

Legislative Council

Tuesday, 26 June 1990

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Leader of the House), and read a first time.

ACTS AMENDMENT (PERTH MARKET AUTHORITY) BILL

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Police), and returned to the Assembly with amendments.

RESERVES AND LAND REVESTMENT BILL

Second Reading

Debate resumed from 20 June.

HON MURRAY MONTGOMERY (South West) [3.38 pm]: It is interesting that the Minister indicated in her second reading speech that some five and a half hours which had been spent during the last session on the second reading debate on this Bill had been wasted. Were we to look at why that happened, we would see it had nothing to do with what the Opposition did but was really the fault of the Government. This Government should know all about waste, because the rest of Western Australia does.

Hon Kay Hallahan: I hope we will not get a rerun of Hon Eric Charlton's speech.

Hon MURRAY MONTGOMERY: Hon Eric Charlton has not spoken on this Bill.

The PRESIDENT: Order! I hope we will not get a rerun of the interjections.

Hon MURRAY MONTGOMERY: Mr President, I can assure you and the Minister that we will not get any sort of rerun.

The same problems will occur in the handling of this Bill as occurred last session after the Government introduced an amendment dealing with the Subiaco Football Oval. The Government would have done better to remove clause 30; however, it has pressed on and retained it. Western Australian football needs a home. The West Australian Football Commission has chosen Subiaco Oval, but agreement should have been reached between the Subiaco City Council and the Football Commission before the Bill came to the House. The Bill would then have related to the precincts of Subiaco Oval. The Opposition met with the Subiaco City Council which asked us to seek an assurance from the Minister that at the Committee stage a clause similar to the one included in the Bill last year would be included in this Bill. Hon Barry House will move an amendment to include a subclause which will prevent gazettal of clause 30 before agreement is reached. It is necessary that this subclause be implemented so that no-one will be disadvantaged. Local government must be reassured that the Government cannot override it at any stage. For that reason I hope that the Government will accept the proposed amendment to clause 30.

Problems will arise if the reserve is broken up for car parking. It is my understanding that car parking on a reserve must relate to the way in which the reserve is being used and, if a reserve is broken up into two or three reserves, the use of each reserve must be compatible with the use of the others. A way of overcoming that problem would be for the Government to specify that the reserve be used for recreation and parking so that it could be used for a dual purpose.

Members of the Liberal Party and the National Party have discussed the problem of the Subiaco Football Oval. The worst thing about this legislation is that the parties concerned had not reached agreement prior to the Bill coming before the House. A lesser concern is the

problem which Subiaco City Council has with some of the land which will be appropriated as a car park. A 99-year lease may be necessary for the main part of the oval, which is to be used for football and sporting events, but those areas on the eastern side, which will be used for other purposes, should have short term leases. I hope the Minister will address that problem. The Subiaco City Council wishes to use the oval for a purpose other than football, and if the Football Commission has the use of it for 99 years problems will occur. Negotiations will bog down if the Coghlan Road end of Subiaco Oval and the western side of Haydn Bunton Drive are included in the 99-year lease. The Subiaco City Council does not wish to see this matter drag on and on. It has a role to play in the best interests of its ratepayers. Members of Parliament have a duty not only to see that ratepayers are protected but also to ensure that the West Coast Eagles have a home. One day an Australian Football League final may be played at Subiaco Oval; only time will tell.

The Opposition has a problem with clause 30, but it supports the rest of this Bill.

HON KAY HALLAHAN (East Metropolitan - Minister for Lands) [3.48 pm]: I thank members opposite. In the spirit of goodwill that is sometimes seen in this House, I will ignore some of the negative comments that were made by Hon Barry House and Hon Murray Montgomery.

Hon P.G. Pandal: Mussolini used to say that.

Hon KAY HALLAHAN: I recognise the very useful comments made by Hon Barry House - some members must have been unaware that I was absent because of ill health when he came to my rescue from criticism of members of his own party. I hope that today we will finalise this Bill, which has become a perennial with the capacity to take up a lot of the time of this House.

In 1989 we debated the legislation for five and one half hours. I made critical comments about the need to debate the Bill again which caused some response from members opposite. I thought we should expedite the Bill and deal with it in the current session. To that extent, apart from the fact that we have had to debate it again, which I did not consider necessary, I appreciate that we are dealing with the legislation quickly.

I need to clarify certain matters. I appreciate the constructive manner in which both Hon Barry House and Hon Murray Montgomery have put their concerns and been prepared to follow up with discussions outside this Chamber. They have afforded me the opportunity to respond to the concerns expressed by various interested parties.

Clause 22, relating to Prevelly Park, has caused considerable comment. I will outline the background to the amendment as it should be on record and it will satisfy members when dealing with constituents who have raised concerns. The establishment of the proposed new recreation reserve was outlined in both the draft and the final management plan for the Leeuwin-Naturaliste National Park. The plans proposed that the boundaries of the proposed reserve be determined between the Department of Conservation and Land Management and the Shire of Augusta-Margaret River. I understand that the National Parks and Nature Conservation Authority endorsed that plan. CALM negotiated the boundaries of the proposed reserve and it is those boundaries about which people have expressed concern. The boundaries were agreed upon by CALM and the shire, and the management plan was endorsed by the various bodies concerned. The shire also prepared a management plan for the proposed reserve which has received the full approval of all relevant bodies, including CALM. Members will be able to inform their constituents that the land at present is not formally under the control of the local authority, but despite that - and to its credit - the local authority has exercised appropriate control to prevent environmental damage to the coastal area. It is an area which at times is affected by extremely damaging traffic. The shire has agreed to support the reclassification of the reserve to A class. In view of CALM's support, and the agreement of all parties to the management plan, the Government supports the Prevelly Park plan and the proposed boundaries. I trust that that outline will give members enough information to discuss matters with the people who have expressed reservations about the changes.

Clause 8 refers to an area in the City of Cockburn. The proposal is to establish a class A reserve for a car park which will be the subject of approval of the Environmental Protection Authority. The car park is to be available for the benefit of reserve users and for industrial

parking should there be a requirement in relation to the Goodwyn or some future project. The clause allows for the City of Cockburn, with which the reserve is vested, to lease the car park for short durations for such major projects subject to the lease being disallowed by Parliament. The public would have continued access during the period of the lease. The clause does not excise the area, which the council, the local members and the Conservation Council fear would lead to the further southward creep of industry. That has been contained by the measures in the Bill. I share those concerns and I believe that the clause has provided an inordinate amount of discussion.

Hon P.G. Pandal: It is a much better clause now.

Hon KAY HALLAHAN: Let us all take credit for the better clause. However, the clause did cause much discussion; it is now a very full and complex clause that meets all concerns. It is natural that people wish to constrain industry in this way, but the Government wanted to ensure the flexibility that is required at times when major resource projects are won by the State. I reiterate, however, that such a car park requires the approval of the Environmental Protection Authority before development as well as all other approvals.

Hon P.G. Pandal: That is within a stone's throw of a very historic part of Western Australia's settlement.

Hon KAY HALLAHAN: Indeed, thank you for pointing that out.

Clause 11 is another area of concern. Since this clause was approved last year, negotiations with the adjoining pastoral lessees have been concluded to the extent that the areas to be consolidated as part of the national park are currently being surrendered. Concern has been expressed about the boundaries of the Hamersley Range National Park. We are moving in the correct direction to allay the concerns expressed by some people. The land will be added to the Hamersley Range National Park in the next available reserves Bill, most likely to be seen in the spring session this year. Again, we will have the opportunity to consider the Hamersley Range National Park and its boundaries. The excision of the land required for expansion of the original Auski development proposal needed to proceed at an early stage to ensure adequate facilities for the travelling public. That is why we did not wait for the next year's Bill; it has been a "two bite" exercise. The development has already begun on the roadhouse aspect of the development on land previously excised; however, further development, particularly for tourists visiting the national park, will be severely restricted without the additional land. As well as members opposite, I have had discussions with the people expressing concern. They can rest assured that they will see further changes to the national park in the spring session with the introduction of a new reserves Bill. They will have no further concerns whatsoever.

Clause 30 has generated much concern. It relates to the Subiaco Oval and is a clause which has had a most inordinate investment of time and energy by members of all parties.

Hon Barry House: Only because you did not get it right.

Hon KAY HALLAHAN: That is easy to say.

Hon Reg Davies: It is true though.

Hon KAY HALLAHAN: The aim of the clause is to give the West Australian Football Commission some security of tenure over the venue in a way which would be accepted by the Subiaco City Council. We are moving inevitably towards a consensus.

Hon Barry House has indicated that he will propose an amendment in this regard. I am of the view that we do not need an amendment. I have previously given my word and I make clear today that the clause will not be enacted or gazetted or implemented in any way until agreement has been reached between the parties; that the agreement will be tabled in this House or delivered to the Clerk if the House is not in session.

I understand that the Opposition intends to move an amendment to clause 30. I am not unhappy with its proposed amendment because I will be proposing another amendment to the extent that the agreement be delivered to the Clerks of the House should the House not be sitting. I give notice to the Opposition that I propose to do that and perhaps it may consider a small shift in the amendment it proposes.

Members would be aware that people from my office have been meeting with members of

the West Australian Football Commission and the Subiaco City Council and their negotiations have been very fruitful. I am aware that Hon Barry House and Hon Murray Montgomery have also met with those bodies. My officers have had ongoing contact and negotiations with those parties and I understand the majority view of the Subiaco City Council is to support the changed land tenure arrangements for Subiaco Oval. I take the point that there is some concern that clause 30 be safeguarded from gazettal until we have a signed agreement by the two parties. This started off as a pretty unfriendly bout of negotiations and I commend the representatives of the WA Football Commission and the Subiaco City Council for the way in which they have progressed those talks and found a way to accommodate each other's needs.

In regard to the point raised by Hon Murray Montgomery concerning parking, I understand that discussions have taken place within the Subiaco City Council and that there is an option that the main Subiaco Road area be on a 99-year lease and that a licensed arrangement for parking be proposed for the area west of Haydn Bunton Drive. The area at the Coghlan Road end will also be part of that agreement. I think those are some of the final things to be agreed on and they will be included in the agreement which comes before the Parliament prior to the whole changed land tenure being put in process.

Hon Murray Montgomery: When you break up the reserves are you going to differentiate between reserves, recreation, and parking?

Hon KAY HALLAHAN: The parties to the agreement will discuss how they think their needs will be best served. My office will hold further discussions with them following the honourable member's speech today. I see it as being among the last of the nitty gritty to be sorted out before the agreement is finalised. If the honourable member is happy with that I will proceed on that basis.

This concludes the second reading debate on what was a 1989 Bill and I am very pleased to see its passage nearing completion. We will now deal with the amendments to the Bill and in the spring session another reserves Bill will come before the Parliament which I am sure will give the House as much entertainment as this Bill has.

Question put and passed.

Bill read a second time.

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair; Hon Kay Hallahan (Minister for Lands) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon BARRY HOUSE: I move -

Page 1, line 7 - To insert after "16(3)" the following -
and 30(3)

This amendment is the result of the Opposition's intention to move an amendment to clause 30. This amendment will prevent proclamation of clause 30 until an agreement has been presented to the Parliament to indicate that negotiations between the Subiaco City Council and the West Australian Football Commission have been satisfactorily concluded.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 3 to 29 put and passed.

Clause 30: Reserve No. 9337 at Subiaco -

Hon BARRY HOUSE: I move -

Page 10, after line 16 - To add the following subclause -

(3) This section shall not be brought into operation before an agreement between the City of Subiaco and the Western Australian Football Commission governing any future use of the Subiaco Oval Reserve has been laid before both Houses.

I thank the Minister for her second reading explanations of clauses 8, 11 and 22. I am sure her explanations will be a useful guideline and yardstick for people concerned about those clauses. The intent of this amendment has been canvassed widely and it will allay the fears of local authorities throughout the State that the Government can change the rules relating to the vesting of reserves without local authorities having the opportunity to consider them.

The Opposition strongly reinforces its support for football in Western Australia and the West Australian Football Commission as the premier body to organise and run football in this State. The Opposition has an obligation to provide protection for local authorities throughout Western Australia and that is the course of action it is embarking on. As Hon Murray Montgomery mentioned earlier today, he and I met with the Subiaco City councillors last week and discussed with them the main areas of dispute in their negotiations. They referred to parking on the western and eastern sides of Subiaco Oval and said that there was some dispute about the requested half-closure of Subiaco Road. It is not the job of this Parliament to enter into negotiations between the council and the commission. It is up to those parties to resolve their differences, which are not major differences, and they can be resolved. It is this Parliament's job to protect the wider interests of local authorities and also to encourage support for football.

Hon KAY HALLAHAN: I was hoping that Hon Barry House would agree to amend his amendment by including the words -

or, if Parliament is not sitting, has been delivered and received by the Clerk of each House.

Is there any possibility of that happening?

Hon BARRY HOUSE: I am prepared to accept the Minister's addition to the amendment as it was my intention when I discussed the matter with the Clerk who drew up the amendment not to delay proclamation of the clause if Parliament was not sitting. The object was to resolve the situation and get matters moving. I seek leave to withdraw my amendment.

[Amendment, by leave, withdrawn.]

Hon BARRY HOUSE: I now move -

Page 10, after line 16 - To add the following subclause -

(3) This section shall not be brought into operation before an agreement between the City of Subiaco and the Western Australian Football Commission governing any future use of the Subiaco Oval Reserve has been laid before both Houses or, if Parliament is not sitting, has been delivered and received by the Clerk of each House.

Hon KAY HALLAHAN: I thank the honourable member for his cooperation.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 31 and 32 put and passed.

Clause 33: Land revested in Her Majesty -

Hon REG DAVIES: Under the table shown relating to clause 33, item 8(4) refers to the pedestrian accessway between Wanneroo Road and Rochester Crescent, Balga. Is Rochester Crescent correct, or should it be Rochester Circle?

Hon KAY HALLAHAN: Rochester Crescent is correct.

Clause put and passed.

Title put and passed.

Bill reported, with amendments.

MINING AMENDMENT BILL

Second Reading

Debate resumed from 30 May.

HON N.F. MOORE (Mining and Pastoral) [4.15 pm]: This Bill seeks to amend the Mining Act in three main ways. First, it seeks to change the policy relating to exploration and mining in national parks; secondly, it seeks to introduce a system to prescribe boundaries for exploration licences; and thirdly, it provides for new provisions relating to mining royalties. The first of those three issues, the question of mining in national parks, is clearly the most important, so I will leave it to last to discuss.

A decision was made to introduce a system of graticular boundaries for exploration licences. Basically, this means that a boundary for an exploration licence will be determined by lines of latitude and longitude rather than being marked on the ground as is the case at the present time. This system will simplify considerably the process of applying for and marking out areas to be the subject of an exploration licence. The Opposition has no problem with that and supports it on the ground that it is a positive and worthwhile improvement in the system of marking out exploration licences.

The second main provision of the Bill relates to the verification of royalties. It is explained clearly in the second reading speech, which states -

In respect of the verification of royalties payable, a new provision is being introduced to enable the Minister for Mines to make an estimate of royalty where royalty is not paid or properly assessed or calculated, and to accept audit certificates as verifying royalty. It allows also for the production and inspection of records and includes offences and penalties for persons who fail to supply the information required to enable assessment of royalties.

The mining industry is happy to go along with this proposition, which clears up some of the problems of the past relating to royalties. The Opposition also accepts this amendment.

The major issue covered by this Bill relates to exploration in national parks. The current situation relating to exploration and mining in national parks in Western Australia is roughly as follows: If a mining company wishes to explore in a national park or A class reserve it is required to obtain consent of the Minister for Mines as well as the Minister in charge of parks and reserves; I gather that is the Minister for the Environment. Therefore, if approval is gained from those two Ministers exploration can proceed in a national park. A person who wishes to engage in mining in a national park is required to get the consent of both Houses of Parliament. This Bill requires that there be a resolution of both Houses of Parliament before exploration can take place in a national park, in the same way that mining cannot take place without such a resolution. The Opposition is opposed to that proposed amendment.

The background to the introduction of this Bill is very interesting. Some time ago the Government established a committee, chaired by Dr John Bailey, to make recommendations on mining and exploration in national parks and A class nature reserves. The Minister, in his second reading speech, sought to imply that Dr Bailey recommended that there be a resolution of both Houses of Parliament before exploration can take place in national parks. That implication is apparent in the words -

Following the recommendations of the committee on mining and exploration in national parks and A class nature reserves, chaired by Dr John Bailey, Government has accepted that a stricter code of conduct is required on exploration and mining in these classes of land.

That implication is not correct. Dr Bailey did make certain recommendations in respect of toughening up the regulation of mining and exploration in national parks but he did not recommend the course of action which this Bill would have us follow. What really happened was that after the Bailey report was made public, there was some procrastination in the Labor Party, and I understand that the Labor Party - not the Government - made a decision, in order to appease the conservationist element in the community, that the amendments contained in this Bill ought to become Government policy. When it introduced this Bill the Government was adopting that course of action, not the recommendations of Dr Bailey, as it has sought to imply.

The Opposition is opposed to any change to the present rules which apply to exploration in national parks. The first reason is that there is no demonstrated need for the amendments proposed in this Bill. Is the Government saying that at present exploration is taking place in national parks, after approval has been given by the two Ministers responsible, in such a way

as to cause the desecration of our natural environment? Is the Government saying that the circumstances associated with exploration in national parks are so bad that we need to change the rules? Is the Government saying that the Minister for Mines and the Minister for the Environment are not capable of making decisions about exploration in national parks and have to ask the Parliament to make those decisions for them? I am sure Hon Mark Nevill would agree with me, after reading his comments about mining and conservationists -

Hon Mark Nevill: Have a look at my Press release and the comments in the newspaper.

Hon N.F. MOORE: The member was misquoted, was he?

Hon Mark Nevill: There was not much relationship between the two.

Hon N.F. MOORE: We all suffer from that problem. I would be interested to hear Hon Mark Nevill's comments on this Bill because I happen to be one of those people who agree with that small faction in the Labor Party, which comprises Mr Graham Campbell and Hon Mark Nevill, who have demonstrated recently by their actions that they have a very sound and sensible attitude to the balance that is necessary between resources development and environmental protection.

Hon Tom Stephens: They are absolutely condemned if praised by you!

Hon N.F. MOORE: We know that Hon Tom Stephens does not share the views of his colleagues. He has some strange views about these sorts of matters and no doubt we will hear about them during the course of this debate.

It cannot be demonstrated that the exploration currently taking place in national parks is detrimental to the environment. Were such damaging exploration taking place, it would be the Minister for Mines and the Minister for the Environment who would be culpable; but of course they are not because it cannot be demonstrated that such exploration is taking place. This Chamber would have less legislation to consider were Ministers required to explain or demonstrate that the existing situation did not work before they embarked on a new approach to a particular problem. The Opposition believes that, in this case, the Government has not demonstrated any need for a change to the existing arrangements.

The second reason that the Opposition is opposed to this Bill is that, were it necessary for this Parliament to pass a resolution to allow exploration in national parks, we would spend half of our life in this Parliament debating just this issue, and the operations of this Parliament would be clogged up with this legislation. I am happy to accept the requirement that both Houses of Parliament must make a resolution governing mining in national parks, but the situation with exploration is totally different. The number of mining projects which are commenced after exploration is minimal, and although the time taken up by Parliament in considering mining approvals in national parks is not a burden from which we should shirk, the amount of work to which the Parliament would be committed in granting exploration approvals would be a total waste of its time. These decisions can quite properly be made by the two Ministers responsible, who can take advice from their departments, from the Environmental Protection Authority, and from anyone else from whom they may wish to take advice, before they make their decisions. We know they will make decisions which are in the best interests of the mining industry and of the preservation of national parks. To require Parliament to give approval for every instance of exploration in national parks is a cumbersome provision which is not necessary in this day and age.

The third reason that we oppose this Bill is that exploration causes only negligible damage to the environment. That damage is quite acceptable when we consider that, no matter what we do, whether we explore for minerals or build roads, houses or towns, we will cause some disruption to our environment. Mining is a different thing again, although I would argue that it also causes very little damage to the environment, particularly when we consider that the total area being mined encompasses only a small area of our total land mass. Exploration is not an activity which, in general terms, causes very much damage to the environment at all. In fact, a considerable amount of the initial exploration taking place these days is done from aeroplanes. It is aero-mag work which does not involve even putting one's feet on the ground. It is acknowledged that this Bill toughens up controls over the denigration of the environment by mining companies, and that is supported by this side of the House; but we make the point that the sledgehammer approach of requiring both Houses of Parliament to approve exploration is not something that we support, bearing in mind that exploration causes negligible damage to the environment.

Hon Fred McKenzie: That is a matter of opinion.

Hon N.F. MOORE: Everything we say here is a matter of opinion. Facts are pretty hard to prove in this place. I am sure Hon Fred McKenzie's view about what constitutes damage to the environment is different from mine, but if this country is to go anywhere we must accept that sometimes some damage will be done and we must do our best to keep it to a minimum. If this Government wants to cut out exploration altogether, it should say so and not trot out a Bill like this which makes it difficult to do anything and the net effect of which is to cause severe trouble to an industry that is keeping us going.

Hon Fred McKenzie: In the very fragile areas damage is done so easily, even by driving a vehicle.

Hon N.F. MOORE: Exactly. Why does the Government not bring in a Bill requiring an Act of Parliament before a vehicle can be driven in a national park?

Hon Mark Nevill: People should not be allowed to walk in them, either.

Hon N.F. MOORE: That is what will happen next if we do not put our foot down in matters like this.

Hon P.G. Pandal: Did he set you up for that?

Hon N.F. MOORE: Hon Mark Nevill and I agree on a number of things in respect of this matter.

As to the statistics relating to this matter - and this is as close to being a fact as I can get, which might satisfy Hon Fred McKenzie - the Chamber of Mines has suggested that, statistically, for every 1 000 exploration programs, only 100 involve any degree of surface disturbance, only 10 of those 1 000 might actually involve drilling a hole in the ground, and only one may result in mining activity taking place. Therefore we are looking at a course of action by the mining industry which involves very little disturbance of the environment and the ultimate result is one mine out of every 1 000 exploration permits. Those mines that are being developed are the reason Western Australia has not sunk into total depression but is lingering on the edge of one.

Hon E.J. Charlton: Just give us a little more time!

Hon N.F. MOORE: Members opposite are doing their best, with this sort of legislation, to ensure that the mining industry continues to be frustrated and will not reach the stage where it develops the sorts of mines that are necessary if this State is to maintain some degree of prosperity.

The fourth reason for my opposing this Bill is that it will add costs and uncertainties to an industry that is already overburdened with costs and uncertainties. The export income in Western Australia from the mining industry exceeds \$9 billion per annum. We in Western Australia have a trade surplus of over \$5 billion, and that is due largely to mining and agriculture. If we compare our situation with that of Australia, which has an \$18 billion deficit, we can see that Western Australia is virtually totally dependent upon the activities of the miners and the farmers, and we should all do all we can to ensure that both those industries are able to operate with a minimum of uncertainty.

Western Australia cannot afford to tie up any more land and deny access to the miners that currently exist. If we look at what this Bill talks about - that is, national parks and A class reserves - we are looking at a considerable part of Western Australia. I do not know the exact area of land covered by national parks in this State, but a glance at a map would indicate that it is quite significant. We must remember, too, that this Bill will apply to any future national parks. I have noticed in my time in Parliament that every now and then more big green blobs appear on our maps, which indicates that all national parks have not already been created. They are being created and will continue to be created and, as the greenies continue to influence Government decision making, even more national parks will be created. That will mean even more uncertainty, even more land being tied up, and even more pressure being put on our mining industry to survive.

When we were in Government the Environmental Protection Authority put out what were known as Red Books. If we were to implement all of the recommendations in those Red Books and convert B class and C class reserves into A class reserves, a significant amount of

land in this State would become tied up and, to a large extent, entry for exploration would be frustrated. I am told that about 1 500 areas in this State exist which come under that category; that is, land which is in the EPA Red Books which has yet to be proclaimed as parks or reserves and if we convert B class and C class reserves to A class reserves. About 1 500 areas of land would come under the purview of this Bill. Therefore I argue strongly that all this Bill will do is add costs to the industry. The costs will relate to the time taken to get the Bills through Parliament. The Bill will also add uncertainty to the industry because it will take land out of the reach of the mining industry for exploration purposes. This State cannot afford that sort of situation to develop.

I was very pleased to read in the *Kalgoorlie Miner* recently, under a heading "Representatives Report" by Hon Julian Grill - who, in fact, provided me with the facts - that Western Australia exports \$9 billion-worth of minerals per year. In the same article, Hon Julian Grill suggested that we should give serious consideration to separating from the rest of Australia. That sort of talk was mentioned by Lang Hancock years ago when secession was being spoken of, and I find it interesting that in this day and age, when we are having this fairly important argument about the future of our industries, a Labor member of Parliament for the goldfields should now be floating the idea of secession again because of the acts of the very people who would support the sort of legislation that is before this House today. The whole purpose of his argument was that the mining industry is of such importance to Western Australia that we must do all in our power to ensure that it has a healthy future. Of course, this Bill will go a long way towards ensuring that it does not have a healthy future.

I oppose this Bill for another reason; that is, I believe it is simply a political stunt by the Labor Party to placate the greens. We all know how important the green vote was in the last couple of elections, how Senator Graham Richardson has become a born again greenie, and how the preferences went from the greens to the Labor Party at the last election. This is one of those Bills which is a pay-off. That last statement is a bit unfair, because the Bill was actually introduced before the last Federal election, so it was not a pay-off; it was actually a bribe in the beginning and is now a pay-off at the end.

Hon Fred McKenzie: You are quite wrong, of course.

Hon N.F. MOORE: I know how members opposite work. I was involved in the last Federal election a bit. The WA greens candidate for the Federal seat of Kalgoorlie was in fact the former Vice President of the Labor Party in Port Hedland. He was put up to stand against Graeme Campbell, or to stand alongside him, to pick up the green votes in that electorate and transfer them to Campbell, who had become the archenemy of the greens. It was a very clever strategy to have two candidates, one to pick up those votes which the other candidate had lost, while the candidate moved to different ground and picked up votes from the other side. That strategy was used, and continues to be used by the Labor Party, and is very clever. It has enabled it to win two elections.

Hon Mark Nevill: You are very wrong. I can guarantee that that person who resigned from the Labor Party did not give his preferences to Graeme Campbell.

Hon N.F. MOORE: His how-to-vote card did.

Hon Mark Nevill: I am sure he didn't.

Hon N.F. MOORE: He might not have personally, but his how-to-vote card did, and I know that over 70 per cent of those preferences went to Mr Campbell; so in my view that was clearly a set-up and I have no doubt that that sort of arrangement has been made in other electorates around Australia. I believe this Bill is an attempt by the Labor Party to indicate to the conservation movement that it has some sort of green streak. I can recall the Premier saying recently when she was talking to the mining industry that she was a pale shade of green.

The Government is not as green as some people suggest. This Bill demonstrates a yellow streak because the Government does not have the guts to say to the mining industry that it supports the industry in what it seeks to do, bearing in mind that the mining industry provides \$9 billion a year to the revenue of this State. The Government introduces these sorts of Bills to appease the greens and sits back and luxuriates, if that is possible, on the income provided by the mining industry.

I get very angry when I hear the Premier criticise the North West Shelf gas project. When the situation suits the Government, it trots out some extraordinary line that the Liberal Party has placed the people of Western Australia in this situation because we said we had to have a pipeline to bring the gas to the metropolitan area. Without providing a gas pipeline, we would not have had a North West Shelf project; that is a simple statement of fact. Yet when it suits the Government's argument it gives that decision a bit of a serve. However, when the money starts to flow in, which it has recently with the export of LNG, the Government says that it is a wonderful project and that Western Australia has a wonderful economy.

Hon Mark Nevill interjected.

Hon N.F. MOORE: The member cannot have it both ways. We would never have had an LNG project without a gas pipeline. The member knows that and everybody else knows that.

Hon J.M. Berinson: You also know your original arrangements would have left the State with nothing for years to come.

Hon N.F. MOORE: That is a stupid statement by somebody of the Leader's competence. The Leader of the House knows that had the Liberal Party attained Government in 1983, any changes to contracts because of changed circumstances would have been made probably in the same way that the Government has changed them. The project was not stagnant from the time of entering into the contract. It was entered into at a time when the circumstances were such that that was the sort of contract to be entered into. The circumstances changed for a while in the early 1980s; now the pipeline is not big enough and another pipeline is needed due to the great demands which the Liberal Party foresaw in the 1970s. The former Federal Minister, Rex Connor, set the situation back four or five years. Gas would have been going out of Western Australia four or five years ago if a Labor Party Government had not been in Canberra in the 1970s.

The Government cannot have it both ways. The Bill is another demonstration of the Government's attempting to have it both ways. It has introduced a Bill to curtail exploration in national parks but on the other hand it sits back and allows the mining industry and the farming industry to keep the State's economy going, to keep us in a reasonable economic state to pay for the mismanagement of the Government. All the deals we hear about have to be paid for by somebody.

Hon Mark Nevill: The forgone royalties on the North West Shelf project.

Hon N.F. MOORE: I am talking about the \$800 million which the Government has blown down the tube.

I suggest the Labor Party has a yellow streak, not a green streak, in respect of this Bill. As I said before, the Government does not have the nerve to say we should thank the mining industry for what it has done for Western Australia, or that we believe a balance is needed between development and the environment. No-one argues against that.

Hon George Cash: Even the Premier agrees.

Hon N.F. MOORE: Yes. If there is a problem with the existing system in national parks, the Government should tell us what is the problem. It is not outlined in the second reading speech. No-one has stated what is the problem. The Government kowtows to the greens; we hear a lot of tripe in this House suggesting a course of action which is not acceptable in this day and age. The Government kowtows to the environmentalists, people like Phillip Toyne who heads the Conservation Council. He is a professional agitator. He moves from one area of conflict to another and at times he causes that conflict. When I first came across him in my readings he was running the Central Land Council when I took an interest in land rights. In the middle of the dispute, leading the fight for land rights, carrying the Aboriginal flag, arguing the point in the courts, was Phillip Toyne. When land rights went off the boil and they managed to tie up most of the Northern Territory, he had to find something else to do. He went to the environmental group, the Conservation Council, causing more and more trouble. I wonder at the man's motivation; where is he coming from and where is he taking us? Regardless of his motivation he is doing his best to stop the mining industry. He did that very well in the Northern Territory, and he is going down the path of doing that well in Western Australia by using this sort of legislation to stop exploration in national parks.

One of the greatest ironies of this sort of argument and this sort of Bill is that the mining

industry is continually a target for the conservation movement, yet for some reason those people ignore some other industries which have a greater and more significant impact on the environment. Frankly, without trying to risk the ire of my colleagues in the National Party or in the agricultural areas, the agriculture industry has done more damage to the environment than has mining. I would argue that the forest industry has done the same, and that the towns and the metropolitan area have done more damage than mining. However, nobody introduces Bills to Parliament saying that if people want to build a town, clear land, or chop down trees they will have to get approval from both Houses of Parliament. No-one says that; but for some reason the mining industry is attacked in this way; even though, as I said, \$9 billion per annum in Western Australia is produced by the mining industry.

I wonder at the motivation of people like Phillip Toyne and the Labor Party people behind this legislation, because they are attacking an industry which is vital to our economic prosperity. We should all wonder at their motivation. Why are they attacking an industry of such significance? Maybe Hon Joe Berinson will tell me; he must know, because I do not. I can only surmise the motivation.

To be fair, maybe this is another Bill which the Labor Party has trotted into the Legislative Council with the expectation that we will do as I suggest; that is, defeat that part of the Bill which seeks to curtail or restrict exploration in national parks. Maybe it is another Bill where the Labor Party says to the greens and to the conservationists that it will do everything it can to implement green policies and to stop the mining industry ruining the environment. The Government will say it will take the Bill to Parliament and argue for the Bill's acceptance but at the back of the Government's mind it knows that the Legislative Council will toss out the Bill. When that happens, the Government will say to the greens that it has tried its best but the conservatives would not pass the Bill. The Government will then get Phillip Toyne to put out a Press release criticising the Opposition and stating that we have no concern for trees, animals and anything else. The same story goes on and on.

I am tired of saving the Government from the sorts of perils this legislation will get it into. Had we passed the land rights legislation the Opposition would be in Government; had we passed a few other Bills we would be in Government. We have saved the people of Western Australia from the excesses of the Labor Party. I hope we will do the same on this occasion, that we will save the mining industry from the excesses of this Bill. I hope that members will support the view I have put forward.

It is very irritating as the years go by in Opposition to find we are constantly put in this position. My time in Opposition would be shortened were we to pass some of these Bills, because people outside this place would realise that the Labor Party is not just some Liberal Party in disguise, but consists of people whose views are not in the best interests of Western Australia. We should pass the Bill at the second reading stage and during the Committee stage we should delete all parts which relate to the new requirements for exploration in national parks.

To recap, if a mining company wants to explore in a national park it needs the approval of two Ministers, the Minister for Mines and the Minister responsible for conservation and land management, who can obtain all the advice they need before they make a decision. Once approval is granted, exploration can take place. The Opposition agrees with that procedure, and the Government has not demonstrated any reason to change it.

The Government's legislation proposes that, in order to explore in a national park, the approval of both Houses of Parliament will be required. The Bill seeks to put the onerous requirement on the mining industry to come to the Parliament whenever it wants to explore in a national park. The Opposition opposes that onerous requirement. The Opposition will agree to the Bill, as it contains conditions which are agreeable to it; however, during the Committee stage the Opposition will seek to eliminate those clauses which will cause the mining industry considerable problems.

Adjournment of Debate

HON J.N. CALDWELL (Agricultural) [4.52 pm]: I move -

That the debate be adjourned.

Question put and a division taken with the following result -

Ayes (3)

Hon J.N. Caldwell

Hon E.J. Charlton

Hon Murray Montgomery (*Teller*)

Noes (30)

Hon J.M. Berinson

Hon Tom Helm

Hon R.G. Pike

Hon J.M. Brown

Hon Barry House

Hon Tom Stephens

Hon T.G. Butler

Hon B.L. Jones

Hon W.N. Sutch

Hon George Cash

Hon Garry Kelly

Hon Bob Thomas

Hon Cheryl Davenport

Hon P.H. Lockyer

Hon Derrick Tomlinson

Hon Reg Davies

Hon Margaret McAleer

Hon Doug Wenn

Hon Graham Edwards

Hon N.F. Moore

Hon D.J. Wordsworth

Hon Max Evans

Hon Mark Nevill

Hon Fred McKenzie

Hon Peter Foss

Hon Muriel Paterson

(*Teller*)

Hon John Halden

Hon P.G. Pandal

Hon Kay Hallahan

Hon Sam Piantadosi

Question thus negated.

Debate Resumed

HON J.N. CALDWELL (Agricultural) [4.56 pm]: It is gratifying to have the Press present for this debate.

Hon J.M. Berinson: They know that Hon J.N. Caldwell will speak.

Hon J.N. CALDWELL: They are probably here for question time. The National Party moved to adjourn debate as a protest against the mismanagement by this Government. I can see the President scowling so I will get back to the Bill as I do not want to receive his wrath.

The PRESIDENT: Order! I am not scowling.

Hon J.N. CALDWELL: The Mining Amendment Bill deals with A class reserves and national parks. The Bill includes a system which describes the boundaries for exploration licences; it provides substantive power relating to the verification of the royalties payable; it enables the Minister for Mines to estimate the royalties where royalties have not been paid or properly assessed or calculated, and to accept audit certificates as verifying royalties; it allows for the production and inspection of records; and provides penalties for persons failing to supply information to enable assessment of royalties.

The National Party supports many of the issues that Hon Norman Moore brought to the attention of this House, in particular those relating to conservation parks and A class reserves and how mining companies can gain access to those areas. The provisions of the Bill which deal with exploration and mining in national parks are controversial. These things must go hand in hand as no company will explore unless it can mine the area explored. A few days ago I met with officials of a small mining company which is in serious trouble. Mining companies everywhere are closing down, especially those in the goldfields areas of Kalgoorlie and Coolgardie. Goldmining companies have had the misfortune to experience landslides in their open pits and, as the industry is in such a difficult state of affairs, many companies may have to close down their operations. This State does not want that, especially at the moment. It is not in the best of financial circumstances and any assistance that can be provided to the mining companies would be of benefit to Western Australia. Mining companies will be disadvantaged by the provisions of this Bill. Hon Norman Moore referred to the number of exploration applications which are considered by the Warden's Court every year.

[Questions without notice taken.]

Hon J.N. CALDWELL: I suggest that in the vicinity of 1 000 licences are granted each year, although I cannot verify the figure. Possibly around 50 to 100 of such licences would apply to exploration in national parks and nature reserves. Each licence will now require legislation to be brought to this House, it will be impossible for the House to consider that number of Bills. At the moment, a large number of Bills are awaiting our consideration; four Bills have been referred to the Legislation Committee, one of which has involved four days' debate so far. Members will realise that if 50 or more Bills are brought to the House in relation to mining in national parks and nature reserves, that will represent an impossible task

for us. We do not seem to be able to cope with the number of Bills awaiting debate presently, so an increase in excess of 50 per cent in the number of Bills would make it an impossible situation; we could not consider each Bill on its merit.

I do not totally agree with Hon Norman Moore's comments about mining not affecting the environment.

Hon N.F. Moore: I was talking about exploration, not mining.

Hon J.N. CALDWELL: I have seen the effects of exploration as well. Exploration happens on rare occasions and that is the very matter on which we should tighten up the regulations and increase the penalties if the environment is disturbed or destroyed in any way. Not only should mining companies be required to repair the environmental effects of exploration, but also, should the companies go broke, their directors should be made responsible for any such damage. This is a matter which should be addressed. I reiterate the points I have made about mining and exploration. It would be impossible for the House to consider such a large number of amendments which would involve a lot of work for members, although some of the amendments could be brought in together. It means that exploration and mining in these areas would be delayed to such an extent that most of the mining companies would probably give way in the end. Those companies would be subject to considerable expense by this delay. Goldmining companies have been very hard hit by the imposition of the gold tax. Mining companies have also been hard hit by the influence that environmentalists have had on their industry. The State Employment and Skills Development Authority Bill will have a major impact on mining companies. They will have to comply with that Bill if it is passed through the Parliament this year.

Hon Fred McKenzie: Is it right that the member was not happy with what they did to his property?

Hon J.N. CALDWELL: That is quite correct. I was not happy with it and it was only four days after I brought the matter to the attention of the House that somebody started tidying up the area. I must have made my point.

Hon D.J. Wordsworth: There are benefits of being a member of Parliament.

Hon J.N. CALDWELL: They did quite a good job, too. It was not before time; it took four years before my complaints were acted upon. The National Party will agree to parts of this Bill; it will consider making amendments to it and also consider the amendments of the Liberal Party. I support the Bill.

HON MARK NEVILL (Mining and Pastoral) [5.44 pm]: A number of important changes are proposed in this Bill. I want to deal first with some of the minor amendments, which nonetheless relate to important problems that must be addressed. The Bill amends the definition of private land to exclude special leases "for the use and benefit of Aboriginal inhabitants". Some of these special leases have been created in recent years and it was always the intention of the Government that exploration would not be allowed on these reserves; however, it has not been put into legislative form. This amendment makes sure that these special leases retain their Crown land status and therefore mining and exploration companies will have access to them. I have had some involvement in a 50 year special lease west of Warburton around the Tjurkarli community. This amendment will make it clear that that particular area and other similar leases will retain their Crown land status.

Another minor amendment relates to royalties and will allow Ministers to assess or estimate royalties where they are not paid, thus making the collection of those royalties simpler than it is at present. The Bill also addresses a number of environmental issues by increasing penalties; penalties for unauthorised mining have been increased. The cowboys who do a lot of environmental damage must realise that, if caught, significant penalties may result. This Bill will certainly achieve that. The main offenders involved in unauthorised mining are people using metal detectors.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! There is too much audible conversation.

Hon MARK NEVILL: These offenders use a grader or dozer to skim off the topsoil and then scan the area with a metal detector. They usually leave within a few days before the damage is realised by the local pastoralists or whoever else reports them. The penalties proposed in this Bill should deter that activity.

Unauthorised treatment of tailings occurs from time to time, and an amendment in this Bill will further discourage this. Another important aspect of this Bill will allow the Minister for Mines to impose additional environmental requirements on mining companies. It is important that discretion be given to the Minister because not all the different situations that may arise can be anticipated and covered by legislation. The provision of this discretion will benefit both the companies concerned and the public. There must be an assurance that mining will be carried out with the least possible damage to the environment and that rehabilitation will be adequate.

Hon John Caldwell mentioned that directors should be liable for repair and rehabilitation work in some situations. I agree with the member because many of the smaller companies often exhaust their funds before they complete rehabilitation work. Who is to pay the bill if the bonds that are lodged are not adequate to repair the damage?

The DEPUTY PRESIDENT: Order! There is still too much audible conversation in the Chamber.

Hon MARK NEVILL: In those situations perhaps there should be some liability of directors - not so much outside directors, but certainly the executive directors and directors closely associated with a company who know what is happening on a day to day basis should be included in this. This issue is fairly contentious. Responsibility should be sheeted home to those people who have caused the problem through their neglect.

The Bill also introduces a graticular system for marking out exploration licences. I wrote to the Minister for Mines a few years ago suggesting that a graticular system be introduced for exploration licences. The system in this Bill is not what I suggested at that time. It is proposed in the Bill to transpose the system used in the oil exploration industry where each graticule, or square, consists of one minute on a map as part of a degree of latitude. Obviously, these cannot be marked out at sea; however, they can be determined with great accuracy on land. Exploration licenses, as members may not be aware, are not actually marked out physically on the ground by pegs, they are marked out on maps. Only the smaller tenements are marked out physically on the ground. The proposed graticular system of describing boundaries will be an improvement, but I am not sure it is the best way to proceed. My calculations, made with the assistance of Hon Garry Kelly, suggest that under this system one graticule will be the equivalent of 1.8 kilometres by 1.8 kilometres. However, most geologists working in mining areas use 1:100 000 cadastral maps which have similar graticules, one centimetre by one centimetre, which represents one kilometre by one kilometre on the ground. It is a lot easier to relate areas on the ground to the graticules on that map than it will be under the proposed system. It is also very clear to other mining companies that want to peg adjacent land for exploration exactly where the boundaries are, if not in a physical sense then certainly in a legal sense.

Exploration licences can be sought for areas up to 200 square kilometres, which are generally areas of 10 kilometres by 20 kilometres. Under present circumstances those pegged areas can be of different sizes, and the boundaries abutting other tenements can be of different shapes. The proposed minute by minute graticular system, which will probably be easier to follow on the land, will certainly make it much easier for the mineral exploration industry to identify the boundaries of tenements, especially as it will be possible to relate the corners of those graticules to known survey points.

I move to the most contentious part of the Bill, which relates to mining and exploration in national parks. Members will be aware that the Government's policy has been developed following at least two and a half years' consultation, to my knowledge. Therefore, I do not think it can be dismissed as a stunt. Certainly a great deal of thought and agonising have gone into this legislation. The members of all parties in this House must recognise that we live in a pluralist society and it is basically the job of Government to formulate policy. Two interests, comprising conflicting groups, are competing for the land covered by this legislation. It is important for the Government to drive the policy, rather than one group or sector in the community. This policy is certainly a compromise, but it is a genuine attempt to reach some resolution of the problem.

Hon N.F. Moore: What is the problem with the current system?

Hon MARK NEVILL: The problem is that the overwhelming majority of the public want

mining and exploration in national parks and A class reserves to be prohibited. I do not agree with them, but unfortunately that is the sad fact of the matter. An attempt has been made in this policy to honestly address that problem and to reconcile those competing interests by means of this Bill. In my view we need to improve our economic performance in the mining industry. That has been done year after year and it must continue. The mining industry must improve its environmental performance also so that it can achieve some compromise. This Bill attempts to do that. The difficulty of achieving this compromise is the reason for the length of time taken to introduce this Bill. In my view the small proportion of people who oppose exploration and mining in national parks and A class reserves understand very little about exploration and mining. In fact, I could explore a national park and no-one would know I had been there. Depending on the ore body one could probably mine in a national park without anyone being aware of it. It is absolutely essential that all our reserves, whether national parks, forests or whatever, be explored and documented. It is important to know what the earth is made of, and what structures, rock types and resources are present. We should have an inventory of resources so that we can make sensible decisions in the future.

Depending on the mineral sought, all sorts of activities of a non-destructive nature can be undertaken when exploring national parks; for example, airborne magnetic surveys detect changes in the magnetism of the rocks and provide a great deal of information about the structures and rock types in an area. Gravity surveys are also airborne and they indicate the depth of sediments and major changes in the rock density. One can also carry out stream sediment sampling in national parks, and it is not necessary to use vehicles for such surveys in most places. Aerial photography can be used in conjunction with the geologist walking along the creeks and sampling at certain locations. A lot of the sampling I did in my career was done with a backpack across country in the Great Sandy Desert. I walked along the middle of the sand dunes sampling every 100 metres or so. It is possible to identify precisely where one is by using aerial photographs. If a geologist picks up a handful of ironstones or soil samples, I defy anybody to notice what has been taken. Perhaps taking rock chip samples could be destructive, but that could be done with care. Another important activity in national parks is to map them in detail, and that also does not involve any destruction. One of the features not always taken into account in national parks is their geology. Flora and fauna and, to a certain degree, land forms are taken into account, but no one considers the geology. Recently, I spent a day at Hill River looking at the drill cores that CRA has taken through the coal deposit in that area. The fossils in the drill core, and the different things one can see where animals have turned over the sediment in the ocean or lake bed, are absolutely fascinating.

Sitting suspended from 6.01 to 7.30 pm

Hon MARK NEVILL: Sampling at depth can be done by sampling ants' nests or, as Hon John Caldwell mentioned, by sampling rock and soil fragments from rabbit burrows. Were exploration to take place, it would be conducted under strict environmental guidelines and procedures. Were it to advance to the mining stage, it is possible with modern trackless mining to put in a decline at a grade of about 1:9, so where an area had environmental significance, the decline could commence nine kilometres away from the minesite and could gradually be worked in, and one would not know that the mine was there were it not for the occasional exhaust fan on the surface. The Mt Charlotte mine in Kalgoorlie is actually situated under the town site. The McMahon mine, at which I worked in Kambalda, operates under the Kalgoorlie-Kambalda Road, occasionally you can see an exhaust fan which is about two metres wide by three metres high, and they are the only signs to indicate that the mine exists.

Many of the fears that people have about exploration and mining in these reserves are not well founded. I believe that with careful and sensible exploration, planning and adherence to environmental procedures, the damage to these areas will be nowhere near as great as people believe. Many of these reserves cover massive areas. The southern end of the Hamersley Range National Park is basically just undulating spinifex, and is fairly flat land. That area does not appear to me to be of a unique character when compared with other adjacent areas which lie outside the national park boundaries. I believe the northern areas of that national park should never be touched.

Hon Tom Stephens: What do you think about national park boundaries?

Hon MARK NEVILL: Most of them are square so I do not think a lot of thought has gone into defining the boundaries of national parks. The Rudall River National Park is a classic example of where lines have just been drawn on a map. Some of the areas to the north of Rudall River, where I worked for two years, appear to me to have much greater conservation value.

I return now to why this part of the Bill should not be opposed by the Opposition. An overwhelming majority of the public - the polls indicate it is about 80 per cent - want, rightly or wrongly, a total prohibition on exploration and mining in national parks and A class nature reserves. While I find that very difficult to accept, that is the reality. I noticed when I was doorknocking during the Fremantle by-election campaign that, these days, cars do not have stickers saying "No uranium mines", but stickers saying "No mines". I can accept that people may have a problem with the concept of nuclear power, but it amazes me to find such stickers on the cars of people who live in the metropolitan area. I have not seen them in the country. I cannot understand what people think their cars are made out of or what they run on because it is the mining industry which provide those things required.

Hon N.F. Moore: They are usually combi vans which cough out black smoke!

Hon MARK NEVILL: They are not the sorts of car that Hon Norman Moore would drive.

That may not be a view that I share entirely, but it is certainly the public perception. There are major problems in attempts to expand the area of these reserves and to gain access to them for exploration. Two examples in the eastern goldfields are Jilbadji reserve, south of Southern Cross, and the proposed Lake Cronin reserve. If those sorts of areas are sterilised by reserves that do not have multi-use purposes, we will forgo many future benefits. The western parts of the proposed Lake Cronin reserve contain large nickel sulphide deposits known as the Forrestania deposits. It just so happens that they have been proved up to the 1970s. It may be that in 50 years' time we will have a war on our hands and need a domestic supply of nickel. At least we have an inventory - we know what is there and in times of need can access it.

Hon D.J. Wordsworth: How long do you reckon the war would last?

Hon MARK NEVILL: I do not know, but at least we could access those sorts of deposits. If we did not know they were there we would have to find them first; so there is some use in a country having at least a general perception of what reserves of minerals it has and a good understanding of the geology of its national parks and reserves. Often that is essential to understanding the regional aspects.

There certainly is a demand for more public scrutiny. Personally I would prefer those decisions about whether we can explore or mine in national parks to be made in this House rather than by Ministers for mines or conservation, their advisers and the people who have input into their views. I would prefer those sorts of decisions to be made in this House, under either Government, so I can see merit in that. I would be so brave as to say that I think there is probably more wisdom, collectively, in this House on those sorts of issues than there is in the bureaucracy.

Hon N.F. Moore: The trouble is, both Houses have to agree with this legislation. You would have to get the Minister's permission, whatever happens.

Hon MARK NEVILL: In my view there is probably more likelihood of it being acceptable through this process than through the other situation, given the public demands and public opinion in this area. As I said, we need to lift our performance both economically and environmentally and try to reconcile this to competing interests. It is important that the Government drive that policy rather than the conservation movement or the mining industry. The thought and effort that have gone into the policy over the last two and a half years is worth a try. If it does not work it can be changed.

Debate adjourned, on motion by Hon Fred McKenzie.

SUPPLY BILL

Receipt

Bill received from the Assembly.

First Reading

HON J.M. BERINSON (North Metropolitan - Leader of the House) [7.43 pm]: I move -

That the Bill be now read a first time.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [7.44 pm]: As members would be aware, the Standing Orders of the Legislative Council enable Bills such as the Supply Bill and other Bills related to financial matters to be debated at the first, second and third reading stages of their passage through this House. I want to take this opportunity of serving notice on the Government - and on the Premier in particular - as to the Opposition's position in respect of this legislation. The legislation seeks to apply out of the Consolidated Revenue Fund the sum of \$2 400 million and out of the General Loan and Capital Works Fund the sum of \$200 million for the services of the year ending 30 June 1991. Members would be aware that this Bill, if it is passed, will enable the Government to carry on the business of Government until the Budget is introduced into the House in the normal manner towards the end of the calendar year.

It is important that I make clear the Opposition's policy and position in respect of this legislation. There has been much debate in recent times as to what the Liberal Party intended to do with the Supply Bill, and at a meeting of the Legislative Councillors today it was agreed, firstly, that today was decision day for the Government: That between now and the second reading stage of this Bill the Premier and the Government must decide whether or not the people of Western Australia are to be told the truth. For a long time now the Liberal Party has made out an overwhelming case in respect of a Royal Commission into what is now regarded and known as the WA Inc fiasco.

We have made that case out in the face of persistent refusals and denials by successive Labor Governments and there is no doubt that our wish for a Royal Commission has been clearly endorsed by the majority of the Western Australian public. Without wishing to go into the results of various polls that have been taken, it is fair to say that polls have indicated that in excess of 80 per cent of those persons eligible to vote and those persons who have been polled have indicated that they want a Royal Commission to investigate and discover just what has happened to the \$850 million that appears to have gone down the drain as a result of the Government's mishandling of the taxpayers' money over recent years. The people have said very loudly and clearly that they want to know where the money has gone but, more than that, they have also said very loudly and clearly that they want to know whether any of the money can be recovered and whether any charges should be laid in respect of the actions of either the Government or others in relation to the dealings in respect of those funds.

The opportunity now exists for the Premier to come good with her earlier pledge; that is to say, it is my understanding that the Premier has not ruled out a Royal Commission into the WA Inc fiasco. The question that must be resolved is whether or not that Royal Commission is to occur in the very near future. What we as a Liberal Party have said is that we want a Royal Commission and we want it now, and in our discussions and public statements over recent weeks we have made it clear that if the Premier did not agree to a Royal Commission we would be put in the position of having to consider denying Supply to the Government to make it clear to the Government that we would not provide it with additional funds until such time as it had in fact properly accounted for the funds that it had previously been granted by this Parliament. I think most fair-minded people would understand that to be a reasonable request of the Government and, in particular, the Premier.

Hon P.G. Pendar: Hear, hear!

Hon GEORGE CASH: It is fair to say that when the Premier came to office some 19 weeks ago one of the things she promised, above all, was that we would have fair, open and honest Government in Western Australia. She had the opportunity 19 weeks ago to talk about it. Presently, the Premier and the Government have the opportunity to act on those earlier statements. If the Premier chooses to do nothing, the action taken in the Legislative Council will be as a direct result of the Premier's clear desire not to allow the truth about the \$850 million to be revealed. If the Premier chooses to do nothing, if she chooses to listen to people like the Leader of the House who in this place has often declined to support the need for a Royal Commission into the WA Inc fiasco, again that will indicate that her earlier words were nothing but words and that we cannot expect any action from her.

The WA Inc fiasco has become a millstone not only around the neck of the Government but also around the necks of the taxpayers of Western Australia. The new Premier has made certain commitments on behalf of the Government; it is now crunch time for the Government and it should appoint the Royal Commission which the people of Western Australia have been demanding for so long.

Another matter of importance for consideration is that the reluctance of the Premier to give consent to a Royal Commission may be attached to the fact that she was part of the coterie of Ministers who agreed to much of the spending of the \$850 million, an amount which has disappeared from the face of the earth. It would appear that if the Premier remains reluctant to appoint a Royal Commission she will be instrumental in attempting to hide the truth from the people of Western Australia.

Mr President, it is fair to say that the people of Western Australia have said that enough is enough; they want changes and the opportunity exists in this House for us to take action that would, as I read the play, firstly, enable the appointment of a Royal Commission and, secondly, perhaps bring other things to this State that not all members would desire and certainly which may affect the good government of this State. If the Premier continues to refuse the appointment of a Royal Commission, she will place all members of this House in a position where they will have to consider very seriously their absolute constitutional right to withhold Supply from the Government.

Opposition members: Hear, hear!

Hon GEORGE CASH: Government members do not understand just how close the Premier is taking the State to a constitutional crisis.

Hon T.G. Butler: Or how close you are!

Hon GEORGE CASH: The opportunity will exist in the next few days, in the time that will elapse before the second reading of this Bill is brought on, for the Premier to do some very hard thinking.

Hon Doug Wenn: And yourself!

Hon GEORGE CASH: The Opposition also will be required to do some very hard thinking. These very important matters have occupied the minds of Opposition members for a couple of weeks.

Hon Doug Wenn: That would not take long.

Hon GEORGE CASH: Mr President, it is very clear to me that people like Hon Doug Wenn do not understand the real situation that now faces Western Australia, because that member has it within his power to go to the Premier and say that a Royal Commission could be appointed, that the people of the State have spoken, and that the time has come for the truth.

Hon Graham Edwards: The people spoke in Maylands and Fremantle.

Hon GEORGE CASH: The Liberal Opposition will be prepared to support the first reading of this Bill, firstly to enable argument to be put by members of this House as to whether action should be taken to block Supply or whether any other particular action should be taken, and secondly, to enable the Government to respond not only at the first reading but also at the second reading to make clear its intentions. It is important that the Premier is given some time to consider the situation that this State now faces.

At the meeting of the Liberal Party Legislative Council members this afternoon, agreement was reached that the first reading should be allowed to proceed on the clear understanding that time is up for the Premier; the Premier has to make a decision.

Hon John Halden: We know who time will be up for.

Hon GEORGE CASH: We want the Premier to grant the people of Western Australia a Royal Commission so that the truth can come out about the \$850 million which has disappeared. It would be very easy to spend another 40 or 50 minutes telling the House why a Royal Commission should be set up but members have been through those arguments many times both in this place and the other place. The Premier is aware of the real situation. In recent times the Premier has claimed that a Royal Commission is not necessary because other inquiries under way, such as the McCusker inquiry and the Pike Select Committee, are able to do a similar job.

Hon T.G. Butler: Mr Pike said that.

Hon GEORGE CASH: The McCusker inquiry is not empowered to examine the areas that the Royal Commission into WA Inc would be required to examine. Mr McCusker was clear in *The West Australian* on 26 February 1990 when he said -

The WA Government's participation in the "rescue" of Rothwells and in the PICL transaction and the economic or political prudence of its actions is not and never was within the scope of my inquiry.

The overlap between these inquiries should therefore be minimal. However, if there is an overlap between the Royal Commission and any other inquiry, clause 8 of the Opposition's Special Commission Bill allows the commissioner to prohibit any other inquiry. In the event of the implementation of a comprehensive Royal Commission - and I distinguish that from a Clayton's Royal Commission - a commission with the powers set out in the Bill of the Leader of the Opposition's in the other place, this would enable the Pike Select Committee to consider whether it should put its deliberations on hold or perhaps, as Hon Bob Pike has already suggested, give consideration to handing over to a Royal Commission the evidence that it has heard and the information it has adduced to date.

Hon J.M. Brown: He was not speaking on behalf of the Select Committee.

Hon GEORGE CASH: He was making the point that that was a possibility open to the committee. If a Royal Commission were appointed I would expect that Mr Pike, as Chairman, would put that to his committee. Indeed, that is the right and the prerogative of that committee to decide in due course.

Another of the Premier's claims is that a Royal Commission would cut across existing court cases and thus be a contempt of court. That argument by the Premier has been fairly and squarely put to rest as a result of a motion moved in this House only last Thursday by Hon Peter Foss.

Hon J.M. Berinson: You must be joking. Didn't you understand what was said in that debate?

Hon GEORGE CASH: For Mr Berinson to now dispute the opinion of Mr Terry O'Connor, QC, given his comments of last Thursday, makes me wonder whether he was aware of the comments he was making. I thought he made it very clear last Thursday that there was clearly an opportunity to avoid any contempt of a commission.

Hon J.M. Berinson: By a special Act.

Hon GEORGE CASH: Indeed.

Hon J.M. Berinson: You aren't suggesting that wouldn't jeopardise prosecutions? You can't have it both ways, or don't you care about prosecutions?

Hon GEORGE CASH: The Leader of the House will remember clearly what he said in this House last Thursday.

Hon J.M. Berinson: And I stand by it.

Hon GEORGE CASH: He will also recall that he suggested to this House he had received an opinion and then reduced his comments somewhat by saying he was referring to notes.

Hon J.M. Berinson: Why don't you look at *Hansard*? The reason we have *Hansard* is so you can quote directly. You have misquoted me again.

Hon GEORGE CASH: I read *Hansard* and believe that is what Mr Berinson said.

Hon J.M. Berinson: That is a wrong belief.

Hon GEORGE CASH: As to the claim that the evidence given before the Royal Commission would cause prejudice of the public mind, including judges, again I suggest to Mr Berinson that it would be worth his reading the opinion of Terry O'Connor, QC in respect of that matter.

Hon J.M. Berinson: On that matter he does not dispute the possibility and nor does Geoffrey Miller, QC.

Hon GEORGE CASH: As to the claim that publication of evidence by the commission may

prevent people from coming forward I put it to you, Mr President, that clause 7 of the Royal Commission Bill introduced into the other place will allow for immunity from prosecution to be granted by the commissioner and is more likely to encourage people with important evidence, particularly public servants, to come forward. Evidence which will not stand the light of day should not be presented to any inquiry. Those people who are not prepared to stand up and be counted need not appear before the commission. There is no doubt that experience with similar situations, particularly with the recent Fitzgerald inquiry, suggests that this is the case. The crucial evidence given by members of the Police Force in Queensland was possible only because of the power of the commission to grant indemnity.

Another claim often made by the Premier is that civil and criminal cases could be prejudiced if somebody gives evidence under immunity and that person's evidence is the only evidence in existence against them. Again, I refer members to the legal opinion of Terry O'Connor, QC. In making the points I have tonight I am aware of the other Bill that is before the Legislative Assembly and while not wishing to allude to it because I recognise it would be against the Standing Orders of this House, I want to make the following points and, in fact, offer the following comment to the Premier: If it is that the Premier's reluctance to agree to that Bill is founded on perhaps a problem in agreeing to the manner in which a special commissioner should be appointed, I put it to her and to the Government that the Opposition would be prepared to negotiate on that point. As I recall, the Bill provides that the commissioner should be as recommended by a majority decision by the Premier, the Leader of the Parliamentary Liberal Party and the Leader of the Parliamentary National Party.

Hon J.M. Berinson: Historically novel!

Hon GEORGE CASH: If it is that that is the sticking point with the Premier, there is room for negotiation to make sure it was a unanimous decision; that is, that all parties agree to the appointment of a particular person. It would not necessarily be a majority view, but it would offer the opportunity of veto to anyone of those parties - one of them being the Premier. I hope, if that is the sticking point, the Premier will reconsider that situation.

The question of Executive privilege and Cabinet secrecy is another aspect of the Bill which has caused questions to be raised. If the Premier has a problem in respect of that clause and, again, if that is the point which is preventing her from agreeing to a special Royal Commission, the Opposition would be prepared to negotiate on that clause also. The Premier has to make it clear to the community that she is in fact dinkum about those things she talked about some 19 weeks ago when she was elected to the position of Premier; that is, she wanted fair, open and honest Government and she wanted to seek the truth. If it is that we are to take the Premier at her word in respect of those matters she raised previously, then in regard to the Royal Commission that the Opposition has asked for I advise her that the Opposition is prepared to negotiate in respect of certain matters relating to the Royal Commission Bill. The Opposition is very keen to have a Royal Commission. I also make it very clear that the Opposition and, indeed, the Government and the people of Western Australia are no doubt not anxious to have another election. The fact is that we can come to some arrangement for a Royal Commission or some other suitable inquiry. I do not want to downgrade the idea of a Royal Commission but we would be open to suggestions from the Premier that would allow the Opposition to at least prevent the State being plunged into what could be a constitutional crisis as a result of the Premier's actions.

I made the point earlier that the Liberal Opposition will agree to the first reading of this Bill, firstly, to enable it to make the points I have made on behalf of the Liberal Opposition, and, secondly, to give the Premier an opportunity to consider her and the Government's position during the period between the first and second readings. I hope for the sake of the people of Western Australia that the Premier will deal seriously with the propositions I have advanced to her tonight. They are put forward in a very serious manner. For the Premier to dismiss out of hand the propositions I have put forward tonight would in my view put this State on a collision course and that is something no member of this Parliament would want and it is certainly something that the people of Western Australia do not want. The people of this State have said they want a Royal Commission; they do not necessarily want an election, but without question they want to know where their money has gone. With those comments, the Opposition indicates its support for the first reading of this Bill.

HON E.J. CHARLTON (Agricultural) [8.09 pm]: Finally, the Supply Bill has reached the

Legislative Council. It is fair to say that no other Bill has had as much prior debate and publicity as this Bill and I will not elaborate on the pros and cons of it.

The National Party's position has been publicly stated and it intends, for one basic and simple reason, to oppose the first reading of the Bill. In our opinion the Premier has had ample time in which to make a decision in response to the call for a Royal Commission. It is abundantly clear - in fact as plain as the nose on one's face - that she will not respond to that call; neither she nor the Government of Western Australia have, or ever had, any intention of establishing a Royal Commission. It has no genuine concern about this matter and has never intended either setting up a Royal Commission or a properly constituted independent inquiry into the financial dealings that have taken place. Those financial dealings were based on the critical involvement of a succession of Ministers in this State. In the last few months we have witnessed the removal of a Premier, Deputy Premier and a couple of Ministers. Taking all that - which is unprecedented in this nation - into account the Government has flatly rejected the proposition of an independent inquiry into the goings on in which those people were involved.

Hon B.L. Jones: At this stage.

Hon E.J. CHARLTON: I hear an interjection from a member on my left saying that the Government has not done so at this stage. I advise that member, through you Mr President, that if she genuinely believes in promoting the line that the Premier has not agreed to a Royal Commission simply at this stage, and if she believes the Premier is likely to do so at some other stage, she should let us all know. If any other Government members believe that, they should also let us know. In my opinion it is simply a red herring, and an attempt to con the people of this State. It is typical of the type of hoodwinking that has been practised in the State by one Premier to the next to the next, and one Deputy Premier to the next to the next.

This whole exercise has been a concentrated effort in deception and keeping the truth from the people. If the Government keeps going down that path long enough, it will be too late and the matter will have gone too far for any Royal Commission or independent inquiry to assess and find out the details of these activities. In the opinion of the National Party the Premier is nothing more than a front to appease the people of this State and to sell them the principle that they can trust her because she is the new Premier, and that the person advising the people of Western Australia a few months ago that he was the leader of a future the people could believe in, was not serious and that people should no longer believe him. She is trying to convince the people that this is a new setup, a new look Government with new people at the helm who are about accountability. She is trying to sell them the story that the previous Government was not honest but those people have been got rid of and the community can believe in the present Government. We do not buy that proposition; after the third time the Government is out. As Hon George Cash said, the National Party wants that independent inquiry and nothing less than that is acceptable. If the Government were genuine about accountability it would initiate that inquiry. There can be only one reason for the Government not to do so; that is, because it does not want anyone to know what went on. No other point of view can be substantiated or put forward with the expectation that anyone will believe it.

Several members interjected.

The PRESIDENT: Order!

Hon E.J. CHARLTON: It seems that a few people from the Government benches know what went on, and a great number do not know, are not interested and do not care about what went on. As long as they can keep it under cover they are quite satisfied to allow the Government to carry on under the new leadership. The National Party recognises the seriousness of this matter, and that the people of this State do not want an early election. I have said repeatedly that neither the public, the Liberal Party, the National Party nor the Government wants a forced early election. However, no-one should get this matter wrong: The National Party above all wants to know the truth. That is the key issue. No-one should mischievously play around with the facts and suggest that anything is more important than the truth.

Several members interjected.

The PRESIDENT: Order! I will not continue calling for order all night and have members totally ignore me. This is an historic occasion, and it would be a shame if members were not here when it occurs!

Hon E.J. CHARLTON: One of the sad aspects of this public debate is that the whole emphasis has been changed and redirected. The debate in the last few weeks should have been about whether the Government would initiate an independent inquiry. The whole emphasis within the media and in public areas of debate should have been about why the Government will not establish a Royal Commission, and why the Government is using this paltry excuse that it cannot interfere with the current inquiry under way. Anyone involved, or anyone who knows about these matters, is aware that that is totally misleading and an irresponsible excuse for the Government's not making a commitment. Anyone who considers this matter will know that the McCusker inquiry has nothing to do with the involvement of Ministers in office now and those who were in office at the time these matters occurred. The McCusker inquiry relates to Rothwells, and this independent inquiry also relates to that matter but for totally different reasons.

The reason this matter has reached this stage in Western Australia is that the Government under former Premier Brian Burke agreed to a \$150 million guarantee. However, the Government would not own up at the time and behave in a gentlemanly, honest or responsible way; and after all it was debatable whether or not it should have given that guarantee because of the effect a collapse could have had on the business sector. Everyone knows that the Government and the taxpayers bail out other organisations. However, having made that decision, why did the Government not honour the guarantee? Everyone knows why that series of events took place. It is simply because the Government of the day decided it would be better not to have that focus on its political future and, therefore, it decided it would be better to cover it up. Then followed a series of events. The Government kept on going, and that \$150 million has grown into what is now said to be about \$850 million. I do not know what the exact amount is. It may be \$1 billion, or \$1.5 billion.

Hon T.G. Butler interjected.

Hon E.J. CHARLTON: Not even Hon Tom Butler knows. We have now reached the stage where this series of "covers up", as the ABC described it -

Hon Mark Nevill: You are announcing a verdict of guilty and asking for a trial afterwards.

Hon E.J. CHARLTON: Whichever way we may say it, the bottom line is that we have had three Premiers during that period, and we have now reached the stage where, despite the Government's you-beaut talk about accountability, it is refusing to have an independent inquiry. Were the Premier, her current set of Ministers and her members as genuine as they are telling the public of Western Australia that they are, the public of Western Australia will forgive them for what has happened.

Several Government members interjected.

Hon E.J. CHARLTON: Members opposite may laugh, but the people in this State are pretty generous. Were the Government to instigate an independent inquiry, the public would at least admire it for having had the internal fortitude to stand by its convictions of accountability and honesty, and the Government and the Opposition would be able to get on with what they want to do for the good of the State.

We oppose the first reading of this Bill, for the reasons I have outlined, and for one more reason.

Hon Garry Kelly: You have forgotten.

Hon E.J. CHARLTON: I have not forgotten. I have thought about this a lot. Whenever we discuss anything to do with the Government's financial management or mismanagement of the State, the defence of some members opposite is to laugh about it and to say that the Opposition has not proved anything. I have never heard any of those people actually try to justify what has taken place.

My final point - and I am speaking for myself, not for anybody else - is that I cannot see how we can let this Bill pass while the Government refuses to instigate an independent inquiry. Were we to do that, we would imply that we condone what has taken place. We would create a precedent for every Government in the future to say, "All we have to do is change the leader, or get rid of one or two Ministers down the line, and everything will be okay." Never again will anyone have to admit that they have made serious mistakes which have cost the State dearly. We have no option but to oppose the first reading of this Bill.

HON R.G. PIKE (North Metropolitan) [8.24 pm]: I think members will agree that this is probably the most significant debate that has occurred in this Chamber during the 100 years that the Chamber has been in existence. We are addressing an historic situation. Notwithstanding that in all of that time an upper House has not used its undoubted powers to defer or to reject Supply, we are now looking at a situation where the obscene machinations of the Labor Government have been publicly exposed, to the degree of \$424 million, which was the admission of the Leader of the House in respect of the losses incurred by Petrochemical Industries Co Ltd. Therefore, the real question before us is whether it is correct for a Government which has retrospectively so massively misbehaved to be saying, "We will set that aside. We will not take any positive action to institute an inquiry in respect of how much was lost, where it was lost, why it was lost, who was responsible for the loss, and - most important of all for the people of Western Australia - can it be recovered, and, if so, how much of it can be recovered?" The Government is saying to us prospectively that it wants us to give it an imprimatur for another \$2.4 billion to enable it to continue to run the State, notwithstanding the fact that it has already made such a stuff up of doing that.

That is the question before the House, in the plainest of terms. Therefore, at the risk of retreading what has already been said, I wish to mention a few points. The attitude of the Premier and the Leader of the House in respect of the McCusker inquiry has been to give us part of a verbal determination made by the Solicitor General that, in his opinion, it would not be proper to have an inquiry which is to be conducted simultaneously with the McCusker inquiry because there could be some type of legal misplacement of facts to the detriment of the people who will face a legal trial.

Hon J.M. Berinson: I do not know what you mean by that sentence but the whole of the Solicitor General's comments was incorporated in *Hansard*.

Hon R.G. PIKE: We will listen to the Attorney General's cry later. We heard it the other day in response to a question. The answer is quite simple. I am referring particularly to the Premier's subterfuge and refuge behind the Solicitor General's opinion. This House has asked for a report. Learned judges have said elsewhere that the question of conflict is quite simply resolved. The Royal Commissioner who is to be appointed will be a learned man such that when the evidence is, in his view, in conflict with a pending court case, that evidence will be kept in camera for the time being.

I turn now to some of the known facts. Members must bear in mind the timing of these matters. Should the Premier institute tomorrow a Royal Commission with acceptable terms of reference, then by the time the commissioner has been appointed and the various infrastructures have been put in place, McCusker will be due to bring down his report. Therefore, why is it necessary to have any delay? Why is the Premier fudging? The answer is that she would rather put up with the public odium of having a stand off in not implementing a Royal Commission at this time, and to take the flak for that, than to take the flak politically in respect of the findings of a Royal Commission.

Hon J.M. Berinson: But we are talking about five or six weeks, Mr Pike. What is this point you are making?

Hon R.G. PIKE: That is a matter for the public of this State to debate. We have had this sort of interruption from the Leader of the Opposition and from members on the other side of the House.

Hon Graham Edwards: Leader of the Opposition? I don't think you know.

Hon R.G. PIKE: That was a Freudian slip. We have had interjections from the Leader of the Government and also from Hon Graham Edwards for a long time. We have heard this shouting and this hip hip hooray for months. The fact is that the people they are defending, Mr Dowding, Mr Burke and Mr Grill, made the same sort of comment, "We are right and you are wrong." It has been evidenced conclusively that the Judas goats, namely Burke, Dowding and Parker have now been sacrificed. Tonight I have been told that I am wrong and Carmen Lawrence is right. The other three, on their own admissions, have gone and we are wrong! Now who is right? So much for the inane interjections.

If a Royal Commission were instituted tomorrow and the Rothwells matters were set aside, the following matters have been identified as part of the nefarious activities of this group which, for the time being, calls itself the Government: The Fremantle Gas and Coke Co Ltd;

the Argyle diamond venture; the Midland abattoirs and stockyards sale; the Perth Technical College site, St George's Terrace; and the St George's Terrace and all other property deals including the sale and release of Crown land for development. That is a very interesting one. I am told that, allegedly, the Labor Party hierarchy has been in that type of activity up to its hocks and the Opposition and the public know very little about it.

Government members interjected.

Hon R.G. PIKE: We are hearing the same laughter that we heard from Burke, Dowding and Grill.

Hon J.M. Berinson: You have privilege. How about giving us some details?

Hon R.G. PIKE: Hear me well.

Hon J.M. Berinson: Not even under privilege, Mr Pike?

Hon R.G. PIKE: There was the St George's Terrace -

The PRESIDENT: Order! This debate will continue whether members like it or not. I have said to members on frequent occasions that they do not have to like what members say, they do not have to believe what they are saying, but they have to let them say it and they will allow them to say it in the absolute knowledge that as soon as the member on whom they are interjecting sits down, they are free to have their say. That is the way we will do it. I would hate to establish a precedent by naming somebody on this historic occasion. A couple of people are endeavouring to be named. I assure members that there is one on each side so they will be paired. If they have an ulterior motive to get someone thrown out, that will be cancelled out because somebody on the other side will follow quickly. For the last time, I ask members to try to behave like members of Parliament and allow the member to make his speech.

Hon R.G. PIKE: Lest the emphasis was lost in the interjections, I will say again that I refer to the St George's Terrace and all other property deals including the sale and release of Crown land for development; the Rothwells rescue; the proposed Kwinana petrochemical project; the Burswood Casino development; the State Government Insurance Commission investments and any other transactions which may or may not have been disclosed or recognised or characterised as being part of WA Inc but which contain elements of a similar nature to those which are so characterised. The most important part of this whole debacle is the use by the Government of the State Government Insurance Commission and Corporation, the State Energy Commission, the R & I Bank, the Superannuation Board, the Western Australian Development Corporation and the Exim Corporation in regard to these transactions.

I want members to bear with me for a moment while I give them a scenario. Page 115 of Hamilton's *Burkie* has Pearce defining Burke's Corporatism. He said it was that type of socialism that capitalists can live with and it has a big advantage because they have effective control over a society and big business is not opposed to them. I have quoted that almost word for word. What happened was the definite use of the financial organs of the State. The key to WA Inc is not isolated by Rothwells or the McCusker inquiry; it is the quite purposeful administration and obscene manipulation of the instrumentalities of the State by a Government determined to corporatise the State and keep business and the electors on side; and it failed. It failed for many reasons, but October 1987 was the key to its massive failure because the backside fell out of the stock market and the securities. We then saw the rush, the helter skelter.

Investigation of the use of those State financial arms by the Government would give a Royal Commission more than enough to do for a year and a half before it looked at Rothwells. That is the area where the manipulation took place. A Royal Commission would only have to wait for friends to fall out as Bond fell out with Mr Dowding and for those people to give evidence and so on to see the tangled, rotting web exposed. It is farcical, foolish and not acceptable to say, "Yes, but not yet; we are all honourable, we are all upright, but not this week." The facts are there and the people of Western Australia are properly demanding action of us.

To the great disadvantage and detriment of the coalition in this place which had the numbers, it allowed the Northern Mining Corporation (Acquisition) Act to go through which gave the

then Treasurer Burke unfettered authority to do a number of remarkable things. Section 5 of that Act gave the Treasurer the power to make unfettered payments from the public purse as he deemed necessary without reference to the Parliament. Section 6 gave the Treasurer the power to give guarantees. The reality of the collapse of Petrochemical Industries Co Ltd was simply that the lenders to the Government found that - I think my sections are right - there was a conflict between section 72 of the Interpretation Act and sections 5 and 6 of the Northern Mining Corporation (Acquisition) Act and that the Interpretation Act took precedence. Dowding was told that businesses, that is to say the lenders, wanted an additional specific enabling Bill, otherwise the Northern Mining Corporation (Acquisition) Act and the say so of the Treasurer would not be sufficient collateral for them to give the Government and Bond the \$400 million for the petrochemical project. It was to the great credit of Hon Eric Charlton and his team who knocked it back, that that was the straw that broke the camel's back. When that collapsed, the whole obscene fabric collapsed. It was all about a Government using an Act of Parliament which enabled it to bypass the authority of Parliament to raise money.

It highlights the most important point of all and that was an absolute determination on behalf of the Burke Government and then the Dowding Government - decisions with which Carmen Lawrence was associated as a member of the Cabinet - to bastardise, pollute and render worthless the Westminster system of proper accountability as we know it. That is what the Government set out to do, and it would have been successful except that the lenders of the \$400 million would not accept the security of the Northern Mining Corporation (Acquisition) Act and demanded a special Act of Parliament. Remember again the subterfuge when Mr Berinson and all his mates said, "This is just a tidying up operation which is not really necessary; but we think it is more business wise to go down that path. It is not a big deal." Not much! It was a big deal and the Government tried to get it through and failed. That is the issue before this House and because of that failure this House is tonight looking at the problem of Supply.

Another thing the Government did of which I am critical was go to the then recently retired Chief Justice and get him to agree to head the Burt Commission. I will be very careful with my language here; it was fundamentally wrong that Sir Francis Burt accepted the commission from Mr Dowding to bring down that which was only a prospective report on accountability. It was an excellent and outstanding report on prospective accountability. It is lamentable and unfortunate that the people involved in that negotiation did not say to the then Premier, "To be very frank Premier, I think that in this circumstance this ought to be a report on retrospective and prospective accountability." I am not exaggerating when I say that no less than 17 lawyers expressed their regret that the report was merely a report on prospective and not retrospective accountability. The Labor Party, we remember, regarded it as a coup because the following day a full page paid political advertisement in *The West Australian* announced that Sir Francis Burt had accepted the commission. That was the subject of a donnybrook in the other place and the Labor Party withdrew and apologised for including the name of Sir Francis Burt. However, the damage had been done; the Labor Party, for partisan political purposes, had used the name of that august gentleman with such an excellent reputation. The Labor Party was so enthusiastic in its determination that it could not contain the glee with which it put his name in the advertisement in the paper. It was very unfortunate indeed that that outstanding report on accountability - I have now read it three or four times - was prospective and not retrospective at a time when this State was crying out for a proper retrospective review on the obscene waste of expenditure and bad administration of this Labor Government.

This issue is a fact of history and it should not go unremarked. It is something that I have thought long and deep about and I considered that it ought to be spoken about at this time in this debate so the extent of the camouflage that the Labor Party has embarked on can become publicly manifest.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [8.43 pm]: The trouble with the Opposition is that, faced with one motion, it keeps on trying to debate two separate subjects. This is a motion about Supply. There is another and separate question about a Royal Commission, and that can be debated separately. The Government has not hidden from that question and does not do so now.

Hon George Cash: When can this House expect it?

Hon J.M. BERINSON: The Leader of the Opposition keeps saying, and he has said it again tonight, "The Premier continues to refuse an inquiry." On the contrary, the Premier has committed the Government to finding and exposing the truth and that will be done; but it will not be done by means of this Bill and it will not be done by blackmail.

Hon E.J. Charlton: When will it be done?

Hon George Cash: When will the Royal Commission begin?

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I repeat what the President has said concerning interjections; I might not be so generous and I might name a member from only one side.

Hon J.M. BERINSON: The reason that it will not be done by this Bill is that the Government will not succumb to the outrageous abuse of the powers of this House which the attempted linkage of these quite separate issues represents. The constant threats to block Supply with all the potential for instability, chaos and disruption which that carries are all issued with an apparent high moral tone, but in fact with the lowest political motives. Some of the Opposition members, and surely only some of them, want an early election because some of them, and only some of them, really believe they would actually win it. I would have thought that the electors of Maylands and Fremantle might have sent members of the Opposition a message on that score by way of the recent historically low swing in by-election conditions. However, that is by the way. The fact is that these practical considerations are really beside the point.

The real objection to the threat to block Supply is an objection in principle. It is an objection which is shared by the public. In reverting to the comments of the Leader of the Opposition, I again refer to his constant use of the public opinion polls which support him in saying that a large majority of the public support a Royal Commission.

Hon George Cash: Are you denying that, Mr Berinson?

Hon J.M. BERINSON: I do not deny that; what I am saying, for completeness, is that the Leader of the Opposition might also acknowledge that a large majority of the public in those same public opinion polls oppose the blocking of Supply and they also oppose an early election. The blocking of Supply and even the threat of it is an effort to undermine the whole system of government and to give this House the effective control of Government.

Hon George Cash: Where did you stand in the House of Representatives, Mr Berinson?

Hon J.M. BERINSON: I repeat that the Opposition can use its 17 to 16 majority in all sorts of ways, but it cannot use it to effectively govern the State. Our system of government depends on a single basic proposition; that is, that Governments stand or fall on their capacity to attract the support of a majority in the lower House. That is where Governments are made and it is not the role of this House, indeed it is repugnant to that role, to assert a right to unmake Governments in this House.

Government members: Hear, hear!

Hon J.M. BERINSON: I would have thought that that would have been self-evident to all those moralists and political purists on the other side. They and their predecessors, as Hon Bob Pike pointed out, for 100 years now have argued that the role of the Legislative Council is to be a House of Review. Only in recent months this House has moved for the first time to a comprehensive committee system, at the initiative of the Opposition, and the expressed need to reflect its position on this House of Review concept. The remarkable thing is that the Opposition does not seem to realise - or if it does realise it cannot bring itself to acknowledge - what an utter rejection of that concept of a House of Review is constituted by a rejection of Supply or even the threat of rejecting Supply.

The review which is contemplated for upper Houses is review by debate; it is review by questioning; it is review by comprehensive inquiries. That can be done in this House and in the committees of the House where the powers of inquiry and freedom to comment are enormous. What a paradox, then, that at the very time the Council actually has a comprehensive review structure it abandons that role in favour of playing the bully. What a paradox that, at a time when the Opposition has actually achieved a House of Review structure, it has to be reminded of its own century-old rhetoric. Mr Pike alone has been carrying on for about 100 years with this rhetoric! I would expect him, if no other member of the Opposition, to recall that.

Only yesterday Senator Macklin referred to his experience in the Commonwealth Parliament since the events which scarred the nation in 1975. He stated the following in the course of a 6WF radio interview -

Since ... we gained the balance of power in 1981 we have had 18 occasions on which we could have destroyed the Government, and we passed every one of those up, on the basic principle that if an Upper House has a justification, it must be as a house of review, it's not another governing chamber. Not as a chamber to say, you will govern now or you will have an election or you will do something else.

Hon George Cash: I hope you will quote Senator Murphy, because you were a member of the House of Representatives at the time.

Hon J.M. BERINSON: We have been through that one, Mr Cash, and you were done like a dinner!

Hon P.G. Pental: It showed you up to be a hypocrite of the highest order.

Hon Kay Hallahan: Rubbish!

Hon J.M. BERINSON: During the interview Mr Macklin also said -

I think that there is tremendous merit in the Liberals in Western Australia if they believe that they can [be] elected, to do it in the right and proper fashion, and not simply hijack the Parliament so that they can get an early election. Particularly as in Western Australia, they won't even go to the people themselves.

If the Opposition objects to taking advice from Queenslanders, let me offer it the same advice from another, local source. *The West Australian* editorial of 9 June 1990 put an argument shortly and to the point; it stated the following -

The blocking of Supply should not be linked directly to demands for a royal commission into the WA Inc mess. The argument should centre on the validity of the State election in February last year.

Oppositions have no right to force elections on the basis that governments won't do what they want. Such a system would make polls simply a waste of time.

Supply is not an instrument for blackmail by an Opposition with superior numbers in an Upper House, but not enough MPs in a Lower House to govern.

Much has been made of the functions of the Council as a house of review. It cannot be stressed too strongly that its role is review, not revolution.

I wish that I had thought to construct the argument in those terms because it puts the argument in a nutshell, is undeniable, is right and is entirely contrary to the view taken by the Opposition in this House during the past 12 months.

Hon P.G. Pental: It is as much rubbish as your speech.

Hon W.N. Stretch: Read the Constitution instead of *The West Australian*.

Hon J.M. BERINSON: I say, as the Premier has said time and time again, that we are committed to finding the truth.

Several members interjected.

Hon J.M. BERINSON: We are committed to establishing responsibility, and we are committed to ensuring that the events of recent years will not, and cannot, ever happen again. That is for another day, for other procedures and for another decision. For now it is the role of this House to stop playing the obstructionist, to stop making these unsubtle grabs for power, to stop the constant threats of an early election, and to start at last with some real work; that is what the Government is committed to and that is what it will do.

Question put and a division taken with the following result -

Ayes (30)

Hon J.M. Berinson
Hon J.M. Brown
Hon T.G. Butler

Hon George Cash
Hon Cheryl Davenport
Hon Reg Davies

Hon Graham Edwards
Hon Max Evans
Hon Peter Foss

Hon John Halden
 Hon Kay Hallahan
 Hon Tom Helm
 Hon Barry House
 Hon B.L. Jones
 Hon Garry Kelly
 Hon P.H. Lockyer
 Hon Margaret McAleer

Hon N.F. Moore
 Hon Mark Nevill
 Hon Muriel Patterson
 Hon P.G. Pandal
 Hon Sam Piantadosi
 Hon R.G. Pike
 Hon Tom Stephens
 Hon W.N. Stretch

Hon Bob Thomas
 Hon Derrick Tomlinson
 Hon Doug Wenn
 Hon D.J. Wordsworth
 Hon Fred McKenzie
(Teller)

Noes (3)

Hon J.N. Caldwell
 Hon E.J. Charlton

Hon Murray Montgomery
(Teller)

Question thus passed.

Bill read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Leader of the House) [8.59 pm]: I move -

That the Bill be now read a second time.

This measure seeks the grant of Supply to Her Majesty of \$2 600 million for the services of the year ending 30 June 1991 pending the passage of Appropriation Bills during the Budget session of the next financial year. The Bill seeks an issue of \$2 400 million from the Consolidated Revenue Fund and \$200 million from the General Loan and Capital Works Fund.

This Bill is an integral element of the Westminster system of Government and its purpose is no different from that of the Supply Acts of previous years. It is axiomatic to say that successive State Governments and Parliaments in Western Australia have accepted and understood that the intent of Supply is to give authority for expenditures from the commencement of a new financial year pending the passing of the Consolidated Revenue Fund and General Loan and Capital Works Fund Appropriation Bills. In May 1978, the then Treasurer expressed that understanding in the second reading of the Audit Act Amendment Bill. He said -

The need for the Government of the day to obtain from Parliament a grant of Supply pending the passage of the Appropriation Bill is an essential feature of the Westminster system of Government which reserves to Parliament the control of expenditure of public moneys.

In this respect a Supply Bill represents a proposal to Parliament for a general appropriation to enable the services of the State to be carried on until specific appropriation contained in the estimates of expenditure is approved.

The underlying principle behind those comments made 12 years ago remains unchanged today and, as has been longstanding practice, the amounts sought are based on the estimated costs of maintaining services and works at existing levels. No provision has been made for new initiatives or new major programs. These must await the introduction of the 1990-91 Budget. Having covered the purpose of the Bill, I will comment briefly on the current year's budgetary position and the financial outlook for 1990-91.

As members will recall, the 1989-90 Budget presented to Parliament on 31 August 1989 provided for a balanced Budget with expenditure and revenue estimated at \$4 824.3 million. Not surprisingly, in a Budget of this magnitude there will be significant variations to some of the revenue and expenditure estimates. Indeed, the midyear Treasury review revealed that, although a downturn in some revenues was foreshadowed and taken into account in framing the Budget, the impact of subdued economic conditions on revenue collections would be greater than first expected. In particular, lower than anticipated activity is now projected to lead to a shortfall of over \$50 million in estimated stamp duty collections. It was against this background that all departments and agencies were asked to exercise expenditure discipline so as to assist the Government in meeting its budgetary target. Expenditure transactions are being closely monitored to ensure that identified savings are realised.

Notwithstanding the measures that have been taken, the latest revenue and expenditure trends

suggest that it will not be easy to achieve the goal of a balanced Budget. That goal will be extremely difficult to attain if the Acts Amendment (Gold Banking Corporation) Bill is not passed by both Houses in the current financial year. Enactment is necessary for the State to receive \$25 million from Gold Corporation, as was allowed for in the 1989-90 Estimates approved by Parliament.

In respect of 1990-91, the Government is faced with a daunting task in formulating a balanced Budget. The outlook for some of its revenues remains subdued and the Commonwealth is likely to take a hard line at the June Premiers' Conference and Loan Council meetings in respect of both recurrent and capital allocations to the States. Along with the Commonwealth Government, the Western Australian Government recognises that it must play an important part in addressing the economic problems facing the nation so as to ensure soundly based and sustainable economic growth. Every opportunity must be taken to contain public sector demands on the economy, but at the same time regard must be given to the different circumstances facing individual States. The Western Australian economy has generally grown at a faster rate than any other in the nation over the last decade and its population is growing at nearly double the national average. Those population and economic pressures have led to demands for social and industrial infrastructure which must be met if our impressive growth performance is to be sustained, and the Premier will stress this point when allocations to the States are discussed at the Premiers' Conference and Loan Council meetings.

Clearly, however, there is a need to ensure that the maximum possible cost savings are generated through increased productivity in the State public sector and by ensuring that necessary Government services and programs are delivered at the lowest practical cost. To assist in this process the Government has now introduced a Cabinet Expenditure Review Committee to review all departmental expenditure on a program basis. The committee comprises the Premier as chairperson, the Deputy Premier and Minister for Finance and Economic Development, the Minister for Planning, the Minister for the Environment, the Minister for Health and me. As a result of its activities I anticipate the abolition of some programs which are no longer necessary and the scaling back of others which are underperforming. However, essential services will not be cut but rather we shall be looking at ways of reducing the overall cost of Government without adversely impacting on the public.

Given the public interest in this Bill and the general nature of its content, I indicate to the House that I propose to list the second reading stage for further debate tomorrow. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition)

TREASURER'S ADVANCE AUTHORISATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon J.M. Berinson (Leader of the House), read a first time.

Second Reading

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.06 pm]: I move -

That the Bill be now read a second time.

The Treasurer's Advance Authorisation Bill authorises the Treasurer to make withdrawals from the public bank account to provide advances for authorised purposes chargeable to the Treasurer's Advance Account within the monetary limit available for the financial year commencing 1 July 1990. The monetary limit specified within clause 4 of the Bill represents an authorisation for the Treasurer to withdraw up to \$180 million for the financing of advances in the 1990-91 financial year. This represents a reduction of \$70 million over the 1989-90 authorisation specified in section 4 of the Treasurer's Advance Authorization Act 1989. The reduction is made possible by proposed improvements in the appropriation process which will be announced in the near future and by reduction of potential funding requirements in other areas.

The purposes for which advances may be made are set out within clause 5 of the Bill and

remain unchanged from those authorised in previous years. Where payments are made for a new item or for supplementation of an existing item of expenditure in the Consolidated Revenue Fund or General Loan and Capital Works Fund, those payments will be chargeable against the appropriate fund pending parliamentary appropriation in the next financial year.

Members will be aware that a number of activities, such as the Building Management Authority's capital projects and works and sales accounts and suspense stores for printing and supply services, are initially financed by way of Treasurer's Advance which is subsequently recouped from the department or statutory authority on whose behalf the work or service was performed. Advances provided for other purposes are repayable by the recipient. I commend the Bill to the House.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

STATE PLANNING COMMISSION (AMENDMENT AND VALIDATION) BILL

Second Reading

Debate resumed from 17 May.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [9.08 pm]: This Bill is an amendment to the State Planning Commission Act and will ensure that certain amendments in the metropolitan region scheme have effect and for other related purposes.

Members will be aware that some years ago the Metropolitan Region Planning Authority was subsumed by the State Planning Commission, and that during debate on legislation on that matter the Metropolitan Planning Council was established and vested with certain powers. During the ensuing period the Metropolitan Planning Council has made various decisions, but following a recent court case in respect of some land in the Helena Valley area, the competence of the Metropolitan Planning Council to make certain decisions has been brought into question. In general terms the court found that the State Planning Commission did not have the necessary power or authority to delegate certain responsibilities and authority to the Metropolitan Planning Council. As a result of that court decision, the decisions made by the Metropolitan Planning Council are now believed to be ultra vires, and hence the need for this validating legislation.

The legislation seeks to clarify the powers of delegation of the State Planning Commission in respect of the Metropolitan Planning Council. It also intends to validate the acts of the Metropolitan Planning Council based on the delegated authority of the State Planning Commission, and to validate the actions of both the State Planning Commission and the Metropolitan Planning Council since the commencement of the State Planning Commission Act in December 1985. A schedule that was provided by the Minister for Planning indicates that 165 amendments require validation. The Opposition accepts the Government's explanation that the reason that it brought this Bill to the House is to make good an error of procedure which the State Planning Commission and many members of the land development industry of Western Australia believe was made in good faith. A problem with the legislation is that, as well as validating the actions of the Metropolitan Planning Council, it appears that it will take away the right of members of the community to challenge those decisions. It is not the Opposition's intention to support any legislation which takes away the right of the public to properly litigate matters which are of interest to them. The Opposition has discussed the matter with representatives of the State Planning Commission and this afternoon the Minister proposed certain amendments to be made at the Committee stage of this Bill. These will ensure that the right of people to litigate in respect of decisions which this legislation will validate will not be reduced in any way whatsoever. In other words, that right will remain.

The argument before the House revolves around section 33A of the Metropolitan Region Town Planning Scheme Act, and members who are familiar with that Act will recognise that that section deals with both minor and major amendments. I do not wish anyone to take what I am about to say as a definition of the differences between a minor and a major amendment.

Hon Kay Hallahan: Please don't try that.

Hon GEORGE CASH: The Minister for Planning has interjected by suggesting that no one should attempt to define the difference between a minor and a major amendment.

Hon Kay Hallahan: I just said, "don't".

Hon GEORGE CASH: The land development industry and the public who have taken an interest in land planning and development in this State understand that minor amendments under section 33A generally tidy up the margins or edges of planning schemes. Small amendments of limited significance, such as the widening of major roads and the need to alter the alignment of a road which has been affected by the metropolitan region scheme involving up to 300 square metres of land, were regarded by people with commonsense as minor amendments. The Metropolitan Planning Council is able to make declarations in respect of such amendments and the Minister for Planning can, by certificate, decide what is to be a minor amendment and the process will proceed. Major amendments generally involve a greater area of land, but area is not necessarily the only criterion. Section 33A of the Metropolitan Region Town Planning Scheme Act provides that amendments must lie on the table of both Houses of Parliament for not less than 12 sitting days and that amendments can be disallowed by either House of Parliament. That has been the procedure for many years.

Professional planners and those in the land development industry accept that it is difficult to make an absolute definition of the difference between a minor and a major amendment to the scheme. The criteria and the distinctions that are entitled to be drawn between minor and major amendments must be established. Over recent years significant numbers of amendments have been made which some people in the community have considered to be major amendments to the scheme but which have been regarded as minor amendments and have progressed via the minor amendment course through the planning process. It is the public's perception that there have been occasions where it has suited either the Government or others - I am being broad in my comments because I cannot identify people or specific land - to use the minor amendment process of the planning system rather than apply to the procedures for a major amendment.

Hon Fred McKenzie: That applies to all Government schemes.

Hon GEORGE CASH: I take Hon Fred McKenzie's point. Those people argue that it does not extend for more than the past few years, but that is not an area I intend to comment on in great detail because I cannot name anyone who has abused the system and I am not able to relate any specific case. However, the community's perception - I do not know whether it is properly founded - is that there have been abuses of the procedure for the use of minor or major amendments, and that matter should concern this House. That message has filtered through to the planners at the State Planning Commission who are more conscious now of drawing a distinction between a minor and major amendment. That is notwithstanding the recent Helena Valley court case, which clearly suggested that the Metropolitan Planning Council did not have certain authority when it brought down its decision in respect of that land.

Approximately 165 areas of land are itemised in a schedule which has been provided by the Minister for Planning. While the Opposition would like to have had the opportunity of going through every single item and identifying for itself whether it should have been a minor or a major amendment, a committee of the Opposition which considered this Bill believed it was not the duty and responsibility of this Parliament to become planners for the State. As a result, while some detailed study of the various areas of land which comprise the schedule was done, on the information provided by the Minister, in-depth investigations into every specific area of land were not feasible, and indeed not physically possible, given the constraints imposed on the Opposition.

However, the Opposition would like three lots considered as we debate the legislation before the House. One is the rezoning of the old Swan Brewery site from "urban and recreation" to "public purposes (special uses)". The second is schedule No 696/33A, land for "public purposes" to "urban reserve 33286, Padbury," within the city of Wanneroo, sometimes known as Hepburn Heights. The other is an area of land which was the subject of some discussion this afternoon during question time. It is an area of land in the general Kwinana region of the metropolitan area known as Leda. I have had some informal discussions with the Minister and I have given her a general understanding that the Opposition is considering not agreeing to these three areas of land comprising part of the schedule. It was agreed at a meeting earlier tonight that the Opposition would be opposed to those areas, and during the

Committee stage of the Bill we will move an amendment to delete them from the schedule. Indeed the Bill contains a specific reference, so it is clear that it will not validate those three areas of land.

As to my earlier comments about the three streams which generally comprise the Bill, I recognise that the Minister has taken legal advice concerning the rights of the community to litigate in respect of all those other areas of land in the schedule. I confirm that the Opposition is pleased that the Government will agree to move an amendment during the Committee stage to make clear both the Government's and the Opposition's intentions for the rights of people to litigate. Some members of the Opposition will argue that greater clarification is needed in the wording, but I shall leave those members to make their own comments at the appropriate time.

There is no doubt that the question of major and minor amendments is one which the community has spent a lot of time considering. As a result of seeing some of the legal opinions given to me by interested members of the community, I can say that they have also spent an enormous amount of money seeking legal advice about the position of various areas of land throughout the metropolitan area. I must recognise the various conservation groups which have approached the Opposition and asked it to take particular note of areas of land which they believe have a particular environmental interest. The Opposition has considered those various parcels of land, but given the fact that there are something like 165 parcels of land within the schedule, after very detailed consideration and debate in the party room the Opposition has come to the view that it would be unfair to single out only those parcels of land about which representations have been made and leave the rest in when many of those on which submissions have not been made to the Opposition might have similar criteria attaching to them. The Opposition has made that determination on the clear understanding that those various interest groups throughout the community, and in particular the environmental and conservation groups with an interest in this legislation, will at all times have the right to institute whatever litigation they believe is appropriate in regard to the land which they believe should be treated in a very special way.

As much of the debate will occur during the Committee stage, in general terms the Opposition agrees with the general thrust of the Bill as proposed by the Minister. It is fair to say that the Opposition is prepared to accept that there has been an error in procedure, that error is a bona fide error, and that the validation is therefore correct; it was not known by the Metropolitan Planning Council when making its recommendations to the Minister. It is also fair to say that the Minister has said in good faith that she also did not recognise that there was some question about whether the Metropolitan Planning Council had the authority everyone assumed it had until such time as the recent determination of the court on the case which brought the whole matter to a head. It is also important to note that the land which was the subject of that court case is specifically excluded by this Bill, and no validating action which the Parliament takes now will affect that land. That land in Helena Valley will run the normal course. Those interested in taking legal action over decisions made on that land will have their rights preserved, as will any other person interested in litigating on any of the other land in the schedule.

With those comments I indicate the general support of the Opposition and look forward to the Minister's response, and in particular to the Committee stage where various amendments will be moved.

HON P.G. PENDAL (South Metropolitan) [9.29 pm]: I support the Bill and indicate my specific support for the many dozens of rezonings which are the subject of the Bill. I address my remarks to the two or three parts with which I do not agree and which have been identified by the Leader of the Opposition. The two in particular to which I wish to draw the attention of the House are the land at Leda near Kwinana, and the old Swan Brewery site.

It will not be unreasonable for members to be given a little background to the history of the land at Leda which, for a generation, has been set aside by successive Governments for use as a reserve and as an environmental buffer zone between the Kwinana industrial strip on the seaward side and the Town of Kwinana inland. If the buffer zone was important a generation ago when the Brand Government saw it as such, it has become critical now a generation later, not the least reason being that there is now significantly more industry on the Kwinana industrial strip and, on the other hand, significantly, because the Town of Kwinana has

grown enormously since those early pioneering days of the 1960s. In many respects it could be argued that the Town of Kwinana is no longer only one location but four or five very large and growing suburbs, one of which is Leda.

People have campaigned for many years in the light of that piece of history to ensure that, what the early planners did, later planners should respect and that, what the earlier politicians were courageous enough to do, later politicians should honour. It had always been assumed that the land in question was safe. However, I regret that nothing is now safe from a Government that is hungry and desperate for revenue.

Hon Kay Hallahan: Don't spoil yourself.

Hon P.G. PENDAL: The Leda redevelopment is about money.

Hon John Halden: It is about town planning.

Hon P.G. PENDAL: It is not about planning.

Hon Kay Hallahan: It is. It is about housing.

Hon P.G. PENDAL: It is not about providing housing lots for ordinary people. The Government, the Minister and the local members know that in that part of the southern metropolitan area there is adequate land owned by the private sector which has been degraded over the years.

Hon Kay Hallahan: Where is it, Phillip?

Hon P.G. PENDAL: It is suitable for subdivision. Of course the Government chooses -

Hon Kay Hallahan: It is probably up for subdivision, too.

Hon P.G. PENDAL: - to set aside the buffer zone so it can make money by selling it. Has any member heard of a similar situation anywhere in Australia of a Government wanting to sell a buffer zone? That is what is being proposed here. It is preposterous that we should be asked to validate this move and make that land available for housing.

Hon Kay Hallahan: How come you are the only person who thinks this?

Hon P.G. PENDAL: I will come to that in a moment. I will give the Minister local evidence for what I am saying and give her the reason for my being able, on two separate occasions within 10 months, to introduce Bills into this House to ensure that what the early planners and politicians wanted done with Leda was done. The Government got caught out by being too smart by half. At this time last year, as it was approaching the period that it wanted to rezone that land, the Government fought any suggestion that this was a major amendment. How its chickens have come home to roost in the meantime. The decision that we are now being asked to validate is at the heart of what those local people were campaigning about a year, two years and three years ago. They had the view that what was occurring was a major amendment to the metropolitan region scheme. However, the planning authorities, for whom I do not have a lot of respect for reasons that I will mention briefly, were laws unto themselves. They were able to say, back in their offices in St George's Terrace, "If you think this is a major proposition, you prove it." That is not unlike what Hon Peter Foss said about the other misdeeds of this Government; it says with contempt "If you think something is wrong, you prove it."

Hon John Halden: You made a quantum leap from bureaucrats to Government.

Hon P.G. PENDAL: That is what the local people were told to do and that is what members of Parliament were told to do. I asked questions in this House week after week for justification, not from this Minister I will admit, but from her predecessor. Her predecessor followed the departmental line, which was the same line that was being shoved down the throats of previous Liberal-National Party Governments. Ian Pratt and I fought a couple of those decisions, some of which were overturned. Hon Fred McKenzie will remember the Wungong Gorge decision. One of my constituents, a man known to Ian Pratt, was going to be bulldozed into something that he should not have been bulldozed into.

Hon J.M. Brown: Was that for the Wungong dam?

Hon P.G. PENDAL: No. That man found that two backbench members of the then Government were prepared to stand up to their Government and they won. However, for Ian Pratt and I to have won required the backing of every Liberal and National Party member in

this place to stand up to their Government too. That is why we succeeded and that I guess is one of the great differences between people who sit on this side of the House and those who sit on the other side of the House. The rights of that man were protected by something that is often the subject of abuse and vilification by members opposite.

Hon J.M. Brown: A gentleman and his wife sat in the Public Gallery.

Hon P.G. PENDAL: Yes, that was Mr Crooks and his wife. However, another person and several landowners were affected by that decision. The Liberal and National Party members of the Government at that time said to the Government, "We will not allow the Metropolitan Region Planning Authority to do those things to these people. This is the Parliament talking and this is how the MRPA must act." We were able to do that because the amendment was regarded as a major amendment and was subject to disallowance. The MRPA had to come to this House. That happened not so long ago.

Why are we fiddling with this validation Bill which has caused untold concern to people? We are here because the planning people and the Minister overstepped the mark. It said that it would be judged from now on and that it would treat these as minor amendments. It said, "We will show them; that will trick them, as they were too smart by half." I find it extraordinarily ironic that we will be able to save the land because of the validation Bill this year. We were not able to save the land last year because the Minister was telling us that the minor amendments would not come to Parliament - the Minister was saying "tough bananas".

Hon Fred McKenzie: I moved a similar amendment to clause 14 - if I remember correctly - and Hon Ian Medcalf would not agree to it. That was worse.

Hon P.G. PENDAL: I do not recall that.

Hon Fred McKenzie: You may not have been here. That was worse because I could not even make a submission.

Hon P.G. PENDAL: I am grateful to the honourable member for his point.

The people of Leda, Kwinana, Parmelia and other suburbs were left in a position in which small income earners would have had to take this matter to the Supreme Court. They could have done what the people of Helena Valley had done; I am not suggesting that these people were loaded with money that they could splash around to take on the State Government, but I would not receive much argument if I said that the people of Kwinana had less capacity to do so with the unemployment rate in the area and the socioeconomic group we are referring to. Therefore, they had no capacity whatsoever to take this matter to the Supreme Court.

In my capacity as both the local member covering the Leda area and as the Opposition spokesman on the environment I find it ironic to read the 10-point charter this Government has ascribed to in its environmental principles. To interfere with the buffer zone at Leda could repudiate and contravene what the Government has subscribed to in its 10-point plan. One of the points in the plan, which came out as so much of the Government material does with elaborate illustrations and on glossy paper, is that all people have the right to live free of industrial pollutants and industrial risk. That is the very reason for the buffer zone having been installed in the first place.

Hon Fred McKenzie: Has the EPA assessed the area?

Hon P.G. PENDAL: Yes.

Hon Fred McKenzie: What did it say about it?

Hon P.G. PENDAL: We will come to that.

Hon John Halden: Is it not true that the area next door was a buffer zone as well?

Hon P.G. PENDAL: As the member should know as he is a local member, the people in that part of the region are fed up.

Hon John Halden: What are they fed up with?

Hon P.G. PENDAL: They are fed up with the Government and the industry which says that these people are dispensable. Shortly I will read an argument from one of the newly elected councillors from the area, and members will see that he makes a charge that the area is in a safe blue ribbon Labor seat and that the protest will not make any difference.

Hon John Halden: But the Labor Government has been very supportive.

Hon Kay Hallahan: It does not sound like a very good speech from a new councillor.

Hon P.G. PENDAL: I am pleased to hear the Minister say that, and I will refer her comments back to the councillor. I refer to a transcript of comments by K.J. Jackman who has, since May, been a councillor for the Parmelia area. His comments were made to the Kwinana Town Council, requesting that it reconsider its decision to rezone land to the west of the Sloans Reserve from parkland to urban. The Minister has gone some of the way in her announcement towards meeting what I, this man and many others wanted. With respect, that is too little too late.

Hon Kay Hallahan: It is never too late if it is a good thing.

Hon P.G. PENDAL: I agree. Perhaps we could come back to this another time when we have had a chance to examine the maps and look at what we are asked to deal with. Since the matter came into the Parliament the ball game has been changed by the Minister's announcement last night. So, it is not that we have had three weeks in which to examine it in the Parliament, because the matter changed late last night. After I arrived home from a meeting I received a phone call at 11.00 pm from *The West Australian* asking whether I would comment on the statement made by the Minister regarding a comment I had made. I was surprised to learn of this.

Hon Kay Hallahan: I was not commenting on your statement at all.

Hon P.G. PENDAL: We had some concessions from the Minister.

Hon Kay Hallahan: It is very gratifying!

Hon P.G. PENDAL: Councillor Jackman states -

There is no room for compromise in opposing the Governments proposal to rezone the land west and south of Sloans Reserve shown on Metropolitan Regional Scheme Map No. 7 as reserved for parks and recreation, this should serve to identify exactly the land we are discussing, from now on I will refer to this land as the Buffer Zone.

The land in question is regarded by most Kwinana Citizens as part and parcel of our Buffer Zone, the Green Belt that protects us from most of the more objectionable aspects of our Industrial Areas, the fact that it also provides some spectacular views, great bushwalking areas and complements Sloans Reserve as a habitat for a wide variety of bird life and native flora is an added bonus that many people of all age groups enjoy, when the urbanisation of Parmelia and Leda is completed this will be the last decent sized section of fairly natural bush left.

The 2 000 people who signed petitions objecting to the proposed rezoning of our Buffer Zone deserved to be listened to, after all they represent more people than usually turn out for our Local Government Elections, to dismiss them as a minority beggars the question should Councillors accept being elected by similar community minded minority groups???

We the Citizens should not have to prove or justify why we should retain our Buffer Zone, rather the boot should be on the other foot, the Government should be made to justify why we the citizens should give up OUR Buffer Zone, and I would suggest that wishing to sell it to Private Developers or as half acre blocks to the well heeled for a quick buck is not a valid justification.

Despite Landcorp squandering valuable land and high cost road frontage on large 2 000 m² to 4 000 m² which is against all current thinking on land use, it appears that at present there is a glut of housing land from Kwinana to Mandurah.

I assume that the Minister is listening to this point because it is relevant to her interjection regarding the need for housing lots in that part of the metropolitan area.

Hon John Halden: Did you say that there was a housing glut?

Hon P.G. PENDAL: Councillor Jackman said that there was a glut. The transcript continues -

Homeswest are forced to employ Estate Agents to whip up flagging block sales in Parmelia, it would appear more people are trying to sell established homes than are

buying blocks, this could be because of poor employment prospects and the fact that we have lost the competitive price we enjoyed over other areas for so long and of course we have exorbitant interest rates to contend with.

For what ever reasons and they are many and varied, land demand has gone off the boil and it is probably a good thing for Kwinana as our facilities were getting stretched anyway and it makes even less sense to rezone our Buffer Zone.

Given this climate of land glut I am informed that Landcorp have expressed a willingness to rezone land south of the Gilmore Road extension to form an A-class Nature Reserve, all the people who have worked to attain this goal are to be highly commended, if this reserve is joined up with our Buffer Zone it will create an area that future generations will bless us for, but if the prime bush of our Buffer Zone is to be sacrificed as a compromise on the altar of BIG BUCKS they will curse us!!!

Hon Kay Hallahan: Did you tutor this councillor?

Hon P.G. PENDAL: I think that remark will rebound on the Minister. I will not respond other than to say that I met Councillor Jackman once when he came to see me at my constituent clinic. I am pleased to pass on his views and I will certainly pass on the Minister's interjection. Finally, the transcript states -

If our Buffer zone is allowed to be rezoned Urban even in part it will be a disgrace to our Democratic System, it will recreate the problems suffered by the residents of Wattleup on our new residents in Leda, it will provide a rally point like the Casuarina Prison to embarrass both the Government and Council in the future, it will again emphasise how stupid it is to perpetuate a Blue Riband seat for any Party.

That completes Councillor Jackman's comments. I referred earlier to the remarks he would make about a blue ribbon seat and about any party being taken for granted by the incumbent Government.

During the weekend I attempted to do through the media what I had been unable to do through the House in the matter of Leda, knowing that the Opposition had a Bill on the Notice Paper in relation to the matter and that the Government had this Bill on the Notice Paper. I decided to do the best I could to apply pressure to the Government to get it to say that there should be a hands-off policy in respect of Leda. I am delighted with the result as a breakthrough was announced by the Minister in this morning's paper, I gather under pressure from local residents and the Opposition as late as Sunday night. That took years to achieve. It should not have taken all of that time and energy on the part of the local people. However, it is only what I described it as earlier, a partial concession - it is only a partial breakthrough.

I read the Minister's comments to the media with some interest this morning. She referred, I think, only to the land west of what is known as Sloans Reserve whereas the campaign throughout has been for not only the land to the west but also the land south of Sloans Reserve. I acknowledge that the Government has a job to find housing lots for home owners, but I repeat my earlier question: "What other Government in Australia has ever contemplated selling a buffer zone in order to house people?" In other parts of the world they are bundling people out of their homes and reforesting areas to create buffer zones, yet we seek to make world history by selling a buffer zone committed to that area by the Brand Government about 25 years ago. If members opposite can live with that, I would like them to go on the public record and say so.

Hon Cheryl Davenport represents that area, as do Hon John Halden and Hon Garry Kelly.

Hon T.G. Butler: And very well too.

Hon P.G. PENDAL: If they do it well, are they prepared to vote in favour of the sale of that buffer zone, an unprecedented action anywhere in Australia? It is like saying to Queenslanders, "We will sell the rain forest in order to allow people to camp there," or, "We will sell the Tasmanian wilderness for people to build tourist enterprises." Those are not my words but the words of the local authority, Councillor Jackman, and the people from Conservation of Kwinana's Environment group and the Conservation Council. All these people say that that area was created as a buffer zone and should remain one. So far as I am concerned, it will remain one.

Why does the Government want to shift it from that use? For money! The Government is

desperate for money and needs to sell that land. It needs to sell the reserve, Mr Berinson, established and kept faithfully by Liberal and Labor Governments for a quarter of a century to pay for the sorts of excesses that we have identified in this House month in and month out, apparently with no impact on the people on the Government side of this House.

Hon J.M. Berinson: Does Hon Phillip Pental believe we have a glut of house building blocks?

Hon P.G. PENDAL: No, I do not believe that. I believe, Mr Berinson, that the Government has a shortfall of revenue in its Budget and has to sell the assets of the State to make up that shortfall.

Hon J.M. Berinson: Hon Phillip Pental has not answered my question. Where does he propose finding building blocks if every time the Government moves to provide them the Opposition finds a reason not to subdivide the land?

Hon P.G. PENDAL: One area where we do not need housing lots is in a buffer zone.

Hon J.M. Berinson: The next time we put forward a proposition Hon Phillip Pental will say it is another example of an area -

Hon P.G. PENDAL: I can tell Hon Joe Berinson without any equivocation that I do not think there should be housing lots in a buffer zone, one previously observed by the Labor Government. Hon Joe Berinson and his ministerial colleagues sit there talking about where to put housing lots. I say that that is what they are in Government for.

Hon J.M. Berinson: That is correct, and Hon Phillip Pental is in Opposition to oppose wherever we want to build houses.

Hon P.G. PENDAL: No, I am not.

Hon J.M. Berinson: That is how Hon Phillip Pental is behaving.

Hon P.G. PENDAL: I oppose this subdivision because it is in a buffer zone and the people down there have had a belly full of the contemptuous remarks that Hon Joe Berinson and Hon Kay Hallahan have made when interjecting during this debate.

Hon J.M. Berinson: There has been nothing contemptuous about them. Hon Phillip Pental opposes this subdivision because it is in his electorate. Hon Reg Davies opposed Hepburn Heights because it is in his electorate. While we move to provide desperately needed housing lots Hon Phillip Pental says that we should not -

Hon P.G. PENDAL: We should look at Hon Joe Berinson's electorate.

Hon J.M. Berinson: Well, look at it.

Hon P.G. PENDAL: The Ministers have all the so-called experts at their disposal, although I sometimes wonder about that.

Hon Kay Hallahan: Hon Phillip Pental denigrated them tonight.

Hon P.G. PENDAL: It is within the Minister's capacity to go to parts of the metropolitan area to do these things without picking on a buffer zone which has been observed for 25 years. I will be quite happy to fight the Government on that as a local issue for as long as it may like. Therefore, it is certainly my intention to support the amendment of which Hon George Cash gave notice, which will ensure that this Bill will not affect the Leda land.

I now turn to the other proposed amendments, with which I have had something to do for the past two or three years, which relate to the old Swan Brewery site. I wonder when members opposite will learn. The old Swan Brewery development has been an absolute fiasco for members opposite. It has been a microcosm of the whole WA Inc saga. I remind members, even if they may still remember, that that land had been privately owned. The owner wanted to develop that land, but the Government, of which Mr Berinson was a senior member, said, "No. The private sector cannot develop this land. We will take the land off it. Here is the cheque. We are now the owners of the Swan Brewery site." However, the Government was not content to leave it at that. It then came up with a you-beaut plan to refurbish the brewery.

Hon J.M. Berinson: Are you sure it was the Government as such which was opposed to the multistorey development on the foreshore?

Hon P.G. PENDAL: Yes, I am. It was the former Premier, Mr Burke.

Hon Kay Hallahan: Would you have opposed it?

Hon P.G. PENDAL: Yes, indeed. My point is that the land was in private hands, and the owner wanted to develop it. I think the owner was Mr Goldberg, before he found himself a London address, was it not?

Hon Peter Foss: All they were going to put on it was a brewery.

Hon P.G. PENDAL: Exactly. Members may remember that the proposal was to establish a manufacturing place for alcohol on what is one of the most outrageously dangerous motorways in the metropolitan area. That was one of the reasons that the whole thing fell over; but, never mind, Mr Burke and the Attorney General knew it all. They said, "We will keep it. We will develop this site and turn it into something for the Aboriginal people." Well, the Aboriginal people were not silly. They considered that to be an insult to them. So the Government had to think of something else. Mr Parker buzzed off to the United States of America and discovered the Louis Allen art collection, and thought, "Hang on; if we take the Louis Allen art collection back to Western Australia and we slap a bit of paint around the inside of the old Swan Brewery, we will be able to kill two birds with one stone." I can see Mr Berinson smiling at the ingenuity of it all, because it really was ingenious.

Hon J.M. Berinson: I am smiling at your colourful language.

Hon P.G. PENDAL: It is the Government's examples of inconsistency which provide us with the opportunity to be colourful. In years to come, when we all have grandchildren, they will ask us, "Grandad, were these people really as stupid as all that?" We will have to say, in all charity, "Grandson, they were, and Mr Berinson was right in the middle." I do not want to be diverted by Mr Berinson; I am simply saying that from there we went to the fiasco by which this Government committed upwards of \$30 million to cover up its earlier mistake of buying the site. That is why the old Swan Brewery is very much part of the dirty dealings of WA Inc. Members of the Opposition, and others, have put forward plans for this site, but an extraordinary thing happened on the way to the development. On the opposite side of the road there were famous and historic stables which were classified by the National Trust.

Hon Kay Hallahan: I have to say that you do get rather repetitious on this subject. What you are saying is absolutely predictable, and we know what you will be saying for the next eight minutes.

The PRESIDENT: Order!

Hon P.G. PENDAL: I remind the Minister why we should not pass those clauses of the Bill which deal with the old Swan Brewery. I repeat that I, like Hon George Cash, will vote to pass every other clause in the Bill, but not those clauses.

The Government was lurching from crisis to crisis. Then, mysteriously, the old stables, which were classified by the National Trust, caught fire. They burnt down. There are a few people in this town who do not believe that was a big coincidence.

Hon T.G. Butler: You are speaking under privilege. Why do you not name someone instead of making allegations?

Hon P.G. PENDAL: I am not sure whether Hon Tom Butler had anything to do with this. Is it his guilty conscience which prompts his interjection?

Hon T.G. Butler: If you think that, name me.

The PRESIDENT: Order! I do the naming in this place. I suggest that Hon Tom Butler cease his interjections in case he tempts me.

Hon P.G. PENDAL: The Government then demolished the one building which was worth saving.

Hon Peter Foss: It was demolished afterwards.

Hon P.G. PENDAL: Yes. Hon Peter Foss has reminded me that I have jumped one stage, because not only was someone content to try to get rid of the building by fire - whether that was by fair means or foul - the structure actually survived sufficient to be restored, but the Government was then confronted with a restorable building on one side of the road that was classified by the National Trust and a crummy building on the other side of the road -

Hon Kay Hallahan: That is your opinion. That is a beautiful building.

Hon P.G. PENDAL: - that was not classified by the National Trust. And which one did Hon Joe Berinson save? Members have got it in one.

Hon J.M. Berinson: You are taking advantage of the fact that I cannot interject too well tonight.

Hon P.G. PENDAL: After all that, the Government has learnt nothing. The Government has come into this place tonight and is asking us, in its proposed amendment No 692/33A, to rezone that site. In a way we are being asked to do a job that a local authority would normally do. The Government still wants to go ahead with the Swan Brewery development, and to give itself a sure fire way of spending more money. I should think that someone who is reputedly as sensible as Hon Joe Berinson would have said to himself, "Hang on; we can save \$30 million if we bulldoze the damned brewery."

Hon Kay Hallahan: A heritage building! You do surprise me.

Hon P.G. PENDAL: The National Trust disagrees with the Minister. The National Trust has decided that the building is not worth saving.

Hon Kay Hallahan: The internal problems of the National Trust are partly reflected in that decision, are they not?

Hon P.G. PENDAL: The Minister obviously knows more about that than I do.

Hon Kay Hallahan: I think so.

Hon P.G. PENDAL: I say simply that even at this late stage the Government has the opportunity of bailing out of the brewery debacle with some honour if it wants to. The Government can support our amendment. It would then have to endure a day or two when people would say that it had backed down, but the matter generally would end there. However, the Minister is inviting us to pass the reference in that schedule in order that the Government can do what the community has demonstrated now for three or four years that it does not want done. We have here a magnificent opportunity of doing something for the heritage of this State by, firstly, saving \$30 million -

Hon Kay Hallahan: What an extraordinary statement.

Hon P.G. PENDAL: - and then allocating a portion of that \$30 million which has been saved to a fund, such as we have suggested, which will give us the wherewithal to restore those buildings which are of real heritage value in Western Australia.

Hon Kay Hallahan: According to whom?

Hon P.G. PENDAL: I would say either according to the National Trust or to the -

Hon Tom Stephens interjected.

Hon P.G. PENDAL: The National Trust council has voted that way. That should be pretty simple, even for Hon Tom Stephens. I leave the Minister with the serious thought that not to proceed with the development will save \$30 million. The Parliamentary Liberal Party has committed itself to redirecting \$5 million of that money into a heritage fund which could be called on by the owners of those buildings around the State which are in dire need of some public funding for restoration purposes. The Minister, who I believe has a serious commitment to heritage, unlike some of her predecessors, would be making some great strides for the heritage lovers of this State if she were to agree to that. The wherewithal to do that lies in supporting the Opposition's amendments, and I repeat my earlier statement that I shall support this Bill. It is incumbent on the Parliament to do that. I support almost everything in the Bill, but I do not support that section which applies to Leda, or that which applies to Hepburn Heights - more will be said about that later - or that which relates to the old Swan Brewery. With those three exceptions, I support the Bill.

HON PETER FOSS (East Metropolitan) [10.11 pm]: This Bill was introduced to overcome some problems which were shown up as a result of an action brought by the Helena Valley Ratepayers Association, which is in my electorate, whereby it was established that an amendment to the Metropolitan Region Town Planning Scheme made under section 33A of the Metropolitan Region Town Planning Scheme Act was invalid. They brought that action on the basis that the amendment was not a so-called minor amendment. That is what

the association thought was the basis on which the action would succeed. However, the case was decided on two other points - that the delegation by the State Planning Commission to the Metropolitan Planning Council was invalid, and that the records which were required to show that the necessary decision had been made had not been made. There was no way in which the MPC could show that the decision had been made properly. Unfortunately the court did not decide the original question of whether it was a major or minor amendment, but in the course of its judgment it was made quite clear that in the event of a finding that it was not a minor amendment the court could have intervened.

This Bill addresses three different lines of thought. The first is that it authorises the delegation by the State Planning Commission to the Metropolitan Planning Council, and it validates past delegations. Secondly, it validates the method of formation of opinion by the Metropolitan Planning Commission. Thirdly, it validates that opinion. It does not matter whether it was a major or minor amendment; this Bill will cause it to be a valid change. In the course of making these changes the Bill preserves the Helena Valley decision. Whatever else the Bill may do, the people in that action maintain the fruits of their action. It also overrules any other right of action, even if the writ has been issued or the order made. Rather strangely, the Bill deals only with amendments since 1985 - the commencement of the State Planning Commission Act - and validates them only if the objections are matters referred to in clause 6. Apart from the matters referred to in clause 6, it is difficult to see what other objections there could be.

Taking all these things which the Bill does, what can be regarded as reasonable and acceptable and what cannot be regarded as reasonable and acceptable? First, I can see no reason to object to the delegation of power to the Metropolitan Planning Council. I understand its membership is very similar to that of the Metropolitan Region Planning Authority, which was the body which for many years was responsible for these decisions. Secondly, it is acceptable to validate past delegations. If the delegation itself is acceptable, validating past delegations would also be acceptable. Failure to do so would lead to uncertainty and would require a considerable amount of bureaucratic repetition without any public interest being served.

However, I have one query, and that is, what is the position of people who have already commenced an action based upon the fact that there has not been a valid delegation? Those people have incurred costs and they will suddenly find that their action, which is based on a failure to delegate properly, will have disappeared. I believe the Government has a moral obligation to ensure that those people who lose their actions by reason of this Bill will at least have their costs reimbursed on a solicitor and client basis. What we are doing here is virtually taking away from those people who have already commenced actions the very basis of their actions without guaranteeing them their costs, among other things.

If my party thought that the only problem was the failure to record the decision, we could also validate that. I have some problems with that myself. What I find totally unacceptable about this Bill is the validating of major amendments. The Helena Valley case highlighted a longstanding problem with major and minor amendments. In fact, although it highlighted them, it was probably already known to all of us.

I have previously complained in this House about the fact that planning has almost ceased to occur in an orderly fashion, because what we continue to retain in Western Australia is planning controls but not planning. Planning controls exist in order to enable us to carry out planning, but their mere existence is not in itself a plan. Rather than a metropolitan region scheme being used as it is intended - to set the whole overall plan for an area many years ahead; 10, 15 or 20 years ahead - with town planning schemes following to put in the fine detail so that people know exactly where they stand for many years ahead, what has happened is that no planning has taken place. People have come along afterwards and said, "We want to have this piece of land developed; we know it is not zoned appropriately." They have gone through all their plans and eventually got various people in Government and elsewhere to accept them. The planning process has taken place in reverse. These people have gone to the local shire, and the local shire has accepted the amendment to the town planning scheme, but has made that amendment conditional upon an amendment to the metropolitan region scheme. They have gone to the State Planning Commission and got the commission to agree to make appropriate alterations to the metropolitan region scheme. What has happened is that an unplanned change in the use of land has been endorsed.

It is strongly arguable, for some of the reasons set out by Hon Phillip Pendal, that this provision has been abused, and abused knowingly. Many long term major amendments have been neglected and the whole planning process has fallen down through improper use of section 33A.

As far as I am concerned, there appears no justification for validating this area of challenge to section 33A amendments between 1985 and 1990. Those prior to 1985 and those after 1990 will still be capable of challenge. The only ones which would not be capable of challenge would be those which happened to turn up between 1985 and 1990 and happened to be in the same Bill as something which could be justified.

Another difficulty I have is the request that we validate the decision making process. There is an attempt to do this in the amendments which have been notified by the Minister. I can see the point. What the court has said is, "If you do not record the reasons for making the decision, everything you did will be assumed against you. The decision will be thrown out. You have to record the reasons for making a decision. If you do not record the reasons, it is out. You might have thought about it in considerable depth; you might have taken everything into account. Notwithstanding that, your amendment is out because you have not made a record."

I agree that that causes distress and uncertainty to the people concerned, and I do not believe we should go along with it. I accept the idea that these amendments, whether major or minor, should be tested on their merits. There is an alternative, though, and that is to say, "If no record is kept, the court must assume that you did look at everything you should have; you did take into account all the things you should have taken into account and you left out all the things you should not have taken into account." That goes too far the other way; that also stops it being decided on the merits and puts in place a technical test of whether it is fair. If we preserve the right to challenge on the basis of its being a minor or a major amendment, but we require the court to assume that all that is necessary to be done has been taken into account, there is no real possibility of any litigant being able to test that point satisfactorily. A litigant would face an uphill battle to convince a court that, notwithstanding that the Metropolitan Planning Council had taken into account everything that it should have done, the court should accept that there had been a major amendment which should not be allowed. That is only a remote possibility. I propose that rather than adopting the court's test - which is if it is not in the record it is out - or adopting the Minister's test - which is to assume that everything has been done - the real facts must be taken into account and examined in the court and for that reason alone be declared invalid. I propose that the appropriate measure would be not to adopt the idea of taking either extreme but to steer a passage between the two so that the true merits of whether it is a minor or a major amendment can be tested.

Some interesting points of law have arisen, and it may be there is not so much of a problem as appeared to have been the case. Subsection 33A(8) of the Metropolitan Region Town Planning Scheme Act provides that once an amendment has been through all the procedures it will have effect as though its provisions were enacted by the Act. It is arguable, but I would say no more than that. The effect of that is that once one gets to the end of the whole procedure the formal defects may be overcome by virtue of that provision. The Helena Valley case was still in progress, so subsection (8) could not be of any assistance, but many of the cases we are dealing with are complete metropolitan region scheme amendments so they may be given some sort of protection under subsection (8).

However, I have an even greater reason for saying that they may not have an enormous effect on the developments that have taken place. That is because of the Town Planning and Development Act 1928. Even though the metropolitan region scheme is the overall umbrella for carrying out development, nothing can be done until amendments have been made to a corresponding town planning scheme which is passed by the local authority. The reason is that the metropolitan region scheme provides that, where a conflict exists between that scheme and the town planning scheme, the town planning scheme takes priority. What normally happens is the metropolitan region scheme bites into the planning process when local authorities are required to review their town planning schemes once every five years. When that review is carried out they are brought into line with the metropolitan region scheme so, theoretically at least, the metropolitan region scheme brings the town planning scheme into line. In the meantime, if some sort of amendment has been made to the town planning scheme, that amendment must also apply to the metropolitan region scheme.

Section 34 of the Metropolitan Region Town Planning Scheme Act provides that the Minister cannot approve a town planning scheme unless it is in accordance with and consistent with the metropolitan region scheme. Even though a town planning scheme is approved under sections 6 and 7 of the Town Planning and Development Act, the metropolitan region scheme itself does have an effect on the way the Minister deals with her responsibilities under the Town Planning and Development Act. Subsection 7(3) of that Act says that, once a town planning scheme is approved by the Minister and published in the *Government Gazette*, it shall have full force and effect as if it were enacted by the Act.

It is possible that that provision enables the town planning scheme to have effect irrespective of any defects in the formalities of its being brought into effect. The Metropolitan Region Town Planning Scheme Act, when combined with the Town Planning and Development Act, say that, when the Minister is deciding whether to approve a town planning scheme, she must have regard to the metropolitan region scheme and if, on the face of it, that scheme appears to comply with, the Minister may approve the town planning scheme. Having been approved it would have the force of law and would then take effect in preference to the metropolitan region scheme. I do not believe that means that the town planning scheme must, in law, comply with the metropolitan region scheme or that the Minister must go behind that scheme to determine whether it is validly enacted. If on the face of it there appears to be a valid amendment to the metropolitan region scheme and the Minister checks the two and is satisfied that they are in accordance with one another, it is probably the case that the provisions of both Acts have been satisfied that the valid formalities would have been observed in the enacting of the town planning scheme, and that it would be a valid amendment and would have effect in preference to the metropolitan region scheme.

The effect of what I am saying is that, where a town planning scheme has been brought into effect consequent upon an invalid amendment to the metropolitan region scheme, that town planning scheme is nonetheless valid. As far as I know that has not been tested in a court of law, and it may well be that that area we are leaving untouched by leaving out the minor and major amendments could be a very small area as it is only those where there has either been no completion of the metropolitan region planning scheme amendment, or where there has been a completion, there has not been a corresponding town planning scheme amendment. I suspect it is a fairly narrow area, which would have been nice to have clarified, and I recommend the Minister take into account that set of possibilities, as I understand that she is carrying out a review of town planning legislation. It is possibly a matter which should be dealt with in town planning legislation.

There is a matter about which I would like an undertaking from the Minister that she will consider it and bring it into the legislation. We are validating the Metropolitan Planning Council's decisions. We are allowing it to overcome the fact that it does not have copious records of reasons. There is a problem in that; as far as I am aware no obligation is placed on the MPC to publish those reasons. It is important that the public know what are the reasons, other than by having to bring an action in the Supreme Court, why it has decided it is a major as opposed to a minor amendment. All we get when we receive these pieces of paper - and I am sure all members receive these papers on a regular basis - is advice that it has been decided that an amendment is a minor amendment; we do not receive the arguments made to decide that the amendment is minor.

It is very serious to make the decision to go from section 33 to section 33A; it is not something lightly done to bypass an important process. It is unfortunate that we have allowed section 33A to remain this way, because once the scheme amendment has been passed section 33A has effect as if the amendment were enacted in an Act of Parliament. Effectively, we in this Parliament have delegated, in this case to the MPC, the power to pass laws of Parliament. We occasionally do that; it is not a statutory provision of which I approve. I believe that is a wrong statutory provision; we should not do that under any circumstances whatsoever. That is a coward's way out because it is a way of allowing inadequacies in the way people deal with delegated legislation to be overcome. In other words, it is said that it was meant to be done in a certain way but were a hash to be made of it that could be fixed up. That is basically wrong in principle; it is not generally being followed in other parts of Australia. It is piece of legislation which is going out; it is something which should not be done.

Hon Kay Hallahan: What should not be done?

Hon PETER FOSS: We should not put in an Act that the effect of something being done by the delegated authority is the same as if it were enacted in an Act. When that is done we are virtually saying that Parliament will not pass this law but the MPC will pass the law.

Hon Kay Hallahan: We are saying that it is a practical way of dealing with a volume of material.

Hon PETER FOSS: The Minister has missed the point. We can have delegated legislation; I do not mind the MPC having legislation delegated to it, but the normal rule of delegated legislation is that certain rules must be observed - it must not be within the power, it cannot repeal the ordinary law; if it is to be made in a formal way it has to be done in that formal way. These numerous rules apply to delegated legislation. We do not have that problem; when we pass a law, that is it - that is the law of the land. Apart from the constitutional problems we have with the Commonwealth, generally speaking anything we put in an Act of Parliament is it; we say that is it.

We are giving that sort of power to the Metropolitan Planning Council or to the local government authority when we say that when this is done it is as if it has been enacted in this Act. We are allowing the MPC to pass laws which have a status equal to laws of this Parliament. I do not approve of that; it is not a good idea. Only parliamentary laws should have the status of laws of Parliament. That is a not a good idea under any circumstances but it is particularly bad when we do not reserve to ourselves the right to disallow. At least if we reserve to ourselves the right to disallow the laws passed by delegated authorities we can say that we disallow a particular matter. Section 33A does not allow us to do that.

Whatever one can say about the justification for allowing this sort of thing to happen - that it is as if it were enacted in an Act - one cannot justify that when it does not come back to Parliament. It is completely wrong that we should hand over the law-making power without completely reserving our right to disallow. We can still have a much simpler process than section 33, one which still provides for disallowance by Parliament. Whatever else is done with that section I would like, firstly, to see that part taken out and, secondly, to see it made subject to disallowance by Parliament.

The second matter I find disturbing, and which is indicated by this case, is the appeal process. The Government has indicated in previous times a general commitment to the idea of administrative appeals. Not a great deal has shown up on the Statute books, unfortunately, as a result. One might be of the opinion that it is a long term commitment. The Commonwealth Government has brought in the right to have administrative appeals on almost every single aspect of Government decision. It has not caused the Government to grind to a halt in the Commonwealth arena; it has led to better government because people know that decisions are subject to appeal and they tend to be a bit better at making those decisions. That has relieved parliamentarians of some of their work in chasing up Government departments.

We all know that one of the ways in which people have the right to stop bad bureaucratic decisions is for those decisions to be aired in Parliament. If we make a Minister look ridiculous because somebody in a department has made a ridiculous decision, it moves down the line. That is one way of overcoming bureaucratic decisions. In the Commonwealth arena, the fact that people can at any time threaten to take a matter to administrative appeal means that the ordinary individual can make that threat without going through a member of Parliament, through the Minister, and back through the process. That system has led to better bureaucratic decisions.

More importantly, as far as the metropolitan region scheme is concerned, we must have an easier way to get a legal decision, apart from taking a prerogative writ to the Supreme Court. Members may say there is an easier way than going to the Supreme Court, but prerogative writs in the Supreme Court are the most complex method of bringing an action that one could think of. Normally, those matters are heard by the Full Court - in this case it was referred to a single judge - of three judges. This is a very ancient and peculiar remedy, full of all sorts of technical things which can go wrong. It is very wrong that this matter should be tested through a prerogative writ in the Supreme Court.

We have a very suitable tribunal to test these things. It would be in the interests of everybody and of certainty if the appeal process were built into section 33A so that we could

quickly go to a Town Planning Appeal Tribunal and receive a decision. More importantly, if the matter were sent to such a tribunal we would get a solution to another problem; that is, what is a minor and what is a major amendment? This can be decided in two ways - either by court cases or by writing it into the Act. I have looked at both ways. I believe the better way would be to decide the matter by a court case, not by writing it into the Act. If it were written into the Act, we in Parliament would not have the ability to feel our way and decide what is the correct method.

I am sure that the Helena Valley case was very helpful. It outlined some of the matters to be taken into account in deciding whether an amendment was a major or minor one. I am sure that the town planning authorities will find that case useful because it started to mention those things. To try to lay down prospectively what should be major and what should be minor would be extremely difficult. It would be fraught with the possibility that something had been laid down as a test and subsequently found not to work, or that something had not been considered.

The good thing about getting cases to specialist courts like the Town Planning Appeal Tribunal is that there is a dialogue between the court, the planning authorities and the person who is affected by it. The relevant facts are put in front of the tribunal and they are discussed in detail. Each case is an indicator of how to deal with a similar matter in a better way. Eventually, everyone working in that area gets a feel for what is a major or minor case. We found in other areas of planning law that where there is an exchange of view between the planning authorities, the people affected by it and the court, which has knowledge of the law, a workable solution can be reached. It is a workable solution everyone can live with. We will not arrive at that through Supreme Court prerogative writ proceedings because they will tend to concentrate on procedural matters. Prerogative writs really are procedural matters. A dispute should be sent to a court which is concerned with the real planning issues and the only court that is suitable for that is the Town Planning Appeal Tribunal. It is a quick and cheap procedure and it has been one of the success stories of alternative administrative tribunals in this State. It is a reasonable method of finding out whether an amendment is major or minor. It is a reasonable process which people should use. We also have the town planning appeal committee, about which I am not very keen.

Hon Kay Hallahan: Most people are, unfortunately.

Hon PETER FOSS: It is a hangover from another time. We should be using the abilities of our Town Planning Appeal Tribunal. I do have other ideas about that tribunal and I shall mention them now because it will illustrate how we can use it in a better way. The tribunal has achieved quite a measure of success by requiring witnesses to submit their evidence in writing - there is a proof of evidence of the witnesses called before the tribunal. It would be more effective if, for instance, some areas of the tribunal's jurisdiction could by consent of the parties and by order of the chairman be given to the lay members. We do have planning appeal disputes which are strictly of a non-legal nature. If there were no legal issue involved a quick solution could be reached through the tribunal if the chairman were to certify there was no point of law to be tried and if the parties were to agree that it could be handled by the lay members. It would be more effective than the town planning appeal committee. If it is clearly a matter of law the chairman should sit on his own and reach a conclusion.

Within the tribunal there is room for more flexibility than there is at the moment. It is flexible within the bounds set by Parliament, but Parliament has to look at making it more flexible to allow it to have more effect than it has at present. The Town Planning Appeal Tribunal has worked out a way of being effective in the community and we should be giving it even more effect than it now has.

I hope the Minister will give an undertaking that she will look at the process of including in the procedure outlined in section 33A of the Act the right of persons affected by an amendment to the metropolitan scheme to bring an appeal to the Town Planning Appeal Tribunal. It has a great deal of public benefit and gives people a reasonable opportunity to have it tested. Once the tribunal has made its decision people will know where they stand and whether it is a major or minor amendment. It also gives a reasonable opportunity to have the whole thing tested legally to determine whether proper planning principles are being observed, and that fits in with the general philosophy of having administrative appeals.

I ask the Minister to treat these two points with some urgency in the course of her review of

the town planning legislation: First, the requirement that the Metropolitan Planning Council make a public declaration as to what its reasons are for deciding an amendment is a major or minor one; second, to build into that process the right to appeal to the Town Planning Appeal Tribunal over a question as to whether an appeal is a major or minor amendment. With those assurances from the Minister and with the amendments proposed by Hon George Cash and the Minister's amendment, as amended by me, I am happy to support the second reading of this Bill.

Debate adjourned, on motion by Hon J.N. Caldwell.

House adjourned at 10.47 pm

QUESTIONS ON NOTICE

CAR THEFT - TASKFORCE RECOMMENDATIONS

133. Hon GEORGE CASH to the Minister for Police:

I refer to the report of the car theft taskforce of which the Minister has knowledge and ask -

- (1) Which of the recommendations have been implemented to date?
- (2) Given the implementation of those recommendations, can the Minister advise if there has been a substantial reduction in car theft in Western Australia?

Hon GRAHAM EDWARDS replied:

- (1) All recommendations are at various stages of implementation.
- (2) I assume the member is referring to stolen vehicles of which I am advised that there has been no increase in the number of vehicles stolen over the past 12 months. In this period, despite the fact that the number of vehicles registered has risen by 51 326, there has been a reduction in the number of vehicles stolen per 100 000 vehicles registered of 15 vehicles when comparing April 1989 to April 1990.

APPRENTICES - APPRENTICES IN TRAINING

Work Force Statistics

218. Hon P.G. PENDAL to the Leader of the House representing the Minister for Productivity and Labour Relations:

Will the Minister list -

- (a) the number of apprentices in training in the State Government work force in each of the past seven years;
- (b) the number of such apprentices in the WA work force; and
- (c) the number of people in Government traineeships in the past seven years?

Hon J.M. BERINSON replied:

The Minister for Productivity and Labour Relations has provided the following reply -

- (a) The State Government has previously employed apprentices to meet its work force needs and to bolster the community efforts of training. A greater commitment from the private sector to training has meant the total number of apprentices in training has been maintained, although the number of State Government apprentices has decreased in line with the proportional increase on private sector involvement. The State Government continues to commit significant resources to the administration of training infrastructure and the provision of training courses. For example, through TAFE and the administration of the Industrial and Commercial Training Act by the Department of Employment and Training.

Apprenticeship Figures

As at	Total Employed by State Govt	Total in State
30 June 1983	1 731	12 690
30 June 1984	1 595	11 039
30 June 1985	1 482	10 550
30 June 1986	1 458	11 127
30 June 1987	1 306	12 065
30 June 1988	1 125	12 458

30 June 1989	NA*	13 829
1 May 1990	1 002	14 251

*Figure not currently available due to transition of information collation system.

- (b) The statistics relating to the total number of apprentices in training indicate a cyclical trend with a major downturn in 1985 followed by a strong recovery to 1989. Preliminary figures for the early part of 1990 indicate a slight easing in growth in the numbers of new apprentices brought about by the downturn in some sectors of the economy. Surveys of employer intentions indicate that this easing is not significant and will be temporary. Apprentice numbers now total 14 251, an increase of 1 561 or 12.3 per cent over 1983.
- (c) The Western Australian Government was quick to realise the potential of the traineeship system. In November 1985, 100 trainees commenced training with the Western Australian Public Service Board in the first traineeship program to be run in the State and Australia. The initial State Government support of the system was confirmed with a further intake of 155 trainees into the public sector in January 1986. The focus on public sector traineeships involved substantial financial commitment by the State Government. This original focus has now shifted toward the private sector displaying Western Australian industry's support for the Australian traineeship system. There are currently 106 trainees employed by the State Government representing 16.4 per cent of all trainees in training. This number is likely to increase in the ensuing months with the recent efforts to encourage Government departments to employ trainees. A further 53 trainees or 8.2 per cent are employed by the Commonwealth Government in WA increasing the proportion of trainees in Government traineeships to nearly 25 per cent.

Traineeship Figures

As at	Total Employed by		Total	% Employed
	State	C'wealth	in	by State
	Govt	Govt	State	Govt
30 June 1986	284	48	361	78.7
30 June 1987	196	14	403	48.6
30 June 1988	194	54	735	26.4
30 June 1989	61	53	692	8.8
1 May 1990	106	53	646	16.4

STATE EMERGENCY SERVICE - VOLUNTEERS

Workers' Compensation

219. Hon GEORGE CASH to the Leader of the House representing the Minister for Productivity and Labour Relations:

- (1) Are State Emergency Service volunteers covered by any workers compensation scheme?
- (2) If so, what schemes?
- (3) Are the SES workers covered by the provisions of the DOHSW Act with respect to safety equipment and safe working environments?

Hon J.M. BERINSON replied:

The Minister for Productivity and Labour Relations has provided the following reply -

(1)-(2)

State Emergency Service volunteers have insurance coverage provided through the SGIC.

- (3) The Occupational Health, Safety and Welfare Act does not directly deal with volunteers. The purpose of the Act is to deal with health, safety and welfare at work and the major relationship recognised by the Act is the contract of employment between an employer and employee. Volunteers are not employees as defined by the Act and are not covered by the provisions which deal with employees. However, the Act does provide protection for persons who might be affected by the work, and for persons present at the workplace. Volunteers who fulfil these conditions are treated the same as other members of the public; that is, they are protected by the Act. Section 22 of the Act requires a person who has management or control of a workplace to, as far as practicable, ensure that persons present at or entering or leaving the workplace are not exposed to hazards.

Section 21 of the Act requires an employer to ensure, as far as practicable, that the health and safety of non-employees is not adversely affected by the work carried out by the employer or any employees. The same duty is owed by a self-employed person to a non-employee. This section would provide protection to SES volunteers when they need to interact with employers, employees or self-employers, for example, when undertaking training or when fighting fires. In addition, employees have a duty to take reasonable care of their health and safety and that of others. The requirement to take reasonable care extends to all persons, including volunteers, who might be affected by the employees' actions.

WESTERN ZONE RUBBISH AREA - LANDCORP OWNERSHIP

264. Hon MAX EVANS to the Minister for Lands:

- (1) Is the Western Zone Rubbish Area owned by LandCorp?
- (2) What is the area of land?
- (3) On what date was it transferred to LandCorp?
- (4) At what price was it sold to LandCorp?
- (5) Under what terms and conditions was the sale made?
- (6) Did the contract include any special conditions with respect to shires that use the Western Refuse Disposal Zone which is to be closed by December 31 1990?
- (7) What are the plans for the area to be disposed of by LandCorp?
- (8) Who is the present Chief Executive Officer of LandCorp?
- (9) On what grounds can LandCorp charge the penalties against the Western Zone?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) 8.33 ha (Res 33987 tip area).
- (3)-(6) Not applicable.
- (7) To be sold by public tender for educational purposes.
- (8) Mr John Osborn.
- (9) LandCorp as manager of the site is seeking part compensation for the loss and value of Crown reserve 33987 and adjoining Government land holdings.

LAND - "HORSEBREEDING RESERVE" *Mt Lesueur National Park Inclusion*

313. Hon BARRY HOUSE to the Minister for Lands:

- (1) Is the land known as the "Horsebreeding Reserve" being considered for inclusion in the proposed Mt Lesueur National Park?

- (2) Is the Minister proposing changes to the status of any land in the vicinity of the proposed Mt Lesueur Coal Mine and Power Station?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The lands portfolio has a role of implementing, in consultation with other Government agencies, System 5 EPA red book recommendation 5.17 which involves the Mt Lesueur area.

**VIDEO TAPES CLASSIFICATION AND CONTROL ACT - SECTION 37
AMENDMENT**

Australian Family Association

333. Hon P.G. PENDAL to the Minister for The Arts:

- (1) Has the Minister received, via a letter sent to the Premier by the Australian Family Association dated April 26, 1990, approaches to amend section 37 of the Video Tapes Classification and Control Act?
- (2) What is the Government's reaction to this approach?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The Video Tapes Classification and Control Act 1987, which was introduced by this Government to ban the possession of unclassified and unacceptable video tapes, is acknowledged nationally as the strongest in Australia.

**ECONOMIC DEVELOPMENT AND TRADE DEPARTMENT - BUNBURY OFFICE
EMPLOYEES**

Consultants

336. Hon BARRY HOUSE to the Leader of the House representing the Minister for Finance and Economic Development:

With reference to the Bunbury Office of the Department of Economic Development and Trade -

- (1) Are the staff of three employed as consultants or public servants?
- (2) Have any other consultants been employed by this department since its inception?
- (3) What contracts has this department signed to enhance export development in WA?
- (4) What overseas trips have been taken by the staff in the past year?
- (5) What was the purpose and cost of these trips?
- (6) What tangible results have been achieved by these activities?

Hon J.M. BERINSON replied:

The Minister for Finance and Economic Development has provided the following reply -

- (1) Public servants.
- (2) No.
- (3) None. It is not the role of the department to sign contracts.
- (4) Trips have been taken to -
- (a) Hong Kong
 - (b) Hong Kong, Taiwan
 - (c) Indonesia
 - (d) Indonesia, Singapore
 - (e) Hong Kong, Japan, Angola, Mozambique, Zimbabwe
 - (f) Brunei.

- (5) (a) To support Minister for Economic Development and Trade in WA promotion. Cost \$4 582.
- (b) To accompany Premier to Hong Kong and to subsequently travel to Taiwan. Cost \$6 700.
- (c) Promotion of WA quality food and wine in Jakarta. Cost \$1 670.
- (d) Seeking markets for WA hospital equipment and food products. Cost \$3 490.
- (e) Seeking markets for Sushimi snapper, mutton, dried goods, housing, mining equipment. Cost \$8 000.
- (f) WA produce promotion. Cost \$4 770.

- (6) Results include additional sales of the following -

Approximately 40 000 salted merino sheep skins to Thailand, 1 000 tonnes of chick peas/kidney beans to Angola, refurbished power generators with control room and spare parts to Angola, dry goods to Angola, fresh milk to South East Asia, supermarket items to Brunei, medical equipment to Indonesia, supermarket items to Indonesia, seafood products to Japan and Hong Kong, and beef, lamb and seafood products to Indonesia.

The total value of initial contracts is approximately \$3.5 million and ongoing sales will increase this amount.

HEALTH DEPARTMENT - DERBY OFFICERS

Government Vehicle - Use

342. Hon N.F. MOORE to the Minister for Planning representing the Minister for Health:

- (1) Which officers of the Health Department in Derby are entitled to the use of Government vehicles?
- (2) What are the terms and conditions for the use of these vehicles?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Within the Kimberley health region -

Regional Director	C
Physician, Tropical and Communicable Diseases	C
Regional Health Surveyor	C
Administrative Co-ordinator	B
Director of Community Nursing	B
Deputy Director of Community Nursing	B
Regional Officer	B
General Assistant, Stores	B
Relieving General Assistant, Stores	B
Child Health Nurse	B
District Nurse Supervisor	B
8 x Community Nurse	B
2 x Health Worker (Enrolled Nurse)	B
RAHLO	B
3 x Health Worker	A
Regional Co-ordinator*	A
Secretary*	A
Regional Clerk*	A
6 x Officer*	A

*Use of pool vehicle

Derby Regional Hospital -

12 x Medical Officer	C
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Administrator	C
Deputy Administrator	B
Director of Nursing	C
Engineer	B
Regional Electrical Maintenance Officer	B
Tradesmen	A
Gardener/Groundsmen	A
Stores Personnel	A
Allied Health Staff	A
Orderlies	A
Office Staff	A
Administration Ass. Hotel Services	A
Other Staff (authorised)	A
Numbala Nunga Nursing Home -	
Director of Nursing	C
Administrative Assistant	C
Housekeeper	A
Tradesman	A
Gardener/Groundsman	A
Storeman	A
Orderly	A

- (2) Officers have access to vehicles on the following basis -

A - Official use only
 B - Official use and home garaging
 C - Official use, home garaging and
 limited private use.

ARTS DEPARTMENT - TRADE UNION BANNER

\$7 000 Grant

351. Hon P.G. PENDAL to the Minister for The Arts:

I refer to a recent set of grants through the Department of the Arts that cover such purposes as choreographing the staging of a Greek classic, music and dance theatre, a concert for chamber music and the like and ask:

- (1) Did the Minister approve a \$7 000 grant to research, design and produce a trade union banner?
- (2) On whose advice is the production of a TU banner in the same artistic league as music, dance or a Greek classic?
- (3) Will the Minister table the banner in question, especially given that it is one of the highest grants now approved?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The recommendation was made by the visual arts/crafts peer advisory panel, a group of practising Western Australian artists. The recommendation to provide financial support towards the costs of staging the Greek "classic" Axion Esti was made by the department's music peer advisory panel and the theatre/dance panel.
- (3) The estimated date for completion of the banner is 30 September 1990. A viewing of the banner can be arranged on request.

MIDLAND SALEYARD - \$450 000 PURCHASE PAYMENT

354. Hon MAX EVANS to the Minister for Police representing the Minister for Agriculture:

- (1) On what date was the \$450 000 paid for the full purchase price of the Midland Saleyards?

- (2) If it was not paid within the terms of the offer and acceptance, was interest paid on the outstanding amount?
- (3) If so, how much?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

(1) 12 November 1986.

(2)-(3)

Not applicable.

PORNOGRAPHY - RESTRICTED PUBLICATIONS

"Government Gazette" Listings - Publications Advisory Committee

359. Hon KAY HALLAHAN to the Minister for The Arts:

- (1) Is it the Minister's intention to continue listing, in the *Government Gazette*, the names of recently released, restricted pornographic publications?
- (2) What are the names and qualifications of the individual members of the Publications Advisory Committee?
- (3) What costs are entailed in operating the Publications Advisory Committee, including the assistance given by public servants?
- (4) How much time, per month, does the committee give to perusal of possible publications?

Hon KAY HALLAHAN replied:

- (1) Yes. The Indecent Publications and Articles Act requires that any determination of restricted publications be published in the *Government Gazette*.
- (2) Dr Richard Kirkham, Senior Lecturer in Psychology,
Dr Rosemary Coates, Associate Professor in Health Sciences,
Dr Brenda Walker, Lecturer in English,
Fr Dennis Claughton, Minister of Religion,
Mrs Robyn Quin, Lecturer in Media Studies,
Ms Raya Stanton, Legal Practitioner.
- (3) The total amount paid in fees to all members of the State Advisory Committee on Publications since July 1989 is \$17 189. Public servants provide clerical support to the committee, which amounts to only a few hours per week.
- (4) Approximately eight hours per month.

HEALTH DEPARTMENT - EDUCATIONAL ADVERTISING ISSUES

Costs

366. Hon MARGARET McALEER to the Minister for Planning representing the Minister for Health:

- (1) Would the Minister advise what health issues are the subject of the Health Department's educational advertising?
- (2) Would the Minister give details of advertising costs associated with each issue in respect to -
 - (a) newspapers; space costs, production costs and agency fees;
 - (b) radio and TV costs of air time, production cost of commercials, including agency fees; and
 - (c) any associated costs not covered by (a) and (b)?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) The Health Department is currently conducting health education advertising on immunisation (Rubella) and smoking and health (Quit campaign).

- | | | | |
|-----|-----|--|-----------|
| (2) | (a) | Quit campaign - | |
| | | Newspaper advertising | \$23 213 |
| | | Production costs including agency fees | \$5 000 |
| | | Immunisation campaign - | |
| | | Newspaper advertising | Nil |
| | (b) | Quit campaign - | |
| | | TV and radio advertising schedule | \$159 610 |
| | | Production costs including agency fees | \$42 990 |
| | | Immunisation - | |
| | | TV advertising schedule only | \$27 500 |
| | | Agency fees | \$2 500 |
| | | Production costs paid in 1988 | \$25 000 |
| | (c) | Nil | |

ROADS - PEDESTRIAN ISLANDS

Canning Highway, Birdwood-Hobbs Avenues, Como

367. Hon P.G. PENDAL to the Minister for Police representing the Minister for Transport:

I refer to the Minister's answer on 28 November 1989 to question on notice 829 regarding the construction of pedestrian islands on Canning Highway in the vicinity of Birdwood and Hobbs Avenues Como and ask -

- (1) With only a few weeks until the end of the current financial year, are these pedestrian islands to be completed by the end of June as was stated in part (3) of the reply?
- (2) If the work will not be completed by the end of June, why have plans been delayed?
- (3) When can local residents who express concern about the dangers of the highway for pedestrians expect that the islands will be built?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) No.

(2)-(3)

There have been delays in finalising this project but arrangements are being made to have a sewer main relocated as quickly as possible. Work on road widenings and the median islands will be put in place immediately the sewer main is relocated. I have asked that the matter be expedited.

ABORIGINAL AFFAIRS PLANNING AUTHORITY - AUDITOR GENERAL'S REPORT

Public Property Register

374. Hon MAX EVANS to the Minister for Planning representing the Minister for Aboriginal Affairs:

The Report of the Auditor General 1990 (page 66) refers to "Aboriginal Affairs Planning Authority Control of Public Property. A Register of Public Property had not been established and maintained by the authority in accordance with section 55(d) of the Financial Administration and Audit Act and Treasurer's Instruction 410".

- (1) Has such a register of public property now been established?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) The authority has established and is now maintaining an asset register.
- (2) Not applicable.

ABORIGINAL AFFAIRS PLANNING AUTHORITY - AUDITOR GENERAL'S REPORT

Internal Audit Function

375. Hon MAX EVANS to the Minister for Planning representing the Minister for Aboriginal Affairs:

The report of the Auditor General 1990 (page 66) refers to "Aboriginal Affairs Planning Authority Internal Audit. The authority has not yet established an effective internal audit function as required by section 55(f) of the Financial Administration and Audit Act."

- (1) Has an effective internal audit function been established yet?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) No.
- (2) A position of internal auditor has been requested within the authority's 1990-91 budget submission.

ABORIGINAL AFFAIRS - AUDITOR GENERAL'S REPORT

Trust Account Statements

381. Hon MAX EVANS to the Minister for Planning representing the Minister for Aboriginal Affairs:

The 1990 report of the Auditor General (page 66) refers to "Trust Accounts. Treasurer's Instruction 801 provides for the Under Treasurer's approval to the Trust Statements required for accounts maintained for moneys held under section 36(2) of the Financial Administration and Audit Act Trust Statements had not been prepared for the following accounts -

Interstate Moneys Trust Account
Aboriginal Reserves Christmas Cheer Trust Fund
Henrietta Drake-Brockman Trust Account
C.L. Johnson Bequest Trust Account
Mining Rents and Royalties Trust Account
Kyarra Hostel Bond Trust Account
Naberru Hostel Trust Account

In addition, Treasurer's approval to open and maintain bank accounts as required by section 21(1) of the Act had not been obtained in respect of the above accounts".

- (1) Have each of these trust statements been prepared?
- (2) If not, which ones have not been prepared and why have they not yet been prepared?
- (3) Has the Treasurer's approval been obtained to open and maintain each of the bank accounts mentioned?
- (4) If not, which have yet to be approved?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1)-(2)

These accounts have been regularly audited and found to be in proper order. The Aboriginal reserves Christmas cheer trust funds and

Naberru Hostel trust account have been closed and trust statements have been prepared for all the remaining accounts.

(3)-(4)

Treasurer's approval has been obtained for all but the mining rents and royalties account. Treasurer's approval is still pending for this account.

PORTS AND HARBOURS - HILLARYS BOAT HARBOUR

Foreign Ownership Lease Agreement

384. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Should the Hillarys Boat Harbour be sold to a foreign buyer, will the Minister confirm that the terms of the new lease agreement by the purchaser and the Government will be made available to the Parliament?
- (2) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Hillarys Boat Harbour is owned by the Government and is not for sale. Certain elements of the property are leased to private developers. Details of commercial arrangements are not normally public documents but if the honourable member wishes clarification on any policy matter, I will be happy to oblige him if he contacts my office.
- (2) Not applicable.

PORTS AND HARBOURS - HILLARYS BOAT HARBOUR

Passenger Vessel Trade

385. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Why does the Government continue to take an active role in determining which passenger vessels may or may not trade out of Hillarys Boat Harbour?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

The Government does not determine which passenger vessel may or may not trade out of Hillarys. They are common user facilities.

PORTS AND HARBOURS - HILLARYS BOAT HARBOUR

Harbour Policies and Principles

386. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Does the Minister accept that there is nothing unique about the Hillarys Boat Harbour and that the policies and principles applicable to all harbours controlled by the Department of Marine and Harbours and other Government port facilities throughout the State should apply within the Hillarys Boat Harbour?
- (2) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) No.
- (2) Each harbour has different characteristics and responds to different needs and balance of needs. Management should reflect this.

PORTS AND HARBOURS - HILLARYS BOAT HARBOUR
Common User Berth

387. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Will the Minister agree to call a meeting of all the relevant parties to try to clarify the position in respect of the common user berth at Hillarys Boat Harbour?
- (2) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) I have agreed to establish a liaison committee with charter boat owners and ferry boat operators and this matter can be addressed in that venue.
- (2) Not applicable.

SPRINGDALE COMFORT PTY LTD - SWAN BUILDING SOCIETY
Bassendean Home Unit Construction Dispute

388. Hon GEORGE CASH to the Attorney General:

- (1) Is the Attorney General aware of a dispute between Springdale Comfort Pty Ltd and Swan Building Society in which Springdale Comfort Pty Ltd constructed certain home units in Bassendean for Chiri Shelf Company (No 54) Pty Ltd, construction being completed in August 1986?
- (2) Is the Attorney General aware that Springdale Comfort Pty Ltd was owed a final progress payment of approximately \$141 800 at the time the Swan Building Society collapsed and was taken over by the Home Building Society and that this debt under the original building contract accrued interest at the rate of 17 per cent per annum since 18 August 1986 until May 1990 representing accrued interest of approximately \$90 000 on the original debt of \$141 800?
- (3) Can the Attorney General advise why Springdale Comfort Pty Ltd was required to accept approximately \$56 000 less than it was entitled to receive from the Home Building Society given that the Government had earlier indemnified Home Building Society for any losses that were incurred by the Home Building Society as a result of the administration of the loans of the Swan Building Society?
- (4) Was the Home Building Society directed or under instructions from any Government department when authorising the release of the funds to partially satisfy the debt owed to Springdale Comfort Pty Ltd?
- (5) If so, which department or instrumentality was involved and what conditions were attached to any directional instruction?

Hon J.M. BERINSON replied:

- (1) Yes.
- (2) I am aware that a civil dispute existed between Springdale Comfort Pty Ltd and the Swan Building Society in respect of the liability of Swan Building Society to make the progress payment mentioned. This dispute was settled by agreement between the parties on 9 May 1990.
- (3) See (2).
- (4)-(5)

Following the giving of a Government indemnity, the Corporate Affairs Department, in consultation with Treasury officials, undertook responsibility for monitoring the management of certain affairs of Swan Building Society by Home Building Society. In accordance with this responsibility, officers of the Corporate Affairs Department approved the terms of the settlement entered

into by Home Building Society on behalf of Swan. Those terms were proposed by Home after consultation with their solicitors.

RAILWAYS - TRAVERS MORGAN RAPID TRANSIT STUDY REPORT

392. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) When was Travers Morgan commissioned to investigate and report on the Northern Suburbs Transit System?
- (2) How long did the investigations take?
- (3) Which option did the Travers Morgan Report recommend?
- (4) Why was this recommendation not accepted?
- (5) Who were the authors of a subsequent report which recommended the rail option and what were -
 - (a) the qualifications;
 - (b) the affiliations; and
 - (c) the experience of the writers of this report?
- (6) How long did the study take to investigate?
- (7) Was a market survey of residents in the northern suburbs carried out to predict usage patterns of the system?
- (8) If so, what was the predicted usage of the system?
- (9) What is the estimated usage of the northern suburbs rail system on both weekday and weekends?
- (10) Can the Minister advise the likely revenue from far passenger fares on the northern suburbs line and the anticipated interest bill on the capital investment on the fixed assets and the lease payments on the rolling stock?
- (11) How will the shortfall between expenditure and revenue be met?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) November 1987.
- (2) 10 months.
- (3) The Travers Morgan rapid transit study report recommended a bus based rapid transit system following the Mitchell Freeway median. The report also recommended that the chosen system should allow for possible later conversion to a fixed track system such as a railway if unforeseen developments make such a system viable in later years.
- (4) The recommendation was not accepted because the Government believes that a bus/train rapid transit system is more appropriate.
- (5) The authors and their qualifications and affiliations are as follows -

Associate Professor Peter Newman - Murdoch University (chairman of the panel).
 David F. Howard - Director General, Tyne and Wear Transport, Newcastle, England.
 Doctor Vukan Vuchic - Professor of Transport Engineering, University of Pennsylvania.

The members of the panel are internationally experienced in transport.

- (6) One month.
- (7) The rapid transit study by Travers Morgan incorporated an attitude survey to gain an insight into the usage of rapid transit for the northern suburbs. The results of this survey are detailed in the study report and associated working papers.

- (8) See (7).
- (9) For the year 2001 the estimated usage of the northern suburbs transit system is 41 000 passenger journeys per day on a weekday. Specific weekend patronage figures were not developed as the weekday peak figures are those which predominate defining the system infrastructure and rolling stock requirements.
- (10) (a) Revenue. Based on expected usage patterns in 2001 and current fare rates, the expected annual revenue is \$12.6 million for the integrated northern suburbs transit system.
- (b) Interest expense, at present rates, for fixed assets and rolling stock investment is \$24 million in 1992-93.
- (c) Lease options are being investigated for rolling stock. No estimate of costs is available at this time.
- (11) Shortfall between expenditure and revenue is anticipated to be met from Consolidated Revenue Fund and any other available source of funds at the time.

PORTS AND HARBOURS - TERMINALS

Port Inefficiency Claim

393. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Is the Minister aware of a report in the *Daily Commercial News* on Monday, 4 June 1990 in which the Chief Executive of National Terminals Australia Ltd is reported to have claimed that one of the reasons for port inefficiency in Australia was the size of terminals in major ports.
- (2) As the article suggests NTAL believes that around 180 000 TEUS per annum is needed to make a terminal viable and that operations in Melbourne and Sydney handling as few as 50 000 TEUS per annum does not allow for economies of scale. Does the Government intend to provide the required resources and facilities including finance, to allow NTAL to develop an additional terminal at Fremantle where the current volume is less than 130 000 TEUS per annum.
- (3) If so, will the Minister provide details of the Government's commitment?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes.
- (2) The Fremantle Port Authority is having ongoing discussions with National Terminals Australia Limited, concerning their plans to relocate and upgrade their container terminal facilities in the Port of Fremantle. No financial commitment has been made by the Fremantle Port Authority to National Terminals Australia Limited for the establishment of their new facility.
- (3) Not applicable.

RAILWAYS - NORTHERN SUBURBS RAIL SYSTEM

"Kiss 'n' Ride" Facility

394. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) What conclusions have been reached as to the potential hostile environment between the carriageways of the freeway and the northern suburbs railway using the freeway median in attracting commuters to the system?
- (2) Is there a fundamental difference in attracting commuters using a system offering a single train journey, such as London and Toronto and the proposed northern suburbs system where car-train-bus or bus-train journeys must be made?

- (3) What is the perceived benefit of the "kiss 'n' ride" facility?
- (4) Given the Government's stated policy of assisting women into the work force, how does it reconcile the "kiss 'n' ride" concept proposed for the northern suburb rail system?
- (5) Will the loss of hundreds of millions of dollars as acknowledged by the Government in respect of WA Inc projects, have an adverse effect on the funding or construction timetable of the northern suburbs rail system?
- (6) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) It is quite common for railways to run in the median strips of freeways. Access to stations is by means of elevated bus ramps and footbridges. I do not perceive any potential hostile environment.
- (2) Almost all commuter systems require more than one ride. In London, for instance, it is quite common to make up to three rides on trains from suburbs to workplace, in addition to a car ride to the suburban station. In many cities integrated bus/light rail/metro/suburban systems require a number of rides to be made. Such systems present no problems to commuters in this respect. There is therefore no fundamental difference between such systems and the northern suburbs system, but the northern suburbs system has the advantage of being designed as an integrated system from the start.
- (3) "Kiss 'n' ride" facilities allow passengers to be dropped off/collected from a station without the driver holding up other traffic by parking in the carriageway.
- (4) "Kiss 'n' ride" is an expression used universally for the type of operation described in (3). If both partners travel to work then there will be ample parking space available for their car.
- (5) No.

PORTS AND HARBOURS - ROUS HEAD BOAT HARBOUR

Fremantle Port Authority - Construction Payment

395. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

Further to the Minister's response to question 239 of 29 May 1990, will the Minister name the State agency or instrumentality which owes money to the Fremantle Port Authority as part payment for the construction of the Rous Head Boat Harbour and the amount still outstanding?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

Fremantle Port Authority is awaiting payment from the Treasury Corporation. The amount outstanding is as advised in part 2 of question 237.

TOURISM - NEWMAN TOURIST INFORMATION CENTRE

New Building

396. Hon P.G. PENDAL to the Minister for Police representing the Minister for Tourism:

- (1) Is it correct that the Newman Tourist Information Centre is to be housed in a new building?
- (2) Have plans been prepared for this new building?
- (3) Are funds for the establishment of the new information centre to be provided by both the WA Tourism Commission and the local shire?
- (4) What is the estimated cost of establishing the new centre?

- (5) How much of this cost will be contributed by the Tourism Commission and the local shire respectively?
- (6) Is any other source of Government funding available to the centre's establishment, other than that provided by the commission?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following reply -

(1)-(4)

I am aware that this matter has been discussed locally and that drawings have been prepared. However, the Western Australian Tourism Commission has not received firm details of costings from the Newman Tourist Information Centre.

(5) Not applicable.

(6) Government funding for this information centre is subject to application to the Tourism Commission (investment and regional development division). I am unaware of any other funding sources from Government to assist with this project.

RAILWAYS - ELECTRIFIED RAILCARS

Video Cameras - Security Committee

403. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) Will video cameras be installed in the new electric trains proposed to service the metropolitan rail system in an attempt to prevent violence and vandalism?
- (2) Will the cameras be closed circuit or will they be camera recorders?
- (3) Has the Minister set up a special committee to consider security aspects on the electrified railcars for the protection of passengers?
- (4) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) There will be a trial of video cameras on a number of electric trains to determine their effectiveness.
- (2) It is intended that the cameras will be limited to video recorders only, in the first instance.
- (3) Yes.
- (4) A ministerial taskforce on passenger service was set up with the following terms of reference -

In consultation with all relevant parties -

1. To examine methods which provide for the security of passengers, staff and property on the existing and proposed suburban rail service.
2. To examine any complementary activities, for example on-train and on-platform services, which will assist in the provision of security for passengers, staff and property.
3. To develop options and strategies for the maintenance and/or upgrading of security arrangements for passengers, staff and property on the suburban rail service.
4. To evaluate the cost-effectiveness of these options.
5. To propose an implementation plan for the preferred options.

The taskforce comprises representatives from Transperth, Westrail, the Railway Officers Union, the Australian Locomotive Engine Drivers

Firemen's and Cleaners Union and the Western Australia Police and the Minister for Transport's office. Security measures already in hand or proposed by Transperth and Westrail were considered by the taskforce and additional proposals have been put forward. Their report is currently in course of preparation.

WESTERN AUSTRALIAN DEVELOPMENT CORPORATION - LIQUIDATION
Companies (Western Australia) Code

410. Hon MAX EVANS to the Leader of the House representing the Minister for Finance and Economic Development:

Would the Minister for Finance and Economic Development advise -

- (1) Why is the WADC not to be liquidated under the Companies (Western Australia) Code because the WADC Act 1983, section 4(5) states: "The Corporation shall in all respects comply with the provisions of the Companies Act 1961, and the companies (Western Australia) Code, as if it was a public company incorporated under the Companies Act 1961 and the Companies (Western Australia) Code, and a registered liquidator appointed is required under the Code for a public company"?
- (2) Was a legal opinion obtained?
- (3) Who gave the legal opinion and what was the reason given for the need for a new Bill?
- (4) Why does the Bill not require a report as to the affairs (sec 375) to be lodged by directors?
- (5) Why was there no preliminary report by the liquidator (sec 376) required?
- (6) Why were there no reports by the liquidator (sec 418)?
- (7) If solvent, why was there no declaration of solvency by directors?
- (8) Why was there no liquidator's accounts to be prepared six monthly (sec 422)?
- (9) Why was there no power or duty to investigate or report offences (sec 554)?
- (10) The WADC Act sec 4(5) says it is a public company therefore under the Code, requires a liquidator to do a liquidation, why has this been ignored?

Hon J.M. BERINSON replied:

The Minister for Finance and Economic Development has provided the following reply -

Under section 13A of the Western Australian Development Corporation Act, it is a function of WADC to liquidate its affairs to the extent that the Minister directs it to do so. WADC has already disposed of a number of assets under direction to wind down its affairs. However, the Government has decided that the operations of WADC should now cease, a decision that, I understood, the Opposition strongly supported, with its property and investment activities being realised and both EventsCorp and LandCorp being transferred to appropriate public authorities.

The method of liquidation was discussed with Parliamentary Counsel and the approach adopted in this new Bill was considered the appropriate means to liquidate WADC. As such, WADC is being liquidated through the new Bill to fulfil the undertaking to wind up its affairs as quickly as commercially possible and along lines appropriate to a Government statutory authority. The WADC liquidator is a means by which the winding up of WADC may be conducted in a manner which meets the accountability criteria of the Burt Commission on Accountability.

ROTHWELLS LTD - SPECIAL INVESTIGATOR
Charges

411. Hon MAX EVANS to the Attorney General:

It has been reported that 208 charges have been laid by the Rothwells Ltd special investigator for the NCSC. Would the Minister advise -

- (1) Who has been charged and the number of charges per person?
- (2) Is the latest total 208 or more?
- (3) If so, how many?
- (4) Under what Acts and sections have they each been charged?
- (5) Who has been tried in court?
- (6) Were they found guilty?

Hon J.M. BERINSON replied:

(1)	<u>Group date</u>	<u>Defendant</u>	<u>Charge</u>
	April 1989	K.J. Edwards	Companies Code S.229(4) (One charge)
		J.M. Hilton	Companies Code S.229(4) (One charge)
		T.F. Hugall	Criminal Code S.378 (Nine charges)
		A.J. Lloyd	Companies Code S.229(4) (One charge)
		A.J. Lloyd	Companies Code S.229(4) (One charge)
	Nov 1989	D.B. Jones	1. Securities Industry Code S.124 (One charge)
			2. Companies Code S.229(4) (31 charges)
			3. Companies Code S.229(4) (85 charges)
			4. Companies Code S.138(1) (One charge)
			5. Takeovers Code S.40(1) (One charge)
			6. Takeovers Code S.11(2) (31 charges)
			7. Takeovers Code S.40(1) (12 charges)
			8. Takeovers Code S.40(1) (Six charges)
			9. Companies Code S.229(4) (Two charges)
			10. Companies Code S.229(3) (Nine charges)
	March 1990	L.R. Connell	1. Criminal Code S.420 (Four charges each)
		T.F. Hugall	
		P.K. Lucas	
		L.R. Connell	2. Criminal Code S.412 (One charge each)
		T.F. Hugall	
		P.K. Lucas	
	March 1990	N.K.B. Lee	Companies Code S.296 (One charge)

(2)-(3)

208.

- (4) See (1).
- (5) Mr A.J. Lloyd.
- (6) Acquitted on appeal to the Full Court.

PRISONS - BUNBURY REGIONAL PRISON
\$10 Million Upgrade Commitment

414. Hon BARRY HOUSE to the Minister for Corrective Services:

In view of the Minister's firm commitment during question time on Tuesday, 19 June that the Government will provide funds to follow up its announcement on the \$10 million upgrade to the Bunbury Regional Prison, will the Minister indicate when tenders will be let on the project and work will commence?

Hon J.M. BERINSON replied:

The design phase of the project is currently proceeding. It is expected that dates for the letting of tenders will be known by early August 1990.

TOURISM - RAINBOW COAST TOURISM DIRECTORATE
Annual Budget

416. Hon MURIEL PATTERSON to the Minister for Police representing the Minister for Tourism:

What is the actual annual budget, including grants and donations, of the Rainbow Coast Tourism Directorate?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following response -

The Rainbow Coast Tourism Directorate is an autonomous organisation and requests for information regarding their financial affairs should be directed to the directorate's General Manager, Mr Cliff Egan, in Albany. The Western Australian Tourism Commission's grant for the 1989-90 financial year to the directorate was \$29 844.

**ASSET MANAGEMENT TASKFORCE - MAIN ROADS DEPARTMENT LAND,
NORTH FREMANTLE**
Sale Proposal

419. Hon BARRY HOUSE to the Leader of the House representing the Minister for Finance and Economic Development:

- (1) Is the Asset Management Taskforce proposing to sell a 572 square metre portion of Main Roads Department land at the corner of Queen Victoria Street and Tydeman Road in North Fremantle?
- (2) If so, is the Asset Management Taskforce aware that adjacent buildings are classified by the National Trust and North Fremantle residents are concerned that a modern development on the land in question, would detract from the character of the area?
- (3) If the land is to be sold, will a protective covenant be placed on the title to ensure that any future development is in keeping with the character of the area?

Hon J.M. BERINSON replied:

The Minister for Finance and Economic Development has provided the following reply -

(1)-(3)

No. The land is presently controlled by the Main Roads Department which is currently assessing its suitability for future MRD purposes. In the event the land is declared surplus to MRD requirements, disposal will be arranged by that department. The Main Roads Department is aware of the historical significance of the adjoining

properties, and would take this into account in deciding on the appropriate disposal action to be undertaken. In any event, a proposal to dispose of this land will be referred by the MRD to the Asset Management Taskforce for approval, in accordance with standard Asset Management procedures.

MINING - FORKLIFT ACCIDENTS
Deaths - Workers' Compensation Claims

421. Hon MARK NEVILL to the Leader of the House representing the Minister for Mines:

- (1) For each year since 1987 in the mining industry, would the Minister advise -
 - (a) how many deaths have resulted from forklift accidents;
 - (b) how many workers' compensation claims were reported for forklift related injuries where five or more days were lost; and
 - (c) how many days were lost from work?
- (2) What is the average number of claims in each of the last three years?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

- (1) (a) There were no fatalities resulting from forklift accidents.
- (b) The Department of Mines does not collect the number of workers' compensation claims. However, all lost time injuries are reported by mines to the Department of Mines. The number of forklift related injuries involving five or more days is summarised below -

1987	12
1988	7
1989	11

- (c) The total days lost from these injuries was -

1987	367
1988	313
1989	297

- (2) As stated above, the Department of Mines does not collect information on workers' compensation claims.

NATURAL GAS - STATE ENERGY COMMISSION
Reticulation Leak Loss

422. Hon MARK NEVILL to the Leader of the House representing the Minister for Fuel and Energy:

- (1) What percentage of natural gas reticulated by SECWA is lost through leaks?
- (2) What is the approximate composition of this gas; that is, methane, ethane, propane, etc?
- (3) How many tonnes of each type of gas is estimated to have been lost annually?

Hon J.M. BERINSON replied:

The Minister for Mines has provided the following reply -

- (1) (a) High Pressure Transmission Network

The accurate measurement of gas is a complex process that is dependent on pressure, temperature and gas composition, including the accuracy of metering equipment. With SECWA's natural gas transmission network, it is estimated that approximately 60TJ per annum is lost to the atmosphere due to leaks, purges and other losses. Currently the transmission network transports approximately 400TJ per day.

The metering accuracy on the transmission network has proved very accurate and consistent with accuracy of gas accounting being better than ± 0.3 per cent of total throughput. This accuracy is extremely good by world industry standards, therefore the low loss of 60TJ per annum can be taken with reasonable confidence. The gas that is vented, purged or lost by major industrial gas customers and the Kwinana LPG plant is not addressed.

(b) Low Pressure Distribution Network

The gas lost through leaks on the distribution network is estimated to be about three per cent of throughput, which currently runs at about 60TJ per day. This number is harder to determine due to the more simple metering systems on domestic, commercial and small industrial premises. Generally the accuracy of metering on this system would be about \pm two per cent. It is estimated that the annual total loss for the distribution network would be about 450TJ.

(c) The total losses for the SECWA system are $60 + 450 = 510$ TJ per annum which is equivalent to 0.35 per cent.

(2) Approximate composition of gas in mol per cent - upstream of LPG plant -

	%
Methane	87
Ethane	5.8
Propane	2.3
Butanes	0.7
Pentanes	0.01
Hexanes +	0.01
Nitrogen	0.7
Carbon Dioxide	3.5

(3) Estimated tonnes of each type of gas lost annually

	tonnes
Methane	7 544
Ethane	943
Propane	547
Butanes	222
Nitrogen	108
Carbon Dioxide	835

SWIMMING POOLS - REGULATIONS

Farm Swimming Pools

424. Hon M.S. MONTGOMERY to the Minister for Planning representing the Minister for Local Government:

- (1) Do the regulations that apply to private swimming pools in urban areas also apply to swimming pools on farms?
- (2) If the answer is no, what regulations apply to swimming pools on farms and how do they differ from regulations applying to private swimming pools in urban areas?
- (3) What is the definition of "swimming pool" for the purpose of determining whether swimming pool regulations apply to a swimming area on a farm?

Hon KAY HALLAHAN replied:

The Minister for Local Government has provided the following reply -

(1)-(2)

Each municipal district has defined areas for the application of the

regulations related to swimming pools - as specified in Building Regulations Order, 20 July 1989.

- (3) The Building Code of Australia defines a swimming pool as "any excavation or structure containing water and used for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa."

FISHING - CHINESE FISHING VENTURE

North West Coast

425. Hon M.S. MONTGOMERY to the Minister for Police representing the Minister for Fisheries:

- (1) Is the Minister aware of moves to allow Chinese fishing venture or joint venture involving Chinese partners, to operate off the north west coast in the future?
- (2) Which ports will be used by the Chinese fishing boats?
- (3) Will the fish be processed or marketed in Australia.
- (4) If the answer is yes, where?
- (5) What consultation, if any, took place -
 - (a) between the State and Commonwealth Governments; and
 - (b) with the local fishing industry
 prior to the decision to allow the Chinese to fish off the north west coast?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following reply -

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

QUESTIONS WITHOUT NOTICE

BAIL ACT - JUVENILE OFFENDERS

Howard Sattler Program

301. Hon GEORGE CASH to the Attorney General:

- (1) Is the Attorney General aware of the serious concerns voiced on the Howard Sattler talkback program yesterday morning regarding the alleged inadequacies of the present Bail Act which allow juvenile offenders with serious prior convictions to be bailed out immediately after being charged and to be back on the streets, potentially to commit further serious offences?
- (2) Is the Attorney General considering any amendments to the Bail Act to ensure that the concerns of the public and the police are addressed?
- (3) If no amendments are contemplated, will the Attorney General advise the reasons why?

Hon J.M. BERINSON replied:

(1)-(3)

I was not aware of the concerns expressed on the "Sattler File", but I read some Press reports in the last couple of days which probably related to the same issue. I am no longer the Minister responsible for the Bail Act; that now comes within the authority of the Minister for Justice. However, I am sure he will not mind if I indicate that consideration is being given to a review of the Bail Act. I believe I gave that indication to the House while I was still responsible for the Act, so I shall not get into too much of a demarcation dispute if I provide that information again. That review was to be initiated by

the Under Secretary for Law, and I am sure the Minister for Justice is proceeding with that and consideration of amendments to the new Bail Act which might flow from it.

SWAN BREWERY SITE - HIGH COURT DECISION

Bropho Case - Interpretation Act

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

- (1) Will the Attorney General inform the House whether the Government intends to address the problems arising from the High Court decision in relation to the Bropho case last week by way of the Interpretation Act?
- (2) If not, what other options are being examined and is the issue still regarded by the Government as one of urgency?

Hon J.M. BERINSON replied:

- (1) Yes, the Government does intend to approach its response to the decision in the Bropho case through the Interpretation Act.
- (2) Yes, the Government does regard this as a matter of urgency. I indicated to the House previously - or at least it was my intention to do so - that any other approach would involve a detailed examination of a huge number of Bills, and that could not be done within the short timetable appropriate for action now. That will not preclude further consideration on a detailed basis at a later date, and I would expect that to be done.

BLOOD ALCOHOL - NEW LEGISLATION

Evidence Tabling

303. Hon E.J. CHARLTON to the Minister for Police:

Does the Minister for Police intend to table any evidence in support of his statement last week about improved safety as a consequence of new initiatives in the 0.05 blood alcohol level saga, prior to the introduction of the proposed legislation?

Hon GRAHAM EDWARDS replied:

Yes. I hope it will be available later this week. If that is not possible, it will be available early next week and I will make sure that all members of Parliament receive a copy.

HERITAGE BILL - LEGISLATION DELAY

304. Hon P.G. PENDAL to the Minister for Heritage:

Will the Minister explain the reason for the inordinate delay in the advancement of the Government's Heritage of Western Australia Bill through the Parliament this session?

Hon KAY HALLAHAN replied:

I understand most of the time has been taken up by the Address-in-Reply debate and other matters on the Notice Paper. This matter will be given early attention. However, as we know, time is running out in this session and not many Bills have been processed. It will be regrettable if that Bill is not advanced through the Parliament. I understand it will be the subject of considerable debate and I continue to hold meetings with people who have a particular interest in the legislation. I suspect those meetings will continue until the last clause is debated in the Committee stage, and possibly until the third reading. It will be an interesting debate when we finally get to it.

MOTOR VEHICLES - PROBATIONARY PERIOD EXTENSION

305. Hon E.J. CHARLTON to the Minister for Police:

Will the Minister advise whether the proposal to increase the probationary period for new drivers from one year to three years is based on the desirability of a further learning period, or is directly related to the amendment to the permissible blood alcohol levels from 0.05 to 0.02?

Hon GRAHAM EDWARDS replied:

The reason for moving to extend the probationary period by a further two years is to ensure that new, and generally younger, drivers are given a longer period in which to better learn to handle a vehicle, during which time they may not drink alcohol. The Government's view is that if a probationary driver has a good driving record for two years, he should be rewarded by the remission of the last 12 months of the probationary period; in other words, a person with a good driving record would serve a two year probationary period only. It is widely recognised that it would be in the interests of young drivers for the Government to proceed in this way, and this recommendation is also part of the 10 point plan put forward by the Prime Minister.

BLOOD ALCOHOL - 0.05 LEGISLATION

Infringement Notice

306. Hon GEORGE CASH to the Minister for Police:

- (1) With regard to the 0.05 blood alcohol level legislation, if an infringement notice were issued for this offence would the police rely solely on the reading taken at the time the notice was issued, or would they require the motorist to accompany them to a police station for a more comprehensive analysis of the blood alcohol level?
- (2) Would the motorist be allowed to drive his car from the location where the infringement notice was issued to the police station?

Hon GRAHAM EDWARDS replied:

- (1) The police would need to take the person to a police station in order for the breath analysis machine to confirm the accuracy of the initial reading.
- (2) No, because obviously if the driver's blood alcohol level were more than 0.05 he would be breaking the law if he drove his vehicle.

LAND - LAND RELEASE

Policy Statement

307. Hon D.J. WORDSWORTH to the Minister for Lands:

Some months ago, in response to a statement made by the Chairman of the Environmental Protection Authority, Mr Barry Carbon, that there be no further land releases, I asked the Minister, in view of the need for land to be released in the future in the Ord area, would she make a major policy statement about land release, because it should hardly be up to a civil servant to determine Government policy in that way. Has the Minister made that statement; and, if so, will she now make it to the House?

Hon KAY HALLAHAN replied:

I have not made such a policy statement but the member can be assured that, when I do, the House will hear about it.

DUNSBOROUGH STRUCTURE PLAN - CABINET CONSIDERATION

308. Hon BARRY HOUSE to the Minister for Lands:

- (1) Has Cabinet considered the Dunsborough structure plan?
- (2) If so, has its release been authorised?

Hon KAY HALLAHAN replied:

(1)-(2)

The Dunsborough structure plan is now being considered by Cabinet. It has not yet been released, but the member may like to assure his constituents that the matter is receiving Cabinet's immediate attention and I do not think it will be very long before it will release that plan.

LAND - LEDA
Housing Subdivision - Opposition Concessions

309. Hon P.G. PENDAL to the Minister for Planning:

Can the Minister elaborate on her statement in today's *The West Australian* that the Government may be making concessions to the Opposition in respect of the Leda subdivision near Kwinana?

Hon KAY HALLAHAN replied:

Generous in spirit as I may be, I make decisions on the basis of broader considerations than the making of concessions to the Opposition. I would like that to be noted by all members, and I am sure they will think that is the way that I, as a responsible Minister, should conduct the business of the Government in my portfolio areas.

Hon P.G. Pendal: I am still trying to work out whether that is yes or no, but go on.

Hon KAY HALLAHAN: The Leda land has been an area of significant interest to many people. The Government is proposing to set aside 60 per cent of the Leda land as bushland and reserves, and to subdivide the remaining 40 per cent for housing. That land will be made available for first home buyers, which is a particularly important segment of the market, and I am sure the Opposition would agree that we need to accommodate those people. The area to be reserved is twice the size of Kings Park. The announcement to which the member referred is that there will be no immediate development of the western ridge. That area has been of special interest to the Conservation of Kwinana's Environment group - COKE - which is interested in environmental matters in that area, and which contends that the black-gloved wallaby makes a pathway through that area of the western ridge.

Hon P.G. Pendal: We were worried that you were wearing one of them today.

Hon KAY HALLAHAN: They would like to see that area reserved and not subdivided. The original proposal was to subdivide the western ridge into 2 000 square metre blocks, or what were previously half-acre sized blocks. The area would not have required deep sewerage because of the size of the blocks. That land would not have been suitable for first home buyers, but it would have complied with the Government's commitment to provide choice in respect of housing design and location.

I would like to set this in context for members because there was a period when everyone agreed that while some areas further south of what is called Leda Drive or Leda Boulevard should be withdrawn from subdivision, and that the population densities in the remaining subdivisional areas should be increased so that there would be no diminution in the number of families that could be accommodated. The conservation council said it would prefer that the western ridge be not included in the subdivision, but given that it had won significant concessions, it was prepared to agree to the inclusion of the western ridge. The Kwinana Town Council also agreed to the inclusion of the western ridge in the subdivision, the Government drew up plans on that basis, and all the major actors at that time were in agreement with that move.

In the meantime, we have seen the emergence of different opinions within the community. From time to time community groups do change their membership and their views about their locality. Ultimately the community prevailed upon the Kwinana Town Council to change its position of agreement to the inclusion of the western ridge. In the face of that changed opinion, the Government made a statement late yesterday that it would not subdivide the western ridge immediately but that area would be zoned deferred urban land, and that the long term zoning of that land would be considered in conjunction with any buffer zones that may be required for the proposed east Rockingham industrial park, known as IP14, which is to be located nearby. The Government has striven to accommodate the change in people's opinions, where they originally wanted the western ridge included,

but then decided they could not live with its being included, and I hope we have now reached a position where we can give some comfort to those people who have a particular concern about the western ridge.

LAND - SOUTH OF SLOANS RESERVE
New Reserve Inclusion

310. Hon P.G. PENDAL to the Minister for Planning:

I thank the Minister for her response. Given that 60 per cent of the land will be reserved and that 40 per cent will be carved up for housing, and given that for the last 25 years all that land has been reserved as a conservation area, can the Minister say why the land to the south of Sloans Reserve has not also been considered for permanent inclusion in the new reserve?

Hon KAY HALLAHAN replied:

The Government is strongly of the opinion that it should retain the proposed boundaries of the subdivision. It is very difficult for the Government when, every time we say that we accept that members of the community have a particular interest in an area, we have to remove that area from the subdivision process, because very often the energy of the community then turns to some other area. The reality is that we need land for housing. I hope that Hon Phil Pendal will take a responsible position about the fact that not only do we have to act on behalf of those people who want to see preserved adequate recreational space and areas of keen environmental concern but also we have to identify land that is suitable for housing. In particular, we need to provide land for first home buyers and their families, who are struggling to bring up their children -

Hon E.J. Charlton: They will soon be struggling a lot more.

Hon KAY HALLAHAN: - and who need above all things security and the ability to invest in a home of their own. Consensus has been achieved. I would have to concede that there may still be small areas of the proposed development which, as I indicated, were earlier agreed and now, because of a new, changed environmental movement locally, may be the subject of agitation by that group for further concessions. I make it very clear today in the House that the Government will not be entertaining shifting those boundaries again. We certainly are agreeing that the Western Ridge has a particular significance, and we will keep our options open with regard to the future of that area when we consider Improvement Plan 14. However, there has been agreement with environmental groups, the Conservation Council of WA and the town council on the area that is now proposed for subdivision.

LAND - LEDA
Housing Subdivision - Government Revenue

311. Hon P.G. PENDAL to the Minister for Planning:

This question relates to the same issue, and I thank the Minister for that last piece of information.

- (1) Will she agree that other degraded land at Leda is in fact available for housing but that such land is privately owned and thus will not bring revenues?
- (2) Will she state categorically for the record that the proposed carve-up of virgin bushland at Leda is not being done in order to increase the revenues to a revenue-desperate Government?

Several Government members interjected.

Hon P.G. PENDAL: Because it is true.

Hon KAY HALLAHAN replied:

(1)-(2)

I think I have been very considered in what I have said, because I saw the

Press release Hon Phillip Pental put out yesterday, which was quite outrageous.

Hon P.G. Pental: I asked that it be referred to you.

Hon KAY HALLAHAN: I would not have thought it did any journalist any credit at all, let alone a senior member of the Opposition in this House.

Hon P.G. Pental: I got an answer out of you that we could not get in the Parliament.

The PRESIDENT: Order!

Hon KAY HALLAHAN: Mr President, I inform the honourable member that the need for housing land is absolutely paramount and if he thinks that that is not a critical issue I suggest he talk to people who still want to house their families.

Hon P.G. Pental: Do you advocate carving up Kings Park?

Hon KAY HALLAHAN: Hon Phillip Pental knows I do not advocate carving up Kings Park.

Hon P.G. Pental: That is what Leda is to Kwinana.

Hon KAY HALLAHAN: I am, in fact, preserving an area twice the size of Kings Park south of Kwinana. The member likes to refer to it as "the lungs of the south".

Hon P.G. Pental: That is pretty good, I think.

Hon KAY HALLAHAN: It is graphic. Those areas will be thoroughly enjoyed and appreciated and, indeed, upgraded if need be, over time. Much of it is not virgin bushland as Hon Phillip Pental has said it is.

Hon P.G. Pental: Yes it is.

Hon KAY HALLAHAN: Not at all.

Hon P.G. Pental: The south and the west of Sloans is.

Hon KAY HALLAHAN: This Government is concerned about ensuring that adequate and suitable land for housing comes onto the market for young Western Australian families.

QUESTIONS - No 359

Satisfactory Answer

312. Hon P.G. PENDAL to the Minister for The Arts:

I refer the Minister to question 359 which she has answered in today's Notice Paper, and ask whether, given that the asker of the question is Hon Kay Hallahan, who is in fact the Minister for The Arts, she has received a satisfactory answer from herself?

Hon KAY HALLAHAN replied:

I have a little "K" at the bottom of this answer so I must be happy with the answer.

Hon P.G. Pental: It is better than the ones you give us.

CORPORATE AFFAIRS DEPARTMENT - RESIGNATIONS

O'Connor, Mr Mike

313. Hon MAX EVANS to the Attorney General:

- (1) I was away over the weekend, but I understand that Mr Mike O'Connor, the Commissioner for Corporate Affairs, is departing. Are any other senior members of the Corporate Affairs Department in the process of leaving?
- (2) If so, what impact will those departures have on the department up until December?

Hon J.M. BERINSON replied:

(1)-(2)

I make no secret of the fact that Mr O'Connor's decision to move to the private sector is a great loss to the Public Service, just as I am sure that it will be a great gain to the private sector organisation to which he is moving. The last couple of years in particular have been very strenuous on officers in that department from all points of view, but not least because of the instability and uncertainty created among staff by the Commonwealth proposals to take over the regulation of companies and securities law. On the other hand, there has been greater stability among our staff than I understand has been the position in other States. That is no doubt assisted by the assurances given by the State Government quite early in the piece that all officers of the Corporate Affairs Department could look forward to continued employment within the State Public Service whether or not we eventually move to a Commonwealth system.

There have been other movements among the higher levels of the department but they have been relatively isolated, and on the whole, until very recently, it has been possible to move in an orderly way to their quick replacement. Needless to say, we have only one commissioner so there is only one such instance and I make no secret of the fact that he will be hard to replace. I am hopeful, however, depending on the results of the Ministerial Council meeting starting this Thursday, that the most intensive period of activity in relation to early transitional arrangements, should all other matters go well, will be in hand by the time Mr O'Connor leaves.

I take this opportunity to pay tribute to the services of Mr O'Connor. It is not only a matter of his serving his department well, but also I know he is held in the highest regard in the business and professional community which he has served, and that is reflected in the opportunity which has become available to him.

CORPORATE AFFAIRS DEPARTMENT - RESIGNATIONS

McCusker Report

314. Hon MAX EVANS to the Attorney General:

- (1) Can he assure us that the loss of Mr O'Connor and any other staff from the Corporate Affairs Department will have no effect on the McCusker report's coming out? The Attorney General has said that 30 staff have been allocated for that purpose.
- (2) In the Eastern States media, when I was over there at the weekend, much was being said about the Commonwealth-State union problems with staff. Could the Attorney General explain what the problem is and why there is a hold-up with staffing problems? I could not understand from the media quite what it was about.
- (3) I refer to the Australian Securities Commission, and the funds resulting from each State making a profit in its respective Corporate Affairs Department. Is the Attorney General getting any closer to resolution of the problem of picking up the loss of profits?

Hon J.M. BERINSON replied:

The agenda which we have drawn up for ourselves at the Ministerial Council meeting this Thursday is not exhaustive but it has 17 items and I think all of them are included, in one way or another, in Hon Max Evans' questions. The Commonwealth takeover bid has very great ramifications and they go beyond questions relating to the law itself and the system itself but to very difficult questions of organisation.

- (1) I refer firstly to that part of Hon Max Evans' question which centred on the McCusker inquiry. One of my own first inquiries after hearing of Mr O'Connor's intentions was to discuss the position with

Mr McCusker, and I am assured by him that the move by the commissioner will have no effect on his work. That is because the substantial work force available to Mr McCusker has come to operate substantially independently from the rest of that office and, as I understand it, under Mr McCusker's direct control. Therefore the answer to the first part of the question is that no substantial effect at all on Mr McCusker's work is anticipated.

- (2) The second part of Mr Evans' question related to staff problems, and that really is a very complicated issue. I will try to put it in a nutshell but it is not easy. The simplest part of the problem is that at the moment the Corporate Affairs Department has roughly 200 staff and the Australian Securities Commission's Perth office is expected to have about 140 to 150; it may well start with 130.

Hon R.G. Pike: That is anticipating that we pass the legislation.

Hon J.M. BERINSON: I am sorry?

Hon R.G. Pike: It does not matter.

Hon J.M. BERINSON: I am sure it does, but I did not hear it.

On previous occasions I have gone to some lengths to indicate that the question of numbers of staff does not reflect the nature of the problem either because we have been concerned about the level of service including numbers of staff and the levels of decision making authority left in regional centres like Perth.

The next part of the problem relates to the fact that, on the whole, Commonwealth salaries at the moment in the equivalent levels that we are dealing with are behind the State level, so there is the question of income maintenance. The Commonwealth has made a proposal that it should fully maintain the levels of staff salaries for three years and then taper off over the next three years. Staff associations throughout Australia are concerned and are looking for something better; that is another part of it. There are other parts of staff problems beyond that but I have gone far enough.

- (3) Mr Evans asked something about the ASC, but I forget what.

Hon Max Evans: I asked about the effect of the loss of profits. Other States have talked about the effect of revenue collected over and above running costs. Do you know how much money is involved?

Hon J.M. BERINSON: That is one of the issues which remains to be resolved; again it is not easy because each party to the discussions has a different point of view.

The general view of the States is that the States' total net revenue from their departments currently runs at the rate of about \$130 million a year. The Commonwealth says that ought to be discounted by the fact that they are proposing to put in an enhanced service at greater cost which should have been there all the time with the National Companies and Securities Commission. The States responded by saying that it was two years since the Ministerial Council agreed to substantially enhance the facilities and resources available to the NCSC. The only reason that has not happened is that the Commonwealth has not gone along with that. We pointed out that the enhancement of the resources of the NCSC was to be fully self-funded on a user-pays basis, and that just as it might be said that past net revenues ought to be discounted for the expansion of the service now anticipated, so ought account be taken on the other side of the ledger, so to speak, for the considerable avenues for additional revenue which have been neglected over past years.

It is not an easy question. We have stated roughly \$103 million; the Feds have started with an offer of \$70 million to \$80 million. In the ordinary

course of events there should be ample room for compromise. As to the share of the respective States, I do not think that will be an insurmountable problem. In general, we have looked over the scheme and accepted that Western Australia should contribute about 10 per cent and gain about 10 per cent. Fractions of a per cent will be involved in that and no doubt some other States will be plugging for a little more and for others to have a little less. It is not a major problem.

Again, in the nature of the whole exercise the problem does not stop with what we believe is the current net revenue or what we believe the current division of the current net level should be. A further argument is as to what is an appropriate updating basis for that figure to be carried into future years. A couple of alternatives will be discussed on Thursday.
