Legislative Assembly

Thursday, 28 March 1991

THE SPEAKER (Mr Michael Barnett) took the Chair at 10.00 am, and read prayers.

PETITION - MINERAL SANDS, NANNUP REGION

Road Transport Opposition

MR BLAIKIE (Vasse) [10.04 am]: I have a petition in the following terms -

> To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.
>
> We, the undersigned, are totally opposed to the transport by road of mineral sands from the Nannup region using the road systems through the Busselton Shire to Bunbury.
>
> We believe that all minerals should be transported by rail in the interests of safety and the future of the tourism industry in this area and that the existing railway land between Capel/Busselton and Busselton/Nannup should be retained for this purpose.
>
> No employment or business will be advantaged in our Shires. Instead the extra trucking of mineral sands will affect the tourist trade by overcrowding our roads.
>
> Failure to recognise the importance of rail transport will increase road traffic on already busy roads and lead to an increase in the number of road accidents and road traffic fatalities.
>
> Your petitioners therefore humbly pray that you will give this matter your earnest consideration and your Petitioners as in duty bound, will ever pray.

The petition bears 340 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

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

[See petition No 21.]

IRON ORE (MARILLANA CREEK) AGREEMENT BILL

Second Reading

MR GORDON HILL (Helena - Minister for Mines) [10.08 am]: I move -

> That the Bill be now read a second time.

The agreement provides a comprehensive framework for managing future changes to the project, particularly in relation to production and work force increases and changes in the work force accommodation arrangements. The proposed project is located in the Pilbara, approximately 90 kilometres north west of the township of Newman and 290 kilometres south of Port Hedland. The project will commence on a small scale to develop the Yandicoogina pisolite ore in the marketplace. This ore will help replace Koolan Island iron ore in the Broken Hill Proprietary Co Ltd blast furnaces when that ore runs out in 1993. It will also allow for the retention of export markets by BHP. The project will cost about $100 million to develop and will employ a peak construction work force of approximately 300. The permanent work force will be approximately 70 persons, and the export income generated will exceed $100 million a year when the project comes on stream in 1992. I should note that the project has environmental clearance from the Minister for the Environment, following Environmental Protection Authority assessment based on a public environmental review prepared by the company. I table plans marked "A" and "B" which are not part of the agreement. Plan "A" shows the location of the proposed project and plan "B" details exploration licences numbered 47/294, 47/71 and 47/23, which are the subject of the agreement, to the House.

[See paper No 210.]

Mr GORDON HILL: The agreement provides for an initial project with production of up to

5.5 million tonnes of iron ore per annum from a mining lease which will comprise the land currently the subject of exploration licences numbered 47/294, 47/71 and 47/23. The agreement has been specifically negotiated around this initial project but provides, with the approval of the Minister, for increased production beyond 5.5 million tonnes per annum and allows for substantial renegotiation if the company seeks either to increase capacity or production beyond 10 million tonnes per annum or its mine work force beyond 100 persons.

The company proposes to enter into arrangements with the Mt Newman joint venture participants for the use of the participants' existing rail and port facilities. The company will construct a 32 kilometre rail spur from the mining lease to link into the existing Newman-Port Hedland railway. The iron ore will be transported using Mt Newman rolling stock and handled at the port by Mt Newman. This approach makes maximum use of existing infrastructure, which has been longstanding State policy. The company proposes that the initial mining operations will be undertaken by contract work force. The mine work force will be accommodated while on site in temporary accommodation units - but not caravans - located near the mining lease. The accommodation and associated facilities will be of a standard generally used in the mining industry and will include a swimming pool and a sporting area. Under the terms of the agreement the company is obligated and has undertaken to use all reasonable endeavours to ensure that as many as possible of the contractor's work force are recruited from people already resident in the Pilbara.

At this point I pay tribute to my colleagues, the members for Pilbara and Northern Rivers, for their work, negotiations and involvement in bringing this project to fruition, particularly in relation to the fly in, fly out aspect of the project. Both members have had extensive discussions with the Minister for State Development and BHP and their involvement, along with that of the Independent member for Ashburton, has been sensitive and the discussions valuable. Their contribution to the debate regarding arrangements for operation of the mine has been a significant fact in the final outcome.

Mr Court: Are you debating the second reading speech now? Why have you just one paragraph on each page. I thought we were trying to do something about saving paper. You have a 45 page speech that could have been condensed to 10 pages.

Mr GORDON HILL: I do not think that is particularly germane to the Bill. Is the member for Nedlands going to debate the substance of the Bill in due course or trivia like that? I think the substance of the Bill is more important. I will proceed and ignore the pathetic and pedantic interjection.

I now turn to the specific provisions of the agreement scheduled to the Bill before the House. Clauses 1, 2, 3 and 4 are in the current form of the State resource development agreement opening clauses dealing with the definition of terms used in the agreement; certain interpretations of references and powers contained therein; the initial obligations of the State with regard to the ratification of the Bill and to allow entry upon Crown lands for the purpose of the agreement; and the coming into operation of the agreement. The deeming of the company's association with the Mt Newman participants for the purposes of clauses 7(3) and 23(5) of the agreement is dealt with in clause 2(2). Clause 5 serves to cancel the Iron Ore (Broken Hill Proprietary Company Limited) Agreement Act 1964 which by way of clause 23(4)(g) thereof has reserved to BHP Minerals Limited temporary reserve Nos 2022H to 2029H and 2351H to 2355H. Exploration licence No 47/294, the subject of this agreement, comprises the land within temporary reserve No 3359H - previously temporary reserve 2351H. Other temporary reserve Nos 2022H to 2029H and 2352H to 2355H now comprise temporary reserve No 3358H. During the process of negotiation BHP Minerals Ltd agreed to forego the reservation of temporary reserve No 3358H in favour of bringing exploration licences numbered 47/71 and 47/23 together with exploration licence 47/294 under the Marillana Creek agreement. Accordingly the provisions of clause 23(4)(g) have been satisfied and the 1964 agreement can be cancelled. Clause 6 requires BHP to continue its field and office engineering, environmental marketing and finance studies to enable the company to finalise and submit to the Minister detailed proposals required under clause 7. Clause 7 requires the company to submit to the Minister, on or before 31 October 1991, detailed proposals for, among other things, the production, transport and shipment of up to 5.5 million tonnes per annum of iron ore, associated infrastructure including power, water, roads and mine aerodrome, accommodation and ancillary facilities for the work force, use of local labour, services and materials and an environmental management plan.

The detailed proposals may, where approved by the Minister and other parties concerned, provide for the use by the company of any existing facilities, equipment and services belonging to or provided by the Mt Newman participants or any other party rather than providing for the construction, installation or provision of new facilities, equipment or services. Clause 7(4) requires the company to submit to the Minister details of those elements of the project it proposes to consider obtaining from or having carried out outside Australia together with reasons for requiring such works to be undertaken outside Australia. The company shall consult with the Minister in this regard if the Minister so requires. Clause 8 contains similar provisions to those contained in other ratified agreements for consideration and implementation of proposals and for submission of further proposals as may be required. Clause 8(6) provides that if all proposals required under subclause (1) are not approved or determined by 31 October 1992, or such later date as the Minister may approve, the agreement determination provisions may take effect. Under clause 9 the company, during formation of its initial proposals and any development of subsequent proposals, is required to take into account and/or make provision, where it is reasonably practicable, for the economic and orderly overall development of the agreement lands and development of other iron ore deposits; appropriate infrastructure development in the central Hamersley Range area having regard to the existing iron ore operations and facilities and other existing developments; and an open town or other appropriate housing and accommodation arrangements to service the iron ore mines and other developments in the central Hamersley Range area. The company and the State are required to cooperate and consult on the matters outlined, State Government policies and objectives, the company's commercial requirements and any other relevant matter. Clause 10 provides for the submission of additional proposals if the company wishes to increase production to more than 5.5 million tonnes per annum - but no more than 10 million tonnes per annum - or to significantly modify, expand or otherwise vary its activities beyond those specified in any approved proposals. Clause 11 provides that should the company ever wish to produce more than 10 million tonnes per annum of iron ore from the mining lease, or exceed 100 persons in its mine work force, the provisions of the agreement can be opened up for renegotiation at the State's sole discretion, except for the following matters -

(1) the term of the mining lease or the rail spur lease or the rental thereunder;

(2) the rentals payable under any other leases or licences issued pursuant to the agreement;

(3) the rates and method of calculating royalty; and

(4) arrangements entered into for the rail transport of iron ore under Clause 23.

The company may not submit proposals without the Minister's consent. If there is no consent, the project cannot go beyond its approved capacity or work force. This decision is not open to arbitration. This clause is an innovative clause and gives the State a degree of control over the project that does not exist in other agreements.

The term of the mining lease, which is referred to in Clause 12, will be for three consecutive terms of 21 years but subject to the sooner determination upon cessation or determination of the agreement. The rental will be as set from time to time under the Mining Act. Clause 12 requires that the company lodge with the Department of Mines -

(1) periodical reports and returns as may be prescribed pursuant to regulations under the Mining Act;

(2) annual reports on ore reserves within the mining lease; and

(3) reports on drilling operations undertaken to discover or define future ore reserves on the mining lease and, if requested by the department, reports on drilling done within blocks of proven ore for the purpose of mine planning.

Subclause (8) addresses the process of third parties obtaining mining tenements for minerals other than iron ore over areas the subject of the mining lease.

Clause 13(1) provides that royalty on iron ore from the mining lease will be at the rate of 5.625 per cent of the f.o.b value. A concessional royalty at the rate of 3.25 per cent of f.o.b value will apply to iron ore which is beneficiated by the company in a plant constructed in accordance with its approved proposals. The 5.625 per cent rate of royalty is a major

departure from existing State iron ore agreements. Those agreements provide a royalty rate of 7.5 per cent for lump ore and a concessional royalty of 3.75 per cent for fine ore. As the project initially proposed by the company will produce only fine ore, the new rate of 5.625 per cent will result in additional royalty payments to the State of approximately $2 million each year, while production is at 5.5 million tonnes per annum, than would otherwise have been the case had the 3.75 per cent concessional royalty been adopted.

Clause 14 requires the company to carry out a continuous program, including monitoring and the study of sample areas, to ascertain the effectiveness of the measures being taken pursuant to approved proposals for the rehabilitation, protection and management of the environment and, where required from time to time by the Minister, to submit detailed reports thereon. Where the results of monitoring or any other information become available to the company which may enable it to rehabilitate, protect or manage the environment more effectively, and where the adoption of such measures could require changes or additions to approved proposals, the company shall be required to notify the Minister and, following such notification, to submit a detailed report thereon. The Minister may, within two months of the receipt of a detailed report, notify the company that he requires additional detailed proposals to be submitted in respect of all or any of the matters the subject of the report and any other matters as he may require. In such circumstances the company will be required, within two months of receiving the notice, to submit to the Minister additional detailed proposals for consideration, approval and implementation as provided for under the agreement. Clause 15 addresses the use of local labour, services and materials. I have already referred extensively to that. Subclause (1)(a) requires the company, except in those cases where it can demonstrate that it is impracticable so to do, to use labour available in Western Australia while using all reasonable endeavours to ensure that as many as possible of the contractors' work force are recruited from the Pilbara. I have already paid tribute to the members for Pilbara, Ashburton and Northern Rivers for their involvement in those negotiations.

Mr Court: Why leave us out?

Mr GORDON HILL: I said that again especially for the member for Nedlands.

This provision has resulted from the Government's commitment to regionalisation and its preference for regional employment. One of the State's positions in the negotiation of this agreement was to provide ministerial control of the permanent infrastructure for this project. This was alluded to earlier in the provision of temporary accommodation units. This ministerial control will allow for the orderly overall development of the central Hamersley Range area. Clause 16 restricts the number of private roads providing access to the mining lease to -

(1) the road between the mining lease and the accommodation area;

(2) a road from the mine aerodrome;

(3) a rail maintenance road serving the rail spur; and

(4) the existing road from the Newman-Port Hedland rail road to the mining lease

unless otherwise agreed by the Minister. The clause also requires that the company obtain for itself necessary rights to use the Newman-Port Hedland railway road and the road from that access road to the mining lease. The company is not able to upgrade the mining lease access road beyond the standard specified in its initial proposals without the prior consent of the Minister. The clause further requires the State to maintain or cause to be maintained those public roads which may be used by the company for the purposes of the agreement. Should the company require the upgrading of a public road, or if use by the company causes excessive damage or deterioration, other than fair wear and tear, the company shall be required to pay the whole or an equitable part of the total cost of such road upgrading or repair. Clause 17 restricts the standards of the mine aerodrome to be used for the project to the minimum requirements for an authorised landing area, unless otherwise approved by the Minister. Under the provisions of Clause 18 the company will be required to purchase its electricity requirements from the State Energy Commission or to negotiate with the commission for the payment of an equitable contribution towards facilities which would enable the commission to supply power to the company. Should the company demonstrate to the Minister that those arrangements would unduly prejudice its activities, or if the State Energy Commission were unable to provide power, the company may propose to install,

subject to the provisions of the Electricity Act 1945 and at no cost to the State, equipment of sufficient capacity to generate electricity for its activities under the agreement. Clause 18(4) provides for the commission to purchase from the company power for its own use, on terms and conditions to be negotiated.

Clause 19 addresses water use and management for the project. The ore body to be initially developed by the company is contained within an ancient river channel and some two thirds of the ore lies below the watertable. To mine the ore successfully, the mining area will need to be dewatered in advance, and continued dewatering will occur at an approximate rate of 14 000 cubic metres per day for the duration of mining at 5.5 million tonnes per annum. The bulk of the water extracted from the aquifer will be discharged downstream from the pit. Subclause (1) of Clause 19 requires the company, to the fullest extent reasonably practicable, to use water obtained from dewatering on the mining lease for its operations under the agreement. The company will be responsible for any adverse discharge or escape of water. Under Clause 19(2) the company and the State shall agree on the amounts and qualities of water required for use at the minesite and the amounts required to be withdrawn in dewatering. Subclause (3) further requires the company to continue to investigate underground water within the mining lease and to report to the Minister the findings of such investigations as may be required from time to time. Clause 20 provides that where water is available and required from the State or a State instrumentality by the company for agreement purposes at places other than the minesite, the supply of water will be subject to the provisions of the Country Areas Water Supply Act or any other relevant Act. Clause 21 provides that accommodation for the work force at the minesite, up to the limits mentioned in Clause 11, shall be temporary accommodation units. No dependants or pets shall be permitted at the minesite. The company will be required to confer with the Minister with respect to any changes it may desire to make to these arrangements. If an open town is proposed by the State in the central Hamersley Range area, the company shall be required to cooperate in studies, and if both agree that the mine work force can be located in the proposed open town, the company will relocate the work force and contribute to infrastructure and community facilities. This clause also provides that the company will confer with the Minister with a view to assisting with the provision of community infrastructure that is required in existing towns to service the company work force. The Minister is required to consult the relevant local authorities in determining what facilities are required. Under clause 22 the State is obliged to grant to the company leases, licences, easements and rights of way for the purpose of the company's mining activities under approved proposals. Clause 23 relates to the construction and operation of a rail spur from the mining lease to Mt Newman Mining's Newman-Port Hedland railway. The clause enables the company to transport passengers and carry freight of the State and third parties over the rail spur where it can do so without unduly prejudicing or interfering with its operations under the agreement. The clause further provides that the company will not enter into any agreement or arrangement for the use of or carriage of its iron ore products over any railway not established by it under this agreement without the prior approval of the State. This is consistent with the State's wish to develop uniform railway arrangements in the Pilbara.

Further processing of iron ore is addressed in clause 24, where the company, throughout the life of the agreement, is required to undertake ongoing investigations into the feasibility of establishing further processing of iron ore in Western Australia. Where, as a result of investigation by either the company or the State, it is concluded that further processing is feasible, the parties are required to consult on the implementation of such further processing. If the company is unwilling to proceed, the State may allow a third party to carry out the further processing. If this should occur the company will be required to supply iron ore to the third party in sufficient quantities and at appropriate rates and grades to meet the requirements of the third party. This obligation will continue for a period of at least the first 10 years at prices not more than the equivalent average f.o.b. value then being obtained by the company for its exports of iron ore. Clause 26 provides that rating of all lands the subject of the agreement, except the mine accommodation area and any other parts of the agreement lands on which accommodation or housing units for the company's work force are erected and lands used for commercial undertakings not directly related to the mining operations will be on the basis of the unimproved value thereof. This places the agreement mineral lease in the same situation as any other mineral lease held under the Mining Act. Gross rental value

rating may apply to the temporary accommodation area. The company is precluded from adopting the provisions of section 533B of the Local Government Act 1960 with regard to making an election for lower rate payments. The rating provisions will increase the shire's income compared to the income which would have been the case if provisions common to earlier State agreements had been adopted. Clause 36 contains the standard environmental protection clause that has been in all agreements since 1972. The stamp duty exemption provisions in clause 40 allow for three specific assignments of interest in the project and have been restricted to a period of two years from the date of the agreement. The period generally provided for in other State agreements has been seven years. Generally the remaining clauses are similar to those of other State agreements and they do not require any additional comment. I commend the Bill to the House.

Debate adjourned, on motion by Mr Blaikie.

BUILDERS' REGISTRATION AMENDMENT BILL (No 2) 1990

Order Discharged

MRS HENDERSON (Thornlie - Minister for Consumer Affairs) [10.34 am]: I move -

> That the Builders' Registration Amendment Bill (No 2) 1990 be discharged from the Notice Paper.

Order of the Day No 3, Builders' Registration Amendment Bill 1991, is intended to replace Builders' Registration Amendment Bill (No 2) 1990. The Builders' Registration Amendment Bill (No 2) 1990 was dealt with during the last session of Parliament last year, but it did not complete its passage through this House. The Bill presented in Order of the Day No 3, the Builders' Registration Amendment Bill 1991, is essentially the same Bill, but I have taken the opportunity presented by the adjournment of Parliament to examine the Bill very carefully and make some minor machinery amendments which make the intent of the Bill clearer in some places and more effective. The long process of consultation about which I advised the House when I introduced the Bill last year has continued and some worthwhile suggestions made to me have been incorporated in the new Bill. Rather than place those amendments on the Notice Paper to be debated during the Committee stage, I have had the Bill reprinted with those amendments incorporated, and it is my intention to move the second reading of the new Bill today.

MR C.J. BARNETT (Cottesloe) [10.36 am]: When the Builders' Registration Amendment Bill (No 2) 1990 was introduced in November last year by the Minister for Consumer Affairs, who was at that time the Minister for Housing, it was effectively a piece of enabling legislation. The main Bill at that time was the Home Building Contracts Bill. The Home Building Contracts Bill was an item of consumer legislation which referred repeatedly to a proposed Building Disputes Tribunal. The Bill we are debating now, the Builders' Registration Amendment Bill (No 2) 1990, was to amend the Builders' Registration Act to set up that proposed Building Disputes Tribunal.

Late last year the Minister consulted widely with the industry on the Home Building Contracts Bill. While the industry may have had some reservations, it had reached agreement with the Minister, and the Opposition was encouraged to facilitate the passage of that Bill. We provided some amendments and suggestions, some of which the Government accepted and some of which it did not accept. Nevertheless, that Bill passed and I think everyone was reasonably satisfied. However, the Minister failed to consult to any great extent on the Builders' Registration Amendment Bill (No 2) 1990. That Bill was not a minor matter. It set up the proposed Building Disputes Tribunal. In so doing, it caused rather dramatic changes to the existing Builders Registration Board.

I do not intend to go through those again, but one of the things it did was that it changed the nature of who dealt with contractual disputes. It took away from the existing Builders Registration Board the ability to adjudicate on matters relating to workmanship. It effectively extended coverage on a Statewide basis, whereas the existing Builders Registration Board did not have that ability. It was not a trivial amendment; it was an amendment of great importance to the building industry. To its credit, the building industry is willing to talk about these things. I understand the Minister will meet the industry next week.

The point I wish to make is that the Government, and the Minister in particular, pushed the Home Building Contracts Bill through this House. Because the Minister became aware that she did not have the support of the industry and had not done the job properly, as far as the Builders' Registration Amendment Bill (No 2) was concerned, the Minister decided to proceed through this House with the Home Contracts Bill. Because it was in error, the Government decided not to proceed with the Builders' Registration Amendment Bill (No 2). The Home Building Contracts Bill has no real substance without the other Bill going through. When the Home Building Contracts Bill went to the upper House, Opposition members in that House, quite responsibly, deferred the Bill. They did not reject it, as the Minister claimed, but they deferred it for the very good reason that the two pieces of legislation were introduced together, they were intertwined and they needed to be dealt with together. The Minister said that in her initial second reading speech. That was a proper action by the upper House. All we said to the Minister, and indeed to the Press, was that she should go away, do the job properly and bring the legislation back in a proper form and we would consider it in a fair and open way. We remain willing to do that. All members of this House rightfully expect legislation to be prepared properly, the industry to be consulted, and the legislation to reach this place in a satisfactory form. In this case, that did not happen because the Minister did not do her job properly. The Minister for Housing is not present. I hope that he is in his office listening to this debate because if he is not up to speed on this legislation - and on the Bill which is about to be given a second reading - it will have far reaching implications for the home building industry. That Minister should take a keen interest in such consumer affairs legislation. We wait to see what the Minister will present in the new Bill to amend the Builders' Registration Act. I hope that the Minister will consult the industry - perhaps she already has. The industry will be consulting the Opposition. If any of the difficulties to which I have referred briefly can be overcome, we will be very pleased to cooperate. I emphasise again that this House expects legislation to be prepared properly. We do not accept hasty measures. We do not expect one Bill to be pressed through for the sake of a Press release while another Bill is put to the side because the job was not done properly.

MRS HENDERSON (Thornlie - Minister for Consumer Affairs) [10.42 am]: In replying to the comments of the member for Cottesloe -

Speaker's Ruling

The SPEAKER: Order! I am trying to determine whether a right exists for a formal reply by the Minister in respect of this motion. I am advised that we cannot find a procedural motion in any part of the Standing Orders which allows such a formal right of reply.

Mrs HENDERSON: Perhaps I may make my comments after my second reading speech on the following Bill.

Question put and passed.

BUILDERS' REGISTRATION AMENDMENT BILL

Second Reading

MRS HENDERSON (Thornlie - Minister for Consumer Affairs) [10.43 am]: I move -

That the Bill be now read a second time.

This Bill deals with amendments to the Builders' Registration Act 1939 which will establish the Building Disputes Tribunal. The tribunal will form the disputes resolution procedure provided for in the Home Building Contracts Bill 1991 which provides protection for consumers who are building a new home or undertaking building work on an existing residence. It will also provide certainty for both the consumer and the builder entering into a contract.

The Building Disputes Tribunal will have the specialised function of dealing with home building disputes. The tribunal provides, for the first time in this State, a single entity which can deal with all aspects of a home building dispute. In the past, consumers and builders were required to seek redress in different forums depending on the type of dispute. For example, under existing arrangements if the home building work under dispute is within the prescribed geographical area of the Builders Registration Board's operations, consumers and

home builders in dispute over a workmanship issue take that issue to the board. They cannot do this if the dispute is outside the board's area of operations. Furthermore, if the dispute is concerned with other than workmanship issues, such as contractual matters, the consumer must seek redress through the Ministry of Consumer Affairs, and may be referred to the Small Claims Tribunal or the court system. This avenue is, however, not available to the builder. Often a single dispute has both workmanship and contractual aspects, and the consumer or builder is obliged to pursue his or her grievance through separate forums, involving additional expense. Often the issues are technical and difficult to separate. This leads to additional frustration for the persons involved.

The Building Disputes Tribunal to be established by these amendments will operate independently of the Builders Registration Board. The board will, however, continue to deal with the registration of builders. The grounds on which the board may cancel or suspend the registration of a builder will now be expanded to include conviction of an offence under the Home Building Contracts Act 1991. The Builders Registration Board will also now be able to expand its role in policy matters since the tribunal will take over responsibility for ordering unsatisfactory building work to be remedied. Thus the board will examine, and provide advice on, broad policy issues relevant to the qualifications and registration of builders. As part of its role in monitoring the quality of building workmanship, the board will also be able to make a complaint to the tribunal which will then investigate.

The tribunal will also be empowered to take action on a complaint from any person. Any builder or person for whom home building has been carried out may also now ask the board registrar, who will also be the executive officer of the tribunal, to carry out an inspection of that building work. The registrar will, with the written approval of the tribunal or its chairperson, be able to act on behalf of the tribunal in some circumstances. However, the tribunal will have the power to review any decision or order made by the registrar. These amendments will allow the Building Disputes Tribunal to deal with home building disputes relating to workmanship and contractual matters which arise anywhere in the State. The tribunal will be headed by a legally qualified chairperson and will include a representative of consumer interests and a representative of the home building industry. Panels of consumer and builder representatives will be established. Nominations to the industry panel will be made by the Master Builders Association and the Housing Industry Association. It will include equal numbers of persons from each association.

The Building Disputes Tribunal will have the same powers as the Commercial Tribunal; that is, it will be able to issue summons for attendance and for the production of evidence before the tribunal. It will be able to administer an oath or affirmation and require any person appearing before it to answer any relevant question. In certain circumstances, appeals against the tribunal's decisions are allowed to the District Court which will also become the appeal court for appeals against a decision of the board. This will ensure consistency between appeals against a decision of the Builders Registration Board and appeals against a decision of the Building Disputes Tribunal. By establishing a single body to hear all home building disputes, the amendments represent a major improvement over the present system. They remove the frustrating and costly necessity for a consumer to pursue separate remedies for different aspects of a home building related grievance. I commend the Bill to the House.

I must emphasise that I am disappointed that the Opposition has used the opportunity which I took to move some minor changes to the Act which I introduced last year as an opportunity to canvass issues which were canvassed last year. The member for Cottesloe is as ill-informed now as he was then. For example, he made the comment that I have not consulted with industry. He does not have access to my diary, and his comments are ill-informed. I have no difficulty in refuting those comments. The member stated that I said that the Bill last year was trivial. I did not say that. I said that the amendments incorporated in the Bill today are minor.

Mr Blaikie: The Minister should be very careful here.

Mrs HENDERSON: I am responding to the comments made by the member for Cottesloe. He said that I indicated that the Bill is trivial. It is not. However, the amendments I make are minor machinery matters that improve the clarity of the Bill. I have done that for the convenience of the House, to allow it to discuss this issue. It is untrue to say that the Government has put aside a Bill from last year, because it was the Opposition which denied

access to that legislation. The two Bills ought to be proclaimed together, but it was the Opposition which indicated it would not assist the passage of these Bills.

Mr Lewis: The Minister needed to put out a Press statement to push this legislation.

Mrs HENDERSON: That is not true. The member is embarrassed because between himself and the member for Cottesloe he has managed to delay legislation -

Mr Lewis: It has taken two years to reach this stage.

Mrs HENDERSON: The member for Cottesloe said that consumers will be denied the protection of the legislation for an additional six months. Whose fault is that? The Opposition seeks to cover up by implying that the legislation was not able to be debated last year because consultation had not taken place. The Opposition is wrong; consultation had occurred. I hope that members of the Opposition will read the new Bill and note that the substance of it is exactly as it was last year. The legislation is as worthy of support now as it was then.

Debate adjourned, on motion by Mr Blaikie.

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL

Second Reading

Debate resumed from 4 December 1990.

MR WIESE (Wagin) [10.50 am]: In continuing the process of moving this piece of legislation through the Parliament, I shall refer to its history. This Bill was originally brought into the Parliament in 1989 and reintroduced in November of last year. It was partially debated at that time with a couple of contributions by Opposition members to the second reading debate. The legislation has been a long time in coming to the Parliament and being dealt with by it. I hope that we will manage to complete the business in the autumn session of 1991.

The role of the Department of Conservation and Land Management has been growing in scope and importance over recent years. We have come a long way from the old Forests Department which, 25 to 30 years ago, controlled the operations on all the forestry land, which is part of the heritage of this country. CALM has grown into an enormous department which embraces many roles. It is interesting to note that in the second reading speech it was indicated that land holdings now controlled by CALM total over 18 million hectares, or over 45 million acres. That is an enormous amount of country. Many people in the community have some reservations about the ability of CALM to carry out its various roles on all the land it controls.

If this needed to be highlighted, it was highlighted in my mind by a report this morning about fires at Windy Harbour which burnt out 10 000 acres of land. In a news bulletin I heard, an officer of CALM commented that the department could not afford to undertake the fire prevention measures which were necessary because of the shortage of available finance. It was alleged that the fire was lit deliberately in land which is part of the D'Entrecasteaux National Park. If the comment by the officer is correct, this highlights one of the major problems about the way in which CALM carries out its role. Fire prevention and control, and everything associated with fire, is one of the department's major roles and responsibilities; it must safeguard the 45 million acres of land it controls. If CALM is unable to carry out that role, something is very wrong in the way in which CALM operates. Nevertheless, CALM has an enormous task in protecting those reserves and ensuring that they are properly managed on behalf of the people of Western Australia.

CALM performs an enormous range of activities. It is responsible for fire prevention over a wide range of terrain varying from the Karri forests in the south west corner of the State through to the sparse vegetation in the reserves in the semi-arid desert country of the eastern and northern parts of the State. Also, the department must protect the flora and fauna which inhabits this widely varying terrain. It is also involved in protecting small animals such as numbats, which can be found in the Dryandra reserve, and honey possums, as well as protecting the reefs, fish and crustaceans in the Ningaloo Marine Park on the north west coast. The department also supervises activities within the timber industry as well as providing facilities for recreational purposes. It must control access to the national parks and

reserves, both on land and at sea. Therefore, it can be seen that it has an enormous task. The department also brings in considerable income into the State from these reserves. It brings far more revenue into the Government coffers than is put back into the department's management of land in its estate.

CALM has a great number of neighbours as a result of the wide range of land it controls. Therefore, CALM has an obligation to those with whom it shares a boundary. I am not sure that it always exercises that obligation. The obligation covers such activities as fire control; this involves not only ensuring that the fires it starts are put out, but also ensuring that it undertakes fire control measures in the reserves and that the fires started remain within the reserves. The department also has responsibility for vermin control. Unequivocally, CALM does not meet its obligations in a great many areas regarding vermin control and that is a very sore point among many neighbours, especially agricultural neighbours. CALM has an obligation to fence along the borders of the land it controls. That is an obligation which CALM has never met and it has strongly resisted any attempts to persuade it to do so.

Mr Pearce: The Crown is specifically exempt from fencing responsibilities under the Dividing Fences Act.

Mr WIESE: We realise that, but that is a strong bone of contention for those whose land verges on Crown land. Farmers have to fence their land to keep their stock from getting onto Department of Conservation and Land Management land, but the reverse is not the case. Many properties adjoin CALM land and farmers are strongly opposed to the current situation and believe that CALM should have an obligation to assist in providing adjoining fences. After many years of fighting with CALM we seem to have won the battle to get it to provide firebreaks on its adjoining land. I have been involved in a lot of expense clearing the fire breaks along the boundaries of the CALM land which surrounds my property. CALM has finally, in most cases, accepted its responsibility in that area, but it has been a long time coming and was resisted by it for a long time. CALM must realise and accept that it depends a great deal on the goodwill of its neighbours. In the agricultural lands they are the people who, to a large degree, look after CALM's land and they often put out fires on its land. Neighbours have a mutual obligation and CALM must be aware of it and must adopt a good neighbour policy. That is not the case at present. The Bill before the House creates, among other things, a new category of reserve - a conservation park. Conservation parks will have the same significance and controls as a national park, but they will be smaller areas that do not fit the accepted criteria of a national park but which deserve the same protection. We are all happy to see the concept of conservation parks being incorporated into legislation and I am sure large areas of land in the community will eventually be incorporated into this new form of park. It would be interesting if the Minister could provide the Parliament with an indication of the area of land the Government envisages may be placed into conservation parks as much land in the community is either unvested or is held in other forms of reserves. By giving conservation parks the same protection afforded national parks CALM will have an obligation to manage those conservation parks in the same manner that it looks after national parks. That brings me back to my initial remarks concerning CALM's ability or commitment towards managing its national parks in a manner that is appropriate. Past experience has shown that CALM has not been able to manage the land it controls in a manner that befits it. The community must have grave reservations about the manner in which CALM looks after the fire protection of existing national parks. Grave concerns have also been expressed about CALM's ability to keep dieback out of national parks.

Mr Pearce: CALM cannot keep it out of national parks because it was there before CALM was created.

Mr WIESE: The Minister can make that comment, but dieback did not exist previously in several national parks, and if it did CALM has not been able to control it. Dieback is spreading and the number of national parks being affected has grown enormously in the past eight or 10 years. I do not think that anybody in the community - unless the Minister wants to - will deny that that has happened.

Mr Pearce: No-one doubts that, but it is a bit tough to blame CALM.

Mr WIESE: I am not blaming CALM. I am trying to point out to the Minister that part of CALM's role in looking after national parks and the new conservation parks, is to exclude dieback from where it does not occur and to control its spread where it already exists.

Mr Pearce: CALM has been doing its best. It is like blaming the Health Department for the spread of AIDS.

Mr WIESE: Many people might be prepared to pass a bit of the blame to the Health Department for that.

Mr Pearce: I thought you would.

Mr WIESE: Whether the spread of dieback is because dieback is virtually impossible to control or whether CALM has not been exercising its role as well as it should, could well be debated. But an opinion fairly generally expressed is that CALM has not carried out its role sufficiently well or devoted sufficient funding and resources to the control of dieback. I must add that in recent years CALM has been making very considerable efforts to upgrade its role in the control and spread of dieback. I only hope, as does everybody in Western Australia, that it is more successful than it has been in the past.

Mr Omodei: It is a question of funding; too much is going to WA Inc.

Mr Pearce: It is a question of capacity.

Mr WIESE: That would be interesting to discuss. I made the comment that CALM generates an enormous amount of revenue for the Government. The capacity is there if the Government makes a decision to provide the funding to those areas.

Mr Pearce: To do what?

Mr WIESE: Rather than a question of capacity, it is a question of priority.

Mr Pearce: What would you do with money for dieback?

Mr WIESE: More research is needed into dieback and we need to control its spread by controlling access.

Mr Pearce: There is a huge volume of research both in Western Australia and worldwide. In fact many of the world dieback experts are in Western Australia. It is like AIDS; there is no cure and no way of destroying the organism which creates dieback. The only thing to do is to stop it from spreading.

Mr WIESE: It is similar to AIDS in that it is a matter of controlling its spread and that is what I am talking about. If that means we must devote more resources to controlling access and movement of persons, vehicles and plant throughout the affected areas, that is what should be done, but it has not been done so far. The creation of conservation parks will add to the problems faced by the Department of Conservation and Land Management because of public pressure to use reserves and national and conservation parks. As more national and conservation parks are established the Department of Conservation and Land Management will be required to devote more funding to ensure that public access into those areas, as well as use by the timber industry and any other purpose for which they have been set aside, is controlled. I hope that over the coming two or three years the Department of Conservation and Land Management will make an effort to provide more resources for those areas.

It is interesting to note that when introducing the Bill, the Minister made reference to increasing the use of the parks and reserves for recreation. There is certainly public demand for access to the land for that purpose and the Department of Conservation and Land Management has gone some way towards providing for that. I hope it will continue with, and increase, those efforts. The work CALM has done in the area adjacent to the Ningaloo Reef and the marine park by providing access to the beaches and coastline from the road through the area is an excellent example of what should be done a great deal more in our national parks. If access to parks is provided for the public, their walking willy nilly and uncontrolled through parks is automatically excluded. Access roads will become increasingly important as pressure from the public builds up to be able to use the parks.

Access to resources - gravel for shire councils and for the Main Roads Department, clay required by brickworks and sand for building purposes - which are in some of the areas controlled by CALM must be looked at very seriously. In my area CALM is endeavouring to exclude the Narrogin brickworks from access to a clay deposit which is an essential part of its operations and which it has been using for the past 10 or 15 years. That gives rise to fear about the consequences of more land passing to the control of CALM. If that action excludes industries from essential resources there must be some reservations about increasing the areas which come under CALM's control.

Mr Bradshaw: That is a widespread problem.

Mr WIESE: It is a problem throughout the State. Access to gravel is a major problem confronting local government and the Main Roads Department. An example came to my attention recently on Albany Highway where reconstruction has been occurring. CALM denied the Main Roads Department access to enormous deposits of gravel alongside the road in one of its reserves which was of no great significance. The department was forced to travel 10 or 12 kilometres to a small private farm containing limited arable land of about 800 or 900 acres and of which CALM uses 50 acres. That amount of land from an 800 acre farm can considerably affect the viability of the farming operation. The manner in which CALM operated is disturbing. Other areas must be carefully looked at, before they are turned into conservation parks, to ascertain the requirements for resources in the areas such as timber, minerals, gravel or sand. We must be aware, before decisions are made to turn areas into conservation parks, what assets could be denied to the community by the creation of the conservation park.

I refer to the part of the Bill dealing with management plans. Management plans have been adopted by CALM for some of the areas under its control. In the Minister's second reading speech he said provisions will allow some land to be placed under - I suppose it would have to be called - a temporary or short term management plan. I wonder whether that will have the effect of either bypassing the requirement to establish management plans over all the land controlled by CALM or whether it will supersede the requirement for management plans over some CALM land. I would not be very happy if that were the case. If management plans are required, the public should have an opportunity to see what is envisaged for the management of CALM land. If the short term management plans are to be adopted - which will be drawn up for operation over areas which do not have a management plan - I hope a procedure will be in place to enable the general public and shire councils to have an input into the plans before they are implemented.

In his second reading speech, the Minister makes substantial reference to the provisions of the Bill which will allow the removal of some of the exotic trees planted on some of the land controlled by CALM or which may be controlled by CALM in the future. I am very pleased that provision has been made because some practices in the past are almost criminal. For example, CALM bulldozed some of the pine plantations established along Albany Highway, pushed them into heaps and burnt them. That was a waste of a resource paid for by the community. I am pleased that, should a similar situation arise, the pine trees would be harvested and sold. That action is an indication of the bureaucratic mentality within CALM. I hope the quite widespread mallet plantations - I presume they are exotic trees - which exist in my area are retained for the use of the industry which depends on them. In order for these industries to continue, those plantation areas must be available. It is also essential that the general public retain access to those areas in order to collect firewood. Currently, the public are able to enter the mallet plantations after harvesting and collect firewood. This also occurs in special areas along the Albany Highway between Perth and Albany. That access should be retained.

MR BLAIKIE (Vasse) [11.21 am]: Initially I am obliged to apologise to the Minister for the Environment for the criticism I made on the first sitting day of this Parliament after he sought leave for the reinstatement of the Conservation and Land Management Amendment Bill and other Bills to the Notice Paper. I referred to what I thought was the Government's poor handling of this legislation and how the Bill had become a mishmash. I criticised the Government's failure to redraft the Bill to include the amendments on the Notice Paper at the time the House rose last year. What I had assumed was incorrect because the Government had redrafted the Bill. I did not know that it happened.

Mr Minson: You were in hospital, you can be excused.

Mr BLAIKIE: That is one explanation.

Mr Pearce: The member should claim to be a successful member because as soon as he called for it to be done he discovered that the Government had changed it three months before.

Mr BLAIKIE: It is difficult to eat humble pie and I, therefore, offer my apologies to the Minister. I have an interest in this legislation and its relationship to the State's national parks

and forests. As the Minister indicated in his second reading speech, the Department of Conservation and Land Management now controls 18 million hectares of what is referred to as "CALM land" in Western Australia. CALM is not effectively managing that land as much as CALM officers would like. In 1984 when the CALM legislation was first introduced the Government considered it to be important because it ensured that the CALM estate would be properly managed. Now, seven years down the track, CALM is still under-resourced. It has too few personnel to manage the ever growing CALM land estate. That is a matter of concern to CALM officers who do a good job on behalf of the people of Western Australia.

It was a bad day when the original legislation was first introduced in this Parliament. Six or seven months prior to that the Burke Government had changed all the logos of the Forests Department and the National Parks and Nature Conservation Authority. The Government agencies operating in this area had been amalgamated by the Government before the introduction of the Bill and the passage of the legislation was considered to be a fait accompli. The Government had assumed that the Parliament would approve the legislation. That matter is now behind us, but it is still an example of the unsatisfactory circumstances surrounding the introduction of the Bill. People need to be reminded of what happened.

The Conservation and Land Management Bill was to bring together the resources of the National Parks and Nature Conservation Authority and the Forests Department to enable better distribution of the available resources to manage the CALM estate. A number of people who spoke in this House, in the other House and in the community expressed concern about how one super authority, as a land manager, would marry the conservation requirements of land management with the requirements of productive land management. That concern has been expressed ever since the original legislation was introduced and in my view the matter has not been resolved satisfactorily. No matter how far the Government may wish to go down that path it has not attained a satisfactory balance between those two requirements because people on either side of the debate believe that impartiality is non-existent. I am not recommending that we should reinstate the Forests Department or the National Parks and Nature Conservation Authority, but the need exists for a better system than the one that currently operates. People on both sides of the spectrum are concerned. That concern was expressed in the debate on "Couchman" last night which featured Federal Minister, Ros Kelly, discussing the resource legislation. Each side believes that it is dead right and that the other side is dead wrong and the Minister is in the middle.

Mr Omodei: Did Ros Kelly agree with resource security?

Mr BLAIKIE: Yes. The Executive Director of CALM is in an untenable position because he will be damned if he does and damned if he does not. Even though the Government's intention of using national parks and forests may be well directed, the perception by the conservation groups and the forestry companies is that the Government has failed them. They both believe they have not been given fair treatment.

The term "national park" has in my view become a misnomer. The term conjures up the belief that it is a park of the nation. We need to consider future needs when determining what national park system we will have. Will we adopt what countries such as America have adopted? National parks in America are truly national parks and are operated by the Federal Government; then they have State parks, regional parks and conservational parks.

I am going to America later this year to look at its system of parks and at how they are managed. The very terminology "national park" conjures up thoughts of a park that is part of a national scene. While that may be a pretty good perception of what one is, in Australia it is a State park and is State controlled by a State authority. That is a perception that I really need to come to terms with.

The Bill includes a number of amendments. The Government introduced the original Bill in 1988. However, it dropped off the Notice Paper and has been reintroduced after being rewritten. A matter that has caused me great concern, but did not seem to concern some CALM officers with whom I have spoken, was the Government's intention in the initial drafting of the Bill to delete "sustainable yield" from the legislation. Some of the officers with whom I spoke saw that as being a good move but expressed concern about how sustainable yield could be measured. I am not sure of the theoretical limitations of forest officers, but I am aware of the practical problems as seen by the wider community. Sustainable yield has been part of the forest legislation since 1921. It has always been

assumed that if forests were logged, they would be logged on a sustainable yield basis. In the latest rewrite of the legislation, the Government has ensured that sustainable yield is included in the legislation. However, I would be pleased if the Minister indicated in his reply whether there was any reason for the department's seeking its removal.

Mr Pearce: There was no intention to remove it in the redrafting. I did not redraft the original Bill. It was raised with me by a number of people. It was done in the drafting of it, not for any purpose.

Mr BLAIKIE: I accept the Minister's explanation. The Minister probably agrees with me that its removal would be political stupidity.

Mr Pearce: There was no reason for its removal. It was done in the redrafting of the clause.

Mr BLAIKIE: Thank goodness there has been some time to ensure that the change took place. One thing that improved the chances of the sustainable yield being put into this Bill was a change of Minister - a change for the better. We will see how the new Minister performs.

I will deal with a number of other matters in the Committee stage. Clause 25 of the Bill, which seeks to amend section 46, will allow for the appointment of a new breed of conservation and land management officers which will include the present wildlife officers, honorary forest officers, honorary rangers, and honorary conservation and land management officers. These new conservation and land management officers will take over from those who previously existed. I am critical of that clause because one of the unsung heroes of conservation management in this State is the wildlife officer. I am not sure why the department has recommended this action. However, wildlife officers are endangered now and should the legislation pass will become extinct species. My reading of the legislation gives me to understand that there will no longer be such a thing as a wildlife officer. Western Australia will then be one of the few States that does not recognise wildlife officers.

Mr Pearce: All CALM officers will be wildlife officers.

Mr BLAIKIE: That is not good enough. An officer may be experienced in the general facets of his job which is the intention under this legislation. However, wildlife officers are more specialised. I have not canvassed this clause with the people in the wildlife section of CALM, but I imagine they would be fairly annoyed by it. This will probably be the only State in Australia that does not recognise wildlife officers. I have been through various parts of this State, including places like Geikie Gorge and Windjana Gorge National Parks - some of the more remote areas. I have seen the rangers and wildlife officers at work. They have different roles with the wildlife officer being more of a specialist. I can imagine how excited a CALM officer would be if he were on the Gibb River Road and he was asked by a member of the public to look after a crocodile with which he was having problems.

Mr Pearce: Do not feel that CALM officers will be generalists replacing the specialists. The specialists will still be there, but they will be labelled "CALM officers".

Mr BLAIKIE: I am aware that the general labelling of officers will give the department a better utilisation of its resources but specialists will be lost.

Mr Pearce: It is designed to give a better corporate identity more than any other single thing.

Mr BLAIKIE: I have no disagreement with a corporate identity. However, I question strongly the loss of identity of officers who are specialised in some areas. Other States looked at going down that path when carrying out their research into these matters and, while we may be trailblazers, we are on the wrong trail.

Mr Pearce: I think history will prove you wrong because my belief is that most of the other States will move to our arrangements in the next few years. The Resources Assessment Commission recognises that.

Mr BLAIKIE: Time will prove me right. In three or four years' time, when I am still here and the Leader of the House is working in the private sector, I will advise him of how wrong he was.

My final comment relates to a stupid set of circumstances in 1984 about which the Leader of the House was aware at that time following very strong involvement by the conservation movement. Section 99(2) of the parent Act does not allow anything to be taken out of a national park. It states -

> Nothing in this Division shall authorize the Executive Director to permit any person to take or remove forest produce, other than honey, bees-wax or pollen, or other flora from a national park or nature reserve for any commercial or other profit making purpose.

At that time I argued about the stupidity and short-sightedness of such an approach and I am pleased I am in a position to say that I was right. The person with whom I was arguing is no longer in this Parliament; he ended up with a better job and is now the Ambassador to Ireland.

This Bill will amend section 99 of the Act to provide for the removal of forest produce from national parks under certain conditions. However, where in the opinion of the executive director essential works are required to be carried out he will have the authority to grant licences to any person to remove forest produce. I ask the Minister to consider including a condition in the legislation that will ensure that the executive director can make those decisions only with the express approval of the Minister. I do not wish to limit the proper working functions of the executive director, but I want to ensure that any political consequences of the executive director's actions have the approval of the Minister. While that is the tenor of proposed new section 99A, it has not been spelt out clearly. The point is that on numerous occasions decisions will have to be made concerning the removal of timber which will benefit the State commercially. At the end of the day the Minister should be the person who gives the final approval. The management requirements would be the province of the executive director, but the political decisions would be the province of the Minister.

Mr Pearce: That aspect was part of an extensive consultation I had with representatives from the environmental movement. They were concerned that commercial factors may come into taking the trees from the national parks. You are saying the same thing and you are right. If the member considers the safeguards which are built into the legislation he will realise that the executive director cannot do that unless he advertises in at least two issues of a newspaper circulating in that area. People will then know what is proposed to be done and it will give them time to object. The legislation does not say specifically that the executive director must obtain the approval of the Minister, but because it is advertised people will have the opportunity to approach the Minister if they think the executive director is going down the wrong path. The Minister has the power to direct the executive director with regard to every matter in the Bill. There is a potential power, but I would not like to change the current form. There was a lot of discussion to achieve that agreed position.

Mr BLAIKIE: I will raise this matter again during the Committee stage. However, very significant changes have been made to the legislation to allow limited commercialisation and the Department of Conservation and Land Management will be able to remove some of the timber from the construction of roads and firebreaks. It should have the ability to do that and it should have been written into the legislation from day one. The only rider that I would add is that the Minister should give his approval for this work and this would temper an administrative decision with political judgment. I am concerned that under this Bill the executive director will make a decision and the Minister will find that his hands are tied. The only position the Minister will be able to take is to advise the Parliament that he has spoken to the executive director and has admonished him for his actions.

I hope the Government will take on board my comments about conservation and land management generally. CALM has 18 million hectares of land under its control and each year, as is the case with all Government agencies, it is required to submit to the Parliament a financial statement of its affairs. I put it to the Minister and to the Parliament that because CALM is the largest land manager in the State, it should also be required to submit an environmental audit to the Parliament. The Parliament should have the opportunity to scrutinise CALM's performance as a land manager. Environmental audits are not new; they have been around in other parts of the world for many years. CALM is in a position to impose its will on adjoining landowners without any retaliation from them and for that reason CALM should be required to provide to the Parliament a performance schedule showing the funds it receives and the way it manages the land of this State. If this were done on a yearly basis, it would provide the opportunity for members of Parliament to measure CALM's performance.

The member for Cockburn has referred previously in this House to the establishment of a

nature conservation trust of Western Australia. I have given consideration to his suggestion and I am of the opinion that it could have some merit. I suggest to the Minister, even at this late stage, that consideration be given to appointing a committee comprising members of this House or members from the other House to determine how a nature conservation trust would operate. I do not want to recommend a Select Committee per se, but if that is the only vehicle through which to consider a nature conservation trust, such a committee should be established. We would be moving into new ground and we need to know the full ramifications of establishing a nature conservation trust - it comes back to the question the Minister answered yesterday. I support the legislation.

MR BRADSHAW (Wellington) [11.49 am]: In this State we already have national parks, State forests and nature reserves and all this legislation is doing is duplicating what we have and it could lead to some confusion. In his second reading speech the Minister indicated that the Lane-Poole Reserve could be classified as a conservation park. He said -

> Conservation parks will have the same functions as national parks but will be areas which do not have the same national significance; some will be areas which are smaller in size or which have suffered some previous disturbance.

Some years ago the Shannon River basin was declared a national park - and I will not go into the ins and outs of whether it should have been - even though some areas of it had been degraded by fire and others had been logged. With proper management of areas which have been degraded in some way, reserves can soon be brought back to the appropriate standard for classification as national parks. It will create confusion to introduce the new category of conservation park in addition to the existing classification of national park. The Lane-Poole Reserve is a magnificent area, and I am sure most people would not appreciate the difference between classifying that area as a conservation park, as opposed to a national park.

Mr Pearce: It would be different, and it would not be appropriate to give it a nature reserve classification because people are kept out of nature reserves, but can go into conservation parks. The Lane-Poole Reserve is one of the most popular areas in the State. Many of the areas covered by the proposed conservation park are Alcoa leases used for bauxite mining, and discussions with Alcoa of Australia Ltd have indicated that it is prepared not to exercise its rights in this area. If we made them national parks, under the no mining in national parks policy Alcoa would have to forfeit its leases which may leave us open to compensation payments. We are proposing, for the purposes of the no mining in national parks policy, to treat conservation parks in the same way as A class nature reserves; that is, mining could be allowed by an Act of both Houses of Parliament. For all other purposes they will be treated as national parks.

Mr BRADSHAW: Some areas at the moment may not be of high enough standard for classification as a national park, but some time down the track they may be suitable for that classification and a similar problem will arise in connection with mining in those areas. It will confuse the issue to introduce a new category. As I have already pointed out, it is unnecessary. I referred to the Shannon River basin, parts of which were degraded and other parts of which had been logged; with proper management the trees removed can be replaced and nobody will know the difference - provided another fire does not go through the area.

I agree with the member for Vasse with regard to the officers of the Department of Conservation and Land Management; there is a problem with putting the department's forest officers, rangers and wildlife officers all in the same category of conservation and land management officers, all wearing identical uniforms. At the moment they wear different badges indicating their areas of responsibility. If it is the Government's intention to make all business everybody's business, there is a danger of things being overlooked. Many of these officers are specialists in, and have a preference for, either wildlife or forestry matters. It is a step in the wrong direction to put them all in the same category. The Minister stated that other States would follow Western Australia's lead in this matter. That would not surprise me. This has happened in the education field, for example; when new trends are introduced in the education system other States are quick to jump on the band wagon, but the new systems are often discarded once it is realised that they do not work. This happens in many areas of Government. Although other States may follow suit, in time they will soon discover they are making the same mistake made by Western Australia.

It is interesting to note the Minister's statement in his second reading speech that the new

staff category will not result in any increase in staff numbers. One of the problems brought to my attention in discussions with CALM officers is the shortage of staff in the department. They are being given more and more duties, as more and more national parks are established, but no additional staff. With the introduction of conservation parks their responsibilities will increase further, and more pressure will be placed on the staff. Provision is also contained in the Bill for officers to have some authority in areas which are not currently classified as national parks. That means an additional burden for the officers, and it will not enhance the future good management of CALM. Although I have the highest regard for CALM officers, they can do only so much and once morale drops, the standard of everything drops. The current staffing levels should be reconsidered. I know there is a ceiling on staffing levels at the moment, but if the duties of these officers are to be increased so must staff numbers be increased.

The Minister also stated that honorary conservation and land management officers will be appointed. His excuse for this move is "recognising and promoting the growing public interest in our environment". I agree that public interest in the environment is growing in some areas, but this move is to avoid the need to employ more officers in CALM. I have some difficulty with the proposal that honorary conservation and land management officers will do the work previously carried out by CALM officers. Professional people should be doing this work. A little authority and a uniform, without the advantage of proper training, can quite easily turn the heads of some people so that they become overbearing and throw their weight around. That is much less likely to happen with properly trained and professional CALM officers. Also, honorary officers may come and go as they please and will not necessarily be available when needed. That is another reason for not proceeding with the appointment of honorary officers.

The Bill provides that CALM may manage private land for a public purpose. The department will be able to enter into agreements with public authorities and private landholders to manage land as a regional park. It will be interesting to see whether many of these agreements are entered into. If many agreements are made, will the number of staff employed by CALM increase? It is important to establish regional parks, national parks and other areas for public use, but these areas must be properly managed and not be set up without sufficient staff to look after them. Reference is made in the second reading speech to the department's seeking agreement with pastoralists to allow public use of small areas of pastoral leases for activities such as camping and caravan parks. I see no problem with that proposal, but I ask the Minister whether such land will be resumed from the pastoralists if no agreement can be reached. Must an amicable agreement be reached with the private landowner or leaseholder before that land can be used as a camping area or caravan park? Is it proposed that CALM should run the caravan parks or camping areas established, or will they remain in the hands of private enterprise? These types of operations are more efficiently handled by private enterprise because they are generally expensive to run. They are not Monday to Friday businesses; they operate seven days a week. When employed people are rostered to do this sort of work it becomes very expensive. However, such enterprises are usually run by families who can run these businesses and still make a profit. In the hands of the Department of Conservation and Land Management or other Government agencies they cost taxpayers a considerable amount of money. In this age of much free time for people, early retirement and more holidays we should look to providing more caravan parks and camping areas so that people can enjoy Western Australia at a reasonable price rather than be forced into hotels or guest houses which are relatively expensive, particularly for people with families. It is important to have more of these sites available at a reasonable cost.

Resource security is of concern to me. For too long both the Federal and State Labor Governments have pandered to the Greens - if they said "jump" the Government said, "How high?" At long last the Government has decided to return to its support base of people such as forest and timber workers who have been decimated by the actions of Australian Labor Governments. As a result of a change in public attitude against extremists the Government has now decided to abandon the green vote to get back to its basic electoral support and is prepared to have resource security legislation. I see nothing wrong with that. We had that in relation to sustainable management by CALM in Western Australia. I become angry when it is said that we are chopping down our trees and not replacing them in the State forests as that

is completely untrue. Another area where myths abound is that our State forests are chopped down for woodchipping which is completely untrue. Trees are chopped down in State forests for timber production and the off-cuts are used for woodchipping. The perception has been put around - and I think the Premier is under this misapprehension also - that people go into State forests and chop down the trees for woodchips; that is quite wrong. It is time that CALM and the Government sought to tell the people of Western Australia that the greenies and other people are trying to create an impression that we have been decimating the State's forests for woodchips and that that is completely wrong - that CALM runs our State's forests in an able manner with a sustainable management practice; that is, if they chop down a tree they replace it with at least one other. That program has been going on for some years.

Mr Thomas: Sustainable development is not a matter of planting one tree for every one chopped down.

Mr BRADSHAW: I said "at least one". The Government wishes to change lease arrangements with this Bill and make the maximum lease period 40 years instead of 20 years. We went through this procedure a year or two ago regarding Kings Park. The idea certainly has some merit. I do not see a great problem with this provided adequate safeguards are put between the people doing the development and the Government so that those people get a 20 year or 40 year lease, or whatever they want if they are to do certain things. However, the maintenance of buildings built under those circumstances should be of a certain standard so that in 20 years, or 40 years, those buildings are of a reasonable standard. Over the past 50 to 100 years people have built facilities but allowed them to run down so that at the end of their lease the buildings were in poor condition and not up to the standard we should be able to expect. I see no problem in changing lease arrangements provided safeguards are put in place and the plans are not so grand that the Government has difficulty getting anyone to implement them. In some commercial situations revenue has to be returned to people so that they make a profit. Therefore, it is important that plans are not so grandiose as to create a problem. We have seen a grandiose plan for Kings Park that does not work.

I turn now to honorary CALM officers and what has taken place regarding CALM management over the years. Although the Minister will say it is untrue, the tree planting program has not proceeded at the rate one would like or in the way the Government created expectations that it would. I would like the Government to reach an agreement with the Federal Government that unemployed people can be used for tree planting in Western Australia. That would increase the number of trees being planted, which is vital for our future, and would give unemployed people work which is good for their morale and their future. It would also give them pride in doing something for Western Australia.

Mr Pearce: It is not a lack of labour that is the problem but the fact that some shires - including some in the member's area - have objected to the buying up of farmland to turn it into plantations, I guess because of the loss of rates or useable farm land. Some shires in the Collie area are making it difficult for companies such as Bunnings to buy land to plant forests. Getting jobs for people is something we would all support, but that is not the problem in this case.

Mr BRADSHAW: Even if the Government sent representatives out into the wheatbelt areas to plant trees to help farmers in those areas, particularly now when those farmers are on their knees because of low commodity prices, that would be an advantage. There is still scope for the Government to look at such suggestions and come to an arrangement with the Federal Government so that money is supplied to the State Government to be paid to unemployed people to do that work. During the last depression the irrigation system in the Waroona-Harvey-Brunswick area was built.

Mr Thomas: The last depression was in 1981-82.

Mr BRADSHAW: I am talking about the depression in the 1930s, which was a bit before my time.

Mr Thomas: I do not think they dug the Harvey channel in 1981-82, but there was a depression then.

Mr BRADSHAW: It would be a great idea for the Government to invest in - unemployed people for the tree planting program. That program does not necessarily have to be on Government land but could be on private land, whether in the south west or the wheatbelt, so as to get more trees planted in Western Australia.

MR PEARCE (Armadale - Minister for the Environment) [12.08 pm]: I thank members for their general support of the legislation. The Bill has had a lengthy time before the Parliament. The discussions have been time consuming, protracted and detailed. The net result is a better Bill than the one brought before the Parliament in the first instance. Some of the discussions in relation to the Bill took place inside the Parliament and some outside it. I have had extensive consultations with a range of interest groups, particularly from the Conservation Council, regarding the form of words to be used in a range of measures and many changes have been made. As the member for Vasse pointed out, that resulted in a huge number of amendments being placed on the Notice Paper by me and a significant number by the Opposition and the member for Cockburn. Last year I took the previously unprecedented step of accepting in advance all of the Opposition's amendments except one which I notice is still on the Notice Paper - talk about failing to honour a trade-off arrangement! I then had the Bill reprinted with all of the amendments included.

Mr Omodei: What were the trade-offs?

Mr PEARCE: I accepted every Opposition amendment bar one, and I thought the Opposition would have had the decency to drop that one.

Mr Nicholls: We will discuss it, but there are some matters of principle which we cannot ignore.

Mr PEARCE: During the eight years that I have been a Minister, I have never refused to accept an amendment which in my view made sense. In fact, when I was first Minister for Education I recall accepting a range of -

Mr Omodei: Turning over a new leaf!

Mr PEARCE: It was a new leaf in the sense that when I was Minister for Education in 1983 and introduced the Secondary Education Authority Bill I accepted a range of amendments, and I recall specifically that I accepted one of them after a long debate about whether the Director General of Education should be of right the Chairman of the Secondary Education Authority or whether it should be a person appointed by the Minister. I was actually convinced during the course of that debate that the proposal put by the Opposition - I think by the current member for Marmion and the current Treasurer of the Liberal Party, Mr Jones, in the days when he was a National Country Party member - should be accepted. I subsequently used the additional flexibility created by that amendment to appoint Dr Mossenson as Chairman of the Secondary Education Authority; and he has done an exceptional job there ever since. I have never had any problem with accepting amendments. That was turning over a new leaf because before that I had been in the Parliament for six years and never during that six years had an Opposition amendment been accepted. We would move the most reasonable amendments to pick up glaring inconsistencies in a Bill and Liberal Party Ministers would never accept them. If they finally saw the sense of an amendment, they would get one of their members to move the same amendment in the Legislative Council and then bring back the Bill to this House in order to protect their position of never approving Opposition amendments.

Mr Blaikie: There is an explanation for that. It was not what you did but the way you did it.

Mr PEARCE: I know - it was who did it! The other side of it was that in those days very often Liberal Party Ministers were not sufficiently on top of their jobs to know whether the amendment made sense; they had to go back and take advice afterwards. We would then find the same amendment, in exactly the same words, popping up in the Legislative Council. We should have charged the Liberal Government fees in those days! That happened particularly in the case of the Industrial Relations Bill which was passed when the member for South Perth was the responsible Minister, where all the amendments suggested by members on this side were totally ignored, but when the Bill hit the Legislative Council, Hon Howard Olney, a Labor member at the time, actually had to redraft the Bill for the Government in the Legislative Council. At least the Legislative Council Minister at the time, Hon Ian Medcalf, had the decency to say at least semi-publicly afterwards that Hon Howard Olney had saved him from considerable embarrassment by redrafting the Bill.

My point is that reasonable amendments should be accepted. It is nonsense for any Minister to stand up and willy nilly refuse to accept amendments on the basis that he or his department had not thought of them first. In the case of this Bill, a significant number of

amendments were moved by me, as a result of consultations I had with other people; a considerable number of sensible suggestions were made by the Opposition, which I have incorporated in the reprinted Bill; and there was also a suggestion from the member for Cockburn, which I shall ask the member to deal with at the Committee stage as a way of recognising the contribution that he has made by proposing the establishment of a conservation trust. That is an excellent idea which he worked out from his experiences in other countries.

Mr Wiese: Didn't you do that in December?

Mr PEARCE: I incorporated it into the Bill, yes. Originally the member for Cockburn had his series of amendments on the Notice Paper, in the same way as did the Opposition, and when I had the Bill reprinted to save the time of the House I included his amendments as well as the Opposition's amendments to which I had agreed, but I am happy to have the member for Cockburn deal with those amendments at the Committee stage.

A number of members made specific comments about the Bill during the second reading debate, but almost all of those will be dealt with during the Committee stage and I do not propose to respond to them at length now. However, I will refer to dieback, which was raised by the member for Wagin. That is a crucially important environmental issue in the State. It is a fact that many of our national parks in the south west and in the great southern have been badly affected by dieback. I have never sought to deny or minimise that impact. At the same time, it is not an area about which we should get into political point scoring. This issue is difficult to deal with. The dieback fungus has been in those areas for many years, and maybe for centuries.

Mr Omodei: As a political party you have been very quiet about dieback for the past couple of years.

Mr PEARCE: Because we have actually been working with the Department of Conservation and Land Management to try to do something about it. It does not help to try to scare the pants off people about what can or cannot be done. I recall when I was first a member of Parliament in the early 1970s attending briefings given by the then Forests Department about dieback in forest areas. The briefings were pretty dismal because people were forecasting the end of the jarrah and karri forest within 20 years; that is in about six years from now. The measures that were worked out and put in place then have saved the forest from dieback - not eliminated it, because we cannot do that. The research done identified the way in which the *phytophthora* fungus worked, and the mechanisms which were operating in the soil. The careful hygiene and quarantine measures implemented made it possible to restrict the spread of dieback.

Mr Blaikie: That was also part of the campaign which was launched by some people - and certainly by some people on your side - who were opposed to the development of the bauxite mines on the Swan coastal plain.

Mr PEARCE: I am not saying that is not the case.

Mr Blaikie: That was used in a very bad political way.

Mr PEARCE: That may be the case.

Mr Thomas: They were not on the Swan coastal plain.

Mr PEARCE: That is right. The bauxite mines are on the Darling scarp. The dieback issue in national parks is a serious one, but it raises dilemmas for us. One dilemma is that the easiest way to stop the spread of dieback into national parks is to exclude people from them, because most of the dieback moved into national parks is actually carried by people and by the small mammals which in many cases are the reason for the national park being there in the first place. We cannot have hygiene measures which are 100 per cent effective under those circumstances. In the forest we can because access can be restricted to people who are involved in forestry operations; they can clean the tyres of the trucks, the boots of the workers, and things like that. However, it is very difficult to prevent the movement of people in a national park. A dieback management plan for the south coast was produced a number of years ago by CALM, and we are looking at ways in which that may be made specific to national parks. We are also looking at the proposal that people be excluded from certain areas of some of the major national parks, and at having more defined tracks and the

like. However, it is a dilemma for us because if we say that the special nature of these national parks is such that we cannot have any people access at all, to some extent the reason that we have national parks is thereby defeated. It is not possible, unless we build fences around some of these places, to keep the people out. One of the great problems with dieback spread in the D'Entrecasteaux National Park, for example, is the unauthorised use of four wheel drive vehicles by people who use those southern beaches for fishing and for -

Mr Omodei: It is not unauthorised use. You are allowed to use four wheel drive vehicles.

Mr PEARCE: Yes, on the tracks, but people do not always confine their four wheel drive vehicles to tracks in national parks or in the ungazetted areas of national parks, and we cannot police those things absolutely. People have their favourite spots to go to. There are tracks all over the place. The member knows that if we try to close off tracks -

Mr Omodei: There would be civil unrest!

Mr PEARCE: Absolutely. The member is quick to contradict himself. There would be civil unrest if we tried to stop wide access on registered tracks. What one of the member's colleagues is saying is that we should do more to limit access by people to those areas. I agree with the member that that is not an easy thing to do in areas like the D'Entrecasteaux National Park. Part of the solution will be an education program, and perhaps having a more rigorous approach to limitation. At the moment we are finding sophisticated ways of defining the problem precisely, and we have been using satellite photographs to try to delineate those areas of national parks which are dieback affected, because the colour enhancing and coding of satellite photographs by computer imagery can to some extent pick up dieback, but in the past the systems have not been sophisticated enough to distinguish between, for example, areas where trees are dying off because of previous bushfires and losses caused by dieback.

We have a system which can differentiate between bushfires and losses caused by dieback. I am not saying that fires cause dieback, but in areas which have been lightly fire affected, the computers in the satellites have not been smart enough to differentiate between dieback and fire damage. The satellite imagery can be very similar. We are finding ways to differentiate, using sophisticated systems. We will be able to use satellite images specifically to define dieback affected areas and we will effectively re-survey areas which show up in the satellite imagery. A lot of work is being done on dieback. The problem is a significant one, but it is not sufficient to say that something should be done so that dieback is eliminated because there is no cure for dieback.

Mr Omodei: You are saying that CALM has done work in different spheres of research as far as dieback is concerned, but it has not been adequate to combat the problem?

Mr PEARCE: The age of the forest is the problem. We cannot cure dieback, but we can try to restrict the spread. More work needs to be done in the definition of the problem, and we may have to take severe measures, but the problem is not solvable just by throwing money at it. It poses difficult dilemmas for any Government. I hope this is one problem which might be approached on a bipartisan basis.

Mr Clarko: Are you sure that enough progress has been made?

Mr PEARCE: I do not know what could be done that is not being done, unless we were to exclude people from the national parks. The research that I have seen indicates that it is not clear that that would solve the problem.

Mr Omodei: People do not walk through the forest; they mainly stick to the beaten track. Will you exclude all the native animals?

Mr PEARCE: It is not only people; it is the movement of the small native animals in their natural surroundings. A fair bit of research suggests that the animals move the dieback fungus around. If there were a simple answer we would have solved it ages ago. The answers are complex. I am not convinced that putting a huge amount of money into dieback will change the circumstances.

Mr Clarko: Are you on a plateau, or are you making some progress?

Mr PEARCE: We are probably on a plateau at the present time.

Mr Wiese: Do you accept the two points I made during the second reading debate? Firstly,

far better access roads into these areas are required and, secondly, controlled burning. Those are two areas in which CALM should be more active.

Mr PEARCE: One of the most effective of the national parks in the great southern area is the Stirling National Park because that is a very popular area, and it is well used. It has been well established for many years. Not only have I inspected it, but I spent a week travelling around as an ordinary person in the course of one of the parliamentary breaks last year.

Mr Clarko: You must be very careful when you say you travelled as an ordinary person. I would not have thought that you were ever that.

Mr PEARCE: I am most of the time. What I mean is that I turned up at the national park without any fanfare or any suggestion to anybody that I was there. I merely took my caravan, parked in the caravan park and took my family walking along the tracks. The Stirling National Park is set out in the way one would want. The access tracks are very clearly defined. They are marked, and everybody uses them. Because of the nature of the terrain, people do not go away from the marked areas to any significant degree. We are not worried about four wheel drives because of the nature of the terrain, yet dieback is spread very extensively there. It may well be the case that vermin contribute to the problem in national parks. Programs, particularly for foxes, operate in the national parks. They are a huge problem and one which is not easy to solve, particularly because the national parks are unfenced. That was another part of the member's discussion. Unless we are prepared to put fairly dramatic fences around the national parks we cannot keep vermin out, even if we kill what is in there.

That was strongly demonstrated in other areas. I had a meeting with the people at the Warralong Sanctuary in South Australia. That is a very successful area for the re-breeding of small marsupials such as bettongs and such like. Those people insisted that the only way to keep feral cats and foxes out is to have a huge fence to exclude those animals absolutely. You then kill every feral animal in there and patrol the fences. In all their experience, which runs over 20 years, they say that there is no other way of achieving it. That is not economically feasible for a State like Western Australia. It would be out of the question to put a fence like that around the Fitzgerald National Park, the Stirling National Park or the D'Entrecasteaux National Park.

Mr Wiese: If the Government were to meet part of the cost which the farmers are already meeting over a period of time, the Government would be able to upgrade the fencing.

Mr PEARCE: I do not think so. The types of fences required to exclude foxes and feral cats would necessitate something like a cyclone fence with a double barbed wire top. They have that type of fence at the Warralong Sanctuary. It is a cyclone fence dug into the ground to stop any burrowing under, and it is angled at the top. It is engineered so that it is loosely strung and arches back to dissuade animals from trying to climb over it. That is a very expensive form of fencing. It might work for the Warralong Sanctuary, because that occupies only a few hundred hectares, but when we look at hundreds of square kilometres, like our national parks, we are looking at expenses running into tens of millions of dollars.

I am not drawing attention to these difficulties in order to indicate that the job is too hard and it should not be approached, but we are doing our best in difficult circumstances. We are trying to find more specific information through satellites. We are trying to identify where the problem is as a guide to where to direct people away from, but the job of containing dieback in these areas will be a long and protracted one for the people of Western Australia.

I thank members for their general support of the legislation.

Mr Blaikie: What is your perception of environmental reporting?

Mr PEARCE: I accept what the member says. I am in the process, as Minister for the Environment, of producing a state of the environment report for the whole of Western Australia, and that will include a section relating to CALM areas.

Mr Blaikie: You will go ahead?

Mr PEARCE: Yes.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Dr Alexander) in the Chair; Mr Pearce (Minister for the Environment) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended and validation -

Mr MINSON: This clause appears to legalise certain things retrospectively. I do not support people who avoid taxation; that is, I do not approve of persons who need to be dragged from the bottom of the harbour. At the same time, I do not approve of retrospective legislation. The laws of the day should be binding on society. Does this clause do what I think it does? If so, I am not happy with its inclusion in the legislation.

Mr PEARCE: The clause corrects an error in previous legislation which by taking two definitions together meant that the indigenous trees for timber production were counted as native flora under another section of the Act. Therefore, we could not do what we wished to do with those trees. This legislation changes that arrangement and ensures that one section does not cover the other. One could make a legal argument that in the intervening time this contradiction could have had serious legal consequences. The effect of the clause is not only to patch up the current Act, but also to retrospectively validate the actions which were taken.

Mr Omodei: Why is that not specified?

Mr PEARCE: This is the way the draftsman advises that it should be covered.

Mr BLAIKIE: This is a classic case of "Yes Minister" because the Minister has not answered the question. He proposed a heap of gobbledegook hoping that this Chamber would not understand, and would move to the next item of business. Subclause (3) is specific -

> Anything done or omitted under the principal Act before the commencement of subsection (1)(b) that would have been valid if, at the time when it was done or omitted, that subsection had come into operation is declared to be and always to have been valid.

The Minister requests that we agree to validate illegal actions - if there were any - or actions contrary to the legislation that may have been carried out. The old rule of legislation is that if the legislation is necessary the Government should explain why. If errors or omissions have occurred, Parliament should be advised. Perhaps action has been taken against the Department of Conservation and Land Management by private people and been contested in the courts. If the legislation is passed, such an action will be nullified.

I have some sensitivity because under another Act of Parliament a constituent of mine has been endeavouring to bring a matter before the courts against the Western Australian Water Authority. The case has been going on for 19 years and relates to drainage rights. The Minister for South-West was the lawyer formerly acting for my constituent. During all those years small amendments have been made to the legislation under which the action was taken, and which had the effect of frittering away his case. I do not know whether any action of this kind has been taken against CALM, but it is astonishing for the Minister to say that anything that might have been carried out illegally in the past should be covered by this legislation from now on. Were the Minister to say that with the passing of this legislation responsibility will be accepted for any illegal action in the past and that from the day of proclamation the situation will change, I could accept that.

As to the Department of Conservation and Land Management's estate, I have questioned for some years the direction by the Government that CALM should cut out road reserves and stream reserves and move into fire reserves. I was always under the impression that once a management plan was set in place only the executive director, with approval, could change that plan. Is part of the reason for the validation of these actions now related to a series of illegal actions over the past eight or nine years? Nothing contained in the second reading speech relates to the issue. The Minister made no comment in response to the matters raised by the Deputy Leader of the Opposition.

I was delighted to read in *The West Australian* recently that the Australian Broadcasting Corporation had sent a letter of apology to the Executive Director of CALM regarding the eight or nine points raised in the "Four Corners" program -

Mr Thomas: The program was a disgrace.

Mr BLAIKIE: It was; however, it was such an important matter for the department and its officers that at least the ABC apologised. It took a while, and it is one of those items which appears at page 57 of a newspaper - not on the front page, or on "Four Corners" the next week. Part of the program related to the removal of trees in the Shannon River National Park. Is part of this validation applicable to that?

Mr Pearce: No.

Mr BLAIKIE: It is a significant step when the Parliament is asked to validate retrospective action from the past seven years. The Minister has an obligation to give some reasons in his second reading speech for the changes that are requested. He should have provided some examples of the areas which caused the Government to proceed down this path. A far wider explanation is required because retrospectivity should be anathema to all members of Parliament.

Mr PEARCE: The member should read this Bill a touch more carefully . It may be that it supports the argument advanced by the member for Murray and me yesterday that legislation should be easier to understand. Section 6 of the principal Act has a much narrower application than suggested by the member. It refers to "anything done or omitted under the principal Act before the commencement of subsection (1)(b)"; that is, the retrospectivity only applies to section 6(1)(b). Section 3 involves the change to the definition of "forest produce". If the member refers to the original Act, the change will effectively delete this section. It will exclude the following -

> . . . protected flora for the time being within the meaning of that term in the Wildlife Conservation Act 1950.

If members look at the definition of "protected flora" in the Wildlife Conservation Act, it includes all indigenous species including trees such as jarrah and karri. Therefore, if all those parts are taken together, they cancel each other. Forest produce includes timber and all indigenous trees and the only trees left will be the exotics such as the pines. That was never intended. In fact, no-one has operated on that basis. My understanding is that when the principal Act was drafted it was intended to make a concomitant change to the Wildlife Conservation Act to clear up the matter. But when people looked at the situation it became clear that an amendment was required to the definition of forest produce, and that is what we are now doing. In the future the legislation will apply in this way.

However, in making that change we do not want someone to take a legal challenge and argue in the courts that no jarrah or karri should have been harvested since this Act was produced. Some people in this State may be tempted to do that if the opportunity were presented to them. Although I understand the member's desire not to have a wide validation of activities, the amendment intends to prevent persons taking an argument to court that some of the forest produce harvested in the past few years - such as jarrah, karri and marri - has been illegally harvested under the Wildlife Conservation Act. The amendment has no application other than that. It applies to no section other than section 3, which is the change to the definition regarding protected flora.

Mr Blaikie: It is not applicable to national parks?

Mr PEARCE: It has no application to national parks because forest produce aspects are excluded from national parks. It can only be dealt with by way of the necessary work on the amendments we have already considered. If anything was done illegally in harvesting national parks, or any other illegal activity occurred, it will still be illegal - this amendment does not make illegal activities legal. It simply means that someone cannot make an argument about jarrah and karri being protected flora under the Wildlife Conservation Act because it is not forest produce.

Clause put and passed.

Clause 5 put and passed.

Clause 6: Section 6 repealed and a section substituted -

Mr WIESE: Proposed subsection 5 contains a reference to lands which are -

> . . . vested in the Authority, either solely or jointly with some other person or persons;

Will the Minister explain the kind of situation to which this would apply? I am not aware of any such situation. To what does the reference to joint ownership refer?

Mr Pearce: Is the member asking for an example of a reserve which might be vested in the authority and someone else?

Mr Wiese: I am trying to picture the type of situation where the amendment might apply.

Mr Pearce: One example of that would be a joint vesting with the authority and a shire. I understand some examples of that exist in the Shire of Wyalkatchem.

The CHAIRMAN: Order! On a point of etiquette, members should be on their feet when they are speaking. We are dealing with a new situation and the Standing Orders and Procedure Committee has yet to consider the procedure to ensure that it operates smoothly.

Mr WIESE: Something must be going on in the community to make this amendment necessary. What sort of an arrangement exists between CALM and the shires which requires the reference to property vested in the authority "either solely or jointly with some other person or persons"? Are we looking at a situation whereby CALM and an individual person can come to an arrangement to manage property or establish a reserve?

Mr PEARCE: This is regarding vesting under the Land Act. Sometimes an authority is not the only body in which that vesting is made. The rest of the Act deals with land vested solely in the authority, but the amendment allows for joint vesting arrangements. Other arrangements exist to the example I gave with the Shire of Wyalkatchem, and these will be covered by the Act. If the member requires a comprehensive list of these arrangements, I am prepared to provide it to him.

Mr WIESE: Are we in the process of trying to establish an arrangement which refers to nature reserves? Are we establishing an arrangement whereby CALM can enter into a joint vesting? Are we establishing an arrangement whereby agricultural landowners are able to enter into a joint vesting over part of their farms set aside as remnant vegetation and sign documentation to lock up the land. I want to clarify whether CALM has such an intention. I have heard nothing about that kind of arrangement.

Mr PEARCE: The proposed new section is precisely the same as the section in the principal Act. The changes are being made because the numbering is changed. Page 87 of the principal Act states that -

> (4) Nature reserves, for the purposes of this Act, comprise all lands that -
>
> (a) by section 7(4), are vested in the Authority, either solely or jointly with some other person or persons;

Therefore, nothing is changed. The proposed new section is designed to cover the situation of the joint vesting. It is possible for people to give land to CALM to manage. I was recently in the Murchison to accept a donation involving a portion of pastoral land for which the lease was changed. It may be that in the future arrangements can be made between private individuals and CALM for a joint vesting. I know that a separate proposal exists for a Western Australian version of the Victorian Nature Trust through which people pass over a proportion of their land for joint management by them and the authority. This proposal is being considered outside Government at the moment and changes may be made to legislation in the future. However, the proposed section under consideration is carried over from the principal Act and is designed to cover the position I have outlined.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 9 amended -

Mr WIESE: The Minister in his second reading speech referred to this clause as one which gives security of tenure to various sections of the forest industry by way of management plans for State forests. Later he referred to setting up what I called mini-management plans which are different from the usual management plans. They would cover areas which did not have an existing management plan. Does this clause cover these mini-management plans for small areas which have not been set aside?

Mr PEARCE: Once a management plan is in place for a forest the purpose for which any

part of that forest can be used is laid down. This clause proposes that the purposes set down in a management plan cannot be changed without going back to Parliament. That is our version of resource security. When I attended a forestry Ministers' meeting a few weeks ago I told the Federal Government that its way of approaching resource security was quite bizarre and that in Western Australia that approach had the potential to change adversely the arrangements already in place. Our timber strategy as exemplified in those management plans lays out the resource and its security for a long time to come. For the State to get Commonwealth support for that strategy meant that we would have to go through a reassessment with the Commonwealth authorities, including the Australian Heritage Commission and the Commonwealth Department of the Environment, and rework the whole timber strategy. We had already done that, and no-one could guarantee that out of that process we would finish up with the same result. I made it clear to the Commonwealth that we were not proposing to become involved in its version of resource security unless something changed in the future because the advantages to us were greatly outweighed by the disadvantages.

Mr Blaikie: The State's management plan is its resource security.

Mr PEARCE: That is exactly the point.

Mr Blaikie: Having been established by the Cabinet they can then only be changed by the Parliament.

Mr PEARCE: Those areas which are currently not covered by the management plans would not be affected by this clause. The management plan would have to be established for a section of forest and once established any change in the purpose designated for any part of the forest would have to be subject to alteration by Parliament. The clause would not come into action until there was a management plan in place stating the purpose for which any section of forest could be used.

Mr WIESE: I raised that matter because in the Minister's second reading speech he mentioned allowing operations compatible with the purposes of a national park, conservation park or marine park. He said that the public will have an opportunity to make submissions for those parks which do not have a management plan which will require ministerial approval. The Minister said that the procedure will provide greater flexibility than the present requirements. It was my understanding that parks which do not have a management plan now will have a plan of operations drawn up, and to avoid the time consuming process of producing a management plan the Government will impose the requirements of a full management plan but they will not come within the ambit of this clause; that is, the management plan and any changes to go to Parliament. I read it as setting up a process for conservation parks and marine parks to bypass the requirements of the Act. I may be reading in the clause something that is not there.

Mr PEARCE: That is not the proposal. The proposal is to use that mechanism in the pre-management plan stage because, as the member said, the setting up of management plans can be a long slow process and we do not want areas to be unprotected while that is being done. This is designed to operate while the management plan is put in place.

Mr WIESE: Does that mean that areas like those surrounding me in Dryandra, State Forest 52 and all those other areas in the central great southern region which do not have management plans could be incorporated in a de facto management plan without having to go on with a full management plan?

Mr PEARCE: The intention is to have a management plan, but until that time it will operate as a de facto management plan.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Pearce (Minister for the Environment).

Sitting suspended from 12.58 to 2.00 pm

[Questions without notice taken.]

MINISTERIAL STATEMENT - BY THE PREMIER

National Rail Freight Corporation

DR LAWRENCE (Glendalough - Premier) [2.35 pm] - by leave: I wish to inform Parliament of progress to date in relation to the establishment of a National Rail Freight Corporation. As members would be aware, a heads of agreement was signed at the special Premiers' Conference in October last year indicating the support of leaders of Government for the creation of a National Rail Freight Corporation, which was seen as one of the key initiatives for microeconomic reform and one that could produce substantial national economic benefits. Since the Premiers' Conference, considerable work has been done in developing detailed proposals and recommendations for the establishment of the corporation, and these are to be considered by Commonwealth and State Transport Ministers at an Australian Transport Advisory Council meeting in Canberra on 5 April. Because of the significance of these proposals to the nation and to Western Australia, I intend to outline to Parliament the basic elements of the proposals as they currently stand and the position Western Australia will adopt in negotiating its participation in the corporation. This information will also be helpful to members, given the likelihood that at some time in the future there may be a need for legislation to give effect to the State's involvement in the corporation.

The National Rail Freight Corporation proposal was considered by Transport Ministers at an ATAC meeting in September 1990. The proposal advanced at that meeting essentially involved Commonwealth and State equity participation in a corporate body which would assume responsibility for the interstate freight business of the existing railway systems. The proposed National Rail Freight Corporation was to operate on a fully commercial basis with operations commencing on 1 July 1991. My colleague, Pam Beggs, the Minister for Transport, supported the principle of a national rail freight organisation at the ATAC meeting, but noted that the State would need to be assured that it would be no worse off financially before agreeing to participate in the corporation. When I signed the heads of agreement at the October special Premiers' Conference I also made it clear the Western Australia's support was subject to the State's not being financially disadvantaged. The agreement document provided some protection in this regard. Over the period since the ATAC meeting, a joint Commonwealth/State task force has been developing detailed proposals on the wide range of issues relevant to establishing a fully commercial National Rail Freight Corporation. The task force has now completed the first stage of its work and its report is to be considered by Transport Ministers at the ATAC meeting in Canberra. The task force report covers the broader issues relating to the establishment of the National Rail Freight Corporation and makes specific recommendations and proposals on matters such as equity shares and funding contributions for each participant. The task force's report indicates that the National Rail Freight Corporation could be a commercially viable proposition after 1996, subject to its achieving identified efficiencies from improved operating practices and implementing a major capital investment program. While the financial analysis undertaken by the task force indicates that the corporation is a marginal prospect commercially, the projected results represent a considerable improvement on the substantial losses currently incurred by some other States in operating the interstate freight component of their operations.

I find it encouraging that the work undertaken by the task force to date indicates that the establishment of a National Rail Freight Corporation appears worthwhile from this viewpoint. I also believe that the initiative has a major role to play in developing a more efficient national transport system and should significantly reduce the future burden on taxpayers in other States of interstate freight services. However, in considering Western Australia's participation in the corporation, careful consideration must be given to the likely consequences for State Government finances, Westrail and transport users in this State. I am particularly concerned that our examination of the task force's proposals and recommendations indicates that while there would be substantial immediate gains for the other States from the proposed National Rail Freight Corporation Western Australia's financial position, at least in the short term, would significantly deteriorate. I can accept that the gains for this State from the new corporation may not be as great as those which would arise for the other rail systems, recognising that Westrail's interstate freight service is one of the most efficient elements of the national network and, in fact, revenue exceeds attributable

operating costs. This results from the fact that the east-west service has certain characteristics, such as the distance involved, which mean that rail is naturally more competitive than it is in some other corridors as well as the high level of efficiency already achieved by Westrail. It also reflects the fact that investment in this sector of Westrail's operation has been adequate in contrast to the situation of under investment in some other States.

However, it is totally unacceptable that this State should incur a financial loss as a result of its participation in the National Rail Freight Corporation which I believe is inconsistent with the heads of agreement I signed last year. If the task force's recommendations were implemented Western Australia would have to find $45 million over the next five years towards the National Rail Freight Corporation's initial operating losses and capital investment. Our calculations indicate that after meeting those commitments, and taking into account the excess over attributable operating costs currently earned from the interstate traffic which would be taken over by the NRFC, and additional costs such as redundancy payments for surplus staff, the Western Australian Government's financial position over the next five years would be $105 million worse than if the new corporation were not established. As I said earlier, these projected results are clearly unacceptable to Western Australia. It is clear from the task force's findings that the proposals are weighted heavily in favour of the larger rail systems which currently make a substantial loss and would effectively involve, in the short term at least, Western Australia's subsidising the other States because of their current substantial losses in interstate freight and the need for large capital investment in their rail systems. While Western Australia may achieve some benefits from the establishment of the corporation, these will be nowhere near the extent of the benefits achieved in the other States, especially given that the proposals to date developed by the task force do not involve any reduction in freight rates in real terms.

While my comments have concentrated on the overall financial implications of the task force's proposals, a number of other matters in the report need to be considered in more detail. These matters include industrial relations, operational issues and the legal processes and requirements to establish the corporation. The Minister for Transport will be conveying our concerns to the ATAC meeting next week and indicating that further work is urgently needed to develop more acceptable proposals and recommendations. To assist in progressing the initiative, the Minister for Transport is to present ATAC with a number of suggested amendments to the task force's proposals which would help improve Western Australia's position. It would then be up to ATAC, with the assistance of the task force, to review the findings and to produce further recommendations which would satisfy the heads of agreement from Western Australia's point of view and ensure our involvement with the corporation.

In summary, I still consider the National Rail Freight Corporation as an important microeconomic reform initiative which could produce significant benefits for the national economy, and, to this extent, we will continue to assist in its establishment. However, I place on the record that our support and participation must remain strictly conditional upon the State's not becoming financially worse off as a result of the initiative.

MR McNEE (Moore) [2.44 pm]: Obviously, Australia needs a commercial interstate rail network, and if that can be achieved it would add a further dimension to our already efficient transport system. It is recognised that some changes are necessary to the system. However, I am concerned that this change is portrayed as a microeconomic reform because when the Federal Government starts to talk about microeconomic reform that usually means the transfer of powers, facilities and finances from the States to the Commonwealth. That is something about which we should be greatly concerned.

Considering the proposal from a business point of view, on the information provided by the Premier it would seem that she has adopted a very cautious approach to the National Rail Freight Corporation, and she could not be blamed for that. When considering the proposal, one would be tempted to throw it out. It appears to have nothing in its favour to encourage Western Australia's ready acceptance. However, these measures need to be explored and should not be rejected without a thorough, businesses-like examination. I hope that as time goes by the Premier will be able to provide us with a great deal more information, particularly regarding the agreement she signed at the special Premiers' Conference and the protection Western Australia will receive. When considering that the corporation is to be

viable by 1996, one wonders who will be responsible for the major investment program required. Will it be the Commonwealth or will the States have to provide any part of it? What effect will that have on State finances and who will control the equity? I understand that the equity situation is causing a problem as yet to be resolved by the States and the Commonwealth. The Premier described the corporation as being a marginal commercial prospect; does that mean that the profitable Western Australian system will have to make a contribution to shore up those States' operations which are not profitable? Bearing in mind that Westrail is in very good condition, and that the Eastern States have been niggardly in their investment in their rail systems, Western Australia should not financially help the other States with this scheme. All those problems must be rectified before we agree to take part in a National Rail Freight Corporation.

It appears in the short term that our financial position will deteriorate as a result of our joining the corporation, but if the proposal is run through to its finality that could be turned around. The east-west corridor is profitable; that is, the route from Sydney and Melbourne to Perth. This route has distance on its side and has little competition from road transport. Members should keep in mind the fact that our standard gauge rail line is probably the best system in Australia. I had the pleasure of travelling on it recently and the comment was made that as soon as we left Western Australia the ride became much rougher. On the other hand, the north-south corridor running from Melbourne to Brisbane and Sydney to Brisbane carries a great deal of freight, but it also has a great deal of competition from road transport. It is doubtful whether that will ever be a profitable route. A number of problems must be examined in a businesses-like manner; however, we should not reject the proposal out of hand and we must proceed with caution, as the Premier is doing. I hope the Premier will keep us fully informed on this proposal. The corporation's industrial and operational matters pose a problem. Those matters were covered by a couple of words in the ministerial statement, but they require intense negotiation. We cannot afford to give in to the other States; we are in no position to become a benefactor to other States. We have a responsibility to deliver the best rail service at the best price to all Western Australians and that would probably be the wish of every member in this place.

I pay tribute to Westrail and the fine job it has done; it stands up very well under scrutiny beside all the other States. Many of the changes were made by Minister Rushton when he was responsible for that area and, to the benefit of Western Australians, they have been continued. Not all the decisions have been popular, but at least an effort has been made to offer a reasonable freight rate. Had they not been made, starting from Minister Rushton's time, Western Australia may well have had an archaic rail system like some of the Eastern States. I would be disappointed, to say the least, if we were now coerced into entering a program which would do nothing more than improve the Eastern States' system. I suspect the Commonwealth Government is desirous of achieving that goal regardless of the disadvantages to anyone and we must be very careful of that.

I hope the Government will keep the Opposition fully informed of the situation with the national rail; we are very interested in it and are prepared to look at all the avenues. It is vitally important to Western Australia that it is done properly.

Mrs Beggs: You must understand of course that I will be a lone voice at ATAC.

STANDING ORDERS SUSPENSION

Matter of Public Interest

MR PEARCE (Armadale - Leader of the House) [2.54 pm]: I move -

> That so much of the Standing Orders be suspended as is necessary to enable a motion for the re-establishment of a sessional order for matters of public interest to be considered forthwith.

I am proposing this in order to accommodate the desire of the Opposition to have a matter of public importance to reinstate precisely the same sessional order for matters of public interest as applied during the previous session, which reads as follows -

> That for the balance of the present session, unless otherwise ordered, Standing Order 82A is suspended and the following order shall apply -

(1) A member may propose to the Speaker that a matter of public interest be submitted to the House for discussion. The member proposing the matter shall present to the Speaker, at least two hours before the time fixed under this sessional order for consideration of such matters, a written statement of the matter proposed to be discussed; and if the Speaker determines that it is in order, he shall read it to the House at the time fixed. The proposed discussion must be supported by five members, including the proposer, rising in their places as indicating approval. The Speaker shall then call upon the member who had proposed the matter to speak.

(2) Consideration of a matter of public interest may be taken on Tuesdays after presentation of papers if any; on Wednesdays at 2:00 pm; or on Thursdays at 2.30 pm.

(3) The Speaker may permit a motion in accordance with this sessional order on no more than one day in any sitting week and, in the event of more than one matter being presented for the same day, priority shall be given to the matter which, in the opinion of the Speaker, is the most urgent and important, and no other proposed matter shall be read to the House on that day.

(4) It shall be competent for a member to move a substantive motion under this Sessional Order notwithstanding no notice has been given of such a motion.

(5) No member is permitted to address the House for more than 30 minutes on any question under this sessional order and, in any case, the debate on such a question may not extend for more than one hour in total.

Question put and passed.

MATTER OF PUBLIC IMPORTANCE

Royal Commission - Media's Role

THE SPEAKER (Mr Michael Barnett): Prior to 12 noon I received a letter from the Leader of the Opposition seeking to debate as a matter of public importance Parliament's support for the role of the Royal Commission; the role of the media reporting on the Royal Commission; and the role of the courts in relation to persons charged with criminal offences.

If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: In accordance with the Sessional Order, half an hour will be allocated to each side of the House for the purpose of this debate.

MOTION - ROYAL COMMISSION

MR MacKINNON (Jandakot - Leader of the Opposition) [2.57 pm]: I move -

That this Parliament reaffirm its support for the -

(a) role of the Royal Commission in its inquiry into Government business dealings;

(b) role of the media in the daily reporting to the public of the activities of the Royal Commission;

(c) role of the courts in determining the guilt or innocence of persons charged with criminal offences;

and calls on all members of Parliament to comply with the intentions of the motion in their public comments.

The motion arises because of the Opposition's concern about public comments made in the last couple of days, predominantly by the member for Eyre, about the Royal Commission and its activities, and the Premier's response to a question I posed to her last night about those activities. We also raise the matter because as you, Mr Speaker, would well know, the Royal Commission has a long way to go. I predict it will last for at least two years. Lawyers to whom I have spoken - in fact ex judges - have indicated that they believe it will take longer,

but certainly no less than two years. The Opposition wants to establish support in Parliament now by all parties to the principles contained in the motion.

The Royal Commission has a long way to go. What has been disclosed in the first couple of weeks is the tip of a very large iceberg that is likely to be a very murky iceberg. There will be many more court cases out of which will come judgments about which members on either side of the Parliament are likely to have some feelings.

I repeat the comments made by the member for Eyre and remind members opposite that the member for Eyre is not a Johnny-come-lately. He is a senior member of this Parliament. He has been here for 14 years and has been a Minister. He is a lawyer and should know the propriety of what he said. He said -

> I believe that the Royal Commission ran off the rails in the last two weeks and it's up to the Commissioners to bring it back onto the rail as quickly as they can.

I have not heard a more outlandish criticism of Royal Commissioners anywhere before.

Mr Shave: What does "running off the rails" mean - finding out the truth?

Mr MacKINNON: I think that is probably what it means to him. He then said -

> If it's simply rumour and innuendo and sleaze it shouldn't be given the treatment it's being given now and there's a responsibility by those Commissioners to ensure that this evidence is being treated in the proper way.

By any measure that is a savage attack on the Royal Commission. It is an attack that should not be supported or condoned in any way. Members on this side of the House dissociate themselves from those remarks. Worst of all, however, was the Premier's response last evening when I raised this issue at question time. I asked her if she would discipline the member for Eyre and, if not, why not. She replied as follows -

> We should wait to see how the commission operates and what it concludes.

Further she said -

> It is important that we wait and not rush to judgment.

Members should note that it does not say that we should not make a judgment and they should note also that it has not been critical. Members should also note that there was no censure of the member for Eyre in the Premier's remarks. I conclude from that that the Premier was in full consultation with the member for Eyre and condoned and supported his remarks because it was part of the Government's strategy to discredit the Royal Commission. If that is not the case, I conclude then that the Premier does not have the gumption and strength of leadership to discipline a man who controls a big heap of the numbers in the Australian Labor Party and hence whether she stays in the job. It concerns the Opposition because, if those remarks go unchallenged or without comment in this Parliament, how much more can we expect from the member for Eyre and members opposite and how many more extreme remarks, criticisms and attacks will the Royal Commissioners have to suffer when more evidence of wrongdoing is presented? I predict that, even with the Fremantle Gas and Coke Co Ltd, we are likely to hear worse.

The point that I make and which should be reflected upon is important. As members reflect on what is said in the motion, I ask them to reflect on comments made at the time of the appointment of the Royal Commission. I want the Premier to listen carefully to what she said at the time, reported in *The West Australian* on 9 January as follows -

> The terms of reference give wide-ranging coverage . . . how the commission conducts itself is now a business for the commission and we will not seek to influence it.

However, she did just that by supporting the member for Eyre when he said that it was up to the commissioners to bring the Royal Commission "back onto the rail as quickly as they possibly can". The member who said that the commission had run off the rails was being directly critical, yet the Premier had said on 9 January, "it is now up to the Commission and we will not seek to influence it". If he is not seeking to influence it, what is he doing?

Mr Thomas: Expressing a view.

Mr MacKINNON: He is trying to influence them to bring the commission back on the rails as quickly as possible. He is also suggesting that the commissioners have not treated the evidence to date in a proper way. Does the member support what he said?

Mr Thomas: He is entitled to express a view. Expressing a view is not attempting to direct.

Mr MacKINNON: Does the member support the comments? Does the Minister for Transport? Does the Premier support the comments made by the member for Eyre?

Dr Lawrence: How many times have members opposite criticised the decisions of courts and judges? The former member for Cottesloe did it once a week.

Mr MacKINNON: I cannot recall any member on this side of the House criticising a Royal Commission or Royal Commissioners in a direct way. If they did, I as leader would criticise and discipline them. The Premier should read what she said at the time of the appointment of the Royal Commission. Three days after the previous article, on 12 January, she said -

> In the media you will have to become accustomed to the fact that it is the commissioners who will speak about the operations of the commission, about its timing, about the allocation of staff, their tasks and on every other matter relating to the operation of the commission. From today, that is their responsibility.

However, she has allowed the member for Eyre to be directly critical of the Royal Commissioners by flouting that comment made by her on 12 January. That criticism has been made in a most obscene way designed deliberately to try to discredit the operations of the Royal Commission in, as the member for Melville said earlier, its seeking of the truth.

I express concern also about the Premier's handling of comments about Commissioner Kennedy earlier this week. It is astounding that there had been no public comment on those rumours. Journalists with whom I have spoken had no knowledge whatsoever of any rumours relating to the article printed in the newspaper on 26 March. Not one of the journalists had any knowledge of the rumour and if any of them did they did not make it public. According to the article, the Premier went to them and denied anything at all had happened. Why did she give the rumour any credibility by denying it in the Press? The Commissioner had denied it and it should have been ignored and treated with the contempt it deserved. It is surprising that the Premier would raise the issue in such a way and give the rumour the credibility she has.

Members on both sides of this House should remember as they address this motion that the commission has a long way to go. It is at the very beginning of a long journey. A lot more evidence will cause members on the Government side real heartache and may concern members on this side of the House also. However, first, we have entrusted that inquiry to people of integrity and nobody on either side of the House has said anything to the contrary. They are people of integrity whom we should trust. Secondly, they are supported by a very professional team which has demonstrated already an ability to do the job. Thirdly, the Government and the member for Eyre, who I notice is not here today to participate in this debate, should remember that the Royal Commission has already asserted its independence and is highly unlikely to be disturbed by such an outburst. Finally, the Government should remember that the public of this State overwhelmingly support the appointment of the Royal Commission and its search for the truth. The Opposition wants members of this House, particularly the member for Eyre, to stop the totally uncalled for and unjustified attacks of the type we witnessed earlier this week. We express support for the inquiry, the media and the courts in the way they have operated to date.

I conclude by quoting some comments, very appropriate to this debate, which were attributed to the Federal Labor member for Kalgoorlie when he appeared on the ABC news program recently. The following comment, referring to Mr Grill, was made by Miriam Borthwick -

> And he said the Government was also to blame for the hysteria.

Mr Campbell responded -

> I think this Government has shown itself to be incompetent, inept and gutless Government and that is why Governments fail.

He was talking about this Government, led by this Premier. He is absolutely right because the Premier will not discipline the member for Eyre, who should be disciplined, for an outrageous and contemptuous remark about commissioners for whom I have the highest respect and regard.

DR LAWRENCE (Glendalough - Premier) [3.11 pm]: This is a fairly common

performance of the type we have come to expect from the Leader of the Opposition, but it is worth making a few points in relation to his motion, before I move to amend it specifically. Firstly, I refer to the inherent sloppiness in thinking on first reading of the motion. We, as a House of the Parliament, cannot tell the Parliament what to do. I ask the people who draft the Opposition's amendments at least to acknowledge that when a motion refers to the Parliament it is effectively asking the impossible. We cannot direct the upper House, nor should we seek to. Members of the Opposition have always insisted that it has an independent identity, so to suggest that the Parliament do anything makes the motion ridiculous to begin with.

The motion has three components; the Leader of the Opposition spoke to only one and perhaps other members opposite intend to speak to the other components. He spoke to the question of Parliament reaffirming its support for the Royal Commission, the role of the media - I find that extraordinary - and the role of the courts.

Mr MacKinnon: You were critical of the media.

Dr LAWRENCE: I will be critical of the media every day of the week if I want to be. That is a proper role for members of Parliament. To suggest members of this House cannot criticise the media leaves us in a pretty peculiar position. I suggest the Leader of the Opposition read his motion which states that Parliament should reaffirm its support for the role of the media. Members are entitled to question the role of the media and the behaviour of the media. The Leader of the Opposition suggests that members on this side of the House are attempting to do two things: Firstly, to criticise the Royal Commission and, in so doing, to direct it and undermine its operations. An important distinction must be made between those issues. In this House from time to time members comment on the courts, judgments, Royal Commissions held elsewhere, the behaviour of the upper House, and many other matters. This is one place in this country where we can freely be critical, unethical, or even abusive, about many of the systems in this country. To suggest that in doing that members of this House are seeking to influence those bodies, or indeed are in a position to influence those bodies, stretches credibility.

The member for Eyre, along with other members of the public, including a couple of lawyers, have commented on the operation of the Royal Commission and the court proceedings relating to Mr Edwards and Mr Lloyd. I made it clear yesterday that I thought none of us should rush to judgment.

Mr MacKinnon interjected.

Dr LAWRENCE: I am attempting to debate this issue sensibly and I have to put up with constant interjections from the Leader of the Opposition. He habitually adopts this tactic and it is extremely difficult for any member to conduct a debate or listen to it. I draw attention to the current behaviour of the Leader of the Opposition which is absolutely appalling. I have to stand and have that directed at me day in and day out. I can cop it, but I must question the seriousness of members opposite, their leader in particular, in having this matter addressed if they are not prepared to listen for two seconds. If they do not want to listen they should go outside and have a cup of tea, but if they are serious, they should not adopt their current attitude.

The Royal Commission consists of two very important things; firstly, the appointment of commissioners and staff to support commissioners and, secondly, Acts of Parliament to ensure that they have powers to undertake their operations. The Government has taken great care in selecting the commissioners to ensure that they are men of standing, reputation, integrity and, I emphasise, independence. If anyone suggests that a member of Parliament, a member of the public, or a member of the judiciary, by way of his or her statements, would influence those people sitting as the commission, it is the most insulting and undermining comment that could be directed at them. To suggest that those commissioners are capable of being influenced in the way described is to insult each and every one of them, and it suggests that they are incapable of independent judgment and do not have the qualities and the integrity that I, for one, know they have. I do not underestimate their capacity to direct the commission, to control its operations and to ensure in the end that the fair decisions and judgments are made when it reports to the people of Western Australia. I separate that from what is said in the commission. Some people, as we have seen in recent times, will pop up in the commission and "give evidence" that is hearsay. I think it is incumbent on all of us to be

very careful in the way we record, remember and judge that evidence. In due course it may turn out that it is corrected, or it may not be. However, to suggest the evidence given before the commission is the commission is frankly, again, a proposition I do not support. I reaffirm, on behalf of members of this House, the support of this Government for the Royal Commission and its inquiries into Government business dealings; but, it is important that we, as a Parliament, monitor the operations of the courts, any commissions we establish and any inquiries we establish. Anything established by this Parliament is properly subject to the scrutiny of this Parliament. To say that we should have no opinion simply because we established it is to deny a fundamental role of this Parliament.

Mr MacKinnon: Are you unhappy with it?

Dr LAWRENCE: Not at all, but to say we should have no opinion and to try to muzzle this House is to fly in the face of the responsibilities we were elected to undertake. In my view the commissioners are not capable of being influenced in the way suggested by the Leader of the Opposition. Also, what is said in the commission does not have the endorsement of the commissioners until they have reported and interpreted it.

The second point in the motion states that the House should reaffirm its support for the media and the daily reporting to the public of the activities of the commission. I will not do so and nor do I think anyone in this House should. This Parliament and this House are quite capable of insisting upon fair reporting of its own operations.

Mr MacKinnon: "Insisting upon"?

Dr LAWRENCE: I was about to say, by commenting on what the media do. We can insist on it only if there is some breach of parliamentary rules. Each of us as individuals, members of Parliament or members of the public, has the right to say from time to time that the media have not reported accurately, or they have reported intrusively, unfairly or in a biased fashion, or whatever criticism may seem appropriate, and each of us has done that in the past, although for obvious reasons politicians are very chary of being critical of the media because they often get back worse than they give the media.

Mr Cowan: You don't even have to be critical of the media to get chary.

Dr LAWRENCE: That is true, but unfortunately politicians are extremely chary of being critical of the media because they understand that the media are a powerful force. I recommend to members that they read the article in a recent issue of *The Bulletin* which looked at the sources of power and the people who wield power in this country, and at the great concern expressed by some former and current editorial and reporting staff about the amount of power wielded by the media. To say that the House should not speak about, discuss, criticise or analyse the role of the media in any activity which they report is frankly to attempt to muzzle this Parliament. The important thing is not the role of the media in relation to the Royal Commission but the fact that its hearings are available to be reported. It was very clear to me when we established the Royal Commission that members opposite believed the commission would conduct its hearings largely in camera, behind closed doors, and would not have the facilities to support public and open scrutiny, and so on. I said at the time that the commission would make those decisions.

Mr Lewis: They told counsel where to go! The commissioners would not even have counsel in the Royal Commission. They told counsel to go away because they did not need the Government to help them.

Dr LAWRENCE: Counsel is there to represent the State. Individual Ministers and members will be separately represented. The member does not understand the operations of the commission. Perhaps we could give him a briefing on it. We made it clear when we established the commission that it was important that the public know what was going on in the commission. The media are one way of getting out that knowledge to the wider community, but it is possible for members of the public to attend and to read transcripts, so there are other ways of finding out what happens in the commission. I have already said - and I will continue to say - to members of the fourth estate that it is absolutely essential that in this as in any other matter they conduct themselves fairly and impartially; that they not rush to make judgments; and that by writing certain kinds of headlines and lead stories they not lead the public to a conclusion which the commission has not yet reached. An especially grave responsibility applies to the media, and I do not want this House to prevent itself from

being in a position to criticise the media in relation to either the Royal Commission, the reporting of court cases, or, indeed, the reporting of this Parliament. It does not make any sense for us to do that. In addition, it does not make sense for this House, given that the role of a Parliament is to discuss any matter of importance to the people, with the most unfettered terms possible, to say that there are some things we should not talk about. If that is to be the case, we should have a list of banned books, publications and topics for conversation. As it is, we do not have that. We have a small list of nasty words which members cannot use against each other in this House, and that is about the extent of our fettering of free speech in this place.

The third matter referred to in the motion was that we reaffirm our support for the role of the courts in determining guilt or innocence. I would go further to say that it is not the role of the courts which we should reaffirm but their independence. I remind members opposite that on many occasions in this place they have been critical of judges in particular and of jurors on occasion for reaching conclusions with which they did not agree. For members opposite to suggest that members in this place or any individual in the community cannot express that kind of opinion, except when there are matters before the courts, is to fly in the face of their own behaviour. It is also to allow the possibility that serious miscarriages of justice will occur, as occurred in the case of the Birmingham Six. If people in the United Kingdom had not been prepared to stand up to challenge the findings of the court, the evidence presented to the court, and the gaoling of those people, they would still be in goal and would still be convicted. I remind members opposite that it is a proper role for members of Parliament from time to time to comment on the judgments of the courts and the outcomes of jury trials. If that is not to be the case, I do not expect to hear another word from members opposite about the operations of the Children's Court, about judges delivering judgments which are a slap over the wrist, or about the tendency to allow people who are repeat offenders to continue offending. They are all matters which have been raised by members opposite in this House. To have before us a motion which suggests that we voluntarily censor ourselves on the question of the operation of the courts is frankly ridiculous, and it is inconsistent with the rest of the motion, which is equally ridiculous.

Amendment to Motion

Dr LAWRENCE: I suggest a more suitable motion. I therefore move -

To delete all words after "That" and insert -

this House affirms its support for the -

(1) Royal Commission in its inquiry into Government business dealings;

(2) the independence of the courts in determining the guilt or innocence of persons charged with criminal offences.

That amendment leaves out the media.

DR ALEXANDER (Perth) [3.25 pm]: The motion before the Chair is curious in the sense that it has been moved by a party which supposedly has as one of its top tenets free speech and the right to speak out on issues at any time. I cannot accept a motion which calls on all members of Parliament to comply with the intentions of a motion passed by this Parliament. I have just left a Caucus because I objected to the way that it sought to restrict a person's ability to speak out on matters about which he felt strongly. I may not agree with some of the comments made by the member for Eyre, to which the Leader of the Opposition has referred but, as the old saying goes, surely we must protect his right to his opinion. I do not believe that the moral pressure which a motion like this would place on members of Parliament on both sides is acceptable. If members of Parliament see fit to comment on the Royal Commission, they do that at their peril, in a sense. The public have enough sense to place those comments in context and say, "Well, they may be seeking to protect individuals or protect a particular point of view".

I do not believe we should pass any motion which restricts the right of members of Parliament to comment on matters of public interest; and this is one such matter. The motion in its original form does not really bear up to the fact that members of Parliament should be able to comment - as should any member of the public - on the proceedings of the Royal Commission. As I said yesterday about another matter, the Royal Commission is doing an excellent job - despite comments made by various individuals - in searching out the truth. I

do not particularly agree with the way some of the unsubstantiated evidence which has been commented on in the Press has been dealt with, but the bottom line is that the commissioners are sitting in judgment on the individuals whom they call, and I am sure in the end they will make the appropriate judgment.

Mr Wiese: Are they sitting in judgment? They are not.

Dr ALEXANDER: Yes, to the extent that they may recommend charges. Maybe judgment is the wrong word, but they will make recommendations at the end of the day which may involve recommendations to prosecute, which in effect is a judgment.

Mr Wiese interjected.

Dr ALEXANDER: I am not saying they will make judgments about innocence or guilt but they will make judgments about whether people should be charged, including Ministers of the Crown. The commission is not likely to be swayed by the remarks of individual members of Parliament, me, the member for Eyre, the Leader of the Opposition, or anybody else for that matter.

Mr Blaikie: The community will be.

Dr ALEXANDER: The community is sophisticated enough to distinguish between political comments made by members of Parliament in their roles as politicians, and comments free of such judgments. The public is not as easily hoodwinked as the member for Vasse would suggest.

Mr Blaikie: Comments were made that the courts were wrong in making their decisions.

Dr ALEXANDER: It is the right of members of the public to criticise the position of the courts, if they see fit. I do not agree with the comments made yesterday. In my opinion, if individuals have been involved in offences, whether under instruction or not, they have been involved. The wider question of what happens to the people who gave the instructions is also pertinent - but not to this motion.

Mr Wiese: The member would be at loggerheads with the leader of the Government.

Dr ALEXANDER: No. The terms of the motion moved by the Leader of the Opposition are not acceptable to a person in my position who believes that everyone has the right to an opinion and to speak out.

Mr Shave: Does the member think that it is proper that a member of Parliament who is a member of a Government which has been involved in deals under investigation, should be sitting in this place and commenting on decisions made?

Dr ALEXANDER: The comments were made in the media, not under privilege of the Parliament.

Mr Shave: Irrespective of that, the comments were made publicly.

Dr ALEXANDER: That is up to the member; if the member thinks that is improper - he is entitled to his opinion.

Points of Order

Mr COWAN: Mr Acting Speaker (Mr Donovan), it has been drawn to my attention, and certainly the clock indicates this to be the case, that the time afforded to the member for Perth for this debate is being set against this side of the House. When Mr Speaker made clear the rules upon which this debate would take place, he allocated 30 minutes to the Government side of the House and 30 minutes to this side. I request that you, Mr Acting Speaker, make a ruling to ensure that the time allotted to the member for Perth is in accordance with the original ruling given by Mr Speaker.

Mr THOMPSON: Mr Speaker -

The SPEAKER: Order! I wish to make a point, before calling the member for Darling Range. I made the earlier ruling, and it would make more sense for me to rule on this point of order.

Mr THOMPSON: Mr Speaker, the situation has changed dramatically in this House since the original ruling was given that time limits would be imposed on matters of public importance. These matters are a fairly new phenomenon in this place. At the time of the

ruling, we had only two entities in the Parliament - the Government and the Opposition. However, the situation has changed dramatically as a result of the recent emergence of two additional Independents. Mr Speaker, it is time for you to give consideration to the way in which time is allocated for matters of public importance because clearly it is unfair to the Opposition to expect that the time allocated to the member for Perth should come out of Opposition time. It would be equally unfair not to make some provision for the Independents to have some opportunity to speak to matters of public importance that occur in this place.

Speaker's Ruling

The SPEAKER: I am being asked to rule on two major points: First, please do not presume that when I refer to those speakers on my left that I mean on the left of that aisle; I simply mean on the left of the Government.

Mr Minson: We are on the right of the Government.

The SPEAKER: I mean, as far as I am concerned. The left of the Government is a line clearly drawn as I have indicated. It puts all those members in this House who are not members of Government on the left of that line and all members of the Government on the right of that line. The time allocation for the member for Perth goes with those people on the left of the line.

Second, a very valid point has been raised by the member for Darling Range. At a later stage, not today, I would be prepared to accept a submission, and further discussion with the parties, as to an appropriate portion of the hour which might be allocated to those people who are neither members of Government nor technically members of Opposition parties.

Mr COURT: On that point of order, Mr Speaker.

The SPEAKER: I have ruled on the point of order. If the member has another point to raise, I will hear it.

Mr COURT: Mr Speaker, I appreciate you have made a ruling on the subject, but I would have thought it perhaps a courtesy for the Government to explain to us that one of its former members was to be counted as part of the Opposition during debate on matters of public importance. The ludicrous situation today is that we have presumed that the member for Perth was taking up part of the Government's time - and basically it destroys the purpose of the matter of public importance because he can talk for the balance of the time. If that is a fair way to run Parliament, then this place is a farce.

Mr BLAIKIE: On the same point of order, Mr Speaker.

The SPEAKER: These are points of view, but they are very helpful.

Mr BLAIKIE: On a similar point of order, and expressing a point of view, I am concerned about the predicament in which the House finds itself. The situation is not of your making, Mr Speaker. Prior to your taking the Chair, the Minister for Microeconomic Reform and the member for Perth both rose to attract the attention of the Acting Speaker. The call was given to the member for Perth. It was my assumption - and that of the Acting Speaker, I presume - that the member for Perth would be speaking on behalf of the Government. An adjustment of the time should be made, otherwise a gross unfairness to the entire House will occur.

Mr COWAN: Mr Speaker, I draw attention to the Sessional Order printed on the blue pages of the Standing Orders, and ask you to advise the House how a determination based on the previous ruling under Standing Order No 5 on the blue paper can be made. Two rules are covered; one gives a limiting factor to an individual member of the House, and the other limits debate to one hour entirely. Could you inform us under which Standing Order the previous ruling was made?

The SPEAKER: The ruling was made under Standing Order No 1. While I do not intend to justify my decision, in addition to that it is my view that anyone who occupies the space where I now stand who does not want criticism would be well advised if there is to be an hour's debate, to allocate half an hour to one side of the House and half an hour to the other side.

Mr Cowan: I thought that had been done.

The SPEAKER: Precisely, and that is the point I make.

Mr Cowan: The rules have changed.

The SPEAKER: No, they have not changed.

Mr Cowan: Maybe the line has changed.

The SPEAKER: Clearly, a problem exists. We should proceed under the terms I have just espoused; that is, the line is drawn to the left of those members who are members of the current Government. The problem is that the Independents may feel that they need some time also. I am prepared to take submissions from the Independents at a later stage - hopefully before the next time we meet - and bring those submissions to the leaders of the parties in an attempt to allocate time in a fair manner in order not to take away from the Opposition any of its time. I cannot instruct the member for Perth not to take the balance of his time; however, I suspect that because he sits in my Chair on occasions, he would be equally as fair and impartial as I am.

Mr Cowan: What is the member for Perth's time?

The SPEAKER: Half and hour, or the balance of the half hour.

Debate Resumed

Dr ALEXANDER: I do not support the motion moved by the Leader of the Opposition. I do not intend to take up the Opposition's time any further. If inadvertently I have eaten into that, I apologise to it. Clearly the line will vary according to the issue of the day.

Mr Wiese: Why don't you take up the other side's time next time?

Dr ALEXANDER: The member can live in hope. In view of the controversy I appreciate the point that the Speaker has made about Independents and their role in future debate. I cannot support the motion as moved by the Leader of the Opposition.

MR COWAN (Merredin - Leader of the National Party) [3.43 pm]: I am somewhat disappointed that the Government has taken this attitude and has become involved in an exercise in semantics and has decided it will pass judgment on whether the wording in the motion by the Leader of the Opposition relates to the Parliament as a whole or to this House in particular. The Government makes the assumption that we are passing judgment on the media's role in this matter and on the role played by individual members of Parliament. Very clearly a course of action has been adopted by members on the other side of the House, albeit that the line now moves somewhat crookedly. That action has been taken consciously and deliberately in an attempt to undermine the authority and stature of the Royal Commission of Inquiry into WA Government Business Dealings. This Parliament, and I use that word in the same sense as the Premier - the Parliament and this House - having played a large role in establishing the Royal Commission, has a duty to ensure that this House and its members afford it some protection and certainly some respect for those persons who are acting as commissioners. It is very clear that as a House we should adopt the motion in its original form which recognises the role played by the commissioners in their investigation, the role played by the print and electronic media in the presentation of happenings of the Royal Commission and the role of the courts. At least one member of this place has embarked upon a tack of attempting to demean the activities of the Royal Commission. As we in this House are responsible for the establishment of the Royal Commission we have a role to play in making sure that its integrity is in no way harmed by statements made by different members. There is a public expectation that the Royal Commission will finally get to the truth and the last thing we in this House want to see is the practice of members trying to demean the stature of the commissioners. Most people who have seen what has happened to date in the commission have formed the view that only the bit players have appeared before it and been charged. The people who were in control, making the decisions, giving the directions are still waiting their turn. It appears that some of those people have set about a deliberate course of action to discredit the Royal Commission before it gets to them. That is reprehensible.

Dr GALLOP: Mr Speaker -

Point of Order

Mr LEWIS: I draw attention to the fact that the Minister for Fuel and Energy has already seconded the motion. On one of your very recent rulings he is not entitled to speak again.

Mr MacKinnon: That was yesterday.

The SPEAKER: I was not in the Chair at the time the Minister seconded the motion. I am under the impression that the Minister simply stood and formally seconded the motion and then sat down. If for some reason I am mistaken I would appreciate somebody drawing to my attention evidence to the contrary. If I am not mistaken, he is entitled to proceed.

Mr LEWIS: I may have been mistaken, Sir, but I clearly heard a ruling yesterday that once a person has seconded the motion they forgo their right to take any further part in the debate. I am suggesting that, as the Minister did second the motion, he has forgone his right to take part in any further debate.

The SPEAKER: Fancy thinking for one minute that I would give a ruling like that! I am advised that such a ruling may have been given in error by one of the deputies yesterday. The member for Applecross can look at me all he likes. I am advised that such a ruling was given yesterday.

Mr Lewis: The ruling is good for every party.

The SPEAKER: It was not given by me and I am telling the member what the correct ruling is. Let there be no doubt in anybody's mind that if an error was made yesterday I am not about to compound it today, nor will I allow it to be compounded from now until forever. When a motion is formally seconded by a member of any political persuasion, he or she can make a contribution at any stage during the ensuing debate. It is incumbent on any member to object to the person in the Chair if this ruling is not abided by. The matter is clearly stated in the Standing Orders and is not something on which I am prepared to depart. If a ruling to do otherwise was made yesterday, it was a mistake. Members should ensure that in future it is not made again.

Debate Resumed

DR GALLOP (Victoria Park - Minister for Fuel and Energy) [3.53 pm]: I support the amendment moved by the Premier that this House affirms its support for the Royal Commission in its inquiry into Government business dealings and the independence of the courts in determining the guilt or innocence of persons charged with criminal offences. This matter has been the subject of some media attention and commentary in recent days and it is useful for the Government to put its point of view in Parliament. Firstly, and importantly, in the coming 12 months - now less than 12 months - of the Royal Commission's investigations, we are all under an obligation to support the commission. Enormous temptations of a narrowly political type will be open to people during that process. When an institution like a Royal Commission is inquiring into matters one must distinguish between the processes by which it will come to conclusions and the actual conclusions it will reach. Those of us who take an interest in matters of proper behaviour in Parliament should be aware that it is the Royal Commission's conclusions which should be of most interest to Parliament rather than the evidence, or the so-called evidence, which can appear from day to day. A Royal Commission is a slightly different institution from other forms of inquiry in our society; a platform is provided for people to say various things about other people.

Mr MacKinnon: Do you support the member for Eyre's comments?

Dr GALLOP: Let me finish my argument. The history of Royal Commissions in this country shows that things can be said which can be very damaging and we must take that into account. While matters relating to this side of the House are being investigated, because of the temptation particularly to use the parliamentary forum and other forums to score political points, the Opposition is obliged to see that it allows the inquiry to work properly.

In the general debate about the Royal Commission during the next 12 months the great danger is that all our political, social and economic relations will be politicised. One of the main complaints made by members on the Government side of the House in recent years is that the Opposition has not been able to exercise proper restraint in the way it deals with questions related to this Government's business dealings. The danger has existed for anyone who has had dealings with the Government to be subjected to specific and quite deliberate campaigns by the Opposition. It is important to understand what can happen in this atmosphere and the Premier has therefore moved an amendment to the motion. It is based on a very important distinction between supporting the Royal Commission and what it must do in inquiring into Government business dealings and very importantly supporting the

independence of our courts in the way they determine the guilt or innocence of persons charged with criminal offences. As a matter of principle as opposed to practice, it would not be right for this Parliament to pass a motion to indicate that what happens, particularly in the media, should not be the subject of any criticism. The political system provides Parliament with very important rights and we have an obligation to protect the overall sovereignty of Parliament in its handling of public affairs.

In the short time I have been in Parliament, members have raised matters on the administration of justice about which they have felt so strongly that they thought the overall right of Parliament should allow them to do that. Members should think most carefully before taking that action. I certainly agree with that general rule. Also as a matter of principle members within Parliament should never relinquish their right to criticise the media or, in some cases, the decision of the courts. To do that would be to undermine our fundamental rights as parliamentarians.

The events surrounding the creation of the Royal Commission are well known to everyone. We have seen a series of arguments over recent years which relate to various Government dealings. I suppose they come under two different headings and they need to be distinguished: The first one is that from 1983 to 1988 the Government had a strategy to invest money in the economy to earn a return to preserve the State's financial independence. A series of issues have been raised in connection with those Government investments. Secondly, a series of events occurred after the stock market crash in 1987 when the Government felt it was important to provide supports to the financial system of this State. Those circumstances are quite different and need to be investigated by the Royal Commission. Indeed, the Government has said to the Royal Commission that it should look to see whether there has been any corruption, illegal conduct or improper conduct by any person or corporation in the affairs, investment and business dealings of the Government of Western Australia or its agencies, instrumentalities and corporations in respect of matters raised in schedule 1.

We have established that Royal Commission in order that the different issues related to Government investment and to decisions made by the Government post the stock market crash involving corruption, illegal or improper conduct on the part of individuals in the Government can be investigated. The Government must support that Royal Commission and it is important that all members support the Commissioners in carrying out their duties. I am in agreement with the Premier on that matter. However, it is important to acknowledge that in supporting the Royal Commission other activities will occur at the same time which will be flowing through the court system and matters which will be dealt with by the media in this State. No member of Parliament can forgo his right to comment concerning events reported in the media. Criticism of the media is the right of members of Parliament and should be preserved. A motion which indicates that members of Parliament should not have the right to criticise the media for the way it deals with events at the Royal Commission should not be supported by a Parliament concerned about its rights in the political system. Nor should members of Parliament give up their right to criticise conclusions reached by the courts. The Premier mentioned a good example of that in Great Britain where six men were tried and found guilty of certain offences. Had there been a death penalty in that country those six Irish men would have been put to death. As a result of work done by members of Parliament and others in the British community those individuals finally achieved justice. It is the role of members of Parliament, in certain circumstances, to question what they consider to be injustice carried out by the courts.

The independence of the courts is a different matter. It is important that we understand that the judiciary is separate from the Executive. In moving her amendment to this motion the Premier has clearly isolated a fundamental issue; that is, the issue of the independence of the courts in determining the guilt or innocence of persons charged with criminal offences from the general issue of whether parliamentarians have the right to question decisions made by the courts. That is what has happened in this case. In its enthusiasm the Opposition has failed to distinguish between the different aspects of our political system. In doing so, as is usually the case, it has gone over the top in this motion. We should support the Royal Commission which we all agreed needed to be established to inquire into the Government's business dealings. We need to support the independence of the courts in the way they deal with those matters. However, parliamentarians still have the right to criticise and deal with

matters raised by the media and, certainly, the Parliament has the right to criticise decisions that may be reached by the courts. That is a fundamental right under the Westminster system of Government. Anybody who exercises those rights ought to do so with caution, should be sure of the facts and have established a foundation on which to proceed. That is why on previous occasions when individual members of Parliament have made specific accusations, those accusations have been the subject of Select Committee inquiries. A duty is still incumbent on people who exercise those rights properly. This Parliament cannot pass a motion which implies that in some cases certain rights apply to members of Parliament and in other cases they do not apply only because it is convenient for the Opposition at a certain point in time. I support the amendment.

MR COURT (Nedlands) [4.03 pm]: It is crucial that this House support the operation of the Royal Commission, particularly after the outrageous tactics carried out this week by members of the Government to destroy the credibility of the Royal Commission. The member for Eyre with the support of his colleagues has this week carried out an orchestrated and deliberate attempt to discredit the Royal Commission. Today the Premier and the Minister for Parliamentary and Electoral Reform have endorsed the actions of the member involved because no-one has been game to criticise the activities of that member.

Government members interjected.

Mr COURT: I have only a few minutes in which to speak and I will not acknowledge the interjections. I was fascinated when the Minister said that the Opposition had not shown proper restraint in criticising the Government's business dealings. What a nerve for the Minister to say that the Opposition has not shown respect!

Dr Gallop: I said you had no respect for individuals.

Mr COURT: Come off it! Today the Government referred to the Auditor General's report and spoke about the laundering of $20 million by the United Credit Union through the Treasury, the State Government Insurance Commission and into Rothwells. How dare the Government criticise the Opposition for criticising the Government's dealings! Thank goodness the Opposition has been doing that work. Also this week Government members started rallying around Messrs Lloyd and Edwards. They have started paying money into a trust fund which will contribute to the legal costs associated with the proceedings taking place.

Mr MacKinnon: The silliest part is that he has been earning more than they have in the past three years.

Mr COURT: Members of the Government are contributing funds to a trust fund for people who were former senior public servants and political advisers. These men are currently giving evidence to the Royal Commission and in court cases and the Government is donating money to help them defend their actions. Is it proper for the Premier of this State to give $2 000 to a person who is giving evidence to the Royal Commission and the courts about dealings in which she and other members of the Government were involved? Yesterday I said - and I consulted some legal people on this matter and they agreed with me - that this action was exactly the same as a bribe; it is an attempt at buying a favour. On Monday Mr Edwards stated in *The West Australian* -

> "Quite clearly, the Government should have stood up and explained that we were acting on its behalf.
>
> "We have not received the support from the Government we should have -

The SPEAKER: Order! There is a difference between interjections to the person on his feet and rowdy cross Chamber chat.

Mr COURT: Mr Edwards went on to state -

> . . . I simply carried out my instructions."
>
> Edwards claimed he was acting under orders from then Premier Peter Dowding and government ministers.
>
> Asked if he felt his friends in the Government had dumped him, Edwards replied: "That is pretty obvious."

The next day the member for Eyre stated that Edwards and Lloyd were simply discharging their function on behalf of the Government. He went on to say, after he was asked whether any proposal along those lines would be put to the Royal Commission, that it was certainly not his position to do so but that the Premier was concerned about these events. He stated -

> I believe she has spoken to the Commissioners but it is not my position to do that.

I would like the Premier to comment on that. Kevin Edwards said that they had been dumped by the Government and then he said -

> Well, we had general responsibilities to the Govt to protect the fabric, protect our State financial institutions.

He went on to state when he was asked why he took it upon himself to ensure that the $6 million which had gone through to Rothwells, once Julian Grill had been knocked back, was pursued -

> Well, a direct request from the Govt and in accordance with a contract, contractual obligations of the Govt between the Govt Bond and Rothwells.

That, I add, has been denied in this House time and time again but now the truth is starting to emerge. Kevin Edwards in the same interview went on to state -

> Well the Govt had a clear obligation to Rothwells under contractual arrangements it had entered and the consequences would have caused financial loss to the taxpayers. . .

He then finished his comments by saying -

> . . . it is just that the leadership of the Parliamentary Party have found it convenient to avoid the issue.

Mr Edwards, Mr Grill and Mr Campbell are now saying that they were just carrying out their duties. What happened the next day after all the criticism? Government members started kicking in money to ease their consciences and the Government campaigned in this House by saying that Messrs Lloyd and Edwards had saved the State millions of dollars. I can tell members that hundreds of millions of dollars have been lost because of WA Inc, and Lloyd and Edwards were not the architects of WA Inc: This Government was the architect of WA Inc and Lloyd and Edwards were the mechanics tightening the bolts in the whole exercise. The member for Eyre said that Lloyd and Edwards have been left like shags sitting on a rock.

Several members interjected.

The SPEAKER: Order!

Dr Gallop: You cannot resist prejudging the matter.

Mr COURT: Who left them sitting like shags on a rock? It was the members opposite.

Several members interjected.

The SPEAKER: Order!

Dr Gallop interjected.

The SPEAKER: Order! It is most unusual for the Minister to proceed after I have used the gavel. I want members to cast their minds back to when the gavel first arrived. It came at a time when I had laryngitis and I was unable to shout over members. I thought I would use it for that day only, but it was so effective that I have continued to use it. Each time I use it members cease their interjections and it allows me to speak to the House without having to raise my voice in an angry fashion. For a member, let alone a Minister, to continue interjecting after I have banged the gavel is most unusual.

Mr COURT: I repeat that Edwards and Lloyd have been left sitting like shags on a rock by this Government. Within one week of their being sentenced they have come out and said that they have been ignored by members opposite and then all of a sudden a campaign is put together by Government members to get behind them. Do members opposite think that is the proper action to take when in the weeks ahead they will be giving evidence about all the Government's dealings. Everyone knows that people, including the Premier, have put money in to helping them with their cause. Do members opposite not think that is buying a favour? Do they think it is the proper action to take? I will tell members what it is.

Several members interjected.

The SPEAKER: Order!

Mr COURT: It is what WA Inc is all about.

MR PEARCE (Armadale - Leader of the House) [4.12 pm]: It is very hypocritical of the former Deputy Leader of the Opposition, in the same speech, to call upon members of the Parliament not to prejudge the Royal Commission or to interfere with its events and then to propose what may be its findings. The interjections of my colleague the Minister for Microeconomic Reform, although somewhat intemperate, were accurate. If the member wants to present a proposition to the Parliament, he should demonstrate the truth of that proposition. As the Minister for Microeconomic Reform said, the member for Nedlands cannot help himself in regard to these matters. He has exemplified the very reason we are not prepared to accept the motion moved by the Leader of the Opposition; that is, its inherent hypocrisy.

Let me address the point made by the member for Nedlands about the donations being made by a number of members on the Government side, including me, to a legal defence fund. The simple fact is that the member for Nedlands is mistaken in his understanding of the chronology of this matter. He said that Lloyd and Edwards said that the Government had not supported them and all of a sudden a fund was set up to support them.

Point of Order

Mr COURT: Is the Leader of the House using my time, or has my time expired?

Several members interjected.

The SPEAKER: It is not proper for a member in this place to stand and take a point of order and for everybody to rule on it at the same time. It is appropriate for me to hear what the point of order is and to rule on it. Members should spare a thought for the poor Speaker.

Mr COURT: I thought the Leader of the House had taken a point of order. I had been watching the clock closely as there were time constraints on this debate and I thought there was a minute left on it.

Several members interjected.

The SPEAKER: Order! The member for Nedlands' time had expired and there were two minutes left of the time allocated to Government members.

Debate Resumed

Mr PEARCE: When the member for Nedlands looked at the clock the officers had already changed the time and the two minutes shown on it was Government time.

Two or three months ago the Cabinet considered the proposition that Lloyd had undertaken a trial and an appeal and he was found not guilty. It cost him $70 000 in legal expenses to be found not guilty.

Mr Lewis: Whose fault was that?

Mr PEARCE: It is the fault of the people who laid the charges against an innocent person and it cost that person $70 000. Under those circumstances it is the Government's view that innocent people are entitled to be represented before the courts fairly.

Amendment (words to be deleted) put and a division taken with the following result -

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Ayes (26)

Dr Alexander	Dr Edwards	Mr Marlborough	Mr Thomas
Mrs Beggs	Dr Gallop	Mr McGinty	Mr Troy
Mr Bridge	Mr Graham	Mr Pearce	Dr Watson
Mrs Buchanan	Mrs Henderson	Mr Read	Mr Wilson
Mr Catania	Mr Gordon Hill	Mr Ripper	Mrs Watkins *(Teller)*
Mr Cunningham	Mr Kobelke	Mr D.L. Smith	
Mr Donovan	Dr Lawrence	Mr P.J. Smith	

Noes (23)

Mr C.J. Barnett	Mr Grayden	Mr Nicholls	Mr Fred Tubby
Mr Bradshaw	Mr House	Mr Omodei	Dr Turnbull
Mr Clarko	Mr Lewis	Mr Shave	Mr Watt
Mr Court	Mr MacKinnon	Mr Strickland	Mr Wiese
Mr Cowan	Mr McNee	Mr Thompson	Mr Blaikie *(Teller)*
Mrs Edwardes	Mr Minson	Mr Trenorden	

Pairs

Mr Taylor	Mr Mensaros
Mr Grill	Mr Kierath
Mr Leahy	Mr Ainsworth

Amendment thus passed.

Amendment (words to be inserted) put and passed.

Motion, as Amended

Question (motion, as amended) put and passed.

ADJOURNMENT OF THE HOUSE - SPECIAL

MR PEARCE (Armadale - Leader of the House) [4.20 pm]: As Easter was approaching a number of members approached me and asked whether I would be prepared to adjourn the House early today. I indicated that I was happy to let members off early. I am sorry that all of those members who approached me then came back into the House to hear my announcement participated in the debate so that we almost reached the time when we would have adjourned, in any event.

Mr Blaikie: But you will let us knock off early?

Mr PEARCE: If the member does not interject too often. I indicated to the Opposition parties earlier in the week that the Government did not propose sitting in the week immediately before the Geraldton by-election in accordance with what has become the normal practice before by-elections. No member of the Opposition parties raised the slightest objection to that course of action so I was surprised to find that it was tacitly accepted in Perth but being formulated against in Geraldton. A reporter from the Geraldton Press read me a lengthy Press release made by the member for Marmion complaining bitterly about the Parliament not sitting during that week. Therefore, I will give members an opportunity to vote against that adjournment. I move -

That the House at its rising adjourn until Tuesday, 30 April, 2.00 pm .

Question put and passed.

House adjourned at 4.23 pm

QUESTIONS ON NOTICE

ASSET MANAGEMENT TASK FORCE - WESTRAIL, CLAREMONT LAND
Future Use Report

95. Mr MacKINNON to the Minister Assisting the Treasurer:

(1) Has the Asset Management Task Force completed a study report on the future use of the Westrail land holding at Claremont?

(2) If so, what does the study recommend should be done with this land?

(3) Has the Government made any decision with respect to this report in relation to this land?

(4) If so, what is that decision?

Dr GALLOP replied:

(1) Yes.

(2)-(4) The Minister will shortly be announcing the outcome of the Asset Management Taskforce study of the future use of the Claremont land holding, at which point a briefing will be made to the Leader of the Opposition if he requires.

STATE BANK OF SOUTH AUSTRALIA - BORROWINGS OR ASSETS SALE
Premier etc - Departments or Agencies

141. Mr MENSAROS to the Premier; Treasurer; Minister for the Family; Women's Interests:

(1) Has any of the Government departments or instrumentalities - agencies - under the Minister's responsibility -

(a) borrowed money from, or

(b) sold any assets

to the State Bank of South Australia or any of its subsidiaries during the last three years?

(2) If so, will the Minister detail such transactions?

Dr LAWRENCE replied:

(1) No.

(2) Not applicable.

STATE BANK OF SOUTH AUSTRALIA - BORROWINGS OR ASSETS SALE
Minister for Police etc - Departments or Agencies

155. Mr MENSAROS to the Minister representing the Minister for Police; Emergency Services; Sport and Recreation:

(1) Has any of the Government departments or instrumentalities - agencies - under the Minister's responsibility -

(a) borrowed money from, or

(b) sold any assets

to the State Bank of South Australia or any of its subsidiaries during the last three years?

(2) If so, will the Minister detail such transactions?

Mr GORDON HILL replied:

(1) No.

(2) Not applicable.

DELOITTE ROSS TOHMATSU - CONSULTANTS' EMPLOYMENT
Premier etc - Departments

160. Mrs EDWARDES to the Premier; Treasurer; Minister for the Family; Women's Interests:

Has the firm Deloitte Ross Tohmatsu been used as consultants for the departments within your control during the periods -

(a) 1983 to 1986;

(b) 1986 to 1989;

(c) 1989 to 1991?

Dr LAWRENCE replied:

The Ministry of Premier and Cabinet paid Deloitte Ross Tohmatsu $200 in 1990 to send two officers to a microeconomic reform conference. No other departments have been involved.

DELOITTE ROSS TOHMATSU - CONSULTANTS' EMPLOYMENT
Minister for Lands etc - Departments

167. Mrs EDWARDES to the Minister for Lands; Planning; Justice; Local Government; South-West:

Has the firm Deloitte Ross Tohmatsu been used as consultants for the departments within your control during the periods -

(a) 1983 to 1986;

(b) 1986 to 1989;

(c) 1989 to 1991?

Mr D.L. SMITH replied:

(a)-(b)

No.

(c) Yes.

Deloitte was one of three consulting firms asked by the Department of Local Government to put forward a proposal to assist the technology budget bid in the 1989-90 financial year. Deloitte was chosen by the department's Information Technology Steering Committee on the basis of both price and the quality of its proposal. The unsuccessful tenderers were Execom and Access Technology. In addition, the State Planning Commission employed Deloitte as system analyst for 1990-91 after calling for expressions of interest and formal selection process.

DELOITTE ROSS TOHMATSU - CONSULTANTS' EMPLOYMENT
Minister for Police etc - Departments

174. Mrs EDWARDES to the Minister representing the Minister for Police; Emergency Services; Sport and Recreation:

Has the firm Deloitte Ross Tohmatsu been used as consultants for the departments within your control during the periods -

(a) 1983 to 1986;

(b) 1986 to 1989;

(c) 1989 to 1991?

Mr GORDON HILL replied:

(a)-(b)

No.

(c) Yes.

SCHOOLS - WELFARE OFFICERS
Duties List, Statement of Duties

177. Mrs EDWARDES to the Minister representing the Minister for Education:

(1) What are the duties listed in the statement of duties of a school welfare officer?

(2) Do these duties vary from district office to district office?

Dr GALLOP replied:

(1) School attendance - Government, private, metropolitan, country: Investigates truancy and absenteeism and maintains case management; inspects attendance registers to detect absences and ensures accuracy of school attendance records; interviews children and parents; liaises with teachers and other agencies; counsels children and parents, innovates strategies and procedures; refers and reports cases to guidance officers/school psychologists and other agencies regarding emotionally disturbed children and school refusal cases; participates in case management programs implemented; accosts and apprehends children in any place the public resort.

School attendance panel: Determines cases; prepares and presents evidence; coordinates hearings and members; implements special programs recommended by panel; coordinates panel rehearings.

Regionalisation: Assumes responsibility for and maintains district office records and files.

Children's Court - Compulsory Clauses Education Act: Determines prosecutions; summons defendants; prepares evidence; conducts cases in court against children, parents and employers; supervises children on probation.

Exemption for employment: Investigates applications for exemption; counsels children and parents; liaises with employers; investigates short term applications to attend technical schools and private facilities.

Transfers between schools: Mediates between schools and parents; prepares reports; makes recommendations regarding alienated students for distance education; Boordaak or transfers to other schools.

Other: Refers cases to Department for Community Services and other welfare agencies regarding children in need of care and protection; carries out other duties as directed.

(2) No. The above statement of duties is for all school welfare officers.

FIRE BRIGADE - VOLUNTEER FIRE BRIGADES
Closure Intentions

219. Mr McNEE to the Minister representing the Minister for Emergency Services:

(1) Is it the intention of the Western Australia Fire Brigade to close down any volunteer fire brigades in Western Australia?

(2) If so, which units, when and why?

Mr GORDON HILL replied:

(1) The Fire Brigade's executive is constantly assessing the fire protection needs of the communities. There are no proposals before the board to close any volunteer fire brigade.

(2) Not applicable.

SCHOOLS - HIGH SCHOOLS
Gymnasium Facilities - Mount Barker Senior High School

224. Mr HOUSE to the Minister representing the Minister for Education:

(1) Do some high schools in Western Australia have inadequate gymnasium facilities?

(2) Will the Minister outline which high schools fall into the above category?

(3) What is the cost of providing a high school with a gymnasium facility?

(4) Will the Minister undertake to give high priority to the provision of a gymnasium for the Mount Barker Senior High School in the Capital Works Program in the 1991-92 State Budget?

Dr GALLOP replied:

(1) While all senior high schools have an area for teaching of gymnastics, a limited number of these facilities are not fully enclosed or suitable for the playing of basketball.

(2) Armadale Senior High School
Mount Lawley Senior High School
South Fremantle Senior High School
Como Senior High School
Mount Barker Senior High School
Harvey Agricultural Senior High School - not fully enclosed
Kambalda Senior High School - not fully enclosed.

(3) The estimated cost of a sports hall, performing arts workshop and associated facilities such as changerooms, toilet, storage etc is $1.9 million.

(4) While it is not possible at present to indicate definitely when a hall gymnasium will be provided at the school, the matter will be listed for inclusion in the 1991-92 draft Capital Works Budget.

BUSES - MANDURAH BUS SERVICE
Operating Cost

227. Mr NICHOLLS to the Minister for Transport:

(1) What is the cost of operating the current bus service to and from Mandurah?

(2) Could you itemise the above cost for -

(a) labour cost;

(b) running costs for vehicles;

(c) income from commuters using the service?

(3) Is it permissible to have the doors open while the bus is travelling -

(a) in a 60 km zone;

(b) in a 60-80 km zone;

(c) above an 80 km zone?

(4) Are there any other areas which have a greater loading of peak hour buses and travel a distance of greater than 20 km?

(5) How many passengers surveys have been carried out on Mandurah services since 1 July 1990?

(6) What dates were the surveys carried out and who was responsible for their accuracy?

Mrs BEGGS replied:

(1) The total cost of providing the services to Mandurah is $443 000.

(2) (a) The labour cost of service operation is $179 500.

(b) The vehicle operating and ownership costs are $261 000. The cost of leasing the bus storage facility is $2 500.

(c) The fare revenue from all passengers is $222 000.

(3) There is no legal requirement for buses to have the front door closed while in motion irrespective of speed. Transperth encourages drivers to use their discretion and the following guidelines are given -

In the interests of safety, bus operators should close the doors of their bus in the following circumstances -

(a) While travelling in the Perth City block.

(b) On the approach to or when stationary at a traffic control device, such as traffic lights or a Stop sign.

(c) At all times when there are school students or standing passengers on board.

(d) When about to pull away from a bus stop, particularly any stand or rank in a bus Station, Interchange or in the Perth City Block.

(4) Transperth operates numerous routes in excess of 20 kilometres that have loadings both equivalent to, and in cases higher than, the Mandurah services. By way of comparison the average peak trip loading on the Mandurah services is 37 passengers, this compares with an average loading on the 219 service from Armadale of 41, the 395 service from Heathridge to Warwick Bus Station then Perth 50, the 105 service from Fremantle to Perth, 41, and the average of all services on Wanneroo Road, 42.

(5) Transperth staff have conducted 20 passenger surveys on the Mandurah bus services since 1 July 1990. These surveys consisted of 19 loading surveys and one passenger questionnaire. The breakup of these checks is detailed in (6).

(6) Transperth conducts a monthly passenger count on all its bus services. These surveys count the maximum number of passengers that were on the bus during its journey, and are compiled for one week in each month. The count is the responsibility of the bus operator of the trip being surveyed. This type of passenger check was conducted on the Mandurah services from 1 July 1990 for the weeks commencing 22 July 1990; 12 August 1990; 9 September 1990; 7 October 1990; 21 October 1990; 18 November 1990; 9 December 1990 and 17 February 1991. The district traffic manager for the area concerned is responsible for the accuracy of these checks. In addition Transperth planning staff conduct boarding and alighting checks to ascertain where passengers are using the services to and from. The most recent example of this type of check was conducted on the following trips on the Mandurah services -

Mandurah to Fremantle/Kwinana checks -

6.38 am 117 service on 7 March 1991
7.03 am 117 service on 12 March 1991
7.20 am 117 service on 25 February 1991
7.23 am 117 service on 26 February 1991
9.13 am 117 service on 25 March 1991
10.50 am 115 service on 20 March 1991
10.50 am 115 service on 21 March 1991

Fremantle/Kwinana to Mandurah -

2.35 pm 115 service on 25 February 1991
3.47 pm 117 service on 7 March 1991
6.00 pm 117 service on 21 March 1991
6.19 pm 117 service on 20 March 1991

The traffic planning manager is responsible for the accuracy of these checks. The passenger questionnaire was conducted to ascertain current users' preference for the operation of a Saturday service on the 117 bus route. This survey was conducted in July last year. The customer services director is responsible for the accuracy of these checks.

FREMANTLE GAS AND COKE CO LTD - WESTERN CONTINENTAL CORPORATION
Sale - Stamp Duty Payment

238. Mr MINSON to the Treasurer:

(1) Was stamp duty paid on the sale of Fremantle Gas and Coke to Western Continental?

(2) If so, how much?

Dr LAWRENCE replied:

(1)-(2)

I am advised by the Commissioner of State Taxation that the State Taxation Department does not maintain any record of documents assessed for stamp duty prior to three years ago. In any event, the commissioner believes that the secrecy provisions of section 9 of the Stamp Act would preclude disclosure even if the information were available.

SHIPPING - GERALDTON
Container Shipping Arrangements

248. Mr MINSON to the Minister for Transport:

(1) What are the present arrangements for container shipping between Geraldton and the rest of the world?

(2) Are these arrangements working satisfactorily?

Mrs BEGGS replied:

(1) At present, there are no regular container shipping services between Geraldton and the rest of the world.

(2) The situation is not satisfactory for shippers from the Geraldton region. The Premier has made a personal approach to overseas shipping lines on their behalf. In addition, the Government is presently reviewing all aspects of the issue.

MARKET GARDENS - WAGGRAKINE AREA
Allotments Review

250. Mr MINSON to the Minister for Water Resources:

(1) When were the market garden allotments in the Waggrakine area last reviewed?

(2) When will the market garden allotments in the Waggrakine area be reviewed?

(3) Are all the allotments worked at present?

(4) When the review takes place will any of these allotments be reallocated?

(5) Is there a waiting list for persons awaiting the allocation of an allotment?

(6) If so, how many people are on the list waiting for allocation of an allotment?

(7) Are there any people on the waiting list who already operate property in the vicinity of the allotments?

Mr BRIDGE replied:

(1) Market garden quotas in the Waggrakine area were last reviewed in March 1990.

(2) Under Water Authority policy all market garden quotas must be reviewed annually prior to 30 June. The next review is scheduled to take place in April 1991.

(3) Market garden services are read on a monthly basis. Recent readings indicate some are inactive currently. However, some growers only cultivate a winter crop and preparation for this will commence shortly.

(4) Market garden allocations will only become available if a grower has not been

actively involved in the industry for a period of 12 months and has no intention of continuing. The review in April will identify any which fall into this category.

(5) Yes.

(6) Three.

(7) Yes.

ROADS - DENMARK-WALPOLE ROAD
Fatalities - Maintenance Funding

253. Mr HOUSE to the Minister for Transport:

(1) Have several fatalities occurred on the Denmark to Walpole Road in the past year?

(2) Is this road a No 1 highway?

(3) How much money was spent on maintenance on this road in the financial years -

(a) 1988-89;

(b) 1989-90;

(c) 1990-91?

(4) Will the Minister undertake to allocate additional funds for maintenance work in the financial year 1991-92?

Mrs BEGGS replied:

(1) One fatality has occurred in the last year.

(2) The Denmark to Walpole Road is part of the South Western Highway, a State highway that connects Bunbury and Albany. As part of a functional route numbering system it forms part of route No 1, the coastal route around Australia.

(3) Funds spent on all maintenance works.

(a)	1988-89	$185 885
(b)	1989-90	$469 814
(c)	1990-91	$365 682

For the 1990-91 year the funds include actual and budgeted expenditure for work in progress.

(4) The allocation of additional funds for maintenance work in the 1991-92 financial year will be examined in the context of the needs of the road and the total funds available.

RURAL ADJUSTMENT AND FINANCE CORPORATION - TRUST ACCOUNT
Short-term Money Market Investments

254. Mr HOUSE to the Treasurer:

(1) Does the Rural Adjustment and Finance Corporation invest funds from its trust accounts on the short-term money market?

(2) If so -

(a) which trust accounts are involved;

(b) how much money from each account is being invested on the short-term money market?

(3) How much interest is earned by these invested monies?

(4) Is the interest earned credited to either the trust accounts or Consolidated Revenue Fund?

(5) What is the reason for transferring the interest earnings to consolidated revenue?

Dr LAWRENCE replied:

(1) No. Funds in trust accounts are managed by Treasury.

(2)-(5)
Not applicable.

WATER RESOURSES - WELLSTEAD COMMUNITY
Water Supply Provision

256. Mr HOUSE to the Minister for Water Resources:

(1) Is the Wellstead community without a town water scheme?

(2) Is the population of Wellstead increasing?

(3) What steps is the Minister taking to ensure the provision of a water supply in Wellstead as soon as possible?

(4) Will the Minister undertake to include the provision of a water supply for Wellstead in the Capital Works Program for the 1991-92 State Budget?

Mr BRIDGE replied:

(1) There is no formal reticulated supply throughout the townsite. The community does however use an existing bore to supply non potable water to several properties.

(2) There are seven permanently occupied houses within the townsite and from discussions with the local authority the Water Authority believe this could double over the next 15 to 20 years. The availability of a good water supply will obviously have a large bearing on the future development.

(3) A preliminary design for a water supply for Wellstead has been completed to enable the relative priority of the scheme to be assessed in relation to the many other requests from communities.

(4) Until the final State Budget is prepared I am unable to give any undertaking in relation to Wellstead.

SCHOOLS - DENMARK HIGH SCHOOL
Student Increase - Adequate Facilities

257. Mr HOUSE to the Minister representing the Minister for Education:

(1) Are the numbers of students at Denmark High School increasing rapidly?

(2) Are the present facilities at Denmark High School adequate for -

(a) the present number of students;

(b) the future needs of the community?

(3) Will the Minister undertake to give priority to the provision of extensions to Denmark High School in the Capital Works Program in the 1991-92 State Budget?

Dr GALLOP replied:

(1) There has been a steady increase in the student enrolment in recent years.

(2) (a)-(b)
Yes. However the need to provide additions and alterations at the school is recognised.

(3) Denmark District High School will be fully considered in relation to the needs of other schools when the details of the 1991-92 capital works program are finalised later this year.

TAFE - EMPLOYMENT STATISTICS
Public Service and Teaching Staff - Staff Selection Panels

262. Mr MacKINNON to the Minister representing the Minister for Education:

(1) Would the Minister advise the number of men and women employed by

Technical and Further Education in both Public Service and teaching staff positions?

(2) Would the Minister advise if the selection panels for vacancies in TAFE use in-house staff or staff from outside?

(3) Who decides on the composition of staff selection panels?

Dr GALLOP replied:

(1) 2 224 - does not include casual teaching staff.

(2) Both.

(3) Minister for SES positions. Director responsible for relevant areas for non-SES positions.

SEWERAGE - ASHFIELD SERVICES PROVISION

263. Mr MacKINNON to the Minister for Water Resources:

When is it proposed that Ashfield will be provided with sewerage services?

Mr BRIDGE replied:

The portions of Ashfield that require sewerage reticulation are titled Bassendean 4B and Bassendean 13A. Sewerage reticulation works are scheduled to commence in these areas in 1991-92 subject to the availability of funds.

EDUCATION - COUNTRY HOSTELS
Ministerial Working Party - Funding Inquiry

264. Mr MacKINNON to the Minister representing the Minister for Education:

(1) Has the Minister or the Minister's predecessor established a ministerial working party which is examining the question of the funding of country hostels?

(2) If so, when was the working party established?

(3) Who is in the working party?

(4) When is it likely the working party will complete its work?

(5) Will the report be made public?

(6) If not, why not?

Dr GALLOP replied:

(1)-(2)

The then Minister for Education - Dr C. Lawrence - appointed a working party early in 1990 to examine the operations of the Country High School Hostels Authority including deficit funding.

(3) Members of the working party were -

Chairperson	-	Mr John Hales - PSC
Member	-	Ms Maxine Sclanders - Ministry of Education
Member	-	Mr Peter McCaffrey - Ministry of Education
Member	-	Mr Colin Philpott - Chairperson, CHSHA
Member	-	Mr Graham Greenaway - CHSHA
Member	-	Mr Doug Fairclough - CHSHA

(4) The working party completed its findings in December 1990.

(5) The results of the working party's deliberations will be made public.

(6) Not applicable.

FISHING - DAMPIER ARCHIPELAGO
Controls

269. Mr MacKINNON to the Minister for Fisheries:

(1) What controls currently exist over fishing in the Dampier Archipelago?

(2) How many trawlers can operate in this area?

(3) What licence restrictions, if any, are placed on those trawlers?

(4) Is netting of any species allowed in the archipelago?

(5) If so, what species are allowed to be netted?

Mr GORDON HILL replied:

(1) Controls exist over commercial prawn trawling in Nickol Bay which include the waters of the Dampier Archipelago. The fishery is limited entry with controls encompassing nursery closures gear controls and rules for boat replacement and transfers.

Access rights and transferability rules for scallop trawlers operating within the Nickol Bay prawn fishery will shortly be finalised.

A management package to control fish trawling and fish trapping in the Pilbara region has recently been finalised. Fish trawling is restricted to waters greater than 50 metres and fish trapping in waters greater than 30 metres. Principal controls for each fishery include -

(a) Fish trawling
three year development fishery
limitation on licence numbers
gear controls
closures of inshore waters to trawling

(b) Fish trapping
limited entry
gear controls
closures of inshore waters to trapping.

Appropriate legislation for the Pilbara Trap and Pilbara Fish Trawl is currently being prepared. If the Leader of the Opposition requests, I will arrange for the Fisheries Department to forward copies of the notices to him once the proposed legislation is gazetted.

The proposed legislation in effect will exclude commercial trapping and fish trawling in the major part of the Dampier Archipelago.

Usual controls exist for recreational fishing including bag limits, size limits and gear controls. There are no specific closures to recreational fishing.

(2) 14 prawn trawlers operate in the Nickol Bay Prawn Fishery.

(3) Prawn trawlers operate in accordance with the Limited Entry Notice.

(4) Yes.

(5) Netting is non selective. Catches I understand consist of species such as bluenose salmon, threadfin salmon, various breams, mullet, shark, and catfish.

STRATA TITLES ACT - AMENDMENTS

270. Mr MacKINNON to the Minister for Lands:

(1) Does the Government intend to introduce a Bill in the current session to amend the Strata Titles Act?

(2) If not, why not?

Mr D.L. SMITH replied:

(1) Yes.

(2) Not applicable.

MINISTERS OF THE CROWN - MINISTER FOR LOCAL GOVERNMENT
Letter of 9 January - Response Date

271. Mr MacKINNON to the Minister for Local Government:

When can I expect a response to my letter dated 9 January 1991 to the Minister for Local Government and which was acknowledged on 17 January (reference 10405/tjat2cbhw)?

Mr D.L. SMITH replied:

The correspondence was referred to the panel appointed by the former Minister for Local Government to inquire into the City of Canning. A reply signed by the panel's executive officer was sent on 26 March 1991.

TRUSTEES ACT - AMENDMENTS
Draft Bill

274. Mr MacKINNON to the Minister for Justice:

(1) Has the Government completed its consideration of the draft Bill which has been prepared to amend the Trustees Act, particularly with respect to the criteria companies must meet for authorised trustee investment status?

(2) If so, when is it likely that this matter will come before the Parliament?

Mr D.L. SMITH replied:

(1) Yes.

(2) It is proposed to introduce the Bill in the current session of Parliament.

ASSET MANAGEMENT TASKFORCE - BARTONS MILL PRISON DISPOSAL

276. Mr MacKINNON to the Minister assisting the Treasurer:

(1) Is the Asset Management Taskforce in the process of disposing of the Bartons Mill Prison?

(2) If not, does the Government have any plans to dispose of this prison site?

Dr GALLOP replied:

(1) No.

(2) Barton's Mill is currently being retained by the Department of Corrective Services on a care and maintenance basis. There are no proposals at this stage to dispose of the property.

McKENZIE, MR BILL - STATE PLANNING COMMISSION FORMER CHAIRMAN
Entertainment and Expenses Costs

278. Mr LEWIS to the Minister for Planning:

(1) Did Mr Bill McKenzie, the former Chairman of the State Planning Commission, prior to his ceasing duties in early 1989, run up large costs for entertainment and expenses debited to the Department of Planning and Urban Development or one or more of its agencies?

(2) If so, what was the total amount of monies debited for such expenses of the former chairman, particularly in -

(a) the financial year from 1 July 1988 to his departure in 1989;

(b) in the 3 months immediately prior to his departure;

(c) in the month immediately preceding his departure?

Mr D.L. SMITH replied:

(1)-(2)

Expenses of this kind were not accounted for separately from general commission entertainment expenses. This included sustenance for statutory committees of the commission. The information requested would require an examination of the detail of every payment for the periods mentioned. I am

not prepared to redirect limited resources, however would be pleased to examine any specific instances or accounts if the member provides the details of any particular items or occasions that concern him.

CENTRAL PARK DEVELOPMENT - GOVERNMENT EMPLOYEES SUPERANNUATION BOARD
Total Projected Cost

279. Mr LEWIS to the Minister for Microeconomic Reform:

(1) What is the most updated projected total cost to complete the Government Employees Superannuation Board's Central Park Development inclusive of -

(a) total land acquisition costs;

(b) total costs of construction inclusive of all management and other consultancy fees;

(c) total value of foregone interest at normal investment rates on all capital funds invested by the Government Employees Superannuation Board from its own resources;

(d) total expected cost for incentives inclusive of rent free periods and office fit-outs as granted to existing and prospective tenants to take up leases of floor space;

(e) the aggregate of all other fees and extraneous expenses that would normally be included as part of the capital cost of the project?

(2) What are the total monies as scheduled in (1) expended to 25 March 1991?

(3) What is the total amount of floor space let in its respective category as at 25 March 1991?

(4) What is the projected date when the project for all intents and purposes can be considered as fully let?

(5) What is the expected date of practical completion of the Central Park Development?

Dr GALLOP replied:

(1) $500.5 million.

(2) Total capital expenditure was $252.2 million.

(3) 10 785 square metres has been let in the tower.

(4) At this stage it is not possible to project the fully let date.

(5) April-June 1992.

ABORIGINES - WORLD COUNCIL OF CHURCHES
Deterioration Report

284. Mr COURT to the Minister for Aboriginal Affairs:

(1) Has the Minister any evidence to support the World Council of Churches' recent report that the standing of Aborigines has significantly worsened since 1974?

(2) If yes, what are the main areas where the standing of Aborigines has deteriorated?

(3) Does the Government support their conclusion that the impact of racism by Australians on the Aboriginal people in this nation is not just horrific but genocidal?

Dr WATSON replied:

(1) No.

(2) Not applicable.

(3) No.

STATESHIPS - GOVERNMENT REVIEW

286. Mr COURT to the Minister for Transport:

(1) When will the Government complete its review of the Stateships' services as proposed last year?

(2) Will this review be made public?

(3) What are the main routes that Stateships is currently servicing?

(4) What plans are there to change these routes?

Mrs BEGGS replied:

(1) The review of Stateships services was completed during the latter part of 1990.

(2) The outcome of the review was announced in a media statement of 7 December 1990.

(3) Route (a) Between Western Australia and Victoria-Tasmania.

(b) Between Western Australia and South East Asia.

(c) From Fremantle to the north west and Darwin.

(4) Stateships is to withdraw from route (a) in mid 1991 as announced in the 7 December 1990 media statement.

PENSIONERS - TAXI FARES ASSISTANCE
Country Areas

298. Mr HOUSE to the Minister for Transport:

(1) Can pensioners receive assistance for taxi fares in country areas?

(2) If so, are these subsidies available in all country areas where a taxi service operates?

(3) If not, to which areas does the subsidy apply?

(4) Will the Minister consider extending the taxi subsidy scheme to smaller towns like Denmark?

Mrs BEGGS replied:

(1) Pensioners suffering disabilities and who are eligible for membership of the Taxi Users' Subsidy Scheme, can receive assistance for taxi fares in country areas.

(2) Yes.

(3) Not applicable.

(4) The Taxi Users' Subsidy Scheme applies to all towns where a taxi service exists.

QUESTIONS WITHOUT NOTICE

AUDITOR GENERAL'S REPORT - LOTTERIES COMMISSION CHARITABLE TRUST
Consolidated Revenue Fund - $12.2 million Illegal Transfer

53. Mr MacKINNON to the Treasurer:

I refer the Treasurer to the first report of the Auditor General of 1991 as tabled today and ask -

(1) Why did the Government break the law as specified in section 9(2) of the Lotteries Control Act when it illegally transferred in June 1990 $12.2 million of Lotteries Commission charitable moneys to the Consolidated Revenue Fund?

(2) As the Treasurer has previously announced a balanced 1989-90

Budget having a surplus of $300 232, does the deduction of the $12.2 million of charitable trust moneys mean the State finished the financial year in June 1990 with an $11.9 million deficit?

Dr LAWRENCE replied:

I am amazed that that is the interpretation the Leader of the Opposition should place on the matter. The Treasury transferred those funds when it was pointed out that, strictly speaking -

Several members interjected.

Dr LAWRENCE: According to the Financial Administration and Audit Act Treasury took the appropriate action.

Mr Clarko: What do you mean "strictly speaking"? Do you mean wrong?

Mr MacKinnon: Is Treasury accountable to this place?

Dr LAWRENCE: If members opposite are fair in this House, actions -

Mr Catania: Why don't you let her give the answer?

The SPEAKER: Order! Would the Premier resume her seat. It appears to me that people in this place have the wrong impression altogether about questions without notice. Any fair minded person can expect that, when he asks a question, he should receive an answer. If members do not like the answer, they should ask another question, but they should not interrupt.

Dr LAWRENCE: The role of the Auditor General, who reports to Parliament, quite properly, is to examine the performance of various departments and agencies for which the Parliament appropriates funds to determine whether they comply with the rules of the Parliament and with prudent practice. The Auditor General has tabled a report today which shows a number of exceptions to that. I cannot recall a single occasion, since I have been in this Parliament, when observations have not been made. The Auditor General's role is to instruct and to guide.

Mr MacKinnon: I have never ever before seen the accounts being rigged.

Dr LAWRENCE: The accounts were not rigged. That was a course of action that was taken to provide for those funds in the hospital system. Instead of being in one account they are in another. The Auditor General has indicated that he thinks that was imprudent, but Treasury had already reached that conclusion after advice from the Crown Law Department. It had taken pre-emptive action once it discovered that. It was not a question of moving it around in some phoney fashion, that is what Treasury determined to do in order to ensure that the State's accounts were in proper order. The Crown Law Department said that it did not think that was the right way to do it. The money was removed and that amount of money has been placed back there. There is no question that the Budget was not balanced because it clearly was not determined to do that, nor did it achieve that end, if the member reads the paper.

WHEAT - GUARANTEED MINIMUM PRICE
Reith, Mr Peter - By-election Stunt Allegation

54. Mr P.J. SMITH to the Premier:

(1) Is the Premier aware of comments attributed to the Deputy Leader of the Federal Liberal Party, Mr Peter Reith, who has described the Government's decision on a guaranteed minimum price for wheat as one of the biggest by-election stunts in history?

(2) What is the Government's response to these allegations?

Dr LAWRENCE replied:

(1)-(2)

I have to be fair and say that Mr Peter Reith is not alone in the opposition that

exists to the Government's decision to guarantee a minimum wheat price nor, indeed, in making the allegation that it might have something to do with the Geraldton by-election. Indeed, my State colleague in South Australia was most unhelpful by saying the same thing.

Mr House: It is a pity some of the other Federal politicians did not do anything for rural Western Australia.

Dr LAWRENCE: I agree with the member. Today I held meetings with some of my Federal colleagues to try to drive home to them the importance of this issue, not only to Western Australian farmers but also to small business and the economy as a whole, because if Western Australia's economy deteriorates so does the whole nation. We are talking about the export market and export maintenance programs, if one wants to be strictly economically rational.

However, I would have hoped that the Leader of the Opposition might have taken the opportunity, with Mr Reith being in town, to give him some instruction, to tell him what is going on here and to make sure that he does not open his mouth about the value of the scheme. At least my colleagues have been informed. We have lobbied them hard and long in order to make them understand the issue. They now understand why we took unilateral action, whereas, Mr Reith seems to be here only to derive some fun out of the Royal Commission and perhaps to inform members opposite on what to do with the 500 Club funds. He does not seem to have any interest, as the shadow Federal Treasurer, in the fate of the Western Australian economy.

AUDITOR GENERAL'S REPORT - GOVERNMENT EMPLOYEES SUPERANNUATION BOARD
Important Decisions June 1988-April 1989

55. Mr TRENORDEN to the Premier:

(1) Is the Premier aware that the Auditor General's report tabled in this House earlier today discusses the important decisions of the Government Employees Superannuation Board during the period June 1988 to April 1989?

(2) Is the Premier aware that her Minister for Housing was a member of the GES Board from June 1988 to April 1989 - the same period?

(3) Will the Premier instruct her Minister for Housing to make a full statement to this House of his involvement?

(4) If yes, when?

(5) Is the Premier aware of any Cabinet rules, Caucus rules or other guidelines that prevent her from suspending or dismissing a Minister where evidence is given either to the Royal Commission or to this House that alleges or implies any wrongdoing by that Minister?

Dr LAWRENCE replied:

(1) There are so many ifs, maybes, alleges and wonders about in that question that the only answer I can give is that it all depends on what are the outcomes of the member's assumptions. The member only assumes and does not say what it is that was supposed to be problematic.

(2) I did not know those dates overlapped. I just turned around and asked the Minister for Housing, Mr McGinty, if he was a member of the board.

(3)-(5)

The member has not indicated why I might take any action. I did not know the Minister for Housing was a member of the board at the time and that action unspecified might have been taken. Therefore, I cannot answer part three of the question. The member's question is a series of hypothetical questions based on no evidence at all of any wrongdoing which the member implies in the last part of the question.

MINISTER FOR THE ENVIRONMENT - POLICE REPORT
Illegal Copying of Confidential Documents Complaint

56. Dr EDWARDS to the Minister for the Environment:

Has the Minister received a report from the police on the complaint about alleged illegal copying of confidential documents at his electorate office?

Mr PEARCE replied:

I thank the member for the question. As a result of this matter being raised in the House last evening, I took the opportunity to seek a report from the police this morning. I have been informed as follows: As a result of the information contained in my complaint the police approached Mr Trevor and questioned him. During that questioning Mr Trevor admitted that he had told the two people named in my complaint to the police that he had photocopied documents from my office and was holding them in a vault in the Commonwealth Bank in Armadale. He went to the bank and produced the file. The file did not contain any documents of that nature. He told the police he had made up that story. It is, of course, an offence to make up stories of that kind. However, the police advised him that they were prepared to treat the matter as an unfortunate joke and, as a consequence, no charges will be laid. I accept the police action in regard to this matter. I remind the member for Applecross who makes use of this source that that gentleman has now put himself on the record as having made up stories. It is not the first time because many of his works of fiction have been produced in this House by the member for Applecross.

AUDITOR GENERAL'S REPORT - GOVERNMENT EMPLOYEES SUPERANNUATION BOARD
Central Park Development - Esjay Shelf Co Half Share Purchase Price

57. Mr LEWIS to the Minister for Microeconomic Reform:

What explanation does the Minister have for the fact that the Government Employees Superannuation Board paid $83.2 million for Esjay Shelf Co (209) Pty Ltd's half share in the Central Park project which had been valued independently at only $45.7 million as revealed on page 21 of the Auditor General's report?

Dr GALLOP replied:

I do not have a specific explanation for that point. The Auditor General's report outlines the facts related to the purchase of that site. They are merely stated as facts in the report. He draws no conclusions whatsoever from those facts. He does not advise the Government to take any action on those matters. If the member feels that was a wrong price, quite properly that accusation will be dealt with by the Royal Commission set up by the Government to look into matters relating to the Government's relationship with business.

AUSTRALIAN NATIONALIST MOVEMENT - LEADER OF THE OPPOSITION
Further Allegations

58. Mr CATANIA to the Premier:

(1) Is the Premier aware of further allegations made today by the Leader of the Opposition concerning the neo-Nazi Australian Nationalist Movement?

(2) If so, has the Leader of the Opposition yet supplied her with any information on which he bases his support for the ANM?

Dr LAWRENCE replied:

(1)-(2)

No, but the Leader of the Opposition is quite prepared to write me letters which, if the information contained therein was made public, would be libelous. The Leader of the Opposition's behaviour on this matter has been quite extraordinary. Whenever he gets the opportunity to talk about this

matter - he does that a lot in public - he denies he is playing politics with it and that, in raising the issue, he is not trying to lend credibility to the statements of the Australian Nationalist Movement. However, the more he denies that, the more it is likely to be believed. If he had the courage of his convictions he would supply the information and back up the allegations that have been made. I received a letter from the Leader of the Opposition today. In it, the Leader of the Opposition says -

> I reiterate that had I become aware of such activities in any election campaign in which I was a candidate, I would seek and want the perpetrators and supporters of such venom found and dealt with to the full extent of the law.

So say all of us. He continues -

> Despite the fact that this occurrence was five years ago and you were fully aware of it, it would appear that you have done nothing . . .

I made it very clear in this House to the Leader of the Opposition - the candidate who was opposed to me at the time will confirm this - that I knew of the smear campaign, that I had no idea who were its perpetrators and authors and that I had discussed with my opposing candidate the idea of keeping it as low key as possible because neither of us wanted to give anyone who had done that any publicity. That is a lesson that the Leader of the Opposition seems unwilling to learn. He continues not only to play politics with this but also, in my view, to tell blatant untruths specifically about me when I have answered a question in Parliament denying knowledge of those people who might have been associated with this campaign. Knowledge of the campaign, yes; disgust at it, yes; but even greater disgust with the Leader of the Opposition.

Mr Clarko: You were involved.

Dr LAWRENCE: Did I hear the member for Marmion say I was involved?

Mr Clarko: I said you were involved apparently because you were in the campaign. It was your campaign, was it not?

Several members interjected.

Withdrawal of Remark

Dr LAWRENCE: I ask that the remark of the member for Marmion be withdrawn. It is clearly not parliamentary.

Mr Clarko: Nonsense! What can be withdrawn? The Premier was involved in a campaign and they were talking about it. She is involved. It does not mean to say she is guilty. In no way did I say she was guilty. She is hypersensitive on this.

Dr Lawrence: I am because you are so immoral on the question.

The SPEAKER: The words of the interjection which I heard and which the Premier has asked be withdrawn were, "You were involved". Those words are clearly unparliamentary. The qualification which the member for Marmion added at a later stage was something quite different and is neither here nor there. The words used are unparliamentary and I ask that they be withdrawn.

Mr CLARKO: Mr Speaker, would I be entitled to make a brief comment about how I used those words? I was not implying any guilt on the part of the Premier. In no way did I imply guilt when I said that.

The SPEAKER: I appreciate the member's magnanimous offer, but nonetheless I ask him to withdraw the remark.

Mr CLARKO: I certainly withdraw as you, Mr Speaker, request.

Questions without Notice Resumed

STATE GOVERNMENT INSURANCE COMMISSION - TURNBULL AND PARTNERS
Commercial Work Employment

59. Mr COURT to the Minister for Microeconomic Reform:

(1) Is the State Government Insurance Commission currently using the services of Turnbull and Partners for commercial work?

(2) If yes, what projects is it working on for the State Government Insurance Commission?

(3) Will the Minister provide details of the fees paid to Whitlam, Turnbull and Partners - now Turnbull and Partners - since it was first employed by the Government?

Dr GALLOP replied:

(1) Yes, that firm is employed by the State Government Insurance Commission.

(2) It is working on the issue of the Bell bonds which are held by the State Government Insurance Commission and it is helping the SGIC to look at the process by which it deals with those bonds.

(3) No.

Mr MacKinnon: why not?

Dr GALLOP: Because it is not appropriate.

BURSWOOD BRIDGE - CITY NORTHERN BYPASS ROAD
Construction Proposals Report - Public Transport Alternatives

60. Dr ALEXANDER to the Minister for Planning:

(1) Will the Minister inform the House when his department will release for public comment the latest report on proposals for construction of the Burswood Bridge and city northern bypass road?

(2) In view of the considerable public opposition to previous proposals and the Government's commitment to the upgrading of public transport, will the report include proposals for public transport alternatives to the road?

(3) Given the Government's scrapping of the similarly controversial Fremantle eastern bypass in the lead-up to the 1990 by-election, could a similar commitment be expected in the unlikely event of a Perth by-election?

Mr D.L. SMITH replied:

(1) The simple answer is that I do not know, but I will undertake to find out and report to the member.

(2) I will consider the views of the member for Perth on public transport at the time the report comes to me.

(3) It is a matter on which I would not care to give an opinion.

"FOUR CORNERS" TV PROGRAM - TIMBER INDUSTRY APOLOGY

61. Mr MARLBOROUGH to the Minister for the Environment:

Does the apology by the "Four Corners" program this week right all the wrongs it has done to Western Australia's timber industry?

Mr PEARCE replied:

I had some notice of the member's question yesterday, but unfortunately it did not get a guernsey. The situation, as members who watched the "Four Corners" program on Monday night will know, is that the program was forced to make a very lengthy - some people said a grovelling - apology to the Executive Director of the Department of Conservation and Land Management, hence to the department and to the Government of this State, with regard to a series of errors which it had to admit were contained in its program, "The Forest and the Trees" which was criticised by me and other

members in the House when it was first televised. I have two comments to make on accepting the apology from the Australian Broadcasting Commission; firstly, it still does not go anywhere near far enough, for reasons I will explain and, secondly, it was a very grudging apology from the ABC. Of all the matters of factual error contained in the program the ABC was prepared to apologise for only one. The initial approach made by the executive director and me to the ABC resulted in a single factual error being acknowledged and a half reinterpretation of the way it had used Mr Shea's baby in the program. I have discussed this matter previously in the Parliament. The matter was referred to an independent body for an assessment of the defence put forward by the ABC under the terms of the Australian Broadcasting Commission Act. That separate independent analysis has confirmed all the other factual errors. They are not matters of minor detail. They are such matters as: The allegation that the block was logged after it had been listed by the Australian Heritage Commission - that was found to be untrue; a claim that logging had taken place in the wildlife corridor was unsubstantiated; the target royalty was wrong; and the size of the area logged by CALM on a daily basis was almost doubled. It contained a range of other factual errors. Unfortunately, the independent process does not allow questions of balance in the program to be considered but, given the vast array of factual errors which the ABC has now been forced to concede, it is a great shame that it did not go further and concede that it was a disgracefully biased and unbalanced program, in the way we have always said it was. That apology has done the team of the ABC "Four Corners" program no good at all, neither the lateness of it, the grudging nature of it nor the way it was forced to make it. I am a great admirer of the "Four Corners" program - and I am sure I speak for many other members in so saying - but it was a disgraceful program and not up to the standards of the "Four Corners" team. Although we accept the apology, we wish it had been made willingly by the ABC and not grudgingly.

HOSPITALS - GERALDTON REGIONAL HOSPITAL
Rapid Population Growth - Budget Allocation Increase Assurance

62. Dr TURNBULL to the Minister for Health:

(1) Following the release of a report of a special review of the Geraldton Regional Hospital, will the Minister confirm that the report states that the method of setting the budget for the Geraldton Regional Hospital has been on a base budget which was established in 1985? No formal adjustment has been made for population growth.

(2) Will the Minister assure the people of Geraldton that the Budget allocation for 1991-92 will be increased to take into account the rapid population growth in Geraldton?

Mr WILSON replied:

(1) Yes, of course, because the member is quoting from a report and a statement made in association with that report.

(2) The fact that no base adjustment has been made to date, to take into account the population increases, does not mean that no adjustment has been made to address other cost increases and revenue decreases associated with increasing numbers of people not having recourse to private health medical insurance. I am not sure whether the member has read the whole report because her question seems to indicate that she has not clearly understood it.

Dr Turnbull: I have read the whole report.

Mr WILSON: Perhaps the member should read the report again. If she had clearly understood the report, she would know that it is a very careful and close analysis which shows that it is likely that the increases in cost are not, in the main, associated with population increases, but are largely associated with very marked increases, not in the costs of salaries but in the costs of goods

and services associated with increased levels of specialised surgery which, as a result of Government policy, is now available to people in Geraldton close to where they live. The other part of the problem, as I have said before, is the decreased levels of revenue available to hospitals as a result of increased numbers of people not having recourse to private health insurance. In addition, the report clearly shows that as a result of more specialised medicine becoming available through the Geraldton Regional Hospital a large number of people no longer come to Perth for the surgery mentioned as they are able to obtain it close to where they live. That was an important fact the member ignored when asking her question.

Dr Turnbull: Not even the regional -

The SPEAKER: Order! The member for Collie is taking up another member's time with her interjections.

Mr WILSON: I do not know what purpose is served by the member's haranguing me while I am trying to answer her question. I am sure that all these issues can be properly debated and thought through, not in this context but by careful, cool analysis of the factors actually impinging on the cost and delivery of health services. We do not get that cool, careful analysis from members of the Opposition because they are too keen to raise the ante about the naturally emotive aspects associated with the cost of delivery of health care to people in need. We need a much more measured, rational and factually based debate in this community on the costs of health care and the delivery of health services which are attuned to the needs of the total population. If we had that contribution from the member for Collie, who gained much experience in the delivery of health care as a medical practitioner, the debate about the cost and delivery of health services would be greatly enhanced and progressed.

SUPERANNUATION - COMPANY RETIREMENT SCHEME BORROWINGS

Employee Losses

63. Mr DONOVAN to the Minister for Productivity and Labour Relations:

This is another question relating to superannuation funding but by contrast to the usual question it relates to the private sector. Is it correct that up to 100 employees may not receive their superannuation benefits and in some cases their life savings because their employer has not repaid money it borrowed from the company's retirement scheme?

Mrs HENDERSON replied:

I am extremely disturbed and concerned by reports and from what I have been able to find out about the circumstances surrounding a recent case involving Burnwood Proprietary Limited trading as Peters Bakeries and Swan Lake Natural Foods which borrowed money from the firm's superannuation scheme it has been unable to pay back. It is nothing less than a cruel trick for any company to set up a company based superannuation scheme, encourage employees to pay contributions and then borrow money from the scheme with scant regard for the interests of its employees. One employee had been contributing to the scheme for in excess of 23 years and recently retired expecting a payout of $100 000 of which $30 000 was his contribution. He is now faced with the prospect of signing up for an age pension. As a result of investigating this matter I have made urgent representations to the Federal Government about examining the need to put in place a code of conduct for trustees of these sorts of schemes that will require them to seek independent investment advice, report annually to their members and fully disclose the performance of the fund, all charges, its investment strategy, its asset allocation, fund accounts, auditors' reports and the distribution of any surplus. I have closely examined this fund's trustee documents, and I am particularly concerned about some of the features of the fund. For example, it allows the employer to make retrospective changes to the deed without any reference to the employees who have paid money into that scheme. It allows the employer

to appoint or remove trustees. It allows the superannuation fund to invest the funds in the employer's own company with no security, and at any interest rate set by the employer himself or herself. It allows the employer to alter the category of membership of any member of that fund without reference to that member. It allows the employer to change the review date, effectively postponing indefinitely the declaration of any interest rate. In my view this is nothing short of a scandal.

Several members interjected.

Mrs HENDERSON: Why do members not listen to what I am saying? If wages are paid into a superannuation fund they should never be available for a company to dip into for its own borrowing proposals with no regard for the interests of the employees. Occupational superannuation funds which have led the way in this country in providing for the best interests of workers have been those which are joint funds set up and administered by employers and employees with employers and employees on the board. Those funds do not have the appalling history of squandering workers' money. It is my view that we should move as quickly as possible to ensure that most workers in our community have their funds invested in joint superannuation funds administered by employers and employees.

JUVENILE OFFENDERS - PUBLIC IDENTIFICATION
Minister for Community Services Discussions

64. Mr STRICKLAND to the Minister for Community Services:

In regard to the recent decision to allow public identification of the four juvenile offenders in the interests of public safety, I ask -

(1) Did the Minister for Police or any senior police officer consult with the Minister for Community Services prior to deciding to allow public identification of the juveniles?

(2) Will the Minister advise the House of any illegality in such actions?

(3) What action does the Government propose to address such illegality?

Mr RIPPER replied:

(1)-(3)

I thank the member for his question, which is the first I have received from the Opposition in my capacity as Minister for Community Services.

An Opposition member: It will not be your last.

Mr Shave: We forgot you were there.

Mr RIPPER: I am sorry if that is the case. The Minister for Police advised me that the police had made the decision, before the public announcement that the decision had been made in the interests of public safety. Most people in this community agree that this action is required in extreme cases where there is considered to be a risk to public safety. Members may have seen the announcement that the legislation will be altered to provide for the release of this information in certain extreme circumstances under the direction and with the permission of a Supreme Court judge.

Mr MacKinnon: Will that legislation be introduced this session?

Mr RIPPER: I saw a report indicating that it had been discussed in the other place. There has been a public announcement of a decision to change the legislation. The Act involved is not one for which I have responsibility in this Parliament, therefore his question should be addressed to the appropriate Minister. The member and indeed I have the same rights as any other member of the public with regard to alleged breaches of that Act.