

# Legislative Council

Wednesday, 18 May 1988

**THE PRESIDENT** (Hon Clive Griffiths) took the Chair at 4.30 pm, and read prayers.

## GAMBLING

### *Burswood Casino: Tabling of Document*

**HON NEIL OLIVER** (West) [4.40 pm]: I seek leave of the House to table a report from the Corporate Affairs Department headed "Burswood Management Ltd".

**The PRESIDENT**: Is leave granted?

**HON J.M. BERINSON** (North Central Metropolitan - Leader of the House) [4.41 pm]: Under the circumstances the honourable member should first make the paper available to members so they have some idea of its content.

Several members interjected.

**The PRESIDENT**: Order! The Leader of the House has raised a query in regard to the question that I put; that is, that leave be granted. It is only necessary for the member seeking leave to table a document to outline the title of the document. As honourable members will recall I could not glean from what the honourable member said on the first occasion what the document was. The second time he indicated what it was, I understood him. Unfortunately, the rules of this House state that all the member is required to do is to identify the document and to seek leave to table it. One voice in dissent precludes the member from tabling the document. I put the question again.

**Hon J.M. BERINSON**: With your indulgence, Mr President, I would like the situation clarified further. When a Minister presents a report and states that it is a Corporate Affairs Department report, he provides more information than that we are dealing with a report of the Corporate Affairs Department. The Minister will normally say whether it is an annual report or a report under a certain section of the Act or regulations. All we have heard from Hon Neil Oliver is that he is proposing to table a report and I ask, before being called on to consider whether leave should be granted, that the member give some further indication as to the nature of the report, its date - at least some basic information of that kind.

**The PRESIDENT**: Order! I do not think that the request made by the Leader of the House is unreasonable. If the House is being called upon to give leave for a document to be tabled, it is entitled to know precisely what the document is. I have already said that I was certainly unable to ascertain from the first comments made by the honourable member what was the title of the document. I heard what the title of the document was the second time the member spoke and I guess that if the honourable member wants his document tabled the best way to get it tabled is to ensure that honourable members know what the document is.

### *Points of Order*

**Hon G.E. MASTERS**: I refer members to Standing Order No 116 which states that papers, returns, and reports of Select Committees may be presented by members in their places at any time when other business is not before the Council. The Leader of the House may recall that on one or two occasions I have tabled documents in a similar fashion to the way in which Hon Neil Oliver is now presenting a paper. After all, the document is only to be placed on the Table of the House for the benefit of members and of the public. If something is worrying the Government, I fail to understand what it is.

**Hon A.A. Lewis**: There is a lot worrying it.

**Hon G.E. MASTERS**: The member has quoted the heading of the document and a reference to what the document deals with. He said it is a Corporate Affairs Department document and that it deals with the Burswood Casino report. In the past I have gone through exactly the same procedure and have laid papers on the Table of the House without this requirement. It is unreasonable that the Leader of the House should seek some other form of conduct. I point out that on many occasions the Leader of the House seeks leave of the House to make statements and the like and it is very rare that his request is refused. If the Leader of the

House says that he will refuse the request of the member to lay the paper on the Table of the House, it is wrong for him to do that.

The PRESIDENT: Order! This is not a debate. The member can raise a point of order, but he cannot go on and on. The fact of the matter is that Standing Order No 116 does not relate to this document. This document is being tabled in accordance with Standing Order No 115 which deals with the presentation of papers for tabling. Standing Order No 116 makes an allowance for chairmen of Standing and Select Committees or other investigatory committees, and for Ministers of the Crown, to table documents at any time during the course of a day's business when the House is not dealing with the ordinary routine of business, as we are now.

The member has to seek leave to table the document. He has sought leave and a member of the House has said that in order for him to give consideration as to whether he should say aye or no he wants to know a little more about the document. That is up to the member. He need not give any more information if he does not want to. I would think that if he genuinely wants the document tabled it would not be unreasonable to give further information, but I repeat that he does not have to do that.

Hon Fred McKENZIE: I would like some clarification on Standing Order No 142. Mr President, you mentioned Standing Order No 115, but Standing Order No 142 states that accounts and papers may be ordered to be laid upon the Table, and the Clerk shall communicate to the member having the conduct of Government business. As I understand, no such communication was made to the member having the conduct of Government business.

The PRESIDENT: Order! That is a different matter altogether. It refers to papers which properly belong to the House and which may be ordered to lie upon the table of the House. It has nothing to do with this matter.

I do not know what this document is, but it is not a document belonging to the House.

#### *Debate Resumed*

The PRESIDENT: It is proper at the presentation of papers for any member to seek leave. Ministers of the Crown by right can table papers - statutory papers that are required to be laid on the Table of the House. Ministers have to seek leave to table other papers. Similarly, Hon Neil Oliver is seeking leave to table a paper. It seems that he is reluctant to give further information about the paper and I intend to put the question as to whether leave is granted. One dissenting voice will preclude the paper from being tabled.

[Leave denied.]

[Questions taken.]

### **CORPORATE AFFAIRS DEPARTMENT**

#### *Document: Tabling*

HON G.E. MASTERS (West -- Leader of the Opposition) [5.19 pm]: I seek leave of the House to table a document headed "Corporate Affairs Department, Burswood Management Limited (BML)" signed by Mr A.D. Smith, the Commissioner for Corporate Affairs, dated 24 June 1987, containing 18 pages, all of which I am prepared to read if members would like. But rather than go through that procedure I just seek the leave of the House to table the document.

[Leave granted.]

[See paper No 161.]

### **SESSIONAL ORDERS**

#### *Reinstatement*

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.20 pm]: I move -

That the Sessional Orders in force during the previous session relating to speaking times, sitting and adjournment of the House, and the Address-in-Reply debate, be, and are hereby, adopted for the duration of this session.

This motion seeks to reinstate the Sessional Orders adopted in the last session and which in fact have been in regular use since 24 June 1986. The advantages of those Sessional Orders are now so well established that many members coming to the present session of Parliament were under the impression the orders would apply in any event and without need for a special motion. Except at the very last stages of the session, the Sessional Orders have helped very much to obviate excessively late sittings and have contributed usefully to the orderly processing of our business. They have also avoided the absurd situation where members of this Chamber on two days a week are expected to start a whole day's work at 4.30 pm.

I understand from the Leader of the Opposition that he and his members wish to consider this matter further. For that reason, he will be moving to adjourn the motion to the next sitting day. I am happy for that procedure to be implemented and in the meantime to have any discussions with the Leader of the Opposition that he thinks might be helpful. We are not concerned about an inter-party dispute but a measure going to the better functioning of the House. If we can work something out together which might modify action taken on previous occasions, we ought to talk about that. For the moment, I put to honourable members that the Sessional Orders which we have used since June 1986 have proved their worth in practice and we should be requiring strong arguments to now depart from them.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

## PARLIAMENT STANDING COMMITTEES

### *Appointment*

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That -

1. The Standing Orders, House, Library, and Printing Committees as constituted in the previous session be, and are hereby, reappointed with the same membership;
2. The Standing Committee on Government Agencies as constituted in the previous session be, and is hereby, reappointed with the same membership.

## SELECT COMMITTEE ON AGRICULTURAL EDUCATION

### *Reappointment*

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.24 pm]: I move -

That -

1. The Select Committee on Agricultural Education, as constituted in the previous session be, and is hereby, reappointed with the same membership;
2. The time within which the committee is to report finally be extended until Tuesday, 23 August 1988.

HON ROBERT HETHERINGTON (South East Metropolitan) [5.25 pm]: I have been asked by the Chairman of the Select Committee on Agricultural Education, Hon C.J. Bell, to comment at this stage. We hope to make our report before the end of June but find it necessary to ask for a further extension of time to allow for further consideration. The committee has not been sitting on its hands; it has been extremely busy, having visited New Zealand and the Eastern States, received 105 submissions and so far interviewed 150 witnesses. One problem facing the committee is the need to examine the ramifications of the Dawkins Green Paper on tertiary education, and the Wran report. The committee has reached some important conclusions and when the report is finalised, the seriousness of the problem will be realised.

Question put and passed.

## SELECT COMMITTEE ON CHARITABLE COLLECTIONS

### *Reappointment*

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That -

1. The Select Committee on Charitable Collections, as constituted in the previous session be, and is hereby, reappointed with the same membership.
2. The time within which the committee is to report finally be extended until Tuesday, 23 August 1988.

## SELECT COMMITTEE ON SALINITY

### *Reappointment*

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That -

1. The Select Committee on Salinity in Western Australia, as constituted in the previous session be, and is hereby, reappointed with the same membership;
2. The committee have power to bring up interim reports;
3. The time within which the committee is to report finally be extended until Thursday, 8 December 1988.

## DEPUTY CHAIRMEN OF COMMITTEES

### *Reappointment*

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [5.27 pm]: I move -

That the Honourables John Williams, Robert Hetherington, Garry Kelly, and Mark Nevill be appointed Deputy Chairmen of Committees.

HON G.E. MASTERS (West -- Leader of the Opposition) [5.28 pm]: I wish to raise a query and suggest a change. I put to the Leader of the House that of the four Deputy Chairmen, three are members of the Labor Party and one, Hon John Williams, a member of the Liberal Party. The original intention was that Hon John Caldwell be appointed as a Deputy Chairman. This did not take place as he did not wish to take up the position. The members acting as Deputy Chairmen should be changed to create an even balance. For that reason, I put to the Leader of the House that Hon Phil Lockyer replace one of the Labor Party members. I understand agreement has been reached in that respect with one or two people. If that is the case, I ask the Leader of the House to consider this replacement.

Debate adjourned, on motion by Hon Fred McKenzie.

## JOINT SELECT COMMITTEE ON DE FACTO RELATIONSHIPS

### *Appointment*

HON J.M. BERINSON (North Central Metropolitan - Attorney General) [5.29 pm]: I move -

That -

1. A Select Committee be appointed to inquire into and report, not later than Tuesday, 16 May 1989, on -
  - (a) the general law applicable to de facto relationships in Western Australia;
  - (b) the adequacy of that law generally, and whether that law should be extended, modified or otherwise altered particularly with reference to -

- (i) the definition of "de facto relationship" for the purposes of any written law;
  - (ii) maintenance;
  - (iii) real and personal property;
  - (iv) workers' compensation;
  - (v) inheritance;
  - (vi) domestic violence.
2. The committee have power -
- (a) to send for persons, papers and records;
  - (b) to open its proceedings during the hearing of evidence to accredited representatives of the news media and the public;
  - (c) to present interim reports.
3. The Legislative Assembly be invited to appoint a like Select Committee and, in that event, the committees have power to sit jointly and the quorum at any joint sitting be two members of each House.

De facto marriages have always been a feature of Australian society, and have always been accorded some degree of recognition by our legal and social systems. Studies by the Australian Bureau of Statistics and the Institute of Family Studies in 1982 revealed that at least 4.7 per cent of Australian couples at that time lived in de facto relationships, and that nearly two-thirds of these relationships had been maintained for more than two years. The studies also indicated more than 40 per cent of people living in de facto relationships were over 30 years of age and 36 per cent of de facto couples had the care of children. Half of these families included children born of a previous relationship.

The studies concluded that members of no particular section of Australian society were especially likely to enter into de facto relationships, and that such relationships were becoming increasingly common. In summary, de facto marriages are not uncommon, there are frequently children of, or in the care of the parties, and they are not confined, as some might believe, to hedonistic youth or the socially disadvantaged. They occur at all ages and in many different groups within our society. It is clear, however, that many couples enter into de facto relationships without consideration to the extent or the limits of the legal implications involved.

The terms of reference which are set out in this motion reflect the principal areas of concern in Western Australia. In the first place, the term "de facto spouse" is defined in different ways in the various pieces of legislation in which it occurs, and some move to uniformity would seem, almost self-evidently, to be desirable on its own. Other and more substantive difficulties with de facto relationships involve financial considerations such as those which arise in questions of maintenance and property. Presently in this State, a de facto spouse has no general responsibility to maintain his or her partner, although there is a requirement to maintain the children of a de facto relationship. Again, on the dissolution of a de facto relationship, no account is taken of non-financial contributions by a claimant de facto spouse in the division of relevant property.

In 1983, the New South Wales Law Reform Commission reported on the following reference -

To enquire into and review the law relating to family and domestic relationships, with particular reference to the rights and obligations of a person living with another person as the husband or wife de facto of that other person, and including the rights and welfare of children or persons in such relationships.

Following this report, legislation which modified and clarified the legal status of de facto relationships was enacted with cross party support.

In August last year, a submission was received from a Western Australian group, the de facto relationship law reform working party. This group argued the need for a modified version of the New South Wales legislation in this State. In brief, it was suggested that Western Australia should adopt the maintenance and property provisions of the New South Wales

legislation, and an enhanced version of the provisions of that legislation which deal with beneficiaries under workers' compensation and inheritance law. The submission did not call for provisions to reflect the New South Wales arrangements in respect of adoption of children, mental health legislation or for cohabitation and separation agreements.

This Government, more than any other in recent times, has sought to recognise and enhance the role of the family in maintaining a stable and peaceful society. In almost all cases, attention has been concentrated on the traditional family unit. However, it is simply the fact that there are thousands of families in our community which are headed by de facto couples, and that that is a situation which is unlikely to alter. In these circumstances, it is important that consideration be given to some consistency in the approach to the rights of de facto spouses, and to the possibility of amending the law in respect of those rights. The Government has taken no decision on these matters, nor, indeed, has it considered the substantive proposals for change which have been presented to it.

Any proposal to change the laws which affect de facto couples and their children must be widely aired and preferably based on broad community agreement. A joint Select Committee is a very appropriate vehicle for that purpose.

I commend the motion to the House.

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

[Resolved, that business be continued.]

## ACTS AMENDMENT (OCCUPATIONAL HEALTH, SAFETY AND WELFARE) AMENDMENT BILL

### *Introduction and First Reading*

Bill introduced, on motion by Hon H.W. Gayfer, and read a first time.

## MOTION

### *Aborigines: Select Committee*

HON E.J. CHARLTON (Central) [5.36 pm]: I move -

That -

1. A Select Committee be appointed to inquire into and report not later than 4 October 1988, on -
  - (a) the nature, extent and consequences of the duplication of State Government funded schemes and services for Aboriginal people in this State by the Commonwealth Government;
  - (b) the extent, if any, to which existing programs for the distribution of State or Commonwealth funds to Aboriginal people in this State result in, or encourage, misuse or waste of those funds;
  - (c) the cost effectiveness of the current level of Government expenditure on projects and services provided for the exclusive use of Aboriginal people;
  - (d) the consequences of such exclusive funding on the genuine advancement of Aboriginal people;
  - (e) the accountability of non-Aboriginal persons employed at public expense to assist Aboriginal people.
2. The committee have power -
  - (a) to send for persons, papers and records;
  - (b) to open its proceedings during the hearing of evidence to accredited representatives of the news media and the public;
  - (c) to adjourn from place to place.

I move this motion because the situation that has been reached not only in this State, but also across the nation is one of great significance to the community as a whole - I refer not only to the non-Aboriginal community, but also more specifically to the Aboriginal community. They want to know what is happening with regard to government funding and what level of funding is likely to occur in the immediate future.

I have had considerable experience in dealing with the broad spectrum of people in our society. The time is well overdue to investigate the allocation and distribution of funds to our society and I, together with those people directly concerned, want to know why continual increases in funding are being made and who is responsible for allocating funds to the various sections of our community to which I have referred in my motion. As a consequence, I have moved that a Select Committee of this House, comprising representatives from all parties, should be appointed to try to establish the reasons that in 1988, this country's bicentennial year, large amounts of money are being distributed to those people for which it has been set aside.

I do not intend that this Select Committee should set about to try to gather information from only one section of our society. I am deeply concerned about the amount of taxpayers' money that is being willingly made available to improve, advance and enhance the role of Aboriginal people in Australia. I am appalled at the way in which this situation has deteriorated in the last few years. The position of only a small number of people has improved. While I believe it is outstanding that that has occurred, I will not deal with that aspect at this stage. What concerns me is that I consider that the position of the majority of people has deteriorated.

The PRESIDENT: Order! The House has not even been back for one day and honourable members appear to have not done their homework on Standing Orders while they have been away. Members should read their Standing Orders, particularly the one which states that members should not be talking while another member is addressing the House.

Hon E.J. CHARLTON: As far as the role of this Select Committee is concerned, I would be endeavouring to establish, together with the other people who comprise the committee, a genuine and positive response from everyone interested in discussing the present situation and how they see the future. I am one of those who believe that the past should be referred to only for experience in making a decision for the future; I am not interested in witch hunts. I am determined that we should gain something positive from such an inquiry, particularly where the Federal Government makes finance available and, in many cases, the State has no control over how that money is to be spent. None of us in this House would like to see a deterioration of the situation which exists in other areas. When it comes to the relationship between State and Federal Governments, we have seen far too many cases where the Federal Government takes over the responsibility of the States.

In moving this motion I wish to gain support across this Chamber for a group to establish how, where and why the vast amount of State and Federal Government finance is spent. In the Federal Department of Aboriginal Affairs, in excess of \$300 million is set aside, and in the State, \$11 million, not counting areas like health and education where grants have also been made. I emphasise that I am not opposed, as I know many people are, to these amounts of money being set aside. What we need to know is how that money is being put into the various communities, and whether it is being used in a manner which is improving the lives of Aboriginal people and giving them credibility. Then non-Aboriginal people within the community may say, "That's great, we support that", instead of continuing down the path they are on at the moment, and creating a growing division from which our society, and the nation as a whole, will not recover in the foreseeable future.

I have lived with, been educated with, and worked with Aboriginal people in the small town of Tammin where I come from. Currently 47 per cent of the children at the primary school there are of Aboriginal descent. That is great, and I have no problems with it at all. What I see happening, particularly in the areas of housing, health and education, is that these people, through the actions of others, specifically those who do not know what they are doing either because they lack the experience or sincerity to use that money in the society in a meaningful way, are the victims of the division that I referred to earlier. An example of where Federal Government money has been brought into this State and, no doubt, others, with no liaison with the State Government at all, has been confirmed by the Aboriginal Housing Authority.

That authority has bought homes which, after a year or two, have become empty because no backup maintenance has been made available.

I could give other examples, but do not intend to as I want to keep this as defined as possible, and gain the support of this House in agreeing to appoint a Select Committee. The people who comprise that committee should concentrate their energy on trying to find solutions, and to do that they must listen to the people themselves. If we do not give the opportunity to be heard to the public in this State, both Aboriginal and non-Aboriginal, who are directly associated with the expenditure of that vast amount of taxpayers' money we, as members of Parliament, are not doing our job. I am disappointed that many of the members of our society who have been given that responsibility in recent times have performed badly. I know a lot of people have done a great job, and they will offer positive input to the inquiry which I hope will take place.

As the motion says, I intend that this should be done as quickly as possible. Consequently, if this House agrees to this motion, not only the Government of the day but also the members of Parliament and, more particularly, the Aboriginal people themselves and society as a whole, will be better off. People who have something to say on the matter will have had the opportunity to appear before the committee and state their opinions. Every committee that I have been involved with has benefited everyone, because it provided an opportunity to communicate, and as a result people of all opinions are better informed.

**HON N.F. MOORE (Lower North) [5.47 pm]:** I support the formation of this Select Committee. It has long been my view that there is a considerable amount of money being spent under the name of Aboriginal affairs which is not doing the job for which it has been allocated. I agree with Hon Eric Charlton that nobody in Australia would deny that that money should be spent, but I know of countless people who are very concerned about the way in which it is being spent.

The more one travels around Western Australia the more one sees Aboriginal people living in dire poverty, in conditions which are grossly unacceptable and embarrassing in a nation such as Australia in the twentieth century. Those conditions should not exist when one considers the amount of money that is being allocated by both State and Federal Governments to alleviate those problems. What worries me is that the money comes out of the Treasury and seems to be siphoned off in a variety of different directions, and by the time it gets to the bottom, where the real people are, there is not a lot left. Anybody who does not believe that should visit places like Cundeelee and various other Aboriginal settlements throughout the outback parts of Western Australia.

Something has to be done. There has to be much greater efficiency in the way in which money is spent, there has to be much greater accountability to ensure that the money goes to the people who really need it, and the Aboriginal bureaucracy has to be dismantled. My opinion is, and I have expressed this before, that if we give the funding for Aboriginal affairs to local government and, certainly, State Governments, we would get more value for our dollar than by having this bureaucracy called the Department of Aboriginal Affairs in Canberra.

The understanding that department has of the problems of Aboriginal people in Australia is virtually nil. I see the appointment of this Select Committee as a good opportunity to look at the way in which the State can do something about this duplication of funding and to make recommendations about how that funding is applied.

I will give a brief example of the sorts of problems I have come across in recent weeks. I spoke recently to some people in Halls Creek in respect of the medical services being provided at Balgo. I was told that two of the nursing sisters who were funded by the State Government to provide outpatient clinic services at Balgo had left because they were too frightened to stay. That has since been corroborated by the Health Department, and I heard stories about extreme violence being displayed by Aboriginal people towards the nursing sisters at Balgo. What now happens, as was mentioned in the Press, is that the State Government pays the Aboriginal airline which operates from Balgo to Halls Creek \$1 400 a week in charter fares to fly nursing sisters from Halls Creek to Balgo on a daily basis. So we have the State Government trying to provide a medical service to an Aboriginal community, at great expense to the State's taxpayers, when it seems that some people in that community do not appreciate the service being provided and are prepared to take action which will



terminate that service by frightening those people providing it to the extent that they will not come back.

We find, on the other hand, that in the major towns of outback Australia, such as Kalgoorlie, Broome, and Carnarvon - and I am not sure about Port Hedland - we have Aboriginal medical services being set up, in direct competition with State hospitals, to provide services to what are virtually urban-based Aborigines in those towns. I have heard recently that \$1 million is to be spent in Carnarvon to build an Aboriginal medical service alongside a perfectly adequate hospital. It is in fact a brilliant hospital which is providing services for the whole community. We find also that nurses have to be flown in to Balgo on a daily basis.

It seems to me the Aboriginal medical service ought to shift itself from Broome, Kalgoorlie and Carnarvon to Balgo and Warburton and all the other places where there is the need for appropriate medical services, instead of setting itself up in competition with a perfectly satisfactory State-provided medical service in the major towns. That is a suggestion which Hon Eric Charlton's proposed committee might like to take on board and look at because there is a clear duplication of medical services. If we are going to have an Aboriginal medical service it ought to get out in the bush where these people need these services but where for some reason or another they find non-Aboriginal practitioners unacceptable and worthy of being frightened to the extent that they leave.

I wish Hon Eric Charlton's committee well and I hope the Government agrees to set it up because it is necessary that be done. There have been similar committees in Federal Parliament which arrived at incredible facts about duplication and waste of money. I hope Hon Eric Charlton's committee will get to the bottom of the matter and work out a means by which the people who badly need the money - and there are many of them - will get it and that those bureaucrats who sit in the various departments concerned with Aboriginal affairs will find they are no longer required and the money can be used to alleviate the problems I have referred to. I give my support to the committee and wish it every success.

Debate adjourned, on motion by Hon Fred McKenzie.

## JURIES AMENDMENT BILL

### *Second Reading*

HON J.M. BERINSON (North Central Metropolitan - Attorney General) [5.54 pm]: I move -

That the Bill be now read a second time.

This Bill deals principally with the random selection by computer of jury panels for circuit court sittings. This is to replace the less efficient manual system which is now used. Selection of jury panels for criminal sittings of the Supreme and District Courts in Perth is made by computer. The computer also prepares the jurors' summonses. It is proposed to extend that program to also provide for the selection of jury panels for circuit court trials. Circuit court sittings are held at Albany, Broome, Bunbury, Carnarvon, Derby, Esperance, Geraldton, Karratha, Kununurra and Port Hedland. This will result in considerable savings in time of court staff. Computerisation will also eliminate the requirement that a justice of the peace be present on every occasion when a jury panel is selected under the manual system.

The Bill also removes the provision in the current Act for the attendance of parties or their solicitors on the selection of a jury for a civil trial. There will instead be a requirement that the summoning officer supply a list of the names of selected jurors to each party involved in the litigation. In practice, the computer system of the Western Australian Electoral Commission is used and it would not be practicable for parties or their solicitors to attend. Proceeding with the legislation at this stage will enable it to be implemented with the introduction of the 1988-89 jury books as from 1 July 1988.

I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

**ADJOURNMENT OF THE HOUSE - SPECIAL**

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 24 May 1988.

*House adjourned at 5.57 pm*

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## QUESTIONS WITHOUT NOTICE

**BURSWOOD CASINO**  
*Corporate Affairs Department*

8. Hon G.E. MASTERS, to the Attorney General:
- (1) With regard to the Burswood Casino report, did the Corporate Affairs Department seek the Attorney General's advice before agreeing to make information available to the Ombudsman?
  - (2) Who decided that information would be provided on a confidential basis?
  - (3) How can the Ombudsman effectively investigate and report to the public and to the Parliament if he cannot disclose relevant information?

Hon J.M. BERINSON replied:

- (1)-(3)
- The matter was discussed with me before the commissioner decided that the files would be made available to the Ombudsman. In my view it is not at all necessary for the Ombudsman to be able to further disseminate the information in those files to enable him to proceed with his own investigations and report. That, however, is a matter for the Ombudsman to take further if he so wishes.

**BURSWOOD CASINO**  
*Corporate Affairs Department*

9. Hon G.E. MASTERS, to the Attorney General:
- I ask the Attorney General to reply to the second point of my previous question as to who decided the information would be provided on a confidential basis.

Hon J.M. BERINSON replied:

The decision on all aspects of this matter rested with the commissioner.

**BURSWOOD CASINO**  
*Corporate Affairs Department - Legal Opinions*

10. Hon G.E. MASTERS, to the Attorney General:
- (1) Will the Attorney General advise whether the Corporate Affairs Department received one or two legal opinions from the Crown Solicitor on the question of whether prosecution should proceed against Burswood Management Ltd?
  - (2) If two opinions were sought, did both recommend that a prosecution should proceed?

Hon J.M. BERINSON replied:

- (1)-(2)
- As I indicated yesterday, I do not have the legal opinions which Corporate Affairs requested and obtained. I understand that some of them were in the nature of oral advice. So far as I am aware, the Crown Solicitor was not involved in the giving of advice. My memory of the situation is that some of the Crown Law advice made available to the commissioner came from the Crown Prosecutor's section, and his later advice - it would be fair to say the final advice - came from the Solicitor General.

**NATIONAL COMPANIES AND SECURITIES COMMISSION**  
*State Government Insurance Commission*

11. Hon G.E. MASTERS, to the Attorney General:
- (1) Is it correct that the National Companies and Securities Commission reports to the State Government on matters such as the recent purchase of shares in the SGIC and Bell Group deal?
  - (2) Has the Attorney General had any contact or involvement with the NCSC with regard to inquiries into the SGIC?
  - (3) If so, what was the nature of those inquiries?

Hon J.M. BERINSON replied:

- (1) I can only answer this part of the question subject to correction because the form in which it is now put has not required my consideration earlier. My understanding of the position is that the NCSC is not required to report to me or to the State Government. However, from time to time the commission does inform me of the general nature of investigations it is carrying out in this State. In general, the reports of the NCSC go to the ministerial council which comprises the Attorneys of the Commonwealth, all States and the Northern Territory, and not, so far as I am aware, to the State Government directly.
- (2)-(3) So far as I can recall I have had no contact from or discussion with the NCSC in relation to the SGIC purchase of shares.

**BURSWOOD CASINO**  
National Companies and Securities Commission

12. Hon G.E. MASTERS, to the Attorney General:

Has the Attorney General had contact with the NCSC with regard to the Burswood Casino matter?

Hon J.M. BERINSON replied:

To the best of my recollection the only discussions in which I have been involved and the only reports which I have received on this matter have been with or come from the Commissioner for Corporate Affairs and not the NCSC. For completeness, I should perhaps add that in his conduct of such investigations the commissioner is acting as the delegate of the NCSC, so I do not want it said at a later stage that there is indeed some connection between what has been put to me and the NCSC. The fact remains that the only discussions I can recall were with the former Commissioner for Corporate Affairs and not with the members of the NCSC as such.

**SALOMON BROTHERS**  
*Bell Group*

13. Hon G.E. MASTERS, to the Attorney General:

- (1) Is the Attorney General aware of the role of the American investment bank, Salomon Brothers, in the recent sale of shares by the Bell Group?
- (2) Does he know that Salomon Brothers have been key advisers to the Bond Corporation and have recently been appointed financial advisers to the Western Australian State Government Insurance Commission?
- (3) Does he support the view that the parties appear on the surface to have acted in concert, which amounts to a breach of section 11 of the companies acquisition of shares regulations?

Hon J.M. BERINSON replied:

- (1)-(2) I was aware that the SGIC had obtained advice from Salomon Brothers during the course of its considerations of the Bell purchase. I have recently become aware from Press reports that Salomon Brothers also act in some capacity for the Bond Corporation.
- (3) The question related to the apparent concerted action is not one to put to me. I have no basis for agreeing with the implications contained in the honourable member's question. That is a matter the NCSC is presumably looking at and on which it will, in due course, report.

**"BRUSH-MARTIN AFFAIR"**

14. Hon P.G. PENDAL, to the Attorney General:

- (1) Does the Attorney General share the Premier's view that the so-called "Brush-Martin affair" was, and I quote, "a purely politically motivated witch hunt"?

- (2) If so, what action does he intend taking against Crown Law Department and its senior officers for investigating and prosecuting a purely politically motivated witch hunt?

Hon J.M. BERINSON replied:

(1)-(2)

The honourable member must know as well as I that the Premier's comments were not related to any actions taken by the Crown Law Department.

#### MEMBERS OF PARLIAMENT

##### *Justices of the Peace*

15. Hon P.H. LOCKYER, to the Attorney General:

Will the Attorney General advise the House in respect of the appointment of members of Parliament as justices of the peace whether that commission will stand when they are no longer members of Parliament, and if so, will they then be able to sit on courts?

Hon J.M. BERINSON replied:

The answer is yes to both parts of the question.

#### COMMUNITY SERVICES, DEPARTMENT OF

##### *Child Care - Four-year-olds*

16. Hon N.F. MOORE, to the Minister for Community Services:

Is it correct that the Education Department is to hand over responsibility for the care of four-year-olds to the Department for Community Services and, if so, what is the rationale behind that decision?

Hon KAY HALLAHAN replied:

The question of delineating between services for younger children is presently under consideration.

#### OLYMPIC GAMES

##### *Perth*

17. Hon BARRY HOUSE, to the Minister for Sport and Recreation:

In light of recent media reports, can the Minister say whether serious consideration is being given to Perth mounting a bid for the 1996 Olympic Games?

Hon GRAHAM EDWARDS replied:

I have asked the department to put before me information which will provide an opportunity for Cabinet, in consultation with the Perth City Council - remembering that it is the city that makes the bid and not the Government - to decide whether we will make a bid for those games.

#### OLYMPIC GAMES

##### *Perth*

18. Hon BARRY HOUSE, to the Minister for Sport and Recreation:

What is the estimated cost of such a bid?

Hon GRAHAM EDWARDS replied:

I am not sure what the member means. There are three distinct costs involved: First, the registration of interest, which involves a refundable amount of \$100 000. We would then have to be prepared to spend further money prosecuting a bid, if we decided to pursue one, and that would involve the cost of providing the necessary infrastructure that goes hand in hand with hosting the games. Apart from the \$100 000 involved initially, which is refundable, those questions have yet to be answered.

#### OLYMPIC GAMES

##### *Brisbane*

19. Hon BARRY HOUSE, to the Minister for Sport and Recreation:

Has consideration been given to supporting Brisbane's bid for the 1996 Olympic Games, or to making a bid on behalf of Perth for the 1998 Commonwealth Games?

Hon GRAHAM EDWARDS replied:

We are duty bound to ascertain our own position in relation to the Olympic Games before we support any other State of Australia hosting the Olympic Games. If Western Australia were not to pursue a bid I would be keen to see us offer what assistance we could to ensure that the games came to Australia even if they did not come to Perth. We have already indicated our desire and are doing preliminary work to enable us to hold the 1998 Commonwealth Games.

#### WORLD SWIMMING CHAMPIONSHIPS

*Perth*

20. Hon MAX EVANS, to the Minister for Sport and Recreation:

Just prior to the end of the last session it was public knowledge that there had been trouble in relation to the World Swimming Championships.

The PRESIDENT: Order! I have called honourable members to order several times this afternoon because of audible conversations in the Chamber. I ask members to remember that such conversations are out of order.

Hon MAX EVANS: Is it still proposed that the World Swimming Championships be split between the Superdome and Beatty Park?

Hon GRAHAM EDWARDS replied:

We do not have any problems with the 1991 World Swimming Championships. It appears that the Opposition has a problem about them and does not support them. As Minister for Sport and Recreation for this State I find that quite disappointing. Members opposite should have listened to what their spokesman on sport and recreation had to say on radio today about this matter. Before they criticise me they should ascertain what he has said. Quite clearly, the Opposition does not support the holding of major sporting events in this State, and it has already indicated that.

Hon P.G. Pendal: You're in so much trouble you have to tell fibs like that.

*Withdrawal of Remark*

Hon GRAHAM EDWARDS: I ask that that remark be withdrawn, Mr President.

The PRESIDENT: Will the honourable member withdraw his remark?

Hon P.G. PENDAL: I withdraw the remark.

#### *Questions without Notice Resumed*

Hon GRAHAM EDWARDS: I suggest that members opposite should attempt to clarify their position on this matter as it seems to me they do not quite know what they want, or where they are in relation to major sporting events being held in this State. We do not have a problem with the World Swimming Championships, and when a decision has been made as to how they will be programmed I will inform the House.

#### WORLD SWIMMING CHAMPIONSHIPS

*Perth*

21. Hon MAX EVANS, to the Minister for Sport and Recreation:

I do support the event. However, the cost to taxpayers worries me.

- (1) What will be the additional cost involved in upgrading Beatty Park, which was not included in the overall concept put forward by the World Swimming Authority?
- (2) Who will pay that cost - Perth City Council or the Western Australian Government?

Hon GRAHAM EDWARDS replied:

(1) - (2)

As I understand it, part of the bid was that we would be looking at Beatty Park. I think we said in the original bid that we would provide the facilities.

There is also a letter from the Perth City Council saying it would work with us in the provision of those facilities. I am pleased now to find out that the member does support these major events, because that is not what he said today.

## GRIMWADE TOWNSHIP

22. Hon W.N. STRETCH, to the Minister for Sport and Recreation:

I have given the Minister some notice of this question. With reference to the Government's proposal to close the township of Grimwade in the Shire of Donnybrook -

- (1) Is the Minister's department studying the feasibility of preserving Grimwade as a recreational centre?
- (2) When will this study and report be completed?
- (3) Is he aware that the Department of Conservation and Land Management is presently firm in its intention to close down Grimwade?
- (4) Has the Minister taken steps to ensure that no more houses will be sold out of Grimwade before the report is completed and acted on by the Government?
- (5) If not, will he attempt to institute such steps immediately, and if not, why will he not attempt so to do?
- (6) Will the Minister ensure that if his department takes over the township of Grimwade the residents occupying houses and premises at that time will be given a reasonable opportunity to stay in their homes, thus ensuring a continuity of experienced local services and fire control personnel?

Hon GRAHAM EDWARDS replied:

I thank the member for notice of the question.

- (1) I am able to confirm that the Department of Sport and Recreation is conducting a feasibility study on preserving Grimwade as a recreational centre. The study is expected to be completed in early July.
- (2)-(6) I suggest the member place these questions on notice and I will attempt to get the answers to him as soon as possible.

## BURSWOOD CASINO

*Corporate Affairs Department - Report Leakage*

23. Hon TOM STEPHENS, to the Attorney General:

Has he received any report on the leaking of the Corporate Affairs report dated 24 June 1987?

Hon P.G. Pandal: Come in, Dorothy!

Hon J.M. BERINSON replied:

I previously announced that I have asked the Commissioner for Corporate Affairs to have an investigation made of the leaking of that document. I have to advise the honourable member that a report is not yet available but that the commissioner has called for police investigation of that very serious breach of Public Service regulations.

While we are talking about the leaking of that document - which, I might add, was not only in breach of the regulations but also in breach of the secrecy provisions of the Companies Code and the National Companies and Securities Commission Act - I should say that I hardly need to stress how serious that sort of action is. It was because of my concern in that respect that I declined earlier today to give Hon Neil Oliver leave to table a document which he was not prepared to fully identify. If, for example, Hon Neil Oliver had merely indicated that he had with him a document signed by Mr Alan Smith, the then Commissioner for Corporate Affairs, dated 24 June 1987 and comprising about 18 pages - in other words, if he had indicated that all he wished to do was to table a document which was already public knowledge - then of course there would have been no objection. On the other hand, if he had another stolen document in his possession which had not yet come to public attention, in breach of the secrecy provisions of the Act, then, equally obviously, it would have been important to prevent that further leakage.

Returning to the direct question asked by Hon Tom Stephens, I assure him that, while

investigations have not yet produced any satisfactory conclusion, they will be vigorously pursued.

**BURSWOOD CASINO**  
*Corporate Affairs Department - Report Leakage*

24. Hon H.W. GAYFER, to the Attorney General:

I ask this question supplementary to the answer the Attorney General has just given, and supplementary to the question asked by Hon Neil Oliver.

In the Attorney General's opinion, at what stage was Hon Neil Oliver given an opportunity to identify the contents of that document? The Attorney General referred to the fact that Hon Neil Oliver was not prepared to identify the contents. I am asking: At what stage was he given a chance to do so?

Hon Tom Stephens: When he shook his head.

The PRESIDENT: Order! That is not a question to the Attorney General, that is a question of the Chair's integrity to give a ruling on a request made by an honourable member who wished to do something at an appropriate time during the course of this afternoon's business. It is not the business of the Attorney General to determine at what stage a member ought or ought not to do something. I suggest, with respect, that the Attorney General, during the course of answering a question without notice concerning a particular document - that is, the last question that he was asked - went on to elaborate on his answer to Hon Tom Stephens' question by giving a reason why he had chosen to vote in a certain way earlier in the day on another item on the agenda. In questions without notice it is not competent for an honourable member to question the Attorney General about that.

I fail to see how I can accommodate the honourable member in permitting him to find out the information. He is at liberty to check the Standing Orders, which provide him with a vehicle for asking questions of the President, because it would be the President who would have to answer that question. That remedy takes the form of writing me a letter, so unfortunately that is where the position has to lie.

Hon H.W. GAYFER: Mr President, may I submit my apology and say that I was only questioning the veracity of what the Attorney General was saying.

Hon J.M. Berinson: Is that all!

Hon P.G. Pendal: Quite right.

The PRESIDENT: Order! I just want to say that I was not intending to imply that Hon H.W. Gayfer was intentionally questioning the integrity of the Chair. I was not suggesting that. I think he was inadvertently doing it.

Hon Tom Stephens: He is far too cunning for that.

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