

LEGISLATIVE COUNCIL

Tuesday, 9 May 1989

THE DEPUTY PRESIDENT (Hon D.J. Wordsworth) took the Chair at 11.00 am, and read prayers.

WESTERN AUSTRALIAN PETROCHEMICAL INDUSTRIES AUTHORITY BILL*Suspension of Standing Orders*

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [11.02 am]: I move without notice -

That so much of Standing Orders be suspended as would enable -

- (a) the resolution of the House on the third reading of the Western Australian Petrochemical Industries Authority Bill 1989 to be rescinded; and
- (b) the question for the third reading to be put again without amendment and determined at this sitting.

The purpose of this motion is to enable the Petrochemical Industries Authority Bill to be reconsidered by the House. The background to this admittedly unusual procedure is well known and needs little further comment. Similarly, there is no need to elaborate again on the Government's view as to the importance of the contribution to the State's economy which the petrochemical project offers.

Following its vote against the third reading of the Bill, the National Party indicated that its real concern at that time was to preserve its ability to put certain questions to the Government. In response, the Government arranged a briefing for the National Party and that occurred last Friday. That briefing was provided by the relevant departmental and technical advisers, and Ministers did not participate. Questions raised on Friday which could not be answered at that time have been responded to subsequently. In these circumstances, the point has been reached where the view of the House should again be tested. That is the point of the present motion and, if carried, it will be followed by two further motions - firstly to rescind the vote on the third reading and then to read the Bill a third time.

As indicated in our earlier debate on the Bill, negotiations are continuing both with the Bond group and with prospective financiers on their respective roles in the project. The Government reaffirms its view that the ultimate commercial decisions should be a matter of judgment by the authority with the authority responsible to its Minister, and the Minister accountable in turn to the Parliament. However, given the concerns which have been expressed here and elsewhere about the nature and extent of the State's involvement in the project, and that final arrangements are not yet in place - in keeping also with the overriding emphasis on accountability which the Bill represents - the Government is prepared to undertake that it will not proclaim sections 24 to 27 inclusive, dealing with the financial commitments of the authority and the Treasurer, until satisfactory agreements have been concluded and details of those commitments have been tabled, if Parliament is sitting, or made public by presentation to the Clerks of both Houses otherwise.

There is one other point to be stressed. Since the original rejection of the third reading of the Bill, there has been some loose talk to the effect that as a commercial agreement is already in place to establish the petrochemical industry, it does not really matter all that much if the Bill is passed or not. That view is wrong for two reasons. In the first place, if the rejection of the Bill is confirmed, the project will be left within a completely unaccountable framework. This was the subject of the most stringent criticism by the Burt commission and it would be ironic in the extreme if the Government, having moved at the first opportunity to remedy this admitted defect, were prevented from doing so by the Opposition. Commercially too, the rejection of the Bill, if confirmed, could have the most serious financial implications. There is a limit to which a project of this size, cost and complexity can remain unaffected by the sort of political buffeting which this project has already suffered and to which the rejection of the Bill would add significantly.

It has to be said that the development of this project could well be jeopardised by an adverse

vote of this Parliament. No matter how that was explained by the Opposition it would inevitably be seen by potential financiers and new equity participants as indicating a lack of commitment, if not outright repudiation.

The Premier has already described last month's defeat of the legislation as "a serious blow to the project". In a statement issued the following day he said, "It came after a concerted campaign over several months by Liberals to undermine a development that would provide thousands of jobs for Western Australians and millions of dollars in return for the State. There should be no doubt that the viability of a project of this scale cannot remain unaffected by the Opposition's actions."

Finally, it would be all too easy, given the events of the past few weeks, to forget just what this project means to Western Australia. Initially, it will put about \$200 million in the pockets of at least 1 500 construction workers. On completion, it will employ directly more than 400 people and indirectly create at least another 3 000 jobs in the wider community. It will earn at least \$200 million each year in export income and cut our import bill by some \$50 million. Indeed, its position has been compared to that of the Portland smelter in Victoria, a project which was subjected to a range of criticism but which is now delivering significant benefits to the people of that State.

Projects of this nature are simply too important to be decided purely and narrowly on the basis of political expediency. That is not to say the Government's decision making process should not be scrutinised both in the Parliament and elsewhere. The Bill in question plus the information provided over the past few days to the National Party meet that requirement.

Mr Deputy President, the importance of this project and of its having a proper framework in which to operate, justify the special measures which we are now taking. I urge the House, taking all these matters into consideration, to seize the opportunity to reconsider its earlier decision on the third reading and to support the procedures which would allow us to reverse that.

Hon FRED McKENZIE: I second the motion.

HON G.E. MASTERS (West - Acting Leader of the Opposition) [11.10 am]: This motion before the Legislative Council is an insult to Parliament and a gross abuse of the parliamentary system. It is all very well for the Leader of the House to say, "We have changed our minds a little." This Bill was defeated in the Legislative Council by a deliberate vote of the members of the Opposition. The National Party made a firm decision on the defeat of the third reading. The Leader of the House has said, "We have changed our minds now and will do something about clauses 24, 25 and 26." I remind the House that members of the Liberal Party in the Legislative Council moved amendments to clauses 24, 25 and 26 which would probably have protected the public interest to the best of our ability. Bearing in mind that the Liberal Party is opposed to the legislation, the Leader of the House has the gall to come back to this House to say, "Give us another go." I remind members that the parliamentary process is designed to create maximum discussion in Parliament to create public awareness; it is designed to allow orderly debate. We have a set of Standing Orders which direct and allow orderly debate. If the Government were dinkum, it could, and should, have accepted the decision of the House and prorogued Parliament and come back next week with a new Bill. It is not good enough for the Government to say that it will not proclaim certain parts of the Bill such as clauses 24, 25 and 26. It could do that at any time it suited if this motion goes through. Hon Eric Charlton, who is a key figure in this debate of course, made some statements to this effect which I will quote later.

At the end of the day, after all the discussion had taken place, a majority decision of the Legislative Council decided that the third reading should not proceed. I am sure that most of us - certainly not all by the looks of things - are proud to be members of the Legislative Council and take our responsibilities most seriously. The Government has moved in an unprecedented way to rescind the decision of the Legislative Council, a deliberate decision made by the Liberal Party, and by the National Party as well. If the Government is successful in what it is doing today, it will mean that any Government, be it Liberal, Labor or any other Government, once it has lost a Bill can have another go at it after it has done some work over one or two weeks to persuade and cajole people to agree. That is not what the parliamentary system is all about. If we agree to the suspension of Standing Orders, it will make a farce of the whole system because the Government will be able to do this again and

again as it will set a precedent that has never been anticipated and has never occurred in Australian parliamentary history - certainly not under these circumstances. That is the exact result of what will happen if we on this side of the House agree at least to the suspension of Standing Orders and then to rescind the previous decision.

This motion to overturn the decision is a calculated and considered decision which needs to be rejected out of hand. In my view it is nothing short of obscene to bring this motion to the House at this time. But the motion goes further. It says not only that the Standing Orders should be suspended so as to allow the third reading decision to be rescinded, but it also says, and I quote -

- (b) the question for the third reading be put again without amendment and determined at this sitting.

The motion says "without amendment", which means that if this motion is supported and the Standing Orders are suspended, not only are we going to reconsider the decision but also we will not be able to make any amendments to the recommitted legislation in the Committee stage if that is what we want to do, even though we may debate the third reading.

Hon Eric Charlton has said publicly on a number of occasions that he is concerned about certain aspects of the legislation. He received some phone calls in the night that made him change his mind. If that is the case, one assumes there will be more evidence brought to the Legislative Council during the third reading and these matters will be debated. I imagine that Mr Charlton has been assured about some of the things that have caused him problems. If that is the case and the House decides as a result of the further information that the Bill should be recommitted to the Committee of the House, we cannot do so with this proposal. We will not be able to recommit the Bill to the Committee stage in order to make changes. Mr Charlton made a statement after making his decision - which was the right one in my view - on the third reading of the Bill. I quote from that statement as it appeared in the *Sunday Times* -

"But I have valid concerns and questions that need answering."

"There has been a lot of talk about the third reading being a formality, but Bills have been stopped before at this stage.

That is not true, but nevertheless I understand what he is saying. His statement continues -

"I do not subscribe to executive government operating on trust. It may know what is happening, but I believe the public has a right to the facts too.

Further on it states -

"We cannot take the Government at trust, if we did there would be no point in being in Parliament," he said.

... I had major concerns about the project costing the public even more ...

The comments indicate clearly that Mr Charlton required certain information and certain assurances to be supplied at the third reading. Mr Charlton said we should not take any Government on its word, and by that I assume he meant that any change should be entrenched in the Act itself. The changes should appear in black and white as passed by the Parliament so nobody can change his mind. Mr Charlton said he could not take the Government on trust. In other words he was saying that many of those matters should be incorporated in the Statute. If Mr Charlton and his members are genuinely concerned about that statement, the words "without amendment" should be deleted from the motion. I will not seek to delete those words because I am opposed to the whole motion. If Mr Charlton is determined to satisfy himself and not put the Government on trust and ensure that the matter is incorporated in the Act, he will be moving a motion to delete the words "without amendment".

Mr Deputy President, I say again that this is a disgraceful situation, bearing in mind the Government could have avoided it by proroguing Parliament and introducing new legislation. It is no good mucking around expecting us to rely on trust. I quote from the section relating to the restrictions on power of rescission in Erskine May's *Parliamentary Practice*, and members should take notice of this matter; it certainly is not a laughing matter -

The power of rescission has only been exercised in the case of a resolution resulting from a substantive motion, and even then sparingly. It cannot be exercised merely to override a vote of the House, such as a negative vote. Proposing a negatived question a second time for the decision of the House, would be, as stated earlier, contrary to the established practice of Parliament.

Today we are considering overturning a procedure necessary for the passing of legislation and having another go at it. We have been requested to vote again on a matter about which we may have changed our minds. Erskine May's *Parliamentary Practice* continues -

Sufficient variation would have to be made, not only from the form but also from the substance of the rejected question, to make the second question a new question.

Those are not my words. I am not suggesting that members should not reconsider their decision, but that it should be done in a proper way. The Government should introduce another Bill including the necessary changes to the original legislation and have it accepted by this House. For it to come here and tell us that it wants another go at something that it lost two weeks ago because it may have persuaded some people to change their minds is an abuse of the system.

I understand that no similar situation has occurred in any other Australian Parliament. Decisions have been rescinded because of genuine mistakes or misunderstandings. However, a deliberate decision has never been overturned by any Australian Parliament, Federal or State. This was a deliberate decision. Hon Eric Charlton said afterwards publicly that he was justified in making that decision. He did not make a mistake and go to the wrong side. He knew what he was doing because he said so. It was a deliberate vote and the Government cannot now attempt to influence us to change our minds because it suits the Government.

As I have said, the rescinding of a vote under these circumstances has never occurred in Australia before. The Australian Senate has never rescinded the third reading of legislation and the House of Representatives has rescinded the third reading on a few occasions because of genuine errors. A deliberate vote for the third reading of legislation has never been rescinded.

The eyes of people interested in parliamentary procedure are on us today. Anyone who attempts to alter a deliberate vote of this House because he has changed his mind is wrong. He is not entitled to change his mind. An article in *The West Australian* stated -

In defeating the legislation, the Nationals rejected their own amendments and rendered a lengthy debate meaningless.

That is the view of the Press. It goes on -

Mr Charlton denies he was caught out and confused by coming into the House after MPs had divided on the third reading of the Bill.

The National Party issued a Press release, which Hon Eric Charlton was kind enough to give me after the decision was made, which states -

If the Government genuinely wants the project to proceed, it will come back to Parliament with another Bill and will allow Parliament sufficient time to do its job scrutinising both the Bill and the relevant aspects of the project itself.

At that time the National Party and its spokesman said that if the Government were genuine it would introduce another Bill, not reintroduce this Bill. It should prorogue Parliament and recall a new Parliament next week or the following week and consider legislation relating to the PICL project properly. If the Government is genuine about changing clauses 24, 25 and 26, it can do it then. We should not accept any assurances from the Government about this legislation because we do not believe it or its assurances. We have had enough of them. We do not accept its word any more and neither should the National Party.

The concerns expressed by the Liberal Party and the National Party after the Liberal Party had failed to defeat clause 1 of the Bill were consistent. We still believe that a number of safeguards should be included in the legislation. We endeavoured to include those safeguards by amending clauses 24, 25 and 26. The National Party did not support the Liberal Party at that stage, a fact about which I am sorry. However, it explained its position. It is no good this Government saying that there may be something wrong with those clauses

because it will not wash. The Government stood firm in the Committee stage and refused to change its mind.

The Liberal Party had in its possession - I think I gave a copy of it to Hon Eric Charlton - a statement referring to financial support measures for the PICL project. The Government gave all sorts of undertakings through the State Energy Commission and other Government authorities. We asked whether that document was correct but did not receive a reply. Again our doubts were not satisfied.

Every statement in the media in recent days has suggested that the PICL project is a disgracefully organised project and that public money has been and will be put at risk. That is beyond the understanding of conservative members of Parliament.

If this motion to suspend Standing Orders succeeds, the third reading will be rescinded. I do not believe anyone in this House could say that he is performing his duty as a member of Parliament by supporting that motion. The Standing Orders are absolutely clear. We either accept our Standing Orders and debate matters in an orderly fashion or the whole thing becomes a sham. I do not believe anyone in this House could support giving this legislation another go. The only option open to the Government is for it to introduce another Bill. If members agree to go back on their decision, they will be requested to do it again. The passage of the motion will set a precedent, not only in Western Australia, but also in Australia.

It is not necessary for me, at this stage, to detail our concerns about the project because the real issue is whether we will go back on a deliberate decision made by this House. That is something that no Parliament in Australia has ever done. If the motion is passed it will be regarded as another partial collapse of the Western Australian system. I believe we are in enough trouble already. We have been criticised for abusing the system already and we cannot continue to go down that road. We should tell the Government that we will not have a bar of this motion and that it should prorogue Parliament tomorrow if necessary and we will come back next week to consider new legislation.

It is not acceptable for the Government to introduce this motion and tell us that no amendments will be acceptable. No member on this side of the House should contemplate supporting the motion.

HON A.A. LEWIS (Lower Central) [11.28 am]: One feels a little like Melba, does not one?

Hon P.H. Lockyer: You certainly don't look like her.

Hon A.A. LEWIS: This is probably one of the most farcical situations that we have ever had to deal with in this House. It is interesting that the arrogance of this Government extends to the Leader of the House in his suggestion that the Opposition has been trying to undermine the Petrochemical Industries Co Ltd project for the last two months.

During the election campaign the Opposition made a clear statement that the petrochemical plant should be established in the Pilbara. The Leader of the House should not go on with this arrogant nonsense that the Opposition is trying to undermine the Government. The Opposition opposes the present site and opposes the Government's conduct in regard to the whole of the petrochemical plant business.

I was asked by the Press what was my attitude to this matter. Governments of all colours are a little lacking on giving answers to questions, especially questions from backbenchers, but we did not receive any answers to our questions. I told the Press that if the Opposition had been given right and proper answers to its questions about this Bill the Opposition probably could have supported it. We certainly have not received answers to our questions from the Government today regarding this issue; we have only heard the arrogant statement by the Leader of the House.

At five minutes to eleven today the Government must have been feeling a little uncertain about itself because a very high personage rang me at that time to find out what were my concerns about this project. I congratulate the members of the National Party if they have received any answers from the Government. I will be happy to listen to their speeches because I have received no strange telephone calls in the night. It is fascinating that at five minutes to eleven today a representative of the Government wanted to talk to me regarding

aspects of this Bill about which I am uncertain. If this Government has not worked out what this House is uncertain about by now its members are slower learners than I thought. The Government does not give a damn about the Opposition. It thought it had the National Party in its pocket - to that party's credit it did not - and it thumbed its nose at the Opposition all the way through the debate. The bully boy, arrogant Government that started with Burke, Bryce and Berinson and has continued on with Dowding and Berinson could not care less about what the Opposition learnt as long as it has had the numbers to force legislation through this place. That is the reason the Government did not worry very much about the Opposition when this Bill was originally debated. Even at the time the vote on the third reading was being taken in this place the Opposition could have claimed the Leader of the House because he was on the wrong side of the House - as the present Premier did at one time to one of our National Party colleagues. At least this Opposition is gentlemanly; it was aware that the Leader of the House was trying to find out what was going on. Not only did he not know what was going on, but also, in my opinion, other members did not know what was going on at that stage.

If there is to be information on these projects and if there is to be accountability, the Leader of the House must advise the House accordingly. The Government should not hold back-door meetings with two or three members of Parliament or indulge in a two bob each way exercise by contacting poor retiring members like me at five minutes to eleven when the House was to resume at 11 o'clock. I do not understand the complexity of the petrochemical plant. I certainly would be able to understand certain business dealings, but with the complexity that this Government has allowed to envelop this project - what has been hidden, what has not been stated and what has been one deal on one side and another deal on the other side - I do not understand it. There is no way anyone can support the suspension of Standing Orders. The Government has not given any reason whatsoever for it. It has treated this House, as it has in the past, with the utmost contempt and has said that because it wants this authority it will get it.

I urge all members of this House to say to the Government, "No, you will not get it." I support Hon Gordon Masters' comments. I am not very keen about the idea of coming back to this place next week, because the Government, if it truly wants to do something about clauses 24, 25 and 26, will have to have the Bill redrafted. It will be necessary for the Government to have a sane Bill, with sane arguments to support it, to put before the House. I do not think the Government can unravel the mess it is in within a week. As I said at the commencement of my remarks, this is a farcical motion and the Government is trying it on again and we should not accept it.

HON MAX EVANS (Metropolitan) [11.36 am]: The Leader of the House made a fine speech when he moved the motion to suspend Standing Orders, but it was short on facts. The Government has stated that the petrochemical deal will be good for all Western Australians, particularly for employment and investment in Western Australia. It has stated that \$200 million will go into the pockets of Western Australians as a result of the project. It has nothing to do with that. The only reason the Government has been involved in the petrochemical deal is that it decided to rescue Rothwells Ltd.

The National Companies and Securities Commission's report is very clear about that. The matter was brought to the attention of the public last June or July when the NCSC asked the board of Rothwells to clarify how it would take out the non performing debts of \$35 million. That happened on a Wednesday and on the Thursday the Cabinet - and the Leader of the House was in attendance - announced that it would buy into the petrochemical project. It said it would contribute \$175 million, and Bond would contribute \$225 million, because it would be good for Western Australia. At least the Deputy Premier, Mr David Parker, was honest when he said the Government would not have been involved in the petrochemical project had it not been for the rescue of Rothwells. It is nonsense for the Leader of the House to say that the project would be for the good of Western Australia. The Government wanted to save Rothwells and it wanted to cover up the deal undertaken by the former Premier. I could talk about the NCSC report for hours because it reveals one cover-up after another and the fact that public servants did not advise the Government what was happening. In addition, on 17 October the Government could not decide what it would do with the settlement of \$400 million. The Government must have known that Rothwells was in a desperate situation because four days later the State Energy Commission deal was done and a

week later the Western Collieries deal was done. The Government must have known that Rothwells was a dead duck, yet it was prepared to go ahead with the deal. If the Government was not aware of the plight of Rothwells it should be sacked for not having advisers to advise it properly. It is wrong for the Government to come to this Parliament today and say that it wants to suspend Standing Orders to get this legislation through this place because the petrochemical plant would be to the benefit of Western Australia.

The Leader of the House said, "We are doing this for greater accountability." It has nothing to do with that. Last October when certain shares were transferred to WA Government Holdings Ltd the Government was not worried about accountability; it was worried about saving Rothwells and saving its own neck. The issue of accountability came to light at the end of last November when the Premier was desperate about saving his image because the State's finances were in a mess. Everything was going bad. It was only then that he said he would establish a Commission on Accountability. That is the reason the commission was established. That report said that WAGH would be more accountable if it were made an authority. The Government did not have any intention of doing that because it was happy with WAGH, and the Leader of the House was a member of the Cabinet which decided that the shares should be taken up and that \$175 million should go into WAGH. The Government was not concerned about whether it was good for Western Australia and it was not concerned about accountability. The Government says it wants to suspend Standing Orders in order that the House can carry out the good intentions of this Government. That is not the reason at all.

The Commission on Accountability was given a limited period in which to complete its report. The commission was most outspoken on the fact that WA Government Holdings Ltd needed to be more accountable, and the guarantees to which I have alluded today have created some of the problems. The Government's actions today are such that I think we have a Mickey Mouse Parliament in this State. Members were not told last week that clauses 24, 25 and 26 would not be proclaimed at the same time as the other clauses of the Bill. No suggestion was made that these clauses would be held over. I read recently in the Press that some sections of the Western Australian Exim Corporation Act had not been proclaimed, but members were not advised of that. What is going on? It will be necessary at some stage to carry out an audit of Bills passed by the Parliament to see whether they have been proclaimed. We shall need a certificate from the Auditor General indicating that Bills passed by this Parliament have been proclaimed. In those circumstances, can we trust the Government? It can decide at any time that it will not proclaim certain clauses and in doing so it can get away with murder. On 21 May some members will be retiring from this House, and it will be necessary to swear in new members. That raises further problems.

For the first time in the history of this Parliament, this House has been asked to suspend Standing Orders in circumstances such as these. No mistake was made during the original proceedings; the only mistake was made by the Government on 29 July last year when it decided to become involved in the PICL deal. The Government is trying to extricate itself from that deal, and its actions raise serious problems. The Leader of the House will be the laughing stock of Australia because he is once again presenting this legislation in an attempt to prop up a deal to help one of the Government's friends, Alan Bond, who, together with his American counterpart, is the majority shareholder in this project. The Government holds only 44 per cent of the shareholding. Once again the Government does not appear to be looking after the people of Western Australia. It is looking after its friends whereas it should be looking after the taxpayers of Western Australia, whose money will be put at considerable risk. I do not believe we should support the suspension of Standing Orders bearing in mind that the points outlined by the Leader of the House are absolutely wrong. The only truth in his statement was that the vote went in a certain way; and that is how it should stand.

HON P.G. PENDAL (South Central Metropolitan) [11.42 am]: There should be no misunderstanding about the Government's intention this morning. We are confronted by this motion moved by the Leader of the House with no more than a crude attempt to corrupt the practices of this House. Precedents by their very nature are used by people, and can be used in just the same unscrupulous way that the Government is attempting today in order to set the precedent in the first place. What is more galling from an Opposition and a public perspective is that Government members sit in their places unabashed in their attempt to corrupt the system. They do not show any measure of shame when moving towards an action that is unprecedented in this Parliament.

Hon J.M. Berinson: Have you ever read Standing Orders, Mr Pendal?

Hon P.G. PENDAL: Yes, I have and perhaps the Leader of the House should spend more time reading them.

Hon J.M. Berinson: Would you deny that the Standing Orders contemplate precisely what is being proposed?

Hon P.G. PENDAL: I will come to the Leader of the House's love of Standing Orders in due course. I have no doubt he loves Standing Orders because he spends a lot of his time in this place attempting to change or suspend them in order that the Government can have its way, just as it is attempting to do today. The Acting Leader of the Opposition said a few minutes ago that the practice is not only frowned upon, but also, according to Erskine May, regarded as positively distasteful; he quoted some relevant passages from Erskine May's *Parliamentary Practice*. I will not add to those quotations, but will use an analogy that is dearer to the heart and nearer to the minds of most ordinary Western Australians, who do not often read the contents of that publication. In football parlance, the situation could be described as follows: The grand final has been decided; the siren went five minutes ago, but the side that lost by five points wants the opportunity to kick another goal in order to win the grand final. On the one hand is the erudite version of Erskine May which states that what the Government is attempting to do is improper, and equally standing alongside that is an analogy which even the Minister for Sport and Recreation will understand. This Government wants to kick another goal after the siren has gone because it does not like the result on the scoreboard. As the Acting Leader of the Opposition pointed out, the Government has not said that something went wrong in the course of the football match that led to the result; it is simply saying that it finds the result offensive. Members on this side of the House find it offensive that the Government should attempt retrospectively to alter the rules in order to meet its own political agenda.

In the course of the Leader of the House's speech, which was a pretty poor one, in an attempt to justify the momentous action the Government is trying to take this morning, he made a number of statements which I will try to rebut. Firstly, he had the audacity, in one of those grand understatements of his to which we have become accustomed, and with a serious look on his face indicating that we could put our trust in him, to say that he had to admit that it was an unusual procedure. It is not unusual; it is unprecedented, -

Hon J.M. Berinson: No, it is not.

Hon P.G. PENDAL: - as the Acting Leader of the Opposition pointed out.

Hon J.M. Berinson: Your own leader said it was unprecedented and then went on to give examples of precedents.

Hon P.G. PENDAL: I know what the Acting Leader of the Opposition said; he said there are occasions when Parliaments are recalled in order to move for the suspension of Standing Orders and then the rescission of a motion. But the Leader of the House knows that is done in order to accommodate a position in which mistakes have been discovered; it is not done because the result of an earlier decision is not to a Government's liking. Such action is unprecedented. That is the issue; not that the Leader of the House comes into this place, blithely and lacking honesty, saying that the Government wants to do something unusual. It is a far more serious matter.

My second point relates to another matter raised by the Leader of the House in his opening remarks. He used that new found word in the Labor Party vocabulary - a word it could not spell or recognise a year ago - "accountability". He commented that the Government was trying to achieve a measure of accountability and that was why the Bill that had already been rejected was before the Parliament. The Leader of the House is referring to the role of the authority that the Government seeks to set up, and which the Opposition parties quite correctly opposed. Why should we have any confidence at all in the Leader of the House's statement this morning? Why should we believe what the man says? It comes down to a matter of credibility, not just of the Government but also of the Leader of the House because he has put on the agenda this morning the question of accountability. He has said that this Parliament has been recalled this morning because it is necessary for the Western Australian Petrochemical Industries Authority Bill 1989 to be passed in order for this Government to become more accountable. What confidence can we have in that sort of remark, taking as a

yardstick the costing and valuations put on the petrochemical plant in the first place? I know we are not debating that issue at the moment, but I ask you, Mr Deputy President, to bear in mind that the Leader of the House raised the question of making this project more accountable when he referred to the need for this Bill to be passed.

Since the Parliament last met the sanitised version of the Rothwells report - and I repeat, the "sanitised version" - has been released through the New South Wales Parliament and the Federal Parliament. There is a passage in that report which has direct relevance to what has been said this morning by the Leader of the House. At page 44 it states -

On May 5 1988, a valuation of the petrochemical project was prepared. . .

The report then outlines the conclusions reached as to the value of the project. I will not go down that track any further because it is not relevant to the motion presently before the House. However, what is relevant is the following passage from that report, which appears at page 44, as follows -

The other aspect of this is that the valuation is one of the project itself and does not explain how the figure of \$400 million was reached . . .

The report continues, a few lines later, as follows -

The Commission -

That is, the National Companies and Securities Commission -

is unable to understand how a value of \$400 million could have been put on PICL in July 1988. The Commission notes that, at the time of the valuation and, indeed, at the time of the sale, the project was still in the planning stage.

Those are unequivocal words from the national watchdog on these matters; that the commission was unable to understand how a value of \$400 million could have been placed on the project. I put to the House that that is relevant and germane to what we are talking about this morning. The Leader of the House has told us that the petrochemical Bill, which he wants reinstated - whether in a few minutes or in a few hours - is important in order to enable the Government to be more accountable, yet here is the National Companies and Securities Commission, of which Mr Berinson is a Ministerial Council member, saying that it cannot work out how a valuation of \$400 million was placed on the project that the Leader of the House is asking us to legitimise this morning.

This is another reason why the Opposition has every right to stand in this House and say that it does not have any confidence in the Government when it says that this motion is being introduced merely to restore a Bill to the Notice Paper to enable the establishment of a petrochemical authority the future of which is now at stake. Mr Berinson said a few minutes ago, when speaking to his motion, "This project has been the subject of political bucketing of an unprecedented kind." If those were not his exact words, that was the spirit of them. It is not just the Opposition and the Liberal Party - and I hope not just the National Party - in this State which have rightly given this project a political bucketing; it is the National Companies and Securities Commission, of which the Leader of the House is a member, which has done that, so the Leader of the House should not sit on the other side of this House giving us a whole lot of political codswallop that we are the only people who have questioned what the Government is doing with \$400 million of taxpayers' funds. If there is a political bucketing going on it is because the Government deserves that bucketing over this matter; it is not just a bunch of political operatives or a group of political parties who are, to use his words, "giving this a political bucketing".

It is a sad and sorry state of affairs that this political bucketing has extended far beyond the borders of this State. I can tell the Leader of the House that there is evidence appearing at page 44 of the Rothwells report that the National Companies and Securities Commission is giving this Government a political bucketing. If one reads the London financial Press, which includes some of the most reputable financial journalists in the world, one finds that they are giving this Government a political bucketing as well. Why? Because they are asking the questions that this Opposition has been asking, and have been making the claims that we have been making; that is, that this Government has no right to come into this Parliament and have this legislation restored to the Notice Paper in order to allow it to proceed to waste another \$400 million of public funds on top of the \$120 million lost in the Teachers Credit

Society and the \$15 million lost in the Swan Building Society on top of God knows how much will be lost by the SGIC.

The Attorney General made a fourth point in the course of his remarks on this motion, a point which echoed the comments made by the Premier yesterday. The Premier and the Leader of the House are seeking to make false capital out of where the Liberal Party stands on this matter. Hon Sandy Lewis, who has just resumed his seat, made it quite clear, as did the Leader of the Opposition in another place - and I will certainly use this occasion to make this clear - that untruths have been told in another place and by people high in the Government about where the Liberal Party stands on a petrochemical industry. I can tell you, Mr Deputy President (Hon D.J. Wordsworth), that there is a commitment on the part of the Liberal Party to a petrochemical industry which was made well in advance of this Government's taking office and which goes back to 1980. As Hon Sandy Lewis has said, the Liberal Party stands unequivocally for the establishment of a petrochemical industry in Western Australia.

The second leg to this matter is that the Liberal Party prefers that such an industry not be sited in the middle of a highly built up and urbanised residential area, which I now happen to represent in this Parliament. I notice that the one or two members on the other side of the House who now represent the same region have not displayed much concern about the worries held by people in that area about this matter. The Liberal Party makes no apology for preferring that this industry be established in the Pilbara for all the reasons which have been given in the past such as gas and salt being available there, and a whole host of other facilities, such as a port, being available there also.

The third thing that I say for the thousandth time and which we will say again and again until the Government stops telling untruths about this matter, is that the Liberal Party does not believe that a petrochemical industry should proceed if it will involve taxpayers' money; in other words, if this is a socialised industry it ought not to go ahead - and that is pretty simple.

Hon J.M. Berinson: Is Hon Phillip Pendal saying that the present arrangements should be brought to a halt?

Hon P.G. PENDAL: The Leader of the House knows what we are saying.

Hon J.M. Berinson: Is that what Hon Phillip Pendal is saying?

Hon P.G. PENDAL: I will go over the points again. Even someone of the reputed intellect of the Leader of the House ought to be able to follow these three simple propositions.

Hon Kay Hallahan: Be honest, answer the question.

Hon P.G. PENDAL: I will answer the question now. We do not believe that the project should proceed with Government equity and Government involvement.

Hon J.M. Berinson: That is clear.

Hon P.G. PENDAL: We believe that the petrochemical project will become viable and will be built when one thing happens - when the private sector from around the world, and investors from around the world, say "now is the time". That might be next week, next month, or for all I know it might take two years, but that is unequivocal on our part. That answers the question asked by the Leader of the House: We believe it has no part in going ahead. However, that is not to do with the motion before the House. In the light of those repeated untruths I point out to the Government that the Liberal Party is committed to a petrochemical industry, has a preference for the Pilbara area, and is unequivocal in its stance that there be no Government involvement in order for it to proceed.

Several members interjected.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): One hour having elapsed after the fixed time for the meeting of the House, leave of the House will be necessary to enable the present motion to continue.

Motion - Continuation

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [11.59 am]: I seek leave -

- (1) To continue the current debate; and
- (2) then proceed to the routine of business prescribed by Standing Order 115.

The DEPUTY PRESIDENT: Is leave granted?

Hon G.E. Masters: No!

The DEPUTY PRESIDENT: There being a dissentient voice, leave is not granted.

Standing Orders Suspension

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [12.01 pm]: I move without notice -

That Standing Orders be suspended so far as will enable -

- (1) the current debate to be continued; and
- (2) the business prescribed by Standing Order No 115 be proceeded with.

We have heard a great deal this morning from the members of the Opposition, and in particular from the Acting Leader of the Opposition, about abuses of process and insults to the Parliament. I put it to the House that there could be no worse decision on a matter as important as this than simply to cut off debate. We are in a position in any event where, in order to carry forward the Government's proposals, an absolute majority of the House would be required. There is, in other words, the opportunity for the House to declare what is its position on the Government's proposals. The Acting Leader of the Opposition is now suggesting that the House should not have that opportunity; it should not even have the opportunity to say what it believes about the proposal which I have put.

To talk about abuses of the parliamentary process, and unprecedented actions, reminds me that there has not been a single occasion in my experience where the formality of continuing debate beyond the first hour of the parliamentary sittings has been objected to by any member on any side in any party of this Chamber. It has been taken for granted, no matter how objectionable some of the issues may have been at the time of debate, that at least the debate should be seen through. The only purpose of the motion which I have moved for the suspension of Standing Orders is to allow the debate to be seen through. I am not suggesting that anyone should hide from the consequences of making a decision; on the contrary, I am saying that we should stand up and be counted. We had to urge Hon Phillip Penda a moment ago to stand up and be counted on what were the implications of his three propositions. We had to challenge him innumerable times before he came to the fore and crunch point of what it was that he was really saying. If anybody has anything to say about the Petrochemical Industries Authority Bill and about the desirability or undesirability of our moving to reconsider the decision previously made on the third reading, then we should not cut off that person but should let him or her say it, and allow the member the opportunity to proceed. I regard it as astonishing, to say the least, that the Acting Leader of the Opposition should seek to prevent any members of this House from declaring their position in whichever way they wish to declare it, on an issue which is clearly important.

We have here again a requirement for an absolute majority. I hope that, irrespective of members' intentions on the substantive questions which we still have to face, they will at least join with the Government and reject the Acting Leader of the Opposition's apparent approach, which is to prevent discussion altogether.

HON G.E. MASTERS (West - Acting Leader of the Opposition) [12.04 pm]: Look at the sheer arrogance of the Leader of the House in standing up and saying we ought to give members plenty of time in which to have their say! For goodness' sake, two or three weeks ago we sat here for most of the night debating the issue, and members in the other House spent day after day debating the same issue. The House made a decision to reject the third reading of this piece of legislation. We have no right and no possible excuse for being here at this time, except for the fact that the Government wants to have another go. This Bill is finished as far as this House and the public are concerned. The proper procedure would be to prorogue the Parliament and bring in another piece of legislation. There is no precedent for this action today. The Leader of the House had the gall to say that I had quoted precedents. I most certainly did not.

The DEPUTY PRESIDENT: Order! I ask the Acting Leader of the Opposition to resume his seat, and if he wishes to continue, to stick to the subject matter before the House.

Government members: Hear, hear!

Hon G.E. MASTERS: Mr Deputy President, I take the point, but I believe I am speaking to the subject. The proposition is that this House should give more time to debate a matter which has already been debated and decided upon. This House took a deliberate, careful and considered vote, after lengthy debate in both Houses, to reject this legislation. There is no point in continuing with this sitting. The proper course of action is to prorogue the Parliament and to reintroduce the legislation. There is no precedent for this situation. We are creating a precedent. We are abusing the parliamentary system and making fools of the members of Parliament who have been drawn here for no other purpose than to satisfy the Government, which lost the first ball game.

I urge members to support my stand, to refuse a continuation of this debate, and to force the Government, if it is dinkum, to introduce fresh legislation and to follow the orderly procedures set out in Standing Orders. If we do not do that, there is no purpose in having Standing Orders, nor in our making any decision at all, because such decision can always be changed. That is the wrong way to go. We should stand up, after this vote is taken, and go home to wait for the Minister to introduce new legislation. That is the only proper way to go.

Opposition members: Hear, hear!

The DEPUTY PRESIDENT: There being an absolute majority of members present, I will put the question to the vote. If there is a dissentient voice, the House will divide. The question is that the motion be agreed to.

Opposition members: No!

The DEPUTY PRESIDENT: There being dissentient voices, it is necessary for the House to divide.

Division taken with the following result -

Ayes (19)			
Hon J.M. Berinson	Hon D.K. Dans	Hon Robert Hetherington	Hon S.M. Piantadosi
Hon J.M. Brown	Hon Graham Edwards	Hon B.L. Jones	Hon Tom Stephens
Hon T.G. Butler	Hon John Halden	Hon Garry Kelly	Hon Doug Wenn
Hon J.N. Caldwell	Hon Kay Hallahan	Hon Tom McNeil	Hon Fred McKenzie
Hon E.J. Charlton	Hon Tom Helm	Hon Mark Nevill	(Teller)

Noes (12)		
Hon C.J. Bell	Hon G.E. Masters	Hon John Williams
Hon Max Evans	Hon N.F. Moore	Hon Margaret McAleer
Hon Barry House	Hon Neil Oliver	(Teller)
Hon A.A. Lewis	Hon P.G. Pendal	
Hon P.H. Lockyer	Hon W.N. Stretch	

Question thus passed with an absolute majority.

Debate Resumed

HON P.G. PENDAL (South Central Metropolitan) [12.10 pm]: Prior to that matter being resolved I was in the process of making two final points on the motion before the Chair, which is for the suspension of the Standing Orders. If I recall correctly, in the course of his opening remarks the Attorney General told the House - if he did not say it directly he certainly implied it - that the future of the project itself is dependent on the passage of the Bill. I put it to members that that is another of those occurrences where people play with the truth. The petrochemical industry is in no way dependent upon the passage of this Bill. All that the Bill which the Government is seeking to restore will do, partly by way of this motion, is to set up a statutory body of the Parliament. Its task will be to manage that section of the Government equity in the petrochemical industry which, if I remember correctly, is something like 43 per cent or 44 per cent of the entire stake of the project. There are other ways in which even the Government can maintain its interest in the petrochemical Bill without the authority; but more important than that, the future of the petrochemical plant as a project is in no way dependent on the passing of this Bill.

Finally, I want to make an observation which really goes to the heart of what we are talking about this morning, and that is the Standing Orders and the reason for their existence. If there is no certainty in the application of the Standing Orders, Parliament itself becomes a farce. Every member of Parliament is entitled to know that the rules by which we govern ourselves will be changed only in the most extraordinary circumstances. I invite members on the other side of the House, who often portray themselves as being the great guardians of civil liberty and all the rest of it, to read paragraph (b) of the motion currently before the House. These are Mr Berinson's words, and he has moved without notice that Standing Orders be suspended so far as will enable -

- (b) the question for the third reading to be put again without amendment and determined at this sitting.

That is worth dwelling on for a few minutes, because we are confronted here with a very important principle. The Government is not only asking us to suspend Standing Orders - that is bad enough; we have attempted on this side in the last hour to show how serious a matter it is for the Leader of the House to seek to suspend Standing Orders in these circumstances - but also it is seeking to suspend them with those words in paragraph (b) so that the third reading can be put without amendment, which is the most diabolical bit of the lot. We are being asked to forgo our right to amend a Bill when it comes back into the Parliament. We are being asked by the Leader of the House to give away in advance the very right any member of Parliament has on being elected, and that is his ability to alter the nature of legislation. I find it hard to believe that someone in Mr Berinson's position is serious when he asks us to look at paragraph (b).

The whole point in having a Parliament, the whole point in having an Opposition, and the whole point in having Government members, even if they never exercise that right in the House, is to try to influence the outcome of legislation. But we are being asked in paragraph (b) to suspend Standing Orders in the first place in order to rescind the previous third reading. Then comes the crunch. We are being asked now to forgo that right to amend, even at that late stage of the proceedings. No member of Parliament anywhere in the Westminster system around the world could, in good conscience, say, "In advance, I will give away my right to seek those sorts of amendments." That is the real disgrace. That is the attack that has been made not only by way of the rescission of the rights of the people of this State. Paragraph (b) is a serious and unprecedented attempt on the part of the Government to get members of the House to forgo their right to amend a piece of legislation. That is another reason why I say, as one member of the Opposition, that we should have none of this; we should vote against any move by the Government to suspend the Standing Orders. By doing that, and by doing that alone, we will put paid to a whole lot of other nonsense which will follow in this Government's bid to corrupt the system any more.

I oppose the motion.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [12.18 pm]: We have heard it said by the Leader of the Opposition that my motion to suspend Standing Orders is an insult to the Parliament and an abuse of the process. Hon Phillip Pandal took that further by saying it was actually an attempt to corrupt the Parliament.

The first thing which needs to be addressed is the wildness of these accusations, their gross inaccuracy, and the fact that they do not reflect in any way what the procedures of this Parliament actually provide for. The truth of the matter is that in moving for the suspension of Standing Orders with a view to rescinding the vote on the third reading of the petrochemical industry Bill, I am not moving one iota, not one millimetre, from what is contemplated within the Standing Orders themselves.

Hon G.E. Masters: There must be some precedent; will you give us a precedent for this?

Hon J.M. BERINSON: I shall be happy to address the question of precedents in due course, but let me make my first point first. That is, the procedures on which we are currently engaged are not an abuse of Standing Orders but are contemplated by the Standing Orders themselves. No-one could be in any doubt about the ability of the House to carry a motion for the suspension of Standing Orders. We have already done that once this morning and nobody blinked when we did it. The further question is whether it is in order to move for the rescission of the vote, which I am urging the House to proceed to. In this respect I refer to

Standing Order No 188 which goes precisely to the point in question. Standing Order No 188 provides that:-

An order, resolution, or other vote of the Council may be rescinded, but not during the same Session, unless seven days' notice be given and an absolute majority of the whole number of Members vote in favour of its rescission.

In other words, Standing Order No 188 looks to a rescission of a vote of the Council, which is what we are engaged on; it contemplates that that can be done within the same Session of Parliament subject only to seven days' notice and an absolute majority of members voting in favour of the rescission motion.

Hon N.F. Moore: Who had seven days' notice?

Hon P.G. Pandal: Tell us that.

Hon J.M. BERINSON: Nothing in my proposal reduces the onerous burden of producing an absolute majority on a rescission motion. That remains intact and if the present motion is carried by an absolute majority the rescission motion would still have to be passed by an absolute majority. Nothing in my proposal to the House cuts across that onerous requirement, so all we are talking about is whether or not there should be seven days' notice of the motion to rescind the vote. That is all we are talking about.

Hon N.F. Moore: That is not all we are talking about.

Hon J.M. BERINSON: Any member of this Chamber who seriously wants to argue the proposition that he or she has been caught on the hop by this proposal and really has not had seven days' notice -

Hon P.G. Pandal: You tell us where.

Hon J.M. BERINSON: - is out to the extent of about two and a half weeks.

Hon P.G. Pandal: It is a corrupt system. That is what we are talking about with you lot. There is no end -

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! Order! There will be silence on both sides of the House while the Leader of the House concludes his speech.

Hon J.M. BERINSON: Every member of this House would have had a pretty good idea about two and a half weeks ago -

Hon N.F. Moore: That is not what "notice" means and you know it.

Hon P.G. Pandal: Exactly.

The DEPUTY PRESIDENT: Order!

Hon J.M. BERINSON: - when this position first arose that the Government could, and very likely would, look to an opportunity in the House to have the matter reconsidered.

Hon N.F. Moore: What a disgraceful statement.

Hon J.M. BERINSON: We then undertook to give at least seven days' notice of the recall of Parliament and nobody in this House could be in any doubt that there was only one real purpose to the sitting of the House today; namely, to consider that very rescission motion.

Hon N.F. Moore: How can you believe what you are saying?

Hon J.M. BERINSON: So anyone concerned at the form which my motion takes and who tries to extend that into an accusation of abuse, insult or corruption of the parliamentary system is absolutely on the wrong track. All we are doing is removing that formal requirement for seven days' notice, and at least this much can be taken for granted; -

Hon N.F. Moore: It says "but not during the same Session".

Hon J.M. BERINSON: - that any member of this House who does not know today how he will vote on this proposition certainly will not know in seven days' time either.

Some weight has also been attached by various speakers to the question of precedent. The Leader of the Opposition started by saying that what was now being proposed had never happened in Australia before and he proceeded from that point to give some examples where it had in fact happened. He referred to the House of Representatives, and Pettifer's *House of*

Representatives Practice lists at least three occasions on which the third reading of a Bill in the House of Representatives has been rescinded for one purpose or another.

However, members of the Opposition have also made another point which I would have felt it necessary to make if they had not; that is, that in any event it could be open to have this whole question considered from scratch by going through the procedures of a prorogation of the Parliament, calling together a new Parliament, putting up a new Bill - or, rather, the same Bill but in a different session - and then going through the process of Assembly and Council consideration from scratch. There might be some point to that very longwinded approach if the Opposition -

Hon G.E. Masters: Are you going to do this with every Bill you lose? It was a deliberate vote.

The DEPUTY PRESIDENT: Order!

Hon J.M. BERINSON: There might just remotely have been some point to that longwinded process if the Opposition had anything new to offer, but the truth is that Opposition members have circulated some proposed amendments which they would like to have considered -

Hon G.E. Masters: In the view of new evidence, apparently.

Hon J.M. BERINSON: - in the event that by one means or another the House reverted to a Committee stage, and the fact of the matter is that there is nothing new there.

Hon G.E. Masters: You are offering something new.

Hon P.G. Pental: Just answer that for us.

Hon J.M. BERINSON: They are offering amendments in precisely the same terms as were offered in the Committee stage and which were rejected by the House. The House on that occasion had the numbers of both the Government and the National Party and there has not been any suggestion at all from the National Party that if this regurgitation occurred and the Liberals' original amendments were in fact to be put forward again the National Party would have any different view on them.

Hon G.E. Masters: Could you spell out your comments on clauses 24, 25 and 26 again? Do you mind doing that?

Hon J.M. BERINSON: Of course. I do not mind at all, but if Hon Gordon Masters does not mind I will come to that point after I have finished with this one. What I am saying is that the Liberals have not signalled any amendment different from those which were put up in the original Committee stage and which were rejected by the Government and the National Party at that time.

Hon N.F. Moore: Are you saying we should not have a second go at it?

Hon J.M. BERINSON: There has been nothing to suggest that the National Party's view, on these questions at least, has changed.

We come to the point which Hon Gordon Masters challenged me to address a moment ago, and I think it is an important point. It centres on his comment that the Government has changed its mind, and in that respect he is referring to the undertaking which I gave in my comments when moving the present motion. In terms of a changing of the mind, let me just ask the House to put aside for a moment all the nice arguments about the procedures and formalities and to get to grips with the practical situation which we are facing.

Hon P.G. Pental: But you are in the mire.

Hon J.M. BERINSON: Let us look at the unprecedented events which led to the Government's believing that the House ought to have another opportunity to express its view on the third reading. That clearly arose from the nature of the debate which preceded the vote on the third reading.

All members are aware - and this is freely acknowledged fairly enough by members of the National Party - that during the something like six or eight hours in which this Bill was subject to detailed examination and debate, the National Party supported its further progress. Members of the National Party moved a number of amendments which were carried and which are significant in a number of respects, and there was nothing to suggest that their view on the third reading would be any different. At the crucial moment, however, as Hon Eric Charlton indicated, he was faced with a number of matters which did not lead him

at that stage to be firmly opposed to the Bill but to have further questions requiring some response, and the procedures in which we were then engaged prevented him from pursuing them. That is the practical reality. If that whole debate had proceeded on the basis of a clear majority of this House opposing the provisions of the Bill, nobody would be suggesting that the House have another opportunity to consider its view on the third reading. That has never been done before and it would not be done now, but we are not faced with that situation. The reality is that the lead up to the decision on the third reading went in the opposite direction, and it was only that last minute change of direction which led to the belief that following the substantial further information provided at the request of the National Party members the view of the House should again be tested. That is one thing which needs to be said about Hon Gordon Masters' view that the Government has changed its mind.

The second thing that ought to be said is that the Government has not changed its mind. If it were the Government's position that clauses 24 to 27 inclusive should be changed, there might be some substance to Hon Gordon Masters' argument that the real job to be done is either to revert to the Committee stage or to prorogue and get a new session of Parliament under way and a new Bill incorporating amended clauses 24 to 27 presented. That however is not the nature of the undertaking I gave; I refer to my comments which provide that the Government -

... is prepared to undertake that it will not proclaim ss. 24-27 inclusive (dealing with the financial commitments of the Authority and the Treasurer) until satisfactory agreements have been concluded and details of those commitments have been tabled,

The difference arising from this undertaking - and it is a significant difference - is that we are carrying the notion of accountability in respect of this project to its furthestmost extent by undertaking a proposal which amounts to offering accountability in advance.

Hon W.N. Stretch: You cannot say you are being accountable if you leave those clauses in there.

Hon J.M. BERINSON: There remains an essential difference between the approach of the Government and that of the Opposition as outlined in its circulated amendments, and that is that while the approach of the Liberal Party to this Bill has been to seek by one means or another to achieve parliamentary rather than Executive control of the project, the reality is that no commercial venture could operate effectively on that basis. We could argue indefinitely about procedures, precedents and parliamentary practice, but what we are really faced with here are two basic questions. The first question is this: Is the House prepared to keep the petrochemical project on the rails or does it want to keep taking action which could well accommodate the Liberals' quite explicit objective, which is to try to push it off the rails? That is the first question. Hon Phillip Pandal made it perfectly clear - although he needed more than a little prompting - that the Liberals' approach to this is that, rather than have the petrochemical project proceed on the arrangements currently in progress, it should not proceed at all. That is what he is saying and that is what I feared in some of my preliminary comments. Hon Phillip Pandal unfortunately sought to misrepresent what I said in my original comments. He said that the future of the project would in no way be affected by the rejection of this Bill, and he went on to claim that I had said, contrary to that, that the project would in fact collapse. That is not what I said. I said that -

There is a limit to which a project of this size, cost and complexity can remain unaffected by the sort of political buffeting which this project has already suffered and to which the rejection of the Bill would significantly add.

It has to be said that the development of this project could well be jeopardised by an adverse vote of this Parliament. No matter how that was explained by the Opposition it would inevitably be seen by potential financiers and new equity participants as indicating a lack of commitment, if not outright repudiation.

Hon P.G. Pandal: Do you make the same charge against the National Companies and Securities Commission? Because that is what it said.

Hon J.M. BERINSON: That is what I said and I stand by it. Hon Phillip Pandal has not denied that.

Hon P.G. Pandal: Denied what?

Hon J.M. BERINSON: That that is the case. Indeed Hon Phillip Pandal went further, as I have already indicated, to suggest that the Liberals' position is that the petrochemical project as presently arranged should be brought to a halt. That was the effect of his response to my interjection, and it is precisely comments of that nature to which I am referring when I say that there is a limit to the extent to which a project of this kind can remain unaffected by external political pressures. This is the first and fundamental point: Is this House prepared to allow this petrochemical project to stay on the rails or does it want to accommodate the Liberals' objective, which is basically to keep trying to do their best to push it off the rails?

Hon P.G. Pandal: You know that is not true. Your own Rothwells report makes a lie of what you are saying.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! The Leader of the House will be heard in silence.

Hon J.M. BERINSON: The further and final question is: Are we to remain in a position where the project is in an entirely unaccountable framework or are we to move to a position for which the Burt commission strenuously argued and which we have committed ourselves as a Government to accommodate? That is where we are, and putting all the theories, forms and questions of procedure aside -

Hon G.E. Masters: Which are not important to you.

Hon J.M. BERINSON: - that is the basis on which we have to approach this vote. Is it the objective of this House to consciously undermine the project and -

Hon P.G. Pandal: No, just your involvement in it.

Hon J.M. BERINSON: - to keep it within an entirely unaccountable framework, or is this House prepared to accept the Government's view that the project should not be undermined, that efforts under way to continue the negotiations and wherever possible to improve the position of the State should be pursued, and that that should all be done within a framework which is not only fully accountable but, in terms of my undertaking this morning, actually accountable in advance? That is the choice we have. On the basis of that choice, I again urge all members of the House to act responsibly when voting and to -

Hon P.G. Pandal: Chuck it out!

Hon J.M. BERINSON: - support the position which the Government has taken.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): To be passed this motion requires an absolute majority. If there is a dissenting voice a division will be taken. The question is that the motion be agreed to.

Opposition members: No!

The DEPUTY PRESIDENT: A division is required.

Division taken with the following result -

Ayes (16)

Hon J.M. Berinson
Hon J.M. Brown
Hon T.G. Butler
Hon D.K. Dans
Hon Graham Edwards
Hon John Halden

Hon Kay Hallahan
Hon Tom Helm
Hon Robert Hetherington
Hon B.L. Jones
Hon Garry Kelly
Hon Mark Nevill

Hon S.M. Piantadosi
Hon Tom Stephens
Hon Doug Wenn
Hon Fred McKenzie
(Teller)

Noes (15)

Hon C.J. Bell
Hon J.N. Caldwell
Hon E.J. Charlton
Hon Max Evans

Hon Barry House
Hon A.A. Lewis
Hon P.H. Lockyer
Hon G.E. Masters

Hon Tom McNeil
Hon N.F. Moore
Hon Neil Oliver
Hon P.G. Pandal

Hon W.N. Stretch
Hon John Williams
Hon Margaret McAleer
(Teller)

The DEPUTY PRESIDENT: There being no absolute majority, the question is thus negatived.

Motion defeated.

Sitting suspended from 12.45 to 2.00 pm

BILLS (4) - ASSENT

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

1. Treasurer's Advance Authorization Bill
2. Stamp Amendment Bill (No 2)
3. Acts Amendment (Dental Prosthetics Students) Bill
4. Acts Amendment (Accountability) Bill

SELECT COMMITTEE ON STATE ENERGY COMMISSION ADVANCE COAL PURCHASE

Tabling of Evidence

THE DEPUTY PRESIDENT (Hon D.J. Wordsworth): I have received a letter from the Clerk, Mr Marquet, which reads as follows -

Dear Mr President

SECWA COMMITTEE - TABLING OF DOCUMENTS PURSUANT TO ORDER

I have now had the opportunity to comply with the House's order that I consult certain persons and the Leaders of the Government, Opposition and National parties in reaching my opinion about the commercially-sensitive nature of any of the material I am required to table.

Since the order was made, charges have been laid by Corporate Affairs officers against 4 persons in connexion with the *Rothwells* collapse. Some of the material that I will table has a bearing on those charges. If that material was to be quoted in debate, I would feel obliged to advise the President that the *sub judice* rule be considered, and applied if circumstances required it.

I have discussed this matter with the Leaders of the Government and the Opposition and have suggested that I seek leave of the House to disclose the material to the Special Prosecutor, Mr McCusker QC. I would then excise matter which could be said to have a direct prejudicial bearing on impending trials.

I emphasize that the principles of the *sub judice* rule are not strictly applicable to select committee documents - the rule applies to debates and would only come into issue were the material to be used in debate. What I am seeking is the agreement of the House to delete from select committee documents, matter that if published by a member or another person, could be seen as prejudicing a jury for or against an accused.

Accordingly, I seek leave of the House to -

- (a) delete from the documents to be tabled, any material that I, after consultation with the Special Prosecutor, Mr McCusker QC, believe could have a prejudicial effect on the trial of any person named in those documents;
- (b) following compliance with the requirements of (a), make the documents available to members and the public on request where compliance occurs during an adjournment of the House of more than 7 days.

If leave is denied, I am ready to table the documents according to order.

Leave granted.

ADJOURNMENT OF THE HOUSE - SPECIAL

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [2.04 pm]: I move -

That the House at its rising adjourn until a date and time to be fixed by the President.

HON G.E. MASTERS (West - Acting Leader of the Opposition) [2.05 pm]: I am surprised that the Minister has moved to adjourn before questions without notice have been taken bearing in mind I have three questions to put of which some notice was given. I draw the House's attention to the division at the early stage of this sitting when we moved that Standing Orders be suspended as far as would enable the current debate to be continued as well as the business prescribed by Standing Order 115, which refers to questions without notice among other things. I ask the Minister in the light of my comments and the undertaking we have had, whether he is prepared to reconsider his position on the adjournment and have questions without notice. I do not have any business I wish to pursue, and I do not think that any other members have any business, apart from a number of questions without notice of which notice has been given. Therefore, I would appreciate the opportunity to ask them.

HON P.G. PENDAL (South Central Metropolitan) [2.07 pm]: I support the Acting Leader of the Opposition in his remarks as I have at least four or five questions without notice that I sought to ask and, in fact, notice was telephoned through to the Ministers concerned because they are in another House. It seems to me that with the protestations of the Leader of the House relating to events earlier today that he, as a member of the Government, was not seeking to circumvent the parliamentary system, he can only give substance to his remarks if he is prepared to answer the questions without notice today. I would have thought that as we have given notice in an informal way, he would be prepared to answer the questions.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [2.09 pm]: As members appreciate, I have been rather occupied on matters other than questions without notice of which some notice has been given and I was not aware of that situation. In those circumstances I seek leave to withdraw my motion and ask that questions without notice be brought on forthwith.

Hon G.E. Masters: I thank the Leader of the House for his consideration.

Motion, by leave, withdrawn.

[Questions without notice taken.]

ADJOURNMENT OF THE HOUSE - SPECIAL

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [2.34 pm]: I move -

That the House at its rising adjourn until a date and time to be fixed by the President.

HON G.E. MASTERS (West - Acting Leader of the Opposition) [2.35 pm]: I seek some indication from the Leader of the House as to whether this House is likely to be recalled before 21 May. I, and a number of my colleagues, have made a few encore appearances so far and, with only a few days of our term remaining, we would like to know whether we can go ahead with certain arrangements we wish to make.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [2.36 pm]: I cannot go beyond saying that there is no present intention to call the House together before that date.

Question put and passed.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [2.37 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Correction of Earlier Remarks

HON NEIL OLIVER (West) [2.38 pm]: I have a very simple comment to make which I am quite certain will not draw any interjections, and I have no doubt that members will not be unruly during my comments. Prior to the House rising at what was thought to be the end of the session, I made an error in what I thought would be my last speech in this House. I

wish to quickly correct that error now because it is not possible to correct it in any other way as a result of the new computerised method of producing *Hansard*. I mentioned the secretarial staff who had served me during my period in this House and I inadvertently referred to my first secretary as Mrs Fay Wills; in fact her name is Mrs Fay Duda who, of course, is the wife of a very successful footballer who is well known to members.

Adjournment Debate - Kalgoorlie-Boulder Local Government Elections

HON N.F. MOORE (Lower North) [2.39 pm]: I briefly refer to a matter I raised during question time today and explain the circumstances behind the question I asked the Minister for Local Government. I again ask her to initiate an inquiry into the matter I raised. On page 1 of the *Kalgoorlie Miner* of Wednesday 3 May an article appeared which revolved around two candidates for the Kalgoorlie-Boulder City Council elections who claimed they had information in connection with the provision of blocks of Aboriginal votes to certain candidates. One candidate, Councillor John Henderson, claimed he was approached by a local member of Parliament with an offer of Aboriginal bulk votes.

Hon Mark Nevill: That is not correct.

Hon N.F. MOORE: Hon Mark Nevill can tell that to the inquiry, if he wishes. Councillor Henderson claimed that this offer of Aboriginal bulk votes was made on condition that he swung his support behind Councillor Finlayson. The article states -

Cr Henderson, who is also contesting Hampton, said he had heard of the bulk vote scheme, but did not want to become involved in it. He would not name the politician who allegedly approached him.

It is possible that Councillor Henderson may not wish to initiate inquiries or any action under the Local Government Act for reasons best known to himself. However, the fact that the person involved does not make a complaint has no bearing on whether the allegations are right or wrong. I am lodging a complaint.

Hon Mark Nevill interjected.

Hon N.F. MOORE: I know as much about the case as Hon Mark Nevill, and that there is a large degree of truth in the allegations. The claim was made not only by Councillor Henderson, but also by Mrs Margaret Jones, another candidate. Several people telephoned me last week and asked about postal votes from Aboriginal communities because they had been told that these votes were being offered in bulk to whoever would support Councillor Finlayson.

The people involved may not wish to lodge an objection with the Minister. That is why I asked her this afternoon whether it was possible for the Minister, of her own volition, to initiate an inquiry if allegations of wrongdoing were made, and regardless of whether the person involved lodged a complaint. I ask again sincerely; if she does not receive a complaint from one of these persons, will the Minister investigate this matter as I believe there may have been a manipulation of Aboriginal votes in bulk, which is something we have heard about in this House for many years and something which should not be happening.

The DEPUTY PRESIDENT: Members, copies of the last page requested by Hon Max Evans will be placed on the Table and can be collected by members to complete their reports.

Question put and passed.

House adjourned at 2.41 pm

QUESTIONS ON NOTICE

LANDCORP - DEVELOPMENT PROPOSALS

Environmental Impact - Consideration

131. Hon G.E. MASTERS to the Leader of the House representing the Premier:

- (1) Does LandCorp consider environmental impact on development proposals which it may have under consideration from time to time?
- (2) Does LandCorp seek advice from the Environmental Protection Authority or other Government agencies on the likely environmental impact on its developments?
- (3) If not, why not?
- (4) Is LandCorp seeking advice from the Environmental Protection Authority on the likely impact on the environment and ground water supply of housing developments in the vicinity of Thompsons Lake, Jandakot?
- (5) If not, why not?

Hon J.M. BERINSON replied:

(1)-(5)

Advice from the Environmental Protection Authority is always sought by LandCorp to provide information on the environmental impact of any development proposals. With respect to Thompsons Lake, discussions with the EPA have been continuing over a period of years.

SWIMMING - WORLD SWIMMING CHAMPIONSHIPS

Taxpayers - Estimated Costs

137. Hon G.E. MASTERS to the Leader of the House representing the Premier:

What are the estimated costs to Western Australian taxpayers of both a revenue and capital nature that will be expended to -

- (a) attract to Western Australia; and
- (b) conduct the world swimming championships in Perth?

Hon J.M. BERINSON replied:

This question should have been directed to the Minister for Sport and Recreation. It has been transferred to that Minister and the member will be replied to in writing.

QUESTIONS WITHOUT NOTICE

SPORT AND RECREATION - SURF LIFE SAVING ASSOCIATION OF AUSTRALIA

Helicopter Rescue Service - Government Support

118. Hon G.E. MASTERS to the Minister for Sport and Recreation:

- (1) What action has the Government taken or does it propose to take in offering additional support to the Perth Surf Life Saving Association helicopter rescue service?
- (2) Does he support the helicopter rescue service in the many important and worthwhile functions that it performs for the community?
- (3) Will he meet with the board of the helicopter rescue service to discuss the future involvement of the service in the Western Australian community?

Hon GRAHAM EDWARDS replied:

(1)-(3)

There is some confusion in the way the question has been put relating to the information that the member has relayed to me. I am trying to sort that out

and will come back to the member with the information as soon as it is available.

We have given considerable support to the helicopter rescue service in the past. I have not - I do not know whether one is coming - received an approach from the organisation to meet with me, but when that approach is made I will be happy to meet with it.

**WESTERN AUSTRALIAN DEVELOPMENT CORPORATION - WESTERN
AUSTRALIAN EXIM CORPORATION**
Former Employees - Government Payment

119. Hon G.E. MASTERS to the Leader of the House representing the Premier:

Which former employees of the Western Australian Development Corporation and Exim Corporation have received a payment from the Government or Exim or WADC following their employment with WADC or Exim for services rendered to either a subsidiary or some other Government department or agency?

I indicate that notice of this question was faxed to the Premier's office for answering today.

Hon J.M. BERINSON replied:

I am prepared to accept that earlier advice was given, but neither the question nor the answers have reached me. Perhaps that is due to an understanding in the office that question time is normally at five o'clock, allowing for a later response. In any event I am not in a position to reply now.

MOTOR VEHICLES - REGISTRATION
Reduction - Pre-election Promise

120. Hon P.G. PENDAL to the Leader of the House representing the Premier:

I have given notice of the question.

- (1) Is it correct that prior to the February State election he and his Government promised that every motor vehicle registration would be reduced by \$20 after the election?
- (2) If so, has this promised \$20 reduction been instituted?
- (3) If the answer to (2) is no, when will this promised reduction begin operating?

Hon J.M. BERINSON replied:

(1)-(3)

I am sorry, but the position on this question is the same as the position on the last question. I have received no response from the Premier.

CHILDREN'S COURT - HABITUAL OFFENDERS
Sentencing Patterns - Analyses Tabling

121. Hon P.G. PENDAL to the Minister for Local Government representing the Minister for Community Services:

Some notice of this question has been given. I refer to the Minister's remarks reported in *The West Australian* of Thursday, 4 May, in which she disputes claims that habitual offenders treat the Children's Court with contempt. I ask -

- (1) Will the Minister table analyses of sentencing patterns in the Children's Court to which she referred?
- (2) Why has so much time elapsed since the passage of the new Children's Court Bill without its being proclaimed?

Hon KAY HALLAHAN replied:

(1)-(2)

I accept that the member has notified the Minister's office of the questions.

Unfortunately, the information has not been passed on to me so I presume the Minister will reply in writing.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): A Minister in another place cannot table material in this place as the member requested. A Minister who is present can.

Hon P.G. Pendal: I was not asking the Minister to table anything.

CHILDREN'S COURT - ATTORNEY GENERAL

Ministerial Responsibility - Proclamation Date

122. Hon P.G. PENDAL to the Attorney General:

- (1) Is it correct that he will have ministerial responsibility for the new Children's Court?
- (2) If so, when will that relevant Bill be proclaimed?
- (3) Have any appointments been made to the new court at magistrate or judge level?
- (4) If so, who are those appointees?

Hon J.M. BERINSON replied:

- (1) Yes.
- (2) The date of proclamation is currently under consideration.
- (3) No.
- (4) Not applicable.

ORCHIDS - RARE SPECIES

Ranford Road Area, Canningvale - Shift Proposal

123. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) Is the Minister proposing to shift a colony of four rare species of orchids currently growing near the junction of Ranford and Nicholson Roads in Canning Vale?
- (2) If so, is this action being considered to allow building construction to proceed on the land where these orchids are growing at present?
- (3) Is it correct that the orchid growing area was burnt by Department of Conservation and Land Management?
- (4) If so, what were the reasons for the burn?
- (5) Is the Minister aware of the theory forwarded by botanists that there may be a link between the survival of rare plant species and the soil in which they grow naturally and therefore the shifting of the orchids from their natural habitat may result in their destruction?
- (6) Does the Minister agree that the shifting of the orchids could transfer dieback disease, rife in the Ranford Road area, to the new location of the plants?
- (7) Is it correct that an exchange of the land on which the orchids currently grow is being proposed between private interests and the present LandCorp and local government owners?
- (8) If so, is it possible that such an exchange could lead the way for the orchid growing area to become a part of the proposed banksia woodlands conservation park?

Hon GRAHAM EDWARDS replied:

(1)-(8)

I have not received prior notification of that question. I will ensure that the answer is provided directly to the member.

TAN, MRS TRAUDL - HUSBAND'S KILLING

Unanswered Correspondence

124. Hon MAX EVANS to the Attorney General:

When will he reply to full and detailed correspondence sent to him by Mrs Traudl Tan concerning the killing of her husband? Some of the correspondence was sent as early as February last.

Hon J.M. BERINSON replied:

I am not aware of any unanswered correspondence from Mrs Tan. I would regret it very much if there have been any letters from her that remain unanswered and I will check my records at the first opportunity.

ELECTIONS - LOCAL GOVERNMENT

Kalgoorlie-Boulder Complaint - Inquiry

125. Hon N.F. MOORE to the Minister for Local Government:

I draw the Minister's attention to claims by a former Kalgoorlie-Boulder councillor that a goldfields member of Parliament promised to deliver him a block of Aboriginal votes if he supported mayoral candidate Ray Finlayson in last Saturday's local government election and ask -

- (1) Will the Minister conduct an inquiry into this claim to ascertain whether the offer represents a breach of the Local Government Act or any other Statute?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

Section 154H(4) of the Local Government Act allows for any person to take action against another if part IV - that is, electoral provisions - have been breached. Persons in the Kalgoorlie-Boulder area who have complaints are free to take appropriate action. The returning officer also has the power under section 154H(4) to initiate action against a person for contravening the law. In view of those provisions, I do not propose to conduct an inquiry.

LOCAL GOVERNMENT ACT - MINISTER FOR LOCAL GOVERNMENT

Inquiry - Initiation Powers

126. Hon N.F. MOORE to the Minister for Local Government:

Is it possible for the Minister, under the Local Government Act, to initiate an inquiry without another person lodging a complaint?

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): I believe that is seeking an opinion.

Several members interjected.

The DEPUTY PRESIDENT: Order! I will not have any interjections.

Hon N.F. MOORE: I asked whether it is possible, under the Local Government Act, for the Minister to initiate an inquiry.

The DEPUTY PRESIDENT: The Minister is being asked to give an opinion.

Hon G.E. Masters: She has certain powers under the Act.

Several members interjected.

Hon P.G. Pental: We cannot get answers even if we put questions on notice.

Hon Kay Hallahan: If you cast your mind back 90 seconds, you were given a full answer to the question.

Hon P.G. Pental: Answer his question now.

The DEPUTY PRESIDENT: Order!

Hon P.G. Pental: What a House of Parliament this is; what a sham.

The DEPUTY PRESIDENT: Order! I believe the member is asking for an interpretation about whether the Minister is able to initiate an inquiry.

LOCAL GOVERNMENT ACT - MINISTER FOR LOCAL GOVERNMENT
Election Irregularity - Inquiry Initiation

127. Hon N.F. MOORE to the Minister for Local Government:

As a supplementary question I ask the Minister whether the Local Government Act provides that the Minister may initiate an inquiry into a complaint surrounding alleged irregularities in respect of an election of a local government authority?

Hon KAY HALLAHAN replied:

I reiterate what the Act provides in regard to breaches of the electoral provisions. I cannot understand why the honourable member does not suggest to those people who have a complaint that they take action under the Act.

Hon N.F. Moore: Can you initiate an inquiry?

Hon KAY HALLAHAN: I will make a decision without any inquiry.

Hon N.F. Moore: I am asking whether you can.

Hon KAY HALLAHAN: Action can be taken under the Act as it exists. I do not understand why the member, if he is serious about the people on whose behalf he is asking this question -

Hon N.F. Moore: If the person does not initiate an inquiry, can the Minister?

Hon KAY HALLAHAN: If there is a serious breach I would obtain advice on what the Act provides to ascertain whether I can initiate an inquiry. I read what I presume the honourable member read; that is, something that was in the media. These sections certainly cover what was raised in the media. It is better for the people so affected to take action under those provisions.

Hon N.F. Moore: If there is an irregularity you, as the Minister, are obliged to take action.

Hon KAY HALLAHAN: Nobody has suggested to me, except for what was in a media report -

Hon N.F. Moore: The person may have been talked out of it.

Hon KAY HALLAHAN: No-one has talked to me. That is the whole problem. Should complaints be lodged they will be dealt with.

Hon P.G. Pendal: You are not interested in dodgy elections.

The DEPUTY PRESIDENT: Order! This is not to be a debate.

EDUCATION - SCHOOLS
Reclassification - Reconsideration

128. Hon N.F. MOORE to the Minister for Local Government representing the Minister for Education:

(1) Will the Minister reconsider the decision of the Education Ministry to reclassify approximately 30 schools for 1990, in view of the disruption the lateness of the decision has caused?

(2) If not, why not?

Hon KAY HALLAHAN replied:

I thank the honourable member for his prior notice of this question.

(1)-(2)

No. Individual schools will be reconsidered if circumstances have changed.

Indeed, the decision to reclassify two of the recently announced schools has been rescinded, one on the grounds of the expected

retirement of the principal in 1990 - advised to us after the announcement - and the other due to new information on a planned subdivision - also advised to us after the announcement - which would impact on enrolments.

For some years, the Ministry of Education has endeavoured to strike a balance between the number of schools moving to a higher or lower classification. As a result, a significant number of schools have remained outside their correct classification category, as specified in the Education Act regulations, over a number of years.

From 1990 the classification of schools will adhere more strictly to the requirements of the regulations. In applying this policy, the number of schools to be reclassified for 1990 addresses the historical backlog.

NATIONAL COMPANIES AND SECURITIES COMMISSION - ROTHWELLS LTD

Report - Page Omission

129. Hon MAX EVANS to the Attorney General:

The Leader of the House previously explained to me that the original report of the National Companies and Securities Commission comprised 64 pages and that the report to be distributed to members would comprise 63 pages. Is there any particular reason why my copy has only 62 pages?

Hon J.M. BERINSON replied:

Not that I am aware of.

NATIONAL COMPANIES AND SECURITIES COMMISSION - ROTHWELLS LTD

Report - Page Omission

130. Hon MAX EVANS to the Attorney General:

Can the Attorney General rectify the situation regarding the number of pages of the National Companies and Securities Commission's report?

Hon J.M. Berinson: What is the trouble?

Hon MAX EVANS: Page 63 is missing from the copies distributed to Opposition members. The Attorney General told me that the report distributed in the Eastern States comprised 64 pages and that the report we would receive would comprise 63 pages. We have only 62 pages. Is there anything sinister about not receiving 63 pages?

Hon J.M. BERINSON replied:

Even without any background on the photocopy arrangements I can assure the honourable member there is nothing sinister. If his page 62 ends with the words, "exposure of the", then it would appear indeed that a page has gone missing. I will be happy to arrange for the attendants to provide members with a copy of that page.

PRIVILEGE COMMITTEE - BROWN, HON J.M.

Telephone Tapping - Investigation Agency Employee, Conviction

131. Hon NEIL OLIVER to the Attorney General:

I refer to a Privilege Committee in the previous Parliament, chaired by Hon Jim Brown, into whether the distribution of tapes and transcripts of telephone conversations between me and others constituted a breach of privilege in view of my pending participation as a member of a Select Committee of this House inquiring into the Burswood Casino.

Is the Attorney General aware that one of the people who was charged for these offences later turned Crown witness and has since been convicted?

Hon J.M. BERINSON replied:

To the extent that I know anything at all about these matters my knowledge is derived from media reports. Frankly, I was not aware that the point of conviction had been reached.

PRIVILEGE COMMITTEE - BROWN, HON J.M.
Telephone Tapping - Investigation Agency Employee, Conviction

132. Hon NEIL OLIVER to the Attorney General:

Is he aware that an investigating agency was involved in the transcripts and tapes and that the person who was convicted, and whose conviction the Attorney General said he was not aware of, was employed by an investigating agency which was under contract to the Government and also under contract to the Burswood Casino?

Hon J.M. BERINSON replied:

I am not aware of the range of matters the honourable member is referring to and they do not come within my portfolio responsibilities.

PRIVILEGE COMMITTEE - BROWN, HON J.M.
Telephone Tapping - Pre-Burswood Casino Inquiry

133. Hon NEIL OLIVER to the Attorney General:

In review of the response by the Attorney General to my previous question I will put the question to him again: Is he aware of the Privilege Committee which was chaired by Hon Jim Brown into the phone tapping and transcripts involving myself and others prior to the Select Committee of inquiry into the Burswood Casino?

Hon J.M. BERINSON replied:

I am aware of those matters in the same way and to the same extent as other members of this House. I have not been involved in these questions in any other way and I again repeat that they are not matters that come within my portfolio responsibilities.

PRIVILEGE COMMITTEE - BROWN, HON J.M.
Telephone Tapping - Report Tabling

134. Hon NEIL OLIVER to the Attorney General:

My questions have been directed to Hon Joe Berinson in his capacity as Attorney General. I would like to draw his attention to the fact that an employee of an investigating agency was charged with an offence of taping a telephone conversation of a member of Parliament prior to the performance of his duties in a Select Committee. That person turned Crown witness and was convicted. His employer was under contract to the Government and under contract to the Burswood Casino.

My question is directed to the Attorney General because the person referred to was convicted and his employer gave evidence before a Privilege Committee of this House. Is the Attorney General aware of the report of a Privilege Committee, chaired by Hon Jim Brown, that was tabled in this House?

Hon J.M. BERINSON replied:

I am aware of reports which are tabled in this House to the same extent as any other member is. There has now been some repeated reference to a person or firm being contracted to the Government and to the casino. If that is relevant - it appears to be from the repetition of it - I have to say I have no direct knowledge of those matters, and certainly none of those contracts would have anything to do with my portfolio of responsibilities.

PRIVILEGE COMMITTEE - BROWN, HON J.M.
Telephone Tapping - Breach of Privilege

135. Hon NEIL OLIVER to the Attorney General:

Will the -

The DEPUTY PRESIDENT: I remind the member that he may ask a question, but he cannot continue repeating the same question.

Hon NEIL OLIVER: Will the Attorney General examine the transcripts of evidence given to the Privilege Committee of this House chaired by Hon Jim Brown, to ascertain whether there has been a breach of privilege or false evidence has been given to a Select Committee, such evidence being contrary to that given in a court by an employee who turned Crown witness?

Hon J.M. BERINSON replied:

If an allegation is being made of some breach of law, that should be made specifically and either to the ordinary investigating authority, which would be the police, or at least to the Minister responsible for the legislation being referred to. I am unable to accept an obligation to undertake inquiries into the alleged breach of any Act irrespective of whether that is a matter within my authority. In any event, as I have pointed out to the House on many occasions, the investigating authority for almost all such breaches is the police and that is the authority to which specific allegations, and preferably evidence, should be directed.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): From my understanding of Hon Neil Oliver's question, he is suggesting that evidence given to a Select Committee may have been falsified. If that is the case, it is not for the Attorney General to take action, but for this House to set up a Privilege Committee to investigate the matter. The Attorney General is not responsible for what goes on in Parliament; it requires a Privilege Committee of this House to investigate whether false evidence was given to a Select Committee. Alternatively, this House can direct that the Attorney General's department look into this matter, but the Attorney would not normally be expected to take that action.

Hon Neil Oliver: In view of your guidance, Mr Deputy President, I ask the Attorney General to undertake preliminary inquiries into the transcripts to ascertain whether an offence has been committed.

The DEPUTY PRESIDENT: As I indicated earlier, I do not believe the Attorney General has that power unless directed by this House.
