Tourism, I am aware that a grading system for hotels is presently administered by the Tourism Commission in this State. This system ensures that hotels are graded according to the facilities they provide. I understand that under the legislation the casino hotel complex is excluded from those provisions. It may believe it has five-star facilities, and it may advertise to that effect, but it will not be required to comply with the normal requirements with which the *Parmelia Hilton International*, the *Merlin Hotel*, and any other hotel in this city must comply before advertising its rating.

I do not think that is fair. I think the casino will have plenty of advantages in its own right as a result of this agreement. If it is to be providing hotel facilities it should do so under the same terms and conditions as all other providers of similar services. I ask the Minister, if that is the case, to say why the casino has received such preferred treatment when it already has advantages bestowed on it by this Bill.

Mr PEARCE: Certain standards were required. Fundamentally, what we are trying to do is to ensure that a very high standard of facility is available in the hotel. In the end the courts would determine what "international standard" means, because they would make that judgment.

The Minister may say that it is not up to international standard, and the existing developer may say it is. The ultimate authority on such a matter would be the courts, and the courts would ultimately define "international standards".

In regard to the other reference about the possibility of the hotel advertising as a five-star hotel without necessarily meeting the requirements of such a hotel, that is drawing a fairly long bow. Anyone who sought to advertise this as a five-star hotel, even if it were exempt from the Act, would still fall foul of, for example, the *Trade Descriptions and False Advertisements Act* if they decided to advertise something which did not meet the standards. One would have to comply with the standards before advertising.

Mr MacKinnon: I disagree with that point of view. I do not want to prolong the debate, but I think it is patently unfair when every other hotel developer in this city has to comply with those regulations if they are to be allowed to advertise their establishments as three-star, four-star or five-star hotels.

In this instance the hotel developer has been given an unfair advantage over all other hotel developers in this city for no good reason. I draw that to the attention of the Parliament and say, on behalf of the other hotel operators in Perth, that they are at a distinct disadvantage to the casino developer.

Mr PEARCE: This agreement does not give that hotel the right to advertise itself as a five-star hotel when it is not. Because of the nature of the complex, many of the things required of other hotels which are not involved in a complex such as this are defined by the relevant Act. In this case the facilities are established by this Act and the agreement.

This does not mean that because this is established in a different legal way one can advertise without having to meet the criteria because the legislation is suspended. In fact, international standards might be interpreted by the Government or the courts to be in excess of normal five-star requirements. I do not know. It would not be open to the casino hotel to advertise itself as a five-star hotel unless it met the criteria. If it did, it would come under the provisions of the *Trade Descriptions and False Advertisements Act*.

It is my view that the constraints, particularly in regard to costs, are more onerous and more stringent on this development than those which would apply to a normal hotel developer.

Clause put and passed.

Clauses 24 to 44 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading.

Bill read a third time, on motion by Mr Pearce (Minister for Education), and passed.

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS BILL

In Committee

Resumed from 12 March. The Deputy Chairman of Committees (Mr Burkett) in the Chair; Mr Bryce (Minister for Small Business) in charge of the Bill.

Clause 3: Interpretation—

Progress was reported after the clause had been partly considered.

Mr COURT: I was making a point earlier on a number of definitions, including the definition of "lease", which I pointed out to the Minister had a changing meaning. Whenever he mentions the word "lease" he must realise it refers not merely to the initial lease but also to the assignment of the lease when the option periods and the like are extended. Whenever we talk about taking up options and so on we have to go back to what the definition of "lease" means and what that entails throughout the Bill.

Moving to the definition of "common area", there is no big deal with this definition. I have discussed it behind the Chair with the Minister, and the amendment that he proposes to move is after the word "includes" to put in the words "but is not limited to". It is harmless. The important thing is to clearly specify common areas in the lease so that there is no dispute over that matter.

By that simple inclusion, we shall get around the problem and ensure that the lease spells out exactly what is meant. The Minister will be commenting on that definition, therefore, I will not move my amendment until I speak next. I shall be interested to hear the Minister's comments on the definition of "common area".

Mr BRYCE: In order to do the right thing by the Committee, the member for Nedlands should have moved his amendment; then I could subsequently move another amendment which relates to a later portion of the clause. It is not proper for me to address an amendment unless it is before the Chair.

The informal discussions the member for Nedlands and I have had leave us somewhat apart in our opinions on this matter. We have both obtained the opinions of legal counsel and I am advised that the use of the words "includes all" in the definition of "common area" does not exclude anything which is not mentioned and, by implication, includes other things.

Therefore, I am not inclined to accept the foreshadowed amendment. According to the best advice I have had, the amendment is not really necessary, and I have indicated that to the member for Nedlands.

That is not the case in respect of several other amendments which I am happy to accept, but, based on the advice I have received, the member for Nedlands' proposed amendment is not necessary.

Mr COURT: It is important that my proposed amendment is agreed to. The Minister has said that the advice he has is that the word "includes" does not exclude other things under that definition. Neither of us is a lawyer, and, as we saw

last night during the debate in the House when four lawyers were discussing an issue, the law can become confusing. The advice I have had is that when the word "includes" is in the definition, its legal interpretation is "limited to"; that is, it is limited to particular things mentioned in the definition.

This is a simple amendment. It seeks to clarify what both the Minister and I agree should be the meaning of the definition; that is, it is not limited to those things. I urge the Minister to reconsider that point.

I can put forward another definition of "common area" which I will briefly read, because it covers both our concerns—

"Common Area" means any area within or adjacent to a retail shopping centre which is not leased to a tenant and which is intended from time to time by the landlord for—

- (a) the use or benefit of tenants occupying the centre and their respective employees, agents, contractors, invitees, and licensees in common with each other; or
- (b) the maintenance and administration of the centre.

That outlines what we are both trying to establish with this definition.

I move an amendment—

Page 2, line 16—To insert after "includes" the following—

" but is not limited to "

Mr BRADSHAW: The definition of "common area" appears to be fairly restrictive as it does not cover all the area which could be regarded as "common areas" in a lease. Therefore, it probably does not matter what goes into a lease, because it will be restricted to what appears in the Act. I therefore believe that this amendment is vital in order to make the definition of "common area" more compatible with a lease. I support the amendment.

Mr BRYCE: I seek your guidance, Sir. I am opposed to the amendment moved by the member for Nedlands, but in exercising my right to speak on this occasion, I do not want to forfeit my right to speak on the further amendments on the Notice Paper.

The DEPUTY CHAIRMAN (Mr Burkett): You are not limited in the number of times you may speak.

Mr BRYCE: I indicate to the member for Nedlands and his colleagues that there are two reasons for my adopting my position on this

amendment. The first is that I read the Bill as a lay person, reading the Queen's English as I see it. The second is on the basis of a legal opinion given to me by representatives of the Crown Law Department.

When I read the word "includes" in that context and it is then followed by a list of specific items, I understand that phrase to mean "not an exhaustive list, but certainly including those things that follow". It is implied in this sense in the use of the Queen's English by lay persons.

When I also get legal advice to the effect that that is the implication from a legal point of view with regard to the use of the word "includes", I am inclined to accept it as being logical. I will not be dogmatic about it, but I have not only the benefit of my own experience with the use of the language in Statutes as in other respects, but also the legal advice to suggest it is perfectly all right and the definition will include other matters. Therefore, I indicate to the Committee that the Government will not accept the amendment.

Mr COURT: I appreciate what the Minister is saying. The main reason it is important that we be specific in the definition is that problems have arisen in respect of outgoings and exactly what a tenant is liable for. I have seen some cases where a landlord has tried to pass on to a tenant outgoings supposedly in relation to common areas, but which in fact have nothing whatever to do with the site concerned.

One case of which I am aware involved a landlord presenting bills for rubbish removal and the like on building sites well away from the shopping centre. He got away with it for a little while, but then the tenants asked questions as to the break-up of the outgoings.

Therefore, it is important that we be specific, not so much perhaps as far as the interpretation is concerned, but so that we ensure that common areas can be defined in the lease agreement without dispute. I refer particularly to expenses which are incurred in respect of those common areas. They must be able to be apportioned in a predetermined manner so that the tenants know their exact position in relation to those outgoings. That is the reason this very simple amendment will solve all those problems.

Mr TRETHOWAN: The Minister has indicated that he is not in favour of this amendment. Should the amendment not be passed and the clause remain as it is printed in the Bill, is it possible that it will cover someone who for instance includes in his lease, areas not defined in this Bill?

Mr Bryce: Yes.

Mr TRETHOWAN: If there should be a dispute over those additional inclusions, would that dispute have to go to the Registrar of the Commercial Tribunal for settlement?

Mr Bryce: Yes, if a dispute develops. But, frankly, I would be surprised if disputes did emerge.

Mr TRETHOWAN: That is the concern that both the member for Nedlands and I have. This is an area that has raised a lot of concern in the past, over what is and what is not a common area. It has a fair bearing on many leases and their costs. Our concern is that because there is no exclusive list in the Bill, and the Minister believes it is an inclusive list, it may well give rise to disputation between a tenant and a landlord over additional things which the landlord classes as a common area and the tenant does not.

The member for Nedlands' amendment, which I support, attempts to make clear that the possibility of including certain things, as well as those mentioned in the Bill, is acceptable in terms of the legitimacy of a lease.

I support the amendment.

Amendment put and negatived.

Mr BRYCE: I move an amendment—

Page 3, line 8—To insert after "lease" the following—

" but not include a person who assigns his interest as tenant under the lease "

This amendment has the support of members on both sides of the Chamber. Whilst I have already indicated in the general debate on the Bill that I do not think it is necessary in terms of the English as it is presented in that phrase, it is the desire of all of us to place beyond any shadow of doubt this question of the right of a tenant to assign his or her lease to subsequent tenants in the normal course of business.

Mr COURT: I appreciate the Minister's taking up our concern on this definition. He is making it clear to us that there is no intention that it should prevent the assignor from being able to get goodwill when he sells his business. For that reason we support the amendment.

However, this brings me to what I was saying earlier: It follows through the Bill that the Government then has to look at the whole definition of "lease" and exclude from it assignments and the extension of options. I believe the Government should also separate the licences and the short-term tenancies which people tend to take. But it is important that the lessee is able to sell his business, and if he is able to receive goodwill and

key money it is essential that he retain that right. We support the amendment.

Mr CASH: Members will recall that during the second reading debate I made it very clear I believed that the original definition of "landlord" precluded tenants from selling their business and receiving goodwill on the sale, because later in the Bill there was a provision which made illegal the receipt of goodwill by a landlord and this also covered a tenant. So I very much support the Minister's amendment.

It is absolutely necessary that everyone understands that it was never the intention of the Government to wipe out the goodwill element for small business people. That would have been a totally untenable position. It is recognised that whilst the Government obviously did not intend that to happen, the framing of the original definition of "landlord" in fact did that.

I also make the point that the retailers made to me during discussions on the definition of "landlord", which at the time encompassed tenants who were assignors when they sold their interest in properties. The retailers made the point that many of them had paid cash for the goodwill portion of their business and had used that equity in their business to raise money on the stock. Had it been that it was determined the receipt of goodwill was to be illegal, questions were raised as to whether the bankers of those people would begin to foreclose on their businesses. Obviously that would be an extreme situation, but nevertheless a real one had the Minister not moved this amendment.

I said before that the goodwill of a business often represents the superannuation fund of a small businessman. It is very important that we recognise that people who work for five, 10, or 20 years to build up the goodwill of their business do so to use it either as a superannuation fund or as a deposit on another business. It would be quite improper if we were to pass legislation that left this matter up in the air so I have much pleasure in supporting the amendment.

Amendment put and passed.

Mr CASH: I would like the Minister to clarify whether the definition of "lease" includes licence. The legislation refers to any "lease, licence or agreement whether in writing or not".

I would like the Minister to explain the position of a small charitable organisation and bodies such as scouting groups which at the moment are often offered a corner of a shopping centre by an owner so that they may run a stall on Saturday mornings or other days on the shop premises.

As it is at the moment, if the definition of "lease" is to include "licence", it is quite clear that people who are entitled to a lease within a premises are also entitled to the privilege of having a five-year period attach to that lease. If we include "licence" in the definition we will make it very difficult for those charitable bodies and other sporting organisations in fact to have the privilege of being able to use areas within large commercial shopping centres. It is pretty obvious that this whole area needs to be clarified; perhaps an amendment to either the definition or another area within the Bill is needed to make quite sure that we are not in fact causing difficulty for these particular groups. I ask the Minister to comment on this area of licences.

There is no doubt that currently clubs outside and especially within my electorate, are given the opportunity or the privilege of using space within shopping centres. This is regarded as a licence and they are most concerned that in its present form the Bill will preclude them from raising funds for their organisations.

Mr BRYCE: I took on board a similar question raised during the second reading stage of this Bill. The way this definition would work in practice would mean that those groups to which the member referred would need a licence. They would obtain a licence quite readily from the registrar, in the sense that presumably most of them do it only once or twice a year.

Mr Court: They don't go to the shopping centre manager?

Mr BRYCE: No, it is my understanding that they will have to obtain a licence in the form of an exception. A form will be drawn up and they will simply fill in the form and get an exception in much the same way in terms of detail as they obtain a licence to run a raffle for their organisation, and again that would only be once or twice a year. I do not think it is as big an encumbrance as it may be perceived to be by some people. It may be a bit awkward, but it is the same old story: The moment one ventures into this particular area of seeking to have minimal regulations there will be minimal disruption because each regulation causes a certain amount of disruption.

Mr Court: It is very simple. Why don't you just exclude those licences and short-term tenancies from the definition of "lease" in the legislation?

Mr BRYCE: Because we would then have the difficulty of trying to define a short-term licence. How short-term is a short-term licence? Where does one draw the cut-off point—half a day, a day, a couple of days, a week? It depends upon so many variables that it becomes very easy, and once

again it is a value judgment. I have had it checked out because I recall the member for Mt. Lawley inquiring about this matter, and that is the advice I tendered to him. On that basis, I suggest we give it a go.

Mr CASH: Perhaps by way of clarification the Minister might explain how it will work in practice. Is it intended that the organisation will go to the registrar, apply for a licence, receive the licence or permission to obtain a licence and then present it to the owner and say, "I would like to use part of your premises for a limited period, and because I have this licence the provisions of the legislation need not be applied"?

Mr Bryce: That is precisely how it will work. A form would be filled in at the office of the registrar in the Commercial Tribunal. It would be examined and presented in precisely that way.

Mr CASH: Would any fee attach to such a licence?

Mr Bryce: I do not think so, but it is not something I am sure of. I doubt it very much.

Mr CASH: I find that to be a very cumbersome way of dealing with this area of "lease". I realise that once we get into commercial tenancies we enter a very difficult area in which to legislate. However, we want to protect people within our community—charitable and other community groups—which appear at the moment to be disadvantaged by the fact that we are not prepared to vary the existing definition of "lease".

Clause, as amended, put and passed.

Clause 4 put and passed.

Clause 5: Crown bound—

Mr COURT: Clause 5 simply states, "This Act binds the Crown". I presume that means that the Government, its statutory authorities and the like, must come under the provisions of this legislation, and this means that Westrail, the Superannuation Board, and the Rottnest Island Board—different Government groups—must run their leasing procedures as per this legislation, whether they be the landlord or the tenant.

A few tenants around Western Australia might be relieved that the Government is going to take it unto itself to become a better landlord than it is at present.

Many criticisms have been received from people who, in different ways, have to deal with the Government with leases, believing that often they are not given all the facts or they are going to be cut out unnecessarily or in an unwarranted manner. The classic example is probably the one that we have heard a lot about from time to time, the Rottnest Island business operators who always seem to run into problems when it comes to

renegotiating their leases on Rottnest Island. In *The West Australian* of 6 March appears the headline "New Rottnest Lease causes War". Some of the lessees over there were very concerned about what would happen to their businesses. I refer not only to rentals; they were also being told that some of the different businesses and services that they provided within their businesses would be taken up and transferred elsewhere. According to this newspaper article, these people seemed to be going through a period of great uncertainty.

I know many Government departments have shops within their buildings and sometimes only one or two happen to be in a building or a development that they own, and the people who try to run businesses in those shops—perhaps on a railway station—will be pleased to know that when it comes to renegotiating leases they will have greater bargaining power in regard to dealing with the landlord, which in those cases is the Government itself.

Sometimes the Government can be very heavy-handed. It does not have the same commercial discipline which tends to be applied in the private sector and for those reasons it is good that the Crown will be bound by this legislation.

Clause put and passed.

Clause 6: Disclosure—

Mr TRETOWAN: I wish to raise a technical matter relating to the wording of this clause. This is an important provision in the Bill which relates to the ability of a tenant to set aside a legal agreement should he have second thoughts within the specified period of entering into that agreement. I think it is fair to say that it is one of the key provisions of the Bill. It is a provision which will be an advantage to many tenants who may not have a great deal of experience when entering into commercial tenancies. The problem I want to raise relates to the actual wording of the clause.

Clause 6(1) states, "Where a retail shop lease is entered into . . ." It seems to me that unless the Minister can advise me otherwise, the phrase "entered into" is insufficient. A dispute may occur about the date on which a person enters into a lease. Is it when a person says, "Yes, I will take the lease" or should a letter be written in relation to that agreement? It seems to me that it would be better if the word "executed" were used, because then there is no doubt as to when the lease is executed—it is the date which appears on the lease when the signing takes place.

I think that wording would be precise, because a strict time limit is laid down. Subclause (1) states seven-days and subclause (3) states 28 days. The seven-day period is before the lease is entered into

and the 28-day period is the time after the lease has been entered into. In both cases it would be more precise to say "when the lease was executed", because then there would be no doubt. I would have thought that to be the most appropriate time—with the seven-day period prior to the signing and the 28-day period afterwards—to attach to, because there is a possibility the matter would be a little blurred with the wording "entered into".

Mr COURT: This clause covers the whole area of disclosure statements. One thing the Opposition has made clear to the Minister is that we support the procedures which mean that the tenant, before he signs his lease, is made well and truly aware of all the facts. For that reason we support the concept of a disclosure statement.

Many people go into shop leases and sign up when they are starry-eyed about what will happen. They prepare their budgets on paper and often have been dreaming and working for years to build up their plans to go into business. It is very easy, as we all know, to make a business look good on paper, but it is difficult to make one work in practice.

Many people who are at the stage of signing a lease at the beginning of their business venture do not do their homework and often they go into a business "adventure". After a short period some go broke. We all know from the statistics on business failures that many people go broke early in the piece, often because in the first place they have signed a shop lease agreement which is just beyond their means and not suitable for the type of business they may have. They might well have signed up in a centre for five years and it may be that the rental figure and shop are not suitable and beyond their means.

For those reasons it is important that a full disclosure occurs before people get to that stage. The concern I have is about the form the disclosure statement will take. The Minister mentioned during his reply at the second reading stage that he meant the different parties concerned would be consulted in the preparation of the prescribed forms. As the Minister knows, it is important that before this legislation comes into effect all the parties must know what is to be in the prescribed forms. All the parties have to know the details, well in advance, because documents have to be prepared.

That gets back to the question of how this legislation will be introduced and the timing of it. What goes into the form, in connection with this disclosure clause, is very important because we do not want a disclosure form which really discour-

ages landlords from giving the information which is very important. It is very important that a landlord gives correct and honest information about a shop a person is about to lease. If it becomes too restrictive and the landlord believes he will be so tightly bound by what is included in the disclosure statement, he might disclose very little and that is not what we want.

We have all heard of the problems which have arisen when new developments have taken place and when the development goes on the market the landlord has promised a certain number of people that there will be associated shopping developments or that there will be developments or re-developments in surrounding areas, when in actual fact these things might never occur. It may be that the office building, when finally constructed, is not the size it was originally said it would be and certain roads are not built, despite what was said prior to the signing of the shop lease. That information could well have been given in good faith.

Certainly we want a disclosure statement which stops the leasing agents or the landlords, whomever they may be, from making false statements; but on the other hand we want the leasing agent to be able to have a frank discussion, because the person leasing the shop also wants to be fully informed of what could be expected to happen in the years ahead, throughout which time he will be operating his business.

The Minister will agree that the nature of the forms and the way the disclosure statement is to be set out is important. With those comments I say we need not only an assurance that there will be consultation between the different parties concerned in the preparation of these prescribed forms, including the disclosure statement, but also the Minister should realise that the Bill cannot come into effect until the forms are finalised.

There will have to be a time limit whereby the legal profession and the like can draw up the necessary documents to enable new leases to be signed. We do not want that hiatus period where tenants will be screaming for leases and landlords cannot give leases because of the hold-ups in the preparation of the different forms and the like associated with this legislation.

I repeat; The concept of making the landlord disclose fully all the details associated with the lease is very important. The last thing one wants is a person to sign a lease and then be unsure of what his variable outgoings are or how they will be apportioned. He has to be fully informed and once he has signed the lease must realise that it then becomes a contract. He has gone into it with his eyes open and hopefully will not have problems

with the lease. The practice nowadays is that most people—certainly most sensible business people—would use an expert, a professional person, usually an accountant or a lawyer, to assist them when checking out their lease documents to make sure they are entering into a proper lease. Even this disclosure statement and procedure will not stop many of the starry-eyed people who are about to enter into their first business from signing a lease which they cannot live with. At least it is an attempt to make people more aware of what they are signing. In many cases they are signing a very large commitment and that is why it is important that the disclosure documents to be prepared are well thought out and make it possible for the tenant to receive the information required before making a decision on a lease.

Mr BRADSHAW: I also support the idea of a disclosure notice being given to people who are taking on leases. Late last year I had the experience of tenants coming to me with a lease which they had signed a year or so earlier and had not realised what they were letting themselves in for. If they had sought more advice before they went into it they might not have signed the lease under those conditions.

Under clause 6 does the landlord have to give a disclosure notice; is it essential?

Mr Bryce: It is essential and obligatory.

Mr BRADSHAW: The Bill says that if he does not receive a disclosure notice he can then give notice to terminate.

Mr Bryce: That is right.

Mr BRADSHAW: Subclause (3) goes on to say that if a period of 28 days has expired—

Mr Bryce: He has lost his right.

Mr BRADSHAW: Even if he has not received a disclosure notice?

Mr Bryce: Yes.

Mr BRADSHAW: I do not think that is right because obviously many people will not know this Bill exists and will enter into a lease for a business and find three or four months later that they had the right to terminate it if they were not given a disclosure notice. I do not think that adequately covers the situation of the disclosure notice because if someone does not know his rights he has only 28 days and it certainly does not take long to pass when one is starting up a business because there are many other things on one's mind. A month passes and it is then too late to terminate the notice because the tenant has not realised the conditions he was required to fulfil. It is a little loose and I would certainly like to see it tightened up.

Mr BRYCE: I respond to the member for Murray-Wellington by saying that our experience, from discussions we have had with representatives of BOMA and REIWA, has indicated that many of them were quite happy with the concept of the disclosure statement. In many ways there was some doubt in our minds as to whether or not heavy-handed legislation would really be necessary, but it cannot be measured and we were never really sure to what extent many of the problems which were solving themselves were due to the fact that it had been indicated legislation was to be brought in and its absence might not simply cause matters to deteriorate again. In this area I am quite confident that the goodwill and the practice in the industry will see far and away the vast majority of landlords accepting as a basic responsibility the concept of the disclosure statement and in practice the disclosure statement will be there with the lease. I do not quite share the concern of the member for Murray-Wellington on that issue. It is something that can be tightened up if necessary.

As far as the general issue raised by the member for Nedlands is concerned let me repeat to the Committee that it is my intention that if both Houses of this Parliament agree to the legislation I will immediately call a meeting of the retail liaison committee which comprises representatives of the key players in this field. We will start with a checklist of the things which are involved with the application of the Statute, such as the printed form, the due notice that should be given to the industry, and the form that that notice should take. We will go through them as we did with the evolution of the Bill itself. I cannot do much more than to repeat that indication of my intention.

With regard to the matter raised by the member for East Melville I accept that if he reads it through from a certain direction he may have some concern, however, one needs to read that first sentence in the context of the whole clause and the entire Bill. It is not intended to give to the tenant the right to simply tear up a lease after the event. I think it does spell out explicitly enough that it is only in the situation where the disclosure statement has not been provided with that seven days' notice—in those circumstances alone—that the operative effect of subclause (3) is then available to enable the tenant to cancel that particular lease.

Mr TRETOWAN: I accept what the Minister says, but that was not the point I was making. It was more an argument as to the point of time in the negotiations when the seven days would start and finish. I thought the words "enter into" were a little loose because one is never quite sure whether

that is as a result of a verbal agreement between the landlord and the tenant, or a letter, or when the actual lease documents were signed; because sometimes the lease document may not be signed at the same time as the disclosure statement is provided or a basic agreement is reached; yet by that time it could be said that that was the point of time at which the lease was entered into. This clause gives the tenant the opportunity to set aside the lease. My only concern was that the words "enter into" were not sufficiently legally precise; "excluded" would have been a better word because that means the precise point of time when the lease is actually signed.

Mr BRYCE: My interpretation would be that it does mean the moment the lease is actually signed and in practice. I think that is the way it will work out.

Mr CASH: I have always supported the need for a disclosure statement. I think there are benefits to the landlord and the tenant.

The negotiations would obviously take place between the landlord and the tenant before a lease document is signed. I am concerned about clause 6(4), the wording of which I refer to members.

It contains only a very brief description of what the disclosure statement needs to contain. I accept that it is to be a prescribed form and that the contents of it will be set in due course. However, in the second reading speech, the Minister said—

... a disclosure statement ... will contain a full disclosure of all material agreements made during negotiation and essential features not included in the lease.

Again, that is fairly broad and not very descriptive of what we might expect it to contain when it is discussed in the future. I guess it is a case of having to go back to the Nigel Clarke report to get some guidance as to the very specific things that the disclosure statement will contain. In that report he spoke about the options available to the tenant, the rent payable, the periodic rent reviews and when they would occur, the variable outgoings that would be paid by the tenant, and the projected changes to the shopping centre which may have been in the mind of the landlord at the time of the negotiation.

My concern is not that we will have a disclosure statement; it is more to the point that we are unsure at the moment about what such a statement will contain. I accept that the Minister will now convene a meeting between representatives of the various groups to make sure that everyone understands the Government's feelings in this area. However, I find it hard to accept that the feeling of the Government is really good

enough when we are discussing such an important feature of the Bill.

In general terms, it has to be admitted that the owners' representatives at present have a disclosure statement; they will not be greatly upset by this inclusion in the Bill. Tenants will also be happy because it will be a written guide as to what they can expect. Perhaps the Minister might advise me, by way of interjection, of what the position would be when a disclosure statement is not given. Does that cause the lease to be voided?

Mr Bryce: Not *ipso facto*. If the tenant decides to exercise his option, that is spelt out in the subclause.

Mr CASH: Is it possible for the tenant, after the period of 28 days expires, to go back and rely on the disclosure statement to void the lease?

Mr Bryce: No; once the 28 days expires, his opportunity to exercise that option is nullified.

Mr BRADSHAW: I believe this legislation has three very important parts and this is one of them. I certainly do not believe that the 28-day provision gives the tenant any protection. I intend to move an amendment to delete the 28-day provision and to insert "six months" in its place. When a person goes into a new business, he is concerned about other things than the lease, such as the profits he will make and other problems. Not everybody belongs to organisations such as BOMA or REIWA. I guess those people who do will certainly do the right thing and supply disclosure statements. However, those who do not may not always get a disclosure statement.

A person entering a new business has problems with stocking the business and other problems associated with setting up a new business. I therefore believe that that period should be extended to six months, and I wish to move an amendment in that vein.

The CHAIRMAN: Order! If the member for Murray-Wellington wishes to move an amendment it is necessary for him to put it in writing and to sign it.

Mr BRADSHAW: In that case, I will leave it until the Bill is debated in the other place.

Mr COURT: I appreciate the point made by the member for Murray-Wellington. The last thing on people's minds when they are entering a new business is the details of their lease and whether everything has gone through the right processes. I think the point he raised is worthy of attention by the Government when the matter is debated by the other House.

When a lease is assigned from one person to another, does a new disclosure statement have to

be made at that point? For example, in a five-plus-five lease, one takes advantage of the options at the end of the fifth year. Does the landlord again have to provide a disclosure statement under this legislation before the extension to the lease is assigned, bearing in mind the definition of the lease?

Mr BRYCE: I do not agree to the request by the member for Murray-Wellington that the 28-day period be extended to six months. Those time-frames were the subject of very lengthy discussions between the parties. It is not as if a straightjacket is being fitted onto someone and he is being told to wear it.

Mr Bradshaw: I do not believe the 28-day period gives any protection to a person entering a new business.

Mr BRYCE: That is a valid point for someone to present. However, it is not as if somebody has plucked a tablet out of the air and said, "There it is, set in stone, and that is the end of it". These time-frames were agreed to by the people from both sides of the industry involved in the negotiations. I would be inclined to let it work. If experience demonstrates that a significant number of people are "falling through the safety net" we will have a look at it. My suggestion to the Committee is that we give it a go.

In relation to the matters raised by the member for Nedlands, it is my understanding that anybody who signs a lease and who remains originally responsible for that lease would not be required, on assignment, to undertake a disclosure.

The original disclosure is the original act of good faith as that lease is signed up; that is, the tenancy agreement is being referred to in practice and presumably a copy of that disclosure statement would be involved in those negotiations and passed on to the assignee if and when the assignor passes on the lease.

I do not know of any provision in the Bill that suggests that, for example, where the option is taken to give the tenant a five-year tenancy after two years and he extends it to three years, another disclosure statement will be made available. Clearly, the disclosure statement relates to that original lease and is not exercised as part of an option.

Mr COURT: I appreciate the Minister giving an explanation because it is not good that disclosure statements should be issued when leases are assigned or when options are extended. The Minister is saying that the original lease and conditions are continued through the life of the lease.

I refer back to what I said in the first place; The disclosure statement is issued only when a lease is

granted. The Minister will have to consider carefully that what he said will actually apply. He kept referring to the lease in its original form, but as he has defined it and as it is set out in the legislation, the disclosure statement is not reissued during the life of the lease.

I refer to the question of licences for short-term tenancy. The definition of "lease" refers to a licence and the Minister explained that a person must go through two channels—to the registrar and the shopping centre management—to obtain a licence for a short-term tenancy. In other words, a charity would have to obtain a short-term licence for the sale of goods and I ask the Minister what sort of disclosure statement would be issued in such cases.

Mr BRYCE: As I indicated, this is an area where we start to scratch the surface in regard to the difficulty of short-term licences. If one is going to define one-day licences, half-day licences, weekly licences, or even monthly licences who is going to be the arbiter and say it is a short-term licence? There is no provision in the Bill for a pro forma disclosure statement to be provided by a landlord when short-term agreements are entered into.

The question of subsequent disclosure statements is very clear and I hope it is clear to other members of the Committee and to anyone else who reads the Bill. The operable stage for a subsequent disclosure is when a new lease is taken out and if there are changes in the lease they must be seen or considered by others to be relatively minor during the lease. The point is that the operable element of that particular concept is when a new lease is taken out—that is when the new disclosure statement is required.

Mr Trethowan: When you have an assignment of a lease will a new disclosure statement be required or will the original one remain current?

Mr BRYCE: Yes; the original one remains current.

Mr Trethowan: How do the rights of the person to whom the lease is assigned operate? Do they operate during the original tenancy when the lease is assigned until the new lease is granted?

Mr BRYCE: It is my assumption that they would because the legal responsibility is his as the original tenant.

Mr CASH: If there is no need for another disclosure statement when the assignor sells his business to another person, that puts him in a better position than the landlord was in originally. I would like the Minister to comment on that.

I refer also to the suggestion that the original disclosure statement will carry through the various assignments until a new lease or agreement is issued. Under the provisions of this Bill a disclosure statement is almost worthless after 28 days if the tenant cannot rely on it. What value is there in passing on the original disclosure statement to an assignee?

Mr BRYCE: The disclosure statement is an indication of limitation and moderation. As I said at the outset, this legislation is not intended to account for every specific situation which will arise, because that would be impossible.

I attempted to find out what proportion of existing small business in shopping centres would be operating on the basis of the original lease or on one that has been assigned. It is difficult to assume whether one-third, three-quarters or whatever proportion of small business would be in this situation, but it is something that we will learn about if this clause of the Bill proves to be unsatisfactory.

Mr Cash: Would you concede that an assignee will not get the value of a disclosure notice?

Mr BRYCE: He will not get the same form of protection as the original lessee. However, no-one can be certain at this stage just exactly what proportion of small business is involved in that way. As a matter of fact the data base may be of some use in this instance.

Clause put and passed.

Clause 7: Rent based on turnover—

Mr COURT: This clause covers the rent based on turnover, and of all the areas concerning shopping centres this tends to be one of the most emotional. No-one likes paying rent at the best of times and this is a relatively new concept. If we go back 15 years, to the time before high inflation, many leases were at a fixed rent for three years because there was no problem with a low inflation rate.

When we moved into a period of higher inflation we saw the introduction of rents based on turnover, and with the advent of the larger shopping centres it became a common procedure.

In the Clarke inquiry a great deal of comment was made on the question of turnover rentals and people having the option of an alternative rent system.

It does not matter what the Government tries to include in legislation—one way or another the landlord will get the rent he wants. One way or another that rent will be pretty close to what the market forces at that time determine. No matter how hard one tries, it is very difficult to prevent

rents from being close to market demands. There are certain exceptions to that, and those exceptions would occur for instance in time of war if a Government introduced strict rent controls. However, that is a very unusual circumstance which hopefully I shall not experience in my lifetime. No matter what is written in legislation the landlord will get what he wants and the tenant will pay what he believes to be a fair market rent. If the landlord increases the rent by too great an amount, he will not be able to lease his shop and on the other hand the tenant will have to pay the current market price or he will not find a shop to lease.

The Minister has had a great deal of trouble with this area of the legislation. He knows that many shopkeepers do not like paying the turnover rents. However, it is difficult for a Government to introduce legislation outlawing the turnover rents because many tenants enjoy and prefer turnover rents in their business.

The Bill contains an unusual clause. If my interpretation is incorrect the Minister can advise me, but I understand that before a lease is signed, if the landlord wants the tenant to pay turnover rents he must sign a prescribed form and elect to do so.

Mr Bryce: Yes.

Mr COURT: If the tenant does not elect to pay a turnover rent the landlord has the option of saying whether he will get the lease. In practice those shopping centres that want tenants to pay a rent based on turnover will be able to make sure all tenants pay rents so based. In other words if one starts discussing leasing details of a shop in a major shopping centre—for example the hardware or the health food shop at Karrinyup—the landlord will ask if one elects to have the rent based on turnover in such and such a form, the details of which formula will be laid out. If the tenant replies, “No”, the landlord will say, “Next please”. In that type of shopping centre the landlord will be able to insist that all tenants pay rents based on turnover. From that point of view I do not think the legislation achieves a great deal in relation to turnover rents.

One of the shopkeepers to whom I spoke was under the impression that tenants had a choice of electing to pay a rent based purely on turnover without a minimum payment. It is common for rentals to be based on turnover but they include a minimum payment; in other words, the minimum payment is the base rent that must be paid and if turnover exceeds a certain level additional rent is paid based on that turnover. I have never signed a shop lease which has been based on the turnover

principle and perhaps one of my colleagues will be able to explain some of the problems and advantages which arise with them. I was always a bit scared to sign up a lease based on turnover, but it could well be that many of the fears that shopkeepers have are unfounded.

I visit many shopping centres and talk to shopping centre managers. I also talk with the merchants' associations which promote the activities of the centres. I believe that a professionally run shopping centre would have genuine reasons for wanting reasonably accurate turnover figures of the different businesses in the centre in order to establish which shops are doing well and how certain promotions affect turnover of certain businesses. I am aware that certain merchants put pressure on the managing body to promote their particular business and it would help their case. If one happens to be in the fashion industry and times are bad for that time of the year, for example, because of a late start to the season, one might go to the shopping centre management with the problem. An explanation might be given that sales should have reached a certain figure for the time of the year but for some reason one is going through a rough period. The management could be asked to provide an extra promotion in an effort to boost one's business. I can envisage a professional shopping centre management team using the turnover figures to good advantage. Now that the centres have been established for some years I am impressed by the level of management in them and the co-operation they enjoy with the tenants.

Some of the promotions arranged by the centres are very expensive, well thought out promotions specifically designed to increase the turnover of the whole centre as well as specific businesses within the centre. One shopping centre is arranging an elaborate display of items associated with the monarchy, a display which will do a circuit of Australia. This will be featured at one of the large centres. Before making the decision that it will be worth the cost and trouble involved to arrange the promotion, the centre needs to know what effect the promotion will have on the turnover of businesses in that centre. From a marketing point of view I can see many reasons why the concept of turnover figures could be advantageous.

I know that some of my colleagues will comment on other parts of this clause but I make particular reference to subclause (5) which reads—

(5) Where by reason of this section, a provision of a retail shop lease to the effect that rent is to be determined either in whole or in part by reference to the turnover of the business is void—

Reference is then made to a third party becoming involved—

—the rent shall be as is agreed in writing between the parties or determined under Part III by the Tribunal.

Perhaps I can give an example of an instance where the turnover is void. That would be when a lease is signed and the lessee does not elect to pay a turnover rental. This is at the top of page 10.

Where the lessee does not elect to pay turnover rental, he can then go to the registrar and say he does not want to have his rent based on turnover. It appears that the tribunal then has the power to go in and set the rental. I wonder if that is the desired practice?

I believe the Minister would have had great difficulty in trying to prepare something for this legislation on the question of rentals. At the end of the day market forces will prevail. Perhaps what we have to try to provide is a very small degree of protection or option to certain shopkeepers who do not want to pay the turnover rental. It will make little difference in those centres where they want rent based on turnover under this legislation.

Mr TRETHOWAN: My first concern relates to the matter the member for Nedlands has raised, and this is to do with the ability of the tribunal to determine a rent where a turnover-based rent has been set aside under this clause. Subclause (1) provides that if a tenant does not give notice in writing in the prescribed form that he has elected a turnover rent, he has the opportunity at any time of having an arbitration upon that rent to establish a fixed rent. This could mean that a tenant may be happily paying a turnover-based rent under a lease for perhaps two years of a three-year period. However, at the commencement of that period the required form may not have been completed or signed. At the end of the period, after paying a turnover-based rent, the tenant could elect, under subclause (1)(b), to have the rent determined.

It concerns me that there is no time limitation. If one entered into a lease which had provision for a turnover-based rent, and one operated under that lease for 12 or 15 months, it is not reasonable to assume that he can then have that basis of rent set aside.

I can understand why there should be a period, as outlined in clause 6, to allow application for change, but it seems to me that clause 7(1) allows the lease to be set aside at any time, or rather the option is to have an arbitrated rent at the election of the tenant if he has not signed the prescribed notice set out in the subclause. I would have thought it would be preferable to have a period of perhaps 12 months.

Mr Bryce: This is not likely to occur in practice, because I cannot imagine a landlord in Western Australia, once the Statute has gone through, not making sure that the form is dispatched and received. It will become fundamental to his procedure. It will be his bread and butter.

Mr TRETHOWAN: I tend to agree, but it is possible that that procedure may be overlooked in the smaller shopping centres. It is worth considering. As the Minister points out, it may not have practical application if people who use the turnover-based rent know they must have the standard statement prepared.

Mr Court: Another piece of red tape.

Mr TRETHOWAN: It becomes another piece of red tape. But if there is anything wrong with that statement, no matter how long it has been running and how much has been paid on the basis of turnover, the application can still be made for an arbitrated rent.

Mr Bryce: If you look back through the lives of most Governments of both ilks, most of the so-called red tape has been designed and put in place at the specific request of the people who are now inclined to complain about it.

Mr Court: Let us call it quits for a couple of years!

Mr TRETHOWAN: May I also raise the question of subclause (4)(f) which relates to the exclusion from turnover of the amount of any purchase, receipt or other similar tax imposed on the purchase price or cost of hire of merchandise or services. This point was made very strongly by the member for Murray-Wellington in his speech during the second reading debate.

It seems to me that there are lots of implications. It may be extremely complex to exclude all the forms of sales tax at various levels from the sales returns of a business in order to provide it in the form in which it is required by that subsection. The words "similar tax imposed" raise very great concern from the point of view of practical administration, both on the part of centre managers and on the part of individual tenants.

Mr Bryce: May I indicate that this is almost a direct take from a clause in the Queensland Statute, and it does not appear to have produced a lot of difficulty so far. It is another of those marginal issues which only life's experience will demonstrate.

Mr TRETHOWAN: I think the Minister will admit the possibility exists for concern because of what may be required to be included, such as some pretty complicated manipulations. In practice most people will use turnover figures from their

cash registers. The Act in fact provides for that, but that is not necessarily a sensible way of going about it.

It is possible to apply for a lease to have the rent arbitrated by a tribunal. I would have thought it was more sensible, if there is a dispute in regard to a lease, to have the whole lease renegotiated at that point rather than just the terms of the rent. Frequently the terms of the rent relate to many other aspects of the lease.

It may be that the lease is negotiated on certain terms, because it is based on turnover. I am certainly concerned about the provisions in subclause (5) in the same way as is the member for Nedlands.

Progress

Progress reported and leave given to sit again, on motion by Mr Bryce (Minister for Small Business).

ACTS AMENDMENT (ABORIGINAL LAND) BILL

Second Reading

MR WILSON (Nollamara—Minister with special responsibility for Aboriginal Affairs) [5.04 p.m.]: I move—

That the Bill be now read a second time.

The introduction of the Aboriginal Land Bill 1985 requires consequential amendments to the Aboriginal Affairs Planning Authority Act 1972, the Conservation and Land Management Act 1984, the Land Act 1933, and the Petroleum Act 1967.

The amendments to the Aboriginal Affairs Planning Authority Act propose the abolition of the Aboriginal Lands Trust as well as the repeal of part III dealing with reserves. Part IV of the Bill preserves the requirements for entry permits to currently existing Aboriginal Affairs Planning Authority reserves until the end of the four-year claim period proposed under the Aboriginal Land Bill.

The amendments proposed to the Conservation and Land Management Act involve increasing the number of members of the Conservation and Land Management Authority by two. Both of those appointments are to be Aboriginal people. This will have the effect of ensuring the Aboriginal voice is heard when policy decisions are made with respect to the authority's functions. Additionally a new division (2A) is proposed which establishes the functions of the management committees when national parks, nature reserves, marine parks, or marine nature reserves are selected under the provisions of the Aboriginal Land Bill as special management areas. During the currency of the vesting

of such areas as special management areas, the functions of the Conservation and Land Management Authority will be suspended in favour of the functions being carried out by a management committee.

The proposed Land Act amendments extend the functions of the Pastoral Board to Aboriginal land where that land is being used for commercial pastoral purposes pursuant to the provisions of the Aboriginal Land Bill.

The other amendment proposed to the Land Act deals with the grant of easements over Crown land—for this purpose, including pastoral leases—in order to ensure access by Aboriginal people to Aboriginal land.

The Petroleum Act is currently subject to the provisions of the permit system with respect to petroleum exploration activities over Aboriginal reserves. That system is maintained in as far as is relevant by clause 21(4) of the Acts Amendment (Aboriginal Land) Bill. There will be no future relevance for such a provision as is currently contained in section 7(2) of the Petroleum Act upon the introduction of the Aboriginal Land Act. There will be consequential amendments to both the Mining Act and Petroleum Act which take up the question of entry by petroleum and mining explorers and developers on Aboriginal land. The provisions relating to the Mining Act will be introduced next week and those relating to the Petroleum Act will be introduced after the fate of the Aboriginal Land Bill has been determined in the Legislative Council.

Debate adjourned, on motion by Mr MacKinnon (Deputy Leader of the Opposition).

ACTS AMENDMENT AND REPEAL (WATER AUTHORITIES) BILL

Second Reading

MR TONKIN (Morley-Swan—Minister for Water Resources) [5.07 p.m.]: I move—

That the Bill be now read a second time.

In March 1983 I had the honour to introduce the Bill to establish the Water Authority of Western Australia and thereby to set the stage for the creation of a single Water Authority for the State.

Since that Bill was passed in May last year, the board of the Water Authority of Western Australia has been appointed and, under the chairmanship of Mr Bob Hillman, one of the State's most distinguished engineers, has been meeting regularly since June last year, actively preparing to take up its role in July of this year.

The seven directors have also been appointed, as have nearly all of their branch managers. Other

staff are also being progressively appointed and it is planned that they all will be in place before July. With the exception of a handful of positions, appointments have all been made from officers currently in either the Metropolitan Water Authority or the Public Works Department.

The corporate executive, made up of the seven directors, has been meeting regularly, planning for the authority concurrently with carrying out their existing jobs in PWD and MWA. Extension of the Water Centre at Leederville is well advanced and will be ready before the merger to accommodate the head office staff of country water supplies. All in all, the preliminary work that has been done by the board and corporate executive will give the authority a flying start when it takes over its full responsibilities. The authority is well advanced in preparing its budgets and works programme for 1985-86.

As I foreshadowed at the time of introducing the first Bill, the Bill that I am now introducing is complementary to last year's Water Authority Act. That Act, in its present form, contains only essential elements which were necessary to create the board of management of the authority and to enable such preliminary actions as appointment of staff to proceed in advance of the authority taking up its operational role. The present Bill adds substantially to the Water Authority Act by way of amendments which contain many of the administrative provisions necessary for the authority to manage the State's water resources and water services.

Putting these provisions into the Water Authority Act will mean that they have general application to all water activities, so that the corresponding provisions in the various other water Acts can be repealed. This will be a very useful step towards the consolidation of the water legislation and will give a consistency of procedures and practices which is now lacking.

It has been found possible to go further towards consolidating the legislation than it was earlier thought could be achieved in the time. Nevertheless, the time available has not enabled this concept to be applied to all of the legislation, much of which is very complex. Therefore, there will continue to be a need to retain parts of the individual Acts, which will continue to have application to the particular water services to which they apply.

One of the complex areas which has not been changed to any extent, except for some amendments to the Water Boards Act, is that of rating. It is an area where there is scope for rationalising the differences between city and country but it is also an area where changes can impact heavily on

individuals. Before any changes are made, their effects will need to be thoroughly investigated by the executive and board of the new authority, as well as by the Government. This is, of course, not possible until the authority takes over its full responsibilities and is able to consider these issues in their totality.

The principal Acts affected by this Bill are—

- the Water Authority Act 1984;
- the Water Supply, Sewerage and Drainage Act 1912;
- the Country Areas Water Supply Act 1947;
- the Country Towns Sewerage Act 1948;
- the Rights in Water and Irrigation Act 1914;
- the Land Drainage Act 1925;
- the Water Boards Act 1904;
- the Metropolitan Water Authority Act 1982;
- and
- the Metropolitan Water Supply, Sewerage and Drainage Act 1909.

Each of these Acts is to be amended to repeal the sections transferred to the Water Authority Act and to amend the remaining sections so that they will be in a form suitable for administration by the Water Authority of Western Australia.

Lesser amendments are also necessary to other Acts to recognise the change in responsibilities that are to occur. The Acts include the Public Works Act 1902, the Water Resources Council Act 1982, and the Fluoridation of Public Water Supplies Act 1966. Some obsolete Acts are to be repealed.

Also included in the Bill are amendments to the Public Authorities (Contributions) Act 1974 and the Pensioners Rates (Rebates and Deferrals) Act 1966, which are to be extended to include the three country water boards, thus putting the residents of Bunbury, Busselton, and Harvey on the same basis as the rest of the State in these respects.

In drafting the amendments, the general intention has been to retain the existing law, essentially unchanged. However, when writing provisions for general application within the Water Authority Act, it has been necessary to choose between the several variations available in the existing Acts. This will result in changes in some procedures applicable to individual services, which will be of considerable benefit to the authority and its customers, by allowing a common approach which is not at present possible.

My immediate predecessor will be pleased to learn that, as was the case with much of the 1984 Water Authority Act, the provisions of the Metropolitan Water Authority Act have usually been preferred. That Act was only written in 1982 and

incorporates modern methods and concepts. It gives more recognition to the rights of individuals and is easier to understand and simpler to administer than the older legislation.

At the time of the second reading of the Water Authority Act, the member for Floreat criticised the wholesale transfer to it of sections of the Metropolitan Water Authority Act, suggesting that the latter should be modified to serve as the new central Act. It was not convenient to do this, for a number of reasons.

In the first place, although many of the sections are very similar, there are differences which take account of the wider responsibility of the Water Authority of Western Australia. Secondly, it was desired to have a self-contained Water Authority Act, under which action could be taken before the merger by use of the provisions of the Interpretations Act, and at the same time have the Metropolitan Water Authority Act continue to apply, unchanged, to metropolitan activities during that period. Thirdly, it is necessary to retain the Metropolitan Water Authority Act after the merger to cover some things which will apply to the metropolitan area only.

All of those sections in the Metropolitan Water Authority Act which have been repeated with or without changes in the Water Authority Act will be repealed in the Metropolitan Water Authority Act, as will equivalent sections in the country Acts. Overall, there will be a significant reduction in legislation and a commendable increase in uniformity of provisions.

Although, as I have said, the general intention has been to retain the law essentially unchanged, it is convenient to make some changes to correct discrepancies and inconsistencies and to effect some improvements. With few exceptions, these will not be controversial—and most members will be aware how I like to avoid controversy.

There is one area where there have been changes of some significance; this is in the Water Boards Act. Originally the Government's intention was to absorb the country water boards of Busselton, Bunbury, and Harvey, but we received objections to this from the boards themselves, from some residents of those towns, and also from the members for Bunbury and Mitchell. The Government decided that the boards would be allowed to continue provided that they accepted the obligation to meet similar standards of quality and service to those the Government's country water supplies observe, that they forgo a number of concessions and free Government help that they have enjoyed for many years, and that they make financial provision for asset replacement in ac-

cordance with accepted business practice. These changes amount to no more than adoption of sound technical and business practices. The changes will place them on an equal footing with the rest of the State. They will certainly not suffer from more onerous requirements than the rest of the State. In fact, they will still have the advantage of sources which are more easily accessible than at almost any other location.

As I mentioned earlier, there are some amendments to the rating provisions of the Water Boards Act. These have been made at the request of the boards themselves, to put them on the same basis as the Country Areas Water Supply Act. The boards will be able to classify land according to the various uses to which it is put and have different rates for the various classes. Also, at the boards' request, they will be allowed to maintain reserve accounts and thus make proper provision for the depreciation of assets. In fact, one of the reasons for one board, at least, being in difficult financial circumstances is the serious neglect of its responsibilities by the previous conservative Government in not permitting the boards to allow for depreciation as good housekeeping practice requires.

The Act is divided into parts, one for each of the Acts being amended.

There is a great number of detailed, minor changes, and that is unavoidable in an Act of this kind.

This Bill should be regarded as a necessary supplement to the Water Authority Act already approved by the Parliament. It is in accordance with the philosophy to which the member for Floreat indicated last year the Opposition did not disagree.

Passage of the Bill in this sitting will enable the necessary proclamations, orders-in-council, and notices to be made in time for the Water Authority of Western Australia to take up its full responsibilities on the planned date of 1 July 1985.

Debate adjourned, on motion by Mr Mensaros.

ACTS AMENDMENT (ABORIGINAL LAND) BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

[Questions taken.]

MINING AMENDMENT BILL

Message: Appropriations

Message from the Governor received and read recommending appropriations for the purposes of the Bill.

House adjourned at 5.58 p.m.

QUESTIONS ON NOTICE

2617. *Postponed.*

TRADE: EXIM CORPORATION

Flower Project: Equity

2642. Mr BRADSHAW, to the Premier:

- (1) What equity does the Government and joint venturer or venturers have in the EXIM flower project?
- (2) How will the project be funded?
- (3) Has a feasibility study been carried out as to the viability of the project?
- (4) What is the expected cost in the first 12 months of wages and salaries?
- (5) What is the anticipated management costs in the first 12 months?
- (6) How many people will be employed in the first 12 months in management and labour workforce?
- (7) Is a tissue culture laboratory to be incorporated?
- (8) If so, what is the anticipated cost of the tissue culture laboratory?
- (9) Which area or areas have been chosen to grow flowers?
- (10) Has the land been purchased?
- (11) If so, how much land and at what cost?

Mr BRIAN BURKE replied:

- (1) EXIM has a 70 per cent investment and Waldeck Nurseries a 30 per cent investment. The company is capitalised at \$1 million.
- (2) On a commercial basis as decided by its Board.
- (3) A corporate plan has been undertaken which is the property of Western Australian Floral Enterprises Ltd.
- (4) to (11) I am not aware of the information sought by the member and would suggest he direct his inquiry to Western Australian Exim Corporation or to Western Australian Floral Enterprises Ltd.

2643. *Postponed.*

HEALTH: NURSES

Shortage: Publicity

2646. Mr BRADSHAW, to the Minister for Health:

- (1) Has the recent publicity regarding the shortage of registered nurses helped to bring more registered nurses out of retirement?
- (2) Which hospitals now suffer a nurse shortage and how many nurses are required to bring the number to the required level?

Mr HODGE replied:

- (1) Yes.
- (2) Regional and district, and to a lesser extent in some metropolitan hospitals. Approximately 200 nurses are required to fill existing vacancies.

HEALTH: DENTAL

Subsidised Treatment: Claims

2647. Mr BRADSHAW, to the Minister for Health:

- (1) Is he aware that dentists now have to furnish a preliminary report to support claims for subsidised dental treatment in the country?
- (2) Who pays for these reports?
- (3) Is he aware that pensioners have to obtain a letter confirming they are pensioners before they can claim under the Country Dental Subsidy Scheme?
- (4) Is he aware how inconvenient this can be for a large number of pensioners?
- (5) Is he prepared to change this condition?

Mr HODGE replied:

- (1) Yes. This relates only to comprehensive treatment, not routinely subsidised.
- (2) The scheme covers payment for reports either as part of the initial examination, the subsequent treatment if approved, or as an additional requirement if not approved.
- (3) Yes.
- (4) It is mandatory to have evidence of eligibility in the interests of control of the scheme, where a pensioner cannot provide his pensioner card.
- (5) No.

HEALTH: MEDICAL CENTRE

Mandurah: Lease

2649. Mr BRADSHAW, to the Minister for Health:

- (1) Is the lease to be renewed with the doctors renting space at the Mandurah Health Centre?
- (2) If not, what does he intend to do with the vacant accommodation?
- (3) Does he, in the future, intend to bring new services to the Mandurah Health Centre or any other health centre in Western Australia?
- (4) If so, what are these services?

Mr HODGE replied:

- (1) No. Doctors are moving to their own accommodation when this is built.
- (2) The vacant accommodation will be used to extend existing health services (non-medical).
- (3) and (4) Provided the local doctors agree with the proposal, an after-hours, a primary care and accident service will be provided at the Mandurah Health Centre, staffed by nurses. It is this Government's policy to continually review the range of services being provided and to improve them where possible.

HEALTH: DRUGS

National Summit: Agenda

2650. Mr HASSELL, to the Minister for Health:

- (1) What are the proposed arrangements for the National Drug Summit on 2 April?
- (2) What agenda items and proposals are to be put forward from Western Australia?

Mr HODGE replied:

- (1) Final arrangements for this meeting have yet to be notified by the Commonwealth Department of Health.
- (2) The agenda will be finalised following a meeting in Brisbane on 15 March.

CRIME: CHARGES

Nolle Prosequi: Attorney General

2656. Mr HASSELL, to the Minister representing the Attorney General:

On how many occasions in the past six months has the Attorney General been responsible for entering a *nolle prosequi*

in cases of committal for trial after a preliminary hearing in a court?

Mr GRILL replied:

During the past six months the Attorney General was responsible for the entering of a total of 15 *nolle prosequis*. Three of these were entered following on preliminary hearings. The remaining 12 were entered after hand-up briefs were elected by the defendants in a Court of Petty Sessions.

CRIME: BREAKING AND ENTERING

Offenders: Apprehension

2659. Mr BATEMAN, to the Minister for Police and Emergency Services:

- (1) In view of the ever increasing numbers of breaking and entering cases in the south suburban area, will he allow the owners of premises or their official guards to apprehend offenders when they get caught on premises stealing or doing damage to property?
- (2) If not, what action can an owner take when he apprehends an offender on his property and police are not available?
- (3) If legislation does not allow owners to protect their property and deal with the offender will he introduce legislation to allow such action?
- (4) If not, why not?

Mr CARR replied:

- (1) There is no provision in statute for a Minister to allow the owners of premises or their officials to apprehend offenders when they get caught on premises or stealing or doing damage to property.

Provision does exist in both the Criminal Code and the Police Act to allow member of the public to arrest and detain others for certain offences. However, if the power is not exercised properly and in accordance with statute, serious ramifications could result and considerable expense be incurred by the member of the public.

As a guide, section 564 of the Criminal Code and section 49 of the Police Act may assist the member.

It is considered the present legislation provides an adequate "controlled power" to members of the public to protect their property.

- (2) to (4) Answered by (1).

INDUSTRIAL DEVELOPMENT: WESTERN AUSTRALIAN DEVELOPMENT CORPORATION

Short-term Money Market: Breach of Agreement

2682. Mr MENSAROS, to the Treasurer:

What is his response to the statements in the financial column of a weekly newspaper that the banks are unfavourably disposed towards the Government's breach of a gentlemen's agreement between the Treasury and the banks by transferring the task of short-term investment of Government cash funds to the Western Australian Development Corporation?

Mr BRIAN BURKE replied:

I presume the member is referring to an article in the *Western Mail* of 9 March, 1985. I am advised by Treasury officials that there is no understanding or agreement between the Treasury and any bank concerning any preferential placement of funds. The rationale for any such arrangement disappeared when Loan Council control of interest rates on Government borrowings was lifted some years ago.

Subsequent inquiries with a bank mentioned in the article revealed that no comment was made to the *Western Mail* and no comment was sought by the *Western Mail* in relation to this matter.

I am informed that representatives of the bank were highly critical of the *Western Mail* article.

PORTS AND HARBOURS: LIVE-SHEEP FACILITY

America's Cup

2694. Mr PETER JONES, to the Minister for Transport:

Is the Government considering an alternative live-sheep loading venue for ships unable to enter the inner harbour at Fremantle during the period of the America's Cup races?

Mr GRILL replied:

An alternative live-sheep loading venue is not under consideration as it is intended that commercial shipping will have unimpeded access to the inner harbour.

PAINTERS AND DOCKERS UNION

Members: Fremantle

2704. Mr PETER JONES, to the Minister for Transport:

(1) How many members of the Painters and Dockers' Union are registered for employment within the Port of Fremantle?

(2) On what proportion or percentage of vessels visiting the Port of Fremantle are members of the Painters and Dockers' Union rostered for work?

Mr GRILL replied:

(1) The current roster strength of registered ship painters and dockers is 33.

(2) Of the total number of vessels using the port (excluding State Shipping Service vessels) the following percentage of vessels used registered ship painters and dockers.

From October 1982 to September 1983—6.39 per cent.

From October 1983 to September 1984—9.58 per cent.

WATER RESOURCES: CONNECTIONS

Karribank

2709. Mr OLD, to the Minister for Water Resources:

Further to question 2257 of 1985, concerning reticulated water supply, would he advise the number of points connected in the Porongurups/Karribank water scheme?

Mr TONKIN replied:

There are eight services connected at this stage. In addition, four services have been installed but are not connected because the plumbing has not yet been completed.

Of the eight services connected:

One is to Karri Bank Lodge which includes one house, one cottage and 24 units.

One is to Karri Chalets which includes 2 single and 2 double chalets.

ARTS: NINE CLUB

Grant: Audit

2710. Mr CRANE, to the Minister for the Arts:

- (1) Further to his answer (1) to question 2474 of Tuesday, 5 March 1985, has the Auditor General completed his examination of the documents and records in the hands of the Nine Club relating to the grant of \$90 000 made to that club in February 1983, for one year's publication of *Artlook Magazine*, to ascertain whether, in his opinion, the grant has been satisfactorily acquitted?

- (2) If not, why not?

Mr DAVIES replied:

- (1) No.
- (2) The Auditor General has advised that under the terms of the grant of \$90 000 made by the previous Government to the Nine Club he does not believe he has the legal authority to undertake an examination of the accounts and records of the organisation. He believes an audit could only be carried out at the request of the Nine Club.

COMMUNITY SERVICES: CHILDREN

Child Care Planning Committee: Wanslea Site

2711. Mr HASSELL, to the Minister for Community Services:

- (1) Did the Child Care Planning Committee apply for use of portion of the Wanslea site to build a Federally funded day care centre?
- (2) If so, on what grounds was the application rejected?

Mr WILSON replied:

- (1) Yes.
- (2) The long term future development of the Wanslea site is yet to be determined. Interim use has been given by agreement for resource and community groups to use the site.

COMMUNITY SERVICES: CHILDREN

Wanslea Child Care Parents' Action Group

2712 Mr HASSELL, to the Minister for Community Services:

- (1) Is he willing to grant a 12 month tenancy to the Wanslea Child Care Parents' Action Group for the use of premises at Wanslea?

- (2) If not, why not?

Mr WILSON replied:

- (1) Approval has been given to the Wanslea Child Care Parents' Action Group to use portion of the premises at Wanslea. A three month break clause is being proposed in all agreements with the various groups using Wanslea.
- (2) Use of the Wanslea site is of an interim nature only.

ABORIGINAL LAND BILL

Plan: Tabling

2713. Mr COWAN, to the Minister with special responsibility for Aboriginal Affairs:

- (1) Is it possible to table the Lands and Surveys Miscellaneous Plan No. 1513?
- (2) If not, when and where can members of Parliament and members of the public view the plan?

Mr WILSON replied:

- (1) I am not able to table the Miscellaneous Plan No. 1513 as requested as it comprises around 60 Lands and Surveys Department maps. However, the Lands and Surveys Department has prepared a composite plan showing areas of agricultural potential referred to in Clause 8 (5) of the Aboriginal Land Bill and more specifically described in Miscellaneous Plan 1513. I table this plan for the members information.
- (2) Miscellaneous Plan 1513 can be viewed by the members of Parliament and members of the public at the office of the Custodian of Plans at the Lands and Surveys Department.

The paper was tabled (see paper No. 498).

2714 and 2715. *Postponed.*

HOUSING: LAND

Subdivision: Clifton Hills

2716. Mr RUSHTON, to the Minister for Housing:

- (1) Does the State Housing Commission propose to subdivide Pt Lot 290 Connell Avenue, Clifton Hills?
- (2) How many lots are expected to be produced?

- (3) How many lots will be used for—
 - (a) private purchase;
 - (b) State Housing Commission purchase;
 - (c) State Housing Commission rental?
- (4) What is the present position regarding rezoning of this land?

Mr WILSON replied:

- (1) Yes.
- (2) Approximately 160 lots.
- (3) Commission will endeavour to achieve a compatible social mix of 1 S.H.C. rental to 5 private or purchase lots.
- (4) At present the Town Planning Board is considering an S.H.C. request for rezoning from rural to urban use.

2717. *Postponed.*

MINERALS: DIAMONDS

Trust: Dividends

2718. Mr BRADSHAW, to the Premier:

- (1) When is the dividend due to shareholders in the Western Australian Diamond Trust?
- (2) Is any profit being received from the Western Australian Diamond Trust shares to pay the dividend?
- (3) What is the total amount of the dividend due this year to shareholders in the Western Australian Diamond Trust?
- (4) Does he expect to receive sufficient revenue from the Western Australian Diamond Trust to pay the dividend?
- (5) If not, how will the shortfall be made up to pay the dividend?

Mr BRIAN BURKE replied:

- (1) The first distribution of the Western Australian Diamond Trust is due by 31 March 1985.
- (2) Yes.
- (3) A distribution of \$1 040 000 is payable in respect of the four month period ending 31 December 1984 and which represents a return of 1.6 cents per unit and is equivalent to an annual return of 8 per cent on the amount paid up per unit.
- (4) and (5) It is difficult to comprehend the import of the member's question. Firstly, it is important to understand that the Western Australian Diamond Trust is a

discrete corporate entity owned by the public and not the State of Western Australia. Distributions by the Trust are payable from the revenues of the Western Australian Diamond Trust and not from the Government. Secondly, revenues payable in respect of the operations of the assets of the Trust are payable to the Trust and not the State. Thirdly, income to the State would only be possible in respect of the tax otherwise payable to the Commonwealth on distributions paid to Western Australian Development Corporation on its holding of 5 million units in the Trust. Lastly, there is no shortfall in respect of the above distribution payable by the State.

For the information of the member, the first annual report of the Western Australian Diamond Trust is expected to be released by the end of March and any further information required in respect of this matter will be covered therein. In the interim, a copy of the Western Australian Diamond Trust Prospectus, which sets out the structure and commercial arrangements constituting the Trust is hereto tabled.

The paper was tabled (see paper No. 497).

EDUCATION: HIGH SCHOOL

Australind: Plans

2719. Mr BRADSHAW, to the Minister for Education:

- (1) Further to his answer to question without notice No. 594 on 20 November 1984, regarding the proposed Australind High School, has further consideration been given to the building of the High School?
- (2) If so, when is the High School anticipated being built?
- (3) Is the time scale still within the two year time span as mentioned in the answer to that question?

Mr PEARCE replied:

- (1) Yes.
- (2) and (3) Once the 1985 March census data from all primary and secondary schools in the Bunbury area have been received and processed and the necessary consultations have taken place with local

parent groups, the Education Department will be in a position to recommend a definite time-frame for the establishment of a secondary education facility in Australind.

COMMISSIONERS FOR DECLARATIONS

Applications

2720. Mr MENSAROS, to the Minister representing the Attorney General:

What was the number of applications for appointment as a Commissioner for Declarations throughout this State in each month during 1984 and in January and February 1985?

Mr GRILL replied:

I am advised as follows:

Applications received

1984	
January	39
February	56
March	55
April	60
May	71
June	64
July	76
August	69
September	79
October	69
November	87
December	36

Total	761
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1985	
January	60
February	124

Total	184
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COURTS: MAGISTRATES COURTS

Night Sitzings

2721. Mr MENSAROS, to the Minister representing the Attorney General:

- (1) Is the Attorney General aware of the recommendations by the Criminal Lawyers' Association for night sittings of Magistrates Courts?
- (2) If so, what is the Attorney General's or the Government's attitude to this recommendation?

Mr GRILL replied:

- (1) Yes.
- (2) A number of proposals concerning the operation of Magistrates' Courts are under consideration. The proposal for night sittings is not supported at this stage.

WATER RESOURCES: WATER AUTHORITY

Voluntary Severance Scheme: Applications

2722. Mr MENSAROS, to the Minister for Water Resources:

- (1) What was the closing date for submitting applications by Metropolitan Water Authority employees to be considered under the "Voluntary Severance Scheme"?
- (2) How many applications were received by that date?
- (3) How many employees were eligible to apply?
- (4) What is the aggregate amount claimed by the applicants referred to in (2) above?
- (5) How does this compare with the early estimates by the Metropolitan Water Authority and how does it affect the estimates and earmarked amounts for the sewer reticulation capital works programme?

Mr TONKIN replied:

- (1) 21-12-84
- (2) 221.
- (3) 450.
- (4) No record was kept of the aggregate amount that would have been payable to employees who expressed interest in the scheme. However, the total payout was \$1.39m for the 151 employees who accepted offers made under the provisions of the scheme.
- (5) The early estimate was for a payout of \$2.7m for 350 employees.

The estimated sewerage reticulation capital works programme for 1985-86 in the metropolitan area has been reduced by approximately 40 per cent compared to the estimated expenditure for 1984-85, but other factors have also contributed to this reduction.

ENVIRONMENT: SHANNON BASIN

Submissions

2723. Mr MENSAROS, to the Minister for the Environment:

When does the time expire for public submissions in connection with the Government's new strategy plan regarding the Shannon Basin area?

Mr DAVIES replied:

31 March 1985.

FISHERIES: ABROLHOS

Administration

2724. Mr MENSAROS, to the Minister for the Environment:

(1) Has the Government taken any notice of the reported request by the Geraldton Professional Fishermen's Association to make provisions for the Abrolhos Islands to be administered separately from the new Department of Conservation and Land Management by a King's Park Board-type independent authority?

(2) If so, what steps have been taken to introduce these provisions?

(3) If not, why not?

Mr DAVIES replied:

(1) Yes. Five Government officers visited the area on 1 March 1985 and discussed the proposal with representatives of the Geraldton Professional Fishermen's Association, the Geraldton Fishermen's Co-operative and the Geraldton-Mid West Regional Development Advisory Committee, (of which the President of the Greenough Shire is a member).

(2) None.

(3) Options are still being considered. There is a wide variety of opinion amongst the groups concerned. There will be no change to existing arrangements until further consultation takes place.

EDUCATION: TEACHERS

Promotions: Equal Opportunity

2725. Mr MENSAROS, to the Minister for Education:

(1) Is it a fact that with promotions within the teaching staff, particularly for positions of principal and deputy principal, the interpretation of equal opportunity legislation by his department is

that an equal number of males and females should occupy these positions?

(2) Is it a fact that the endeavour of his department is to achieve an equal or near enough equal number of male and female principals and/or deputy principals and to achieve this a greater number of female applicants are appointed in total, even if there were better male applicants for any of the individual positions?

(3) If "No" to (2), could he please state categorically that there are no better conditions in promotion, nor more advantageous evaluation for female than male applicants?

Mr PEARCE replied:

(1) No. The Government has not accepted Beazley Recommendation 137 which proposed this.

(2) No. The Government's aim is to implement the principle of promotion-by-merit.

(3) The reply to question 2628 indicated that a limited group of female deputy-principals were being given access to special promotion. This provision is not available to male deputy-principals. The concession was made—

(i) to partially redress the effect of previous practices which discriminated against women;

(ii) to allow schools to benefit from the leadership of a group of experienced administrators selected on the basis of merit.

Females are at no advantage at all in terms of evaluation.

EDUCATION: TEACHERS

Promotions: Equal Opportunity

2726. Mr MENSAROS, to the Minister for Education:

(1) Adverting to question 2628 of 1985, respecting present promotional rules, can his reply be interpreted to say that there are absolutely no better conditions either for application or for evaluation of applications for females than males?

(2) If not, would he explain the more favourable conditions or evaluations applying to female applicants?

Mr PEARCE replied:

(1) Answered by question 2725 (3).

(2) Answered by question 2628.

ENERGY: ELECTRICITY

Consumption: Heatwave

2727. Mr MENSAROS, to the Minister for Minerals and Energy:

- (1) As a result of the recent heatwave, what was the excess consumption of electricity above that projected during the month of February 1985?
- (2) How much additional—
 - (a) gross; and
 - (b) net revenue,
 did this excess realise to the State Energy Commission?

Mr PARKER replied:

Electricity sales vary with many factors and it is difficult to precisely isolate the amount attributable to any one factor.

- (1) February 1985 was the hottest February on record and the SEC has estimated the consumption increased between 40GWh and 50GWh due to the hot weather.
- (2) (a) Additional gross revenue would have been between \$3 m and \$4 m for the month.
- (b) Additional net revenue would have been between \$2 m and \$2.5 m for the month.

PORTS AND HARBOURS: JETTIES

Charges: Usage of River

2728. Mr MENSAROS, to the Minister for Transport:

- (1) What is the statutory basis for the reported demand by the Department of Marine and Harbours to charge for the "usage of river" in jetty leases held by commercial businesses?
- (2) Is it proposed to extend this practice of revenue raising to private jetty lessees as well?

Mr GRILL replied:

- (1) Mooring area fees are levied under the provisions of the WA Marine Act and leases of the riverbed are imposed pursuant to the provisions of the Marine and Harbours Act.
- (2) No.

HOUSING: LAND

Metropolitan Area

2729. Mr MENSAROS, to the Minister for Planning:

What is the number of residential lots created in the metropolitan area during each quarter of 1983 and 1984?

Mr PEARCE replied:

Number of Residential lots—of area less than 3 000 square metres—created by the Town Planning Board in the Perth Metropolitan Region:

March	Quarter 1983	718
June	Quarter 1983	577
September	Quarter 1983	1 621
December	Quarter 1983	1 559
March	Quarter 1984	1 528
June	Quarter 1984	1 073
September	Quarter 1984	1 957
December	Quarter 1984	2 494

See Subdivision Statistics bulletin issued quarterly by Town Planning Department.

AGRICULTURE: RURAL SECTOR HARDSHIP

Select Committee: Reconstitution

2730. Mr CRANE, to the Minister for Agriculture:

Further to question 2494 of 5 March 1985, concerning hardship in rural industries, as the Commonwealth Government has not accepted the argument for deductability of Income Equalisation Deposits or on tariffs which are having an effect on the viability of farming, also excise on fuel and world parity policies which are an ongoing burden to both farming and the whole population of Australia, also the fact that the National Farmers' Federation and other farmer bodies have been unsuccessful in their endeavours to convince the Federal Government of the effect of the tariff burden which they have revealed shows a clear difference of \$15 000 per farmer, will he take to Cabinet for consideration the need to reconstitute the Rural Hardship Committee with the Research Officer, Mr Robin Nussey to—

- (a) prepare and present as a committee personally to the Prime Minister, the Federal Treasurer, and the Minister for Primary Industry, the

evidence supporting their recommendations made in the committee room;

- (b) act as a liaison between farmers, at present experiencing extreme difficulty in arranging finance and the financial institutions involved?

Mr EVANS replied:

- (a) and (b) Not at this stage but the suggestions can be considered in the context of the proposed conference on farm costs to be arranged in the next few weeks.

CHEMICALS: PRICES

Increases

2731. Mr CRANE, to the Minister for Agriculture:

- (1) Is he aware of the constantly rising prices for chemicals which the companies say is caused because of the fall in the price of the Australian dollar; e.g. 500 gram drum of Gleen in April 1984 price \$330.00, three increases since; \$350.00; \$379.00; and present quote \$410.00?
- (2) It is claimed the lowest chemical rise recently is 13 per cent with others around 20 per cent, 25 per cent and 29 per cent. Is he further aware that Simazine has increased 29 per cent and Diuron 25 per cent—both chemicals produced in Kwinana by Nufarm and Chemical Industries Kwinana. Will he ascertain whether these price increases are justified and what credence is there in the blame of the fall in the Australian dollar for such increases?
- (3) Would he further advise whether there is any truth in the claim that the State Government has levied 2 per cent on chemicals, the return of which is paid to the Greenpeace movement?
- (4) If "No" to (3), is the Government contemplating any such levy?

Mr EVANS replied:

- (1) I am not aware of the constantly rising prices referred to although there have been some increases in prices in recent weeks.

One of the three biggest resellers has quoted prices for the herbicide Glean as follows:

April 1984	\$352.00 per pack
January 1985	\$370.00 per pack
Current price	\$393.50 per pack

- (2) The price of most herbicides has not risen dramatically since 1984, with a few exceptions:

Trifluralin and 2,4-D have had two rises in 1985 of four per cent and 12 per cent.

The relative prices of other herbicides are:

Simazine	1984	\$75.50/20 litres
	1985	\$75.50/20 litres
Diuron	1984	\$80.00/20 litres
	1985	\$85.00/20 litres

The 1985 price of Sprayseed is the same as for 1984, while Roundup has dropped 12 per cent. Overall the increases which have occurred could be a reflection on the value of the dollar.

- (3) No.

- (4) No.

QUESTIONS WITHOUT NOTICE

MINERALS: DIAMONDS

Dispute: Picket Line

819. Mr MacKINNON, to the Minister for Minerals and Energy:

- (1) Is he aware that it has been reported that the Transport Workers Union is recruiting young unemployed people from Wyndham to act as pickets on the TWU picket line that is disrupting work on the Argyle diamond mine project?
- (2) If not, will he ensure that immediate action is taken to—
 - (a) ascertain whether these reports are correct; and
 - (b) if they are, will he take immediate action to ensure that the TWU is precluded from exploiting young unemployed people in such a callous way?

Mr PARKER replied:

- (1) No.
- (2) (a) Yes;
- (b) yes.

PARLIAMENT: DEADLOCKS

Resolution: Legislation

820. Mrs BEGGS, to the Minister for Parliamentary and Electoral Reform:

Is it a fact that the current method of resolving deadlocks between the two Houses of Parliament is effective, as has been claimed by members of the Liberal Party?

Mr TONKIN replied:

There are no laws for resolving deadlocks between the two Houses of the Western Australian Parliament. If the Legislative Council decides that it will not budge, there is nothing anyone can do. There is no way of resolving that deadlock.

This would be bad enough if the conservative majority in the Legislative Council had been achieved honestly, but we know it was not. The Australian Labor Party, which had a resounding victory at the last State election, got only seven Legislative Council seats whereas the conservatives, who were soundly thrashed, got nine.

At the present time the Legislative Council can block Supply and force a Government to resign and every member of the Legislative Assembly would have to face the people; but those who had caused the chaos, the members of the Legislative Council, would not have to face the people. In other words, the people would have no chance to judge the actions of the Legislative Council. This is intolerable and is a negation of the very basis of democracy.

It has been said that the Legislative Council has never blocked Supply. I put it to members that if a person is holding a loaded gun at one's head it is not enough to say it has not gone off yet. No-one should be under that kind of threat.

Conservatives often say that our Parliament is based upon the Westminster system. The Parliament of Westminster as long ago as 1911 devised a system of resolving deadlocks. All the Government asks is that we be truly based on the Westminster system and that we also have a deadlock-solving mechanism.

CRIME: CHARGES

Withdrawal: Police

821. Mr WILLIAMS, to the Minister for Police and Emergency Services:

Has the Minister in the past six months directed or requested the Commissioner of Police or any officers to stop or hold back on instituting any action against an individual where that action would otherwise have been taken by the police?

Mr CARR replied:

No.

ABORIGINAL AFFAIRS: LAND RIGHTS

Claims: Perth Sites

822. Mr BRIDGE, to the Minister with special responsibility for Aboriginal Affairs:

(1) Is the Minister aware of an article appearing on page 1 of the *Daily News* of 13 March 1985 headed "City Sites for Blacks"?

(2) What is the current use of this land?

Mr WILSON replied:

(1) I am aware of the article to which reference has been made.

(2) The following use is made of land concerned—

(a) Bennett House, East Perth, a hostel which prior to 1972 was vested in a Native Welfare Department, is currently leased to Aboriginal Hostels for a 21-year period. Under the provisions of the Aboriginal Land Bill that lease will continue to its expiration. Bennett House is used primarily by Aboriginal people when visiting the city area for purposes of obtaining medical tests, visiting children, etc.;

(b) Cullacabardee, Ballajura—this is a reserve used exclusively as an Aboriginal village which was built in 1980;

(c) Bedford Park Hostel in Grand Promenade, Bedford Park is used as a hostel for school children;

(d) Kyeong Hostel in Como and Applecross Hostel are both land held under the transfer of Land Act provisions and hence do not form part of the land referred to in the schedule to the Aboriginal Land Bill;

- (e) the land mentioned in Mt Yokine is currently a vacant reserve;
- (f) land in Kewdale known as the "Kewdale Hostel" is used for Aboriginal secondary students.

In all cases I am satisfied that land which is proposed to be vested under the provisions of the Aboriginal Land Bill is land appropriately set aside for Aboriginal purposes and should be vested in Aboriginal landowners.

PASTORAL INDUSTRY: EXOTIC DISEASES

Control: Commonwealth-State Agreement

823. Mr OLD, to the Minister for Agriculture:

- (1) Are new guidelines being discussed with a view to agreement on a new Commonwealth-State formula for the funding of control of exotic diseases?
- (2) If so, what stage of discussion has been reached and what are the proposed changes to the present arrangement?

Mr EVANS replied:

- (1) and (2) I did see the report of the remarks of the senior Queensland public servant in *The West Australian* of Tuesday last which prompted the member for Katanning-Roe to raise this matter and no doubt he had these remarks in mind when he drafted his question.

The position is that the State-Commonwealth agreement and schedules with regard to exotic diseases remain as they have been with the Commonwealth and the States in aggregate, each providing 50 per cent of the funding; but I do believe too that there are in-house discussions—that is, within the Department of Primary Industry and other relevant departments. I am not quite sure of the extent of those discussions, but that is about the level of them at the moment. Nothing has been put before the States for consideration. No changes have been floated at this time, but now it has appeared in the Press it has alerted all States, which no doubt will watch it with considerable interest.

EDUCATION: TERTIARY

Western Australian Institute of Technology: Parry Corporation Scholarships

824. Mr READ, to the Minister for Technology:

Does the Government support the recently announced arrangement whereby the Parry Corporation will finance staffing and postgraduate scholarships at the Western Australian Institute of Technology?

Mr BRYCE replied:

I welcome the support given by Parry Corporation to the new centre for modern science and technology at the Western Australian Institute of Technology. The Parry Corporation has given a lead to the corporate sector by getting behind the approach in a tangible way. The corporation has agreed to provide \$51 000 in financial backing for staffing and for postgraduate scholarships at the new centre for the first 12 months.

I want to emphasise that it really is a first-class example. I congratulate the corporation and I sincerely hope that other elements of the corporate sector follow suit because there is no way the Government of Western Australia alone can provide the resources in the form of exclusive leadership in this field. The bulk of the work in producing the new wave of technology-based industry in this State will be established in the private sector. The private sector comprises 75 to 85 per cent of the economy in this State and in this particular field, the support given by Parrys in this instance to this specific venture is sorely needed. It is a first-class example and it is one that I hope other companies will follow.

DAIRYING: NATIONAL CONFERENCE

Minister's Attendance

825. Mr BLAIKIE, to the Minister for Agriculture:

- (1) What was the parliamentary commitment that caused the Minister not to attend the crucial Australian dairy industry meeting called by Premier Cain that was to be attended by other State Ministers for Agriculture?
- (2) Did he seek a pair so that he could attend the meeting?
- (3) If he did not seek a pair, why not?

- (4) Who represented the States' dairy farmers at that meeting which was so vital to Western Australia?

Mr EVANS replied:

- (1) to (4) The member for Vasse has heard me answer this question before, but I am quite happy to do so again. The meeting to which he refers was called by the Minister for Primary Industry at the behest of the Victorian Premier and it was to be attended by Ministers for Agriculture from the various States. I received a telephone call from the office of the Minister for Primary Industry indicating that my presence was not essential and that he was seeking a submission of the position of each of the States, which submission was promptly supplied, not only to him, but also to each of the other State Ministers. However, as a matter of having a natural interest in it, I sought a pair and made arrangements to travel. The Whip pointed out to me that three Ministers were absent and when the Whip approached the Premier the Premier asked, "Is it essential that you attend?" I had to point out to him that it was not essential.

Knowing the sensitive and kindly nature of the Premier, knowing the nasty tendency of the Opposition to be most unkind to him, and bearing in mind that I was absent for five minutes from the Chamber the day before yesterday and I was castigated by the member for Katanning-Roe, I know that had I been away for two days during question time the latest little lamb in the Liberal fold would probably have had apoplexy.

\$510 000 provided to the State Housing Commission to assist with the acquisition of the Australian Wool Corporation site in Marine Terrace.

\$250 000 for acquisition by Fremantle City Council of the Park Hotel which will be refurbished and used as a lodging house for low income and otherwise homeless people.

\$624 000 to assist with essential improvements to Fremantle's infrastructure, sewerage works in central area and fishing boat harbour, and tree planting along the foreshore.

\$1.060 million for improvements in the traffic network and to facilitate vehicular improvement and access to the foreshore areas, improved parking facilities for the public and fishing industry in the fishing boat harbour, and improvements to the traffic signals in Fremantle.

Important studies are being funded including the visitor number study, a Fremantle waterfront study, and a study of impact on Fremantle services and facilities.

The necessity to retain some of the charm of historic Fremantle is costly in terms of building maintenance. Quite thankfully the America's Cup has brought with it the opportunity to restore the original character of Fremantle for future generations.

TOURISM: AMERICA'S CUP

Projects

826. Mrs BEGGS, to the Minister representing the Minister for Tourism:

Can the Minister give details of projects recently approved for the America's Cup?

Mr Parker (for Mr BRIAN BURKE) replied:

Yes, projects recently decided amounting to \$2.6m include—

ARTS COUNCIL

Mr Bruce Lawson: Replacement

827. Mr LAURANCE, to the Minister for the Arts:

- (1) Is it a fact that Mr Bruce Lawson is to be removed from his current position and is to be replaced by Mrs Kath Robinson?
- (2) If this is a fact, can the Minister please explain the reason for the change?

Mr DAVIES replied:

- (1) and (2) No.

FINANCIAL INSTITUTIONS: INTEREST RATES

Housing

828. Mr MacKINNON, to the Minister for Housing:

- (1) What effect will the currently extremely high interest rates and the short-term money market have on housing interest rates?
- (2) What are the reasons that are causing the increased interest rates?
- (3) Does the Minister expect continuing upward pressure on housing interest rates?

Mr WILSON replied:

- (1) to (3) I advise the Deputy Leader of the Opposition and others that I did meet with representatives of the housing industry on Monday for a three-hour workshop on current trends in the housing industry in Western Australia. One of the issues discussed with representatives of banks and building societies at that meeting was the trend in housing finance.

As a result of that meeting the consensus of information—that is, the advice at the present time—is that while there are pressures on interest rates which are being brought about by the movement of interest rates in the United States, fluctuations in the Australian dollar, and associated developments, it is the view of most of those from the housing finance sector who offered advice that there would be for the time being no immediate increases in housing interest rates, and that in the normal courses of events, in terms of the pressures of tax returns, we would see the normal cycle of upward pressure on interest rates and it would probably reach its peak about April, and after that time pressures would reduce.

I think they and anyone with any knowledge of the financial sector would say that to make any predictions beyond that point would be like looking into a crystal ball or tossing a coin, because no-one is prepared to give firm indications beyond that point.

One of the prominent financial commentators in Australia, ASINTAC, is in fact predicting a downward trend in interest rates throughout 1985, which I find to be

very interesting, but something upon which I will not depend too much.

However, it is good to hear that a significant indicator is making that sort of prediction.

Mr Peter Jones: That is in real terms.

Mr WILSON: That is in real terms, but I think we always need to talk about real terms.

Mr Clarko: It is not true of the short-term money market at the moment.

Mr WILSON: It may not be true of the short-term money market, but all the advice that is coming to me from reliable sources in the housing finance sector is that it is not going to have a significant immediate impact on housing interest rates. I take that advice as being sound, and it is advice on which I am prepared to rest at present.

FINANCIAL INSTITUTIONS: INTEREST RATES

Small Business

829. Mr COURT, to the Minister for Small Business:

- (1) What detrimental effect will the rapidly rising interest rates have on the business sector?
- (2) With 90-day bank bills jumping to 15½ per cent, does the Minister anticipate they will continue to rise?

The SPEAKER: Order! That question calls for an opinion from the Minister. It is out of order.

PORTS AND HARBOURS: JETTY

Coode Street, South Perth: Replacement

830. Mr GRAYDEN, to the Minister for Transport:

- (1) Is the Minister aware that the South Perth City Council is concerned at the condition of the Coode Street jetty, South Perth, and is he of the opinion that it may have to be replaced?
- (2) Is he also aware that while the council is prepared to pay \$35 000 towards the cost of a replacement, a decision as to whether the project goes ahead is dependent on the MTT and the Department of Marine and Harbours paying the other two-thirds of the cost?

- (3) Has the Department of Marine and Harbours discussed the issue with the South Perth City Council, and if so, with what result?

Mr GRILL replied:

- (1) Yes.
- (2) The specific amount of \$35 000 was mentioned recently in the Press but the City of South Perth has not given any formal advice that it is prepared to spend this sum or that the expenditure would be dependent on matching amounts from the MTT and the Department of Marine and Harbours.

The Co-ordinator General of Transport is arranging a meeting between all parties concerned to discuss the situation and the question of responsibilities will be addressed then.

- (3) Not as yet, although the Department of Marine and Harbours has invited the council to discuss the issue.

FREEDOM OF INFORMATION

Legislation: Introduction

831. Mr MENSAROS, to the Deputy Premier:

- (1) Can he say whether it is the policy and the intention of the Government to introduce a freedom of information Bill during the life of this Parliament?
- (2) If so, would that be along the lines of the Commonwealth Act, with basic and important differences, if any?
- (3) If not, why not?

Mr BRYCE replied:

- (1) to (3) I know of no intention or deliberation at Cabinet level and I certainly do not know of any priority listing that this proposition may have had.

Mr Mensaros: Is it policy?

Mr BRYCE: I have not a copy of the Premier's policy speech. I have not read it for some months, and if I stand here—I admit I have not my Bible on my desk—and say that there was no reference in the policy speech which was a document running to 130 or 140 pages, and the member trots out the page number and says that it was, well okay. I am giving a general impression that as far as I am aware with regard to discussions of priority at Cabinet level and priority lists for things to be done during 1985, the

answer is "No, I do not believe it is the Government's intention".

ALUMINIUM SMELTER

Land: Resumptions

832. Mr BRADSHAW, to the Minister for Minerals and Energy:

In the Minister's answer to my question of 12 March 1985 regarding the resumption of land by the Government at the Parkfield smelter site, he stated that the resumption order was only a notice of resumption and made it sound as though it did not have a high priority. I ask—

- (1) Do the farmers have to reply within one month as required by the notice?
- (2) If the farmers reply that they do not wish to sell, or do not reply, what action will be taken by the Government?
- (3) Is the Minister prepared to consider the use of independent valuers?
- (4) Does the Minister realise the disruption this will cause to the farmers involved in having to sell this land?

Mr PARKER replied:

- (1) Yes.
- (2) There is a procedure, as I indicated to the member the other night, which requires fairly lengthy times during which these matters are to be resolved and requires extensive activity to take place before possession of the land can be obtained, if that is necessary in the final analysis. As I indicated to the member and in the Press, that was the purpose of moving to preserve that freedom of action. The Government will be taking whatever action is necessary, but as I said before it is our desire to acquire the land by negotiation and not resumption. I cannot tell the member precisely what happens under the Act and it would be out of order to attempt to answer a question on interpretation of the Act. The Government's desire is, if at all possible, to obtain this land by negotiation.
- (3) Yes, we are prepared to consider independent valuations, and each of the farmers concerned has been asked to supply us with an independent valuation of his land. Some have agreed and some

have not. Of the independent valuations that we have—and not just the fairly poor quality land in this area which could not be described as prime land, but even land far removed which is perhaps prime dairying and farming land—none comes anywhere near some of the exorbitant amounts claimed by some farmers.

Mr Bradshaw interjected.

Mr PARKER: They may not, but that is up to them.

If it is a question of the valuation of the land, we are more than happy to consider independent valuations as well as those of the Valuer General. Some of the land we have acquired has been obtained on the basis of independent valuations.

It has been alleged in the Press that we are paying less than Alcoa did for its land. I do not know what individual parcels of land Alcoa may have purchased or at what price but the sum we are paying for the totality of the land Alcoa has purchased and now owns and which we are in the process of acquiring and have a basic agreement with Alcoa about is virtually identical per hectare to the sum we are offering on an average basis to the farmers who have not sold. So we are not out of kilter with what Alcoa has been doing.

- (4) Obviously this area is not prime dairying land. That is one of the reasons it was chosen by the former Government, as the member for Narrogin indicated previously. The environmental considerations have been the prime reason at all times for the Kemerton-Parkfield site being preferred for an aluminium smelter.

It is interesting that some of the people who are going down to the farmers at Harvey and saying to them, "What you should do is have it up at Worsley because the people at Worsley want it there"—the Bill Hares and the Peter Brothertons, and those sort of people—are the people who very publicly said that they would go to the barricades if there was any suggestion of putting an aluminium smelter in a State forest. The very same people are now going and saying, "Why don't you tell them to send it up to Worsley. The people at Worsley want it there". Those people of course do not want an aluminium smelter at all.

They are prepared to advance any argument to that effect.

I do not believe there is any significant disruption. We have indicated to some of the farmers who own land and are using it as a run-off area for dairying operations—and it can be important at particular times of the year—particularly in areas which are not part of the smelter site but in the buffer zone, that we are prepared to consider re-leasing the land to them for continuation of the run-off activity; and some have been attracted by that proposition. We have indicated that we are prepared to consider seeing if something else can be done to assist them to make sure they can fulfil the conditions of their quotas and that sort of thing. We are more than happy to discuss any of those ramifications with the member for Murray-Wellington or any of the farmers he represents.

PORTS AND HARBOURS: FREMANTLE

Live Sheep Facility: America's Cup

833. Mr PETER JONES, to the Minister for Transport:

In view of the reply he gave to question 2694 regarding the Government's intention that commercial shipping will have unimpeded access to the inner harbour at Fremantle, will he give an assurance that live sheep exports will continue during the period of the America's Cup? I seek that assurance in view of his reply today and the fact that he wrote to me six or eight weeks ago and was unable to give that assurance.

Mr GRILL replied:

The member seems to have some sort of fetish about this matter. I have given him an assurance in various forms in a number of answers I have delivered to him one way or another over the last two or three months. I do not have a crystal ball.

Mr Peter Jones: You have never given that assurance; you said it would be considered.

Mr GRILL: As far as we can see into the future, the America's Cup should not disrupt the transport of live sheep through Fremantle.

TRANSPORT: RAILWAYS

Services: Changes

834. Mr RUSHTON to the Minister for Transport:

Has the Government considered—

- (1) Reopening the rail passenger service to Albany?
- (2) Closing the rail passenger service on the Wagin-Bowelling line?
- (3) Reopening the Boyup Brook-Katanning rail service?
- (4) Closing the Nannup-Busselton and Manjimup-Northcliffe rail services?

Mr GRILL replied:

- (1) A survey was done by Westrail in the Albany-Great Southern area a few months ago. It indicated that a rail service between Albany and Perth would not be well patronised and would not be preferred ahead of the present bus service, so the prospect of reintroduction of passenger train services between Perth and Albany is minimal.
- (2) There is no proposal to close that line.
- (3) That line has not been closed, as the member would be aware. The service has not been recommenced.

Mr Peter Jones: You are ripping up the rails and sleepers.

Mr GRILL: To continue with the answer—

- (4) A report is being done on the social and economic consequences of any change to services on these lines and I intend to release that report in a few weeks.

ABORIGINAL AFFAIRS: LAND RIGHTS

Claim: Mt. Yokine Site

835. Mr CASH, to the Minister with special responsibility for Aboriginal Affairs:

- (1) In which part of Mt Yokine is reserve No. 35407 located?
- (2) What is the area of the reserve?

Mr WILSON replied:

- (1) and (2) I do not have those details but if the member puts the question on the Notice Paper I will see he gets the precise information he seeks.

Mr Cash interjected.

Mr WILSON: Yes, I know, but if the member really wants the information, and it seems he may not because he is contesting this now—if he sincerely wants this information I will see that he gets it.

TRANSPORT: AIR

Perth Airport: Overcrowding

836. Mr MacKINNON, to the Minister for Transport:

What action has been taken to ensure the chaotic conditions being experienced at Perth Airport every Wednesday are being alleviated?

The SPEAKER: This question is based on supposition.

Mr GRILL replied:

Essentially, this is a Commonwealth matter. This Government has been successful in submissions to the Federal Government to have the date for completion of the new terminal brought forward. I think the people of Western Australia will be thankful for that.

We have been successful in submissions to the Federal Government about the upgrading of the present terminal. The member will appreciate that, over the past two years or so, a considerable amount of money has been spent on the existing terminal. Conditions at the terminal have been far from good. However, that reflects on the previous Federal Government and on the previous State Government for their lack of activity and planning.

I cannot wave a magic wand and fix the problems being experienced at Perth Airport, and nor can the Government. But, by God, the Federal Government has tried a lot harder than the previous Federal Government, and this State Government has been much more successful in its submissions to the Federal Government to have conditions improved.

I have been very pleased with the response received by the State Government to submissions made to Mr Kim Beazley and Mr Morris, the present Minister for Transport.

TOURISM: COMMISSION

Chairman: Appointment

837. Mr LAURANCE, to the Minister representing the Premier:

How many more senior staff of the Western Australian Tourism Commission does the Government intend to sack as it sacked Mr Hitchen today to enable Brett Goodridge to be appointed as chairman, as the Opposition has always pointed out he would be?

Mr Bryce (for Mr BRIAN BURKE) replied:

I always expect the member for Gascoyne to come into this place with a question like, "When are you going to stop beating your wife". If the member directed his questions to the Minister for Tourism who has been dealing with this matter, he would receive a proper reply.

Mr Laurance: You represent him, don't you?

Mr BRYCE: No, I do not.

Mr Laurance: Whom do I ask in this Chamber?

Mr BRYCE: The member does not understand how the system works. I am not privy to the decisions made by my colleagues. I do not stick my nose in every day of the week and ask the Minister for Transport or the Minister for Tourism what they are doing and why, and nor does the Premier. The member for Gascoyne may find that a little hard to believe. This Government operates on a fundamentally different basis from the way the previous Government operated. When the previous Government was in office, one person called all the shots. Any file could be found on his desk if a matter was being held up. That person was the former Premier. I am not referring to "Tail-end Charlie" who was Premier in the last twelve months of the previous Government's term of office. The man who called the shots was his

predecessor. All decisions could be traced to that source.

Mr Clarko interjected.

Mr BRYCE: I am delighted to let the member make that judgment. History can make that judgment. I am happy to stand by any decision I have made. However, members should be aware of the debilitating effect which the decision made by the former Premier will have in relation to North-West Shelf gas. Members opposite will not feel particularly happy that they have pursued these sorts of comments during the next election campaign. The reality is that the Premier—

Mr Court: Talk about the Tourism Commission.

Mr BRYCE: I am responding to the member for Karrinyup who stuck his more than ample bib fair in the way.

Mr Clarko: I think they would still make two of you.

Mr BRYCE: I have no doubt. I would be somewhat demolished if the day ever arose when the member's bib did not make two of mine.

Mr Clarko: Are you the dwarf being thrown around in that dwarf-throwing contest?

Mr BRYCE: I am getting awfully close to telling the member what he is most affectionately referred to by members on this side of the House.

The Tourism Commission is running smoothly. Tourism in this State is one of the few industries that is growing very rapidly. It is growing because of the sense of confidence that has been breathed into that industry and because of the resources and effort being put into it by this Government. The previous Minister and the present Minister have done and are doing a fantastic job.

