
PARLIAMENTARY DEBATES

(HANSARD)

Third Session of the Thirty-second Parliament

Parliament was prorogued on 13 May 1988, to 17 May 1988, when it met for the despatch of business.

Parliament was opened by His Excellency the Governor (Prof. Gordon Stanley Reid, AC).

OPENING OF PARLIAMENT

Legislative Council

Tuesday, 17 May 1988

MEETING OF THE COUNCIL

The Legislative Council met at 3.00 pm.

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

PROCLAMATION

The Clerk of the Parliaments (Mr L.B. Marquet), read the Proclamation of His Excellency the Governor (Prof. Gordon Stanley Reid, AC) summoning the third session of the Thirty-second Parliament.

GOVERNOR'S SPEECH

His Excellency the Governor (Prof. Gordon Stanley Reid, AC) entered the Council Chamber at 3.04 pm; and, the members of the Legislative Assembly having also attended in the Chamber obediently to summons, His Excellency was pleased to deliver the following speech -

Mr President and Honourable Members of the Legislative Council.

Mr Speaker and Members of the Legislative Assembly.

Before I detail the legislative programme for this Session it is appropriate that I record the death of Mr Stan Lapham, a Member of the Legislative Assembly for 12 years to 1974. Mr Lapham was a former chairman of the Public Accounts Committee.

I would also like to record the retirement of some long serving Members, including the former Premier, Mr Brian Burke, and his Deputy, Mr Malcolm Bryce, who both resigned their seats in February.

Mr Burke, who entered Parliament in 1973 made a valuable and enduring contribution to the economic and social fabric of this State. He was Premier for five years and, under his guidance, Western Australia experienced outstanding growth.

In Parliament, Mr Burke will be remembered as an astute politician and a penetrating debater with a sharp wit.

Mr Bryce represented the seat of Ascot for more than 16 years and was Deputy Premier for five. He was the State's first Minister for Industry and Technology and was a tireless advocate for technological growth in Western Australia.

Others who have resigned include Mr Cyril Rushton, Mr Ian Laurance, Mr Vic Ferry and Mr George Spriggs.

Mr Rushton, a former Deputy Premier in the O'Connor Government, held many portfolios during his parliamentary career which spanned 23 years.

Mr Laurance, a member of the Legislative Assembly for 13 years, was a Cabinet Minister in the Court and O'Connor Governments.

Mr Ferry, the Legislative Council Member for South West Province from 1965, was a former Government Whip and Chairman of Committees.

I welcome the new members who have been elected since I opened the Second Session of this Thirty-second Parliament. In the Legislative Assembly: Dr Ian Alexander, the Member for Perth, Mr Frank Donovan, the Member for Morley-Swan, Mr Bob Wiese, the Member for Narrogin, Mr Dudley Maslen, the Member for Gascoyne, Mr Bob Greig, Member for Darling Range, Mr Fred Tubby, the Member for Dale, Mr Ted Cunningham, Member for Balga, and Mr Eric Ripper, Member for Ascot; and in the Legislative Council: Mr Barry House, Member for South West Province.

I now refer to matters of State which will concern members directly.

The Government believes the time is right to take up the challenge of securing the State's prosperity into the 1990s and beyond by raising the level of economic activity.

The Government has released its detailed economic strategy and is determined that Western Australia will continue to lead Australia in economic achievements. The economic strategy is the most comprehensive ever presented by any Australian State Government and identifies key priorities for economic policy.

These are -

- * to expand and diversify exports;
- * to increase the processing of raw materials before export;
- * to expand manufacturing industries;
- * to improve productivity.

In association with this strategy the Government has announced more than twenty key initiatives which include the upgrading of Fremantle harbour and three regional ports, a new dam, a new power station, research and development grants, a \$100 million guarantee fund, the development of a marine support facility, the creation of an advanced materials engineering park and an advanced technologies research institute.

At the same time, the Government has signalled increased emphasis on family and social policy.

A new standing committee of Cabinet has been created to concentrate on issues of community and social development giving special emphasis to the needs of family and youth.

The new committee is intended to ensure that a balance is maintained between issues of business and development on the one hand and with family and community needs on the other. It will oversee Government activities in areas such as education, health, community services, youth and the aged, Aboriginal affairs and housing.

The State Government is committed to providing assistance for the needy and to helping non-government welfare agencies with the valuable work they do in the community.

This year, in the area of community services, the Government is providing resources for services to assist the victims of physical and sexual abuse. It is also dealing with the problems of juvenile crime and the needs of the elderly.

The Government's commitment to the family through the special initiatives of its Family Package is continuing, including the establishment of four community centres which will open later this year.

The Government has set up community centres in metropolitan and regional areas including Bunbury, Geraldton, Karratha and Whitfords as part of a pilot programme involving a community-based response to social welfare.

A trial after school "Sportsfund" programme is being conducted in primary schools as part of the Government's Family Package. Emphasis has been placed on developing leadership skills in Year 11 and 12 students by encouraging them to use their talents to coach primary school children in various sports.

This programme has been highly successful in motivating young people to participate in their community and is part of the Government's ongoing commitment to helping the family in contemporary society.

Acting on the recommendations of the Child Sexual Abuse Task Force the Government has announced it will set up a child abuse unit under the Ministry for Community Services. It will also provide \$250 000 to the non-government sector for assistance to victims of violence and their families.

Extra funds have been made available to run training programmes for people involved in non-government child protection agencies. Thirty-four new positions in the area of child protection have been created and a case review board will begin its work next month.

Within the portfolio of Community Services much emphasis is being given to the issue of juvenile offenders. A coordinated programme involving a community-based response to the problem is being developed.

To this end, an additional allocation of \$1.1 million has been made to help reduce and prevent juvenile crime.

Funding of \$413 000 has been allocated for the country youth offenders prevention programme. It will provide employment and recreational opportunities for young people living in isolated communities.

The Department's Community Service Order Scheme has been expanded to allow young people to make restitution to their community for the crime they have committed rather than impose upon them the expensive and destructive option of imprisonment.

Legislation in this parliamentary session in the area of Community Services will include amendments to the Child Welfare Act (1974) to create a new Children's Court to be administered by the Crown Law Department. It is proposed that the office of president of the Children's Court be set up and given the status of a District Court judge.

Other legislation will provide the courts with a wider range of realistic penalties and educational programmes for young people in conjunction with custodial options.

New regulations will enable the Government to separate the responsibilities of licensing child care from advisory and support services. This reform will help improve the planning, coordination and development of children's services in Western Australia.

The Minister for Community Services will appoint a Child Care Services Board to be responsible for all aspects of licensing child care services throughout the State.

The Government is continuing its commitment to promoting the principle of equal opportunity for all West Australians and to raising the status of women.

Major initiatives of the Government in this area will include the implementation of the Women's Employment and Training Strategy, the work of the Domestic Violence Coordinating Committee and the setting up of a pilot screening programme in rural areas for breast and cervical cancer.

A Women's Cancer Prevention Unit has been set up within the Health Department to coordinate the screening programmes to be conducted throughout the State.

The Women's Employment and Training Strategy will be concerned with -

- increasing women's participation in decision making;
- increasing women's access to Government resources;
- assisting with the dual responsibilities of work and family;
- increasing the skills and qualifications of women;
- improving women's participation in industrial policy and examining questions of gender segmentation in the labour market.

The Government is committed to providing services for the aged and has set up a number of initiatives through its Family Package.

The Senior's Initiative Fund is a new programme to encourage community groups to identify with projects that will allow greater participation by the elderly in promoting their independence.

The Senior's Card has been made available by the Government to allow concessions for a broad range of services from the private sector.

The Government plans to introduce a Code of Conduct for retirement villages under the Fair Trading Act. The amendment will involve retirement village operators so as to protect the rights of the elderly and retired in our community.

In the areas of health and housing, the Government is continuing its commitment to providing effective and comprehensive services throughout the State. Over the past two years it has provided more than 5 000 homes through Homeswest's housing and home loans programme.

In the area of health services, major hospital redevelopment programmes at Princess Margaret hospital and hospitals in Albany, Collie, Derby and Kununurra have been completed.

A new hospital in Mandurah is nearing completion and Royal Perth Hospital North Block is due for completion early next year.

The Government will also introduce legislation to establish a Guardianship and Administration Tribunal to appoint guardians to protect people unable to look after their own personal affairs.

The Government has initiated successful health education campaigns in the areas of smoking and also to promote sensible approaches to the drinking of alcohol.

The Government is committed to maintaining the sound economic policies pursued under former Premier Brian Burke. Heightened economic activity will enhance the quality of life of all West Australians through the flow-on of economic benefits.

The active encouragement of development of the resources sector is a major part of the Government's development policies for Western Australia.

The resources sector comprises a significant single segment of the State's economy. It is showing healthy growth in activity.

The North West Shelf gas project continues to provide stimulus to the local economy. The construction of the massive liquefied natural gas plant and its related facilities at the Burrup Peninsula are nearly complete with expenditure on the LNG phase having totalled \$2.24 billion to December 1987. The first exports of LNG to Japan are expected to commence in the second half of 1989 marking the beginning of a significant new export industry for the State.

In recent years, gold has become the second ranking mineral in the State in terms of the value of production. Petroleum production has also expanded with the development of new oilfields off the North West coast.

The State's agricultural sector continues to perform well with the gross value of agricultural production rising by 8.3 per cent in real terms. The firming in recent months of certain agricultural commodity prices such as wool, points to a continuation of sound growth.

The rural sector is being assisted by the maintenance of interest rate ceilings which have helped to ease farm debt problems.

The Government is concerned with the continuing problems of drought, soil erosion and land degradation in rural areas.

It has moved to increase the autonomy of rural communities over farm management problems. Legislative amendments to the Soil and Land Conservation Act will seek to give farmers more independence in carrying out research and conservation strategies, with the ultimate aim of decreasing soil degradation.

The Agriculture Department in line with the Government's policy of regionalisation is progressively deploying more resources and staff outside the metropolitan area.

Following the concerns about the effects of pesticides on the local beef industry last year, the Government moved quickly to introduce free testing for quarantined farms and property management plans to help farmers to maintain viability when affected by pesticides.

Despite the backdrop of Australia's current account problems, Western Australia's natural resource base and its vigorous agricultural industries continued to ensure a favourable overseas trade balance for the State.

Western Australia's contribution to the export sector to the six months to December 1987 is about 20 per cent - well above our 9.2 per cent share of the country's population.

Despite the continuing need for budgetary restraint, the Government is committed to maintaining its present level of public services without significantly increasing taxes and charges. Improvements in productivity will play a big part in achieving this goal.

The Government is taking steps to improving work force skills, productivity and quality control. The increasing co-operation between employer organisations, unions and the State Government makes these productivity goals achievable.

Productivity can be raised through improvements in production technology, management systems and through the effectiveness of labour and industrial relations.

In the area of industrial relations, the current session will see the introduction of a **Worker's Compensation and Assurances Amendment Bill** to reduce the delays in resolving disputes by changing the emphasis of the Act towards the rehabilitation of workers. It will also provide compensation for loss of hearing.

The benefits of a better industrial relations environment are demonstrated by the sustained improvements in industrial dispute statistics in the past few years. Latest figures show that for the 12 months to November 1987, the number of working days lost due to industrial disputes was the third lowest since 1975.

Employment growth in Western Australia has continued to outstrip most other States, with the number of employed increasing by 5.4 per cent between March 1987 and March 1988, compared with the national growth rate of 3.6 per cent. In addition, the value of retail sales in Western Australia in 1987 outstripped the rest of Australia and building activity has been strong.

The Government has been committed to creating jobs and its tripartite formula of continued co-operation between the Government, employers and unions has not only led to a reduction in the number of industrial disputes but has created a stable environment for job creation.

An important part of the State's economic strategy is the emphasis on a skilled labour force through training and retraining programmes. Western Australia is at the forefront in developing training, retraining and vocations education. In addition, the economic environment for enhanced employment growth is being created through schemes such as the Youth Employment Scheme and the New Enterprises Scheme.

In line with the emphasis on developing labour skills, the Government will introduce in this parliamentary session the **State Employment and Skills Development Authority Bill** to establish an employment and skills authority.

The Government will establish an office of Technical and Further Education, (TAFE).

The creation of the office of TAFE within the Education Department and the appointment of a Minister to assist the Minister for Education with TAFE, signals the priority that the

Government places on the development of skills and vocational training to further improve the State's economic and industrial performance.

The sustained economic performance of Western Australia is being greatly supported by a Government policy of seeking to combine the State's traditional industries with the new expanding high technology of the manufacturing and associated service industries.

This represents a sound response to the changing economic and industrial trends taking place internationally. A key way in which the Government can increase economic growth in this State is to improve access to international markets.

Direct support to international marketing is being provided through interstate and overseas trade exhibitions.

In the past three years, the Government has held 17 such exhibitions which have contributed to direct sales and contracts totalling \$200 million, with a potential of a further \$600 million in sales. The total cost of these exhibitions has been only \$800 000.

Three major initiatives will boost the Government's commitment to international trade -

- the establishment of a Ministry of Economic Development and Trade;

- the setting up of a market co-ordination and research unit within the Ministry;

- the establishment of the Counter-trade Office - the first of its kind in Australia - to explore the potential benefits of world trade for the State.

In addition the Overseas Relations Office set up within the Ministry of Premier and Cabinet will continue ensuring that the State gains maximum advantage from its diplomatic links overseas.

Through the efforts of Exim, Western Australia has established itself as Australia's leader in overseas marketing of educational services.

The growth in this important export industry under EXIM's guidance has been impressive. In 1986, Western Australian institutions derived income from full fee paying overseas students totalling just \$3.2 million. Next year, the figure is expected to be \$43.6 million.

Although the State's economy continues to grow in terms of export industries, the Government is concerned with the growing consumer debt owed by Western Australians through the use of credit.

While a national review of the Credit Act is now underway, the State Government has moved quickly to set up a consumer credit task force to examine the extent of credit over-commitment in Western Australia and the need for a consumer credit advisory service.

The Government is continuing its commitment to the issues of law and order and law reform.

It has provided additional budgetary allocations for resources and extra personnel for community-based programmes aimed at increasing the efficiency of the West Australian police force.

During the past year, old police complexes have been replaced at Armadale and Midland and a new Traffic Licensing Centre established at Kelmscott. It is planned to open a multi-million dollar police complex at Mandurah in the near future.

A new police complex is being planned for the northern suburbs at Joondalup and in the country at Kalgoorlie.

The Police Department's grassroots programme of education and community liaison through such schemes as Neighbourhood Watch is growing with the introduction of school-based and community-based police officers.

The strength of the police force was increased by another 100 officers during the current financial year and the provision of 120 public service personnel will help to release trained police officers for operational duties.

In addition, \$1 million was provided this year above budgetary allocations for improvements to police technology such as the installation of telephone diverters, a police emergency telephone system at non-metropolitan stations and sophisticated computer systems.

The Government will also introduce legislation this session to provide for random breath testing as a signal that the community will no longer tolerate motorists who drive under the influence of alcohol.

The Government plans to introduce sweeping changes to Western Australia's law enforcement system aimed at reducing the State's unacceptably high imprisonment rate.

Legislation will be introduced to establish the principle of imprisonment as a sentence of last resort and to provide a range of effective alternative measures.

The reforms include -

- * Amendments to the Criminal Code and the Justices Act to ensure that Magistrates and Justices of the Peace provide reasons when imposing prison sentences. It will also limit the ability of Justices of the Peace to gaoil or impose fines.
- * The Police Act will be amended to abolish the offence of drunkenness. Alternative procedures will be established for persons found intoxicated in public.
- * The Road Traffic Act will be amended to remove mandatory terms of imprisonment for various traffic offences.
- * A Community Corrections Centre Bill will be introduced to establish community correction centres as an alternative to prison for fine defaulters.

Under the legislation, offenders will be required to spend two evenings and one full day each week working as restitution to the community in general or specifically for disadvantaged individuals.

Other law reform measures include amendments to the Bail Act which is at present unproclaimed to provide for more streamlined and fairer bail procedures. Amendments to the Jurors Act will allow for computer selection of jurors.

Legislation will also be introduced to provide for the expunction of certain criminal records under appropriate conditions and safeguards.

The Government will proceed with its ongoing programme of legislation to crack down on crime by introducing a Crime (Confiscation of Profits) Bill to allow for the freezing of assets of those involved in serious crime, including drug dealers, and to allow for the confiscation of the proceeds of crime.

In addition, the maximum fine available under the Criminal Code will be increased five-fold - from \$50,000 to \$250,000. Further legislation will be introduced to clamp down on tax evasion and the Government will propose bills to rectify anomalies which disadvantage taxpayers.

- * The Payroll Tax Assessment Amendment Bill will remove an anomaly which adversely affects businesses of a seasonal nature and will simplify the calculations required for the payment of payroll tax.
- * The Stamp Amendment Bill will rectify a number of other anomalies, and strengthen the investigation and enforcement provisions of the Stamp Act.

The Government will propose an amendment to the Equal Opportunity Act to include discrimination on the grounds of impairment. This will open up a wide range of opportunities for people with all types of disability in the areas of employment, the provision of goods and services and entry to sporting and activity clubs.

Previously, disabled people were unable to lodge a complaint on the grounds of discrimination when refused opportunities because of their impairment.

A Bill will also be introduced to allow the Commissioner and the Director of Equal Opportunity in Public Employment to be represented when appearing before the Equal Opportunity Tribunal.

The Government is continuing its commitment to the provision of effective public services such as transport.

Extensive improvements will be made to the metropolitan passenger transport system resulting from the electrification of the suburban rail system.

Contracts have been let for 21 railcars for use on the electrified system and these will offer commuters comfort, speed and convenience comparable to those on the best train services in the world.

The Government is committed to the conservation and preservation of Perth's unique foreshore areas and in the current session will introduce legislation to set up the Swan River Trust.

It is vital that the Swan and Canning Rivers which are the centrepiece for Perth be protected and well managed so that they can continue to be used by future generations of Western Australians and by those visiting the State.

The Government is also committed to the proper management of this State's unique regional areas and the State Planning Commission is currently working on draft regional plans for the Leeuwin-Naturaliste, Kimberley and Peel areas.

These plans will be designed in consultation with local authorities and communities to reconcile the land-use demands of conservation, agriculture, mining and recreational interests.

The Government is maintaining its provision of key services in regional areas through its programme of regionalisation.

It is broadening its regional development strategy in the South West. The South West Development Authority will expand its operations to take a stronger role in the sub-regional areas of Mandurah, Manjimup, Collie and Busselton.

The Government has implemented a new Rural Water Strategy which is aimed at progressively extending water supplies to all country towns, and to rural and remote communities in Western Australia.

In conjunction with Government's policy of regionalisation, a Bill will be introduced in the current session to establish the Geraldton Mid West Development Authority. The authority will have a role in planning, promoting, co-ordinating and facilitating the economic and social development of the Geraldton Mid West region.

The Government has finally realised an historic achievement in the area of electoral reform with the gazettal on 29 April this year of Western Australian's new State electoral districts and regions.

The new electoral boundaries, which will apply in the next general election, were drawn up by the three members of the Electoral Distribution Commission, chaired by the Chief Justice, Sir Francis Burt.

New electoral procedures have been tested in the Balga, Ascot and Dale by-elections this year to ensure their smooth application in the next general elections.

The reforms contain provisions in the conduct of elections, closing of polls, postal voting, simplified voting and better ballot papers.

Other legislation to be introduced in this session will include the streamlining of the Liquor Act to increase the effectiveness of liquor licensing processes, emphasizing the needs of the community and the control of licensed premises.

In addition the Water Legislation and Consolidation Bill will bring together water legislation into one Act and the Heritage Amendment Bill will establish the the Heritage Commission as a statutory body.

The Transport Co-ordination Amendment Bill will introduce more flexible licensing procedures for North West truck operators and set licence fees by regulation.

Honourable members, the legislative initiatives before you cover many diverse areas of activity by the Government. They have the simple aim of providing a better and more equitable standard of living for all the people of Western Australia.

I now declare this Third Session of the Thirty-Second Parliament open and I trust that Providence may bless your deliberations.

[His Excellency and the members of the Legislative Assembly then withdrew from the Chamber, and the President resumed the Chair.]

PETITION

Planning: Swan Area

The following petition bearing the signatures of 282 persons was presented by Hon Neil Oliver -

To:

The Honourable The President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:

We, the undersigned residents/ratepayers of the Swan area object in the strongest possible manner to the State Planning Commission's proposals to re-zone to Urban areas presently zoned Rural and Special Rural in the Swan area as set out in their Preferred Strategy Plan, and we respectfully request the Government not to implement any plans which will radically change the nature of the Swan area.

Your Petitioners, therefore, humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

[See paper No 159.]

PETITION

AIDS

The following petition bearing the signatures of 88 persons was presented by Hon P.G. Pendal -

TO:

The Hon. the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled. WE, the undersigned citizens of Western Australia:

Call on the minister for health to introduce legislation to give doctors the legal right - even obligation - to inform the sexual partner of a patient where the latter is confirmed as being infected with the aids disease.

Your Petitioners, therefore, humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

[See paper No 160.]

[Questions taken.]

JURIES AMENDMENT BILL

Leave to Introduce

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [4.08 pm]: In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move, without notice -

For leave to introduce a Bill for an Act to amend the Juries Act, 1957.

Question put and passed; leave granted.

Introduction and First Reading

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

GOVERNOR'S SPEECH

Distribution of Copies

THE PRESIDENT (Hon Clive Griffiths): For the sake of accuracy I have obtained copies of His Excellency's Speech, which will now be distributed to honourable members.

ADDRESS-IN-REPLY: FIRST DAY

Motion

HON DOUG WENN (South West) [4.10 pm]: I move -

That the following Address be presented to His Excellency -

May it please Your Excellency -

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

Mr President, it is a privilege for me to move this motion in the third session of the Thirty-second Parliament.

I recognise and welcome distinguished guests, including the leaders of the Australian defence forces representing our Navy, Army, and Air Force, and members of the Police Force who formed the guard of honour and who are represented here today. I also acknowledge our very special guests in the Public Gallery; for many it is the first occasion on which they have seen an opening of Parliament and I hope they have enjoyed themselves today.

I, too, would like to add my best wishes to those who have retired since we last gathered in this place. The departure of the Labor Party Premier, Mr Brian Burke, from this Parliament is a sad loss for Western Australia. Since 1983, this State under the leadership of Brian Burke has progressed in such a way that it has become the envy of many of its Eastern States' counterparts; but with that envy also came respect - a respect that is still given by people of all walks of life.

Mal Bryce, the previous Deputy Premier, also retired at the same time; he is another Bunbury boy who made good, as have many others from that part of our great State. Mal has achieved many of his ambitions over the years and has been recognised as an astute member of Parliament. Although he was an achiever Mal failed to reach one ambition that not too many people are aware of: He had a great sense of humour and one year he confided in me that he had a dream of being the No 1 ruckman for South Bunbury. I am not sure whether South did not want him or perhaps his height had something to do with it. Mal was recognised as a good footballer in the area and I am sure he gave it a fair go.

I take this opportunity to wish them and the other members who retired all the best in whatever the future may bring them.

Normally in the Address-in-Reply debate members cover a number of topics but today I will briefly cover only one topic; an issue that is becoming a world concern - the depletion of the ozone layer. Australians are sun loving people, and the public must be made fully aware of the problems that will be created by the breakdown of the ozone layer. One only has to go to a local beach to see the number of people doing their utmost to get that magic tan that we strive for each summer, in many forms of dress or undress depending on which beach one goes to. In an attempt to make those people aware of the problems to which they could be exposing themselves, a landmark seminar on ozone layer depletion and the greenhouse effect will be held in Busselton. Several of the nation's leading scientists will come together for this public seminar on 20 May, which stands to be the largest public seminar ever held in Australia on the issue.

The forum has been organised in response to widespread concern expressed by south west people about this issue following public meetings held in Busselton last year. The day-long forum will have two important aims; firstly, to provide an opportunity for informed public discussion on the greenhouse effect and ozone depletion and, secondly, to create a forum for discussion about the measures that could be taken to address the issue. Leading scientists from the CSIRO Atmospheric Research Division, including Graeme Pearman and Barrie Pittcock, who have studied the subject for many years, have agreed to take part. Other main speakers will include an expert on the ozone issue, Dr Paul Fraser of the CSIRO, Leonard Broadbridge of the Bureau of Meteorology, and representatives of the Australian Conservation Foundation. To make sure it is a fair discussion we have also invited members of the Association of Fluorocarbons Consumers and Manufacturers.

A special panel will be set up of people with a specific interest in, and understanding of, the south west environment. They will be able to discuss the possible impacts of ozone layer depletion and the greenhouse effect on that region in particular and the State in general. Panel members will include Dr Graham Chittleborough, Professor Bert Main, Dr Peter Newman, Brian Sadler of the Water Authority of Western Australia and a man I have come to know through the Select Committee investigating salinity and for whom I have the greatest respect, Dr Rob Nulsen of the Department of Agriculture.

Perhaps most important of all will be workshops at which members of the public can form smaller groups to discuss areas of particular interest, such as agriculture, water supplies and conservation. There will be a specific workshop for people who are most interested in ozone layer depletion. We are aware that it is an ambitious programme for very important issues.

The experts, by virtue of the fact that they have agreed to attend, have demonstrated their commitment to attempting to solve this problem. The Busselton Shire Council, which deserves congratulations for its part, played a leading role in bringing the issues to the attention of local authorities throughout the State. Mr Peter Loughton, a Busselton shire councillor, moved the motion that the State Government should act on the problems we are facing with regard to the ozone layer depletion and greenhouse effect. That motion was moved, seconded and accepted by the council. From there it flowed to other shire councils and it is an issue of which we should all be aware.

Each person who registers for the seminar will be sent a package of recent and relevant information about the issues, so that the discussions can commence at a high level of understanding. We have been involved in this seminar for a number of months, and we are most thankful to the people who have been working with us, particularly the scientists who are recognised throughout the world. It started at the grass roots level from people who were very concerned. Therefore, we hope the seminar will be a huge success. Upward of 300 people have already registered and we anticipate that more will attend. For the information of those who wish to attend, the cost is \$15 a head, with a concessional rate of \$8 for pensioners and the unemployed.

Mr President, it is with a great deal of pleasure that I commend this motion to the House.

HON FRED McKENZIE (North East Metropolitan) [4.18]: I formally second the motion.

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

House adjourned at 4.20 pm

QUESTIONS WITHOUT NOTICE

BURSWOOD CASINO - CORPORATE AFFAIRS DEPARTMENT *Parliamentary Commissioner for Administrative Investigations*

1. Hon G.E. MASTERS, to the Attorney General:
- (1) Was the Attorney General advised or consulted in relation to the refusal of the Corporate Affairs Department to cooperate with the State Ombudsman, thereby blocking an investigation by him into the Burswood Island Casino allegations?
 - (2) Will the Attorney General table the full Corporate Affairs Department report on this matter?

Hon J.M. BERINSON replied:

- (1) I was not advised of the refusal of the Corporate Affairs Department to cooperate with the Ombudsman, as the Corporate Affairs Department has never refused its cooperation for that purpose. On the contrary, as the Commissioner for Corporate Affairs indicated in a Press release issued yesterday, as far back as February he undertook to open the relevant files to the inspection of the Ombudsman, even though it is the view of the Corporate Affairs Department that the Ombudsman does not have jurisdiction in that respect. That question, therefore, is based on a false premise as, regrettably, is much of the discussion on this matter that has taken place in recent days.
- (2) As for the second part of the question inviting me to release further papers, on 30 October last year the Commissioner for Corporate Affairs indicated that, after a lengthy investigation and on the basis of legal advice he had received, he had come to the conclusion that he should not initiate prosecutions arising from the Burswood Casino prospectus.

I interpolate at this point to comment that the commissioner was acting under a personal and independent discretion provided to him by the Act in those circumstances, and there is no ministerial role or authority in respect of either the investigations or a decision to prosecute.

Having taken the decision not to prosecute it would clearly have been wrong in principle for the commissioner to publicly release all the material that gave rise to his investigations, and which has resulted from them. Indeed, the principle here extends much further because at the end of that sort of process would be an argument that where people are investigated but not charged by the police, the Corporate Affairs Department or other investigatory bodies, the details of the investigation, the suspicions, the allegations, and the material that comes from informers and so on should nonetheless all be released, in spite of the fact that the decision of the prosecuting authority is not to proceed. That it would not be correct or proper in those circumstances to release that material is a conclusion fortified by the provisions of the Companies Code and the National Companies and Securities Commission Act which themselves impose secrecy provisions on the commissioner in these circumstances. That is the background.

Regrettably, along the way somebody has stolen or otherwise leaked an early document by the commissioner dated June 1987 which indicates that at that stage he had come to the view that prosecutions should be initiated. Over the four months that followed and on the basis of further advice and substantial legal opinion, the commissioner changed his mind and came to a contrary conclusion.

The fact that early material has been improperly exposed does not change the general principle involved in this question in any way. It does not affect the secrecy provisions of the Act except to make clear that someone has decided not to honour the secrecy provisions or the provisions of the Public Service regulations.

Someone having abused his or her position in the course of releasing that material, there is no call upon the present commissioner to release further material. I have no intention of doing so.

BURSWOOD CASINO - CORPORATE AFFAIRS DEPARTMENT
Parliamentary Commissioner for Administrative Investigations

2. Hon NEIL OLIVER, to the Attorney General:

Is it true, as reported in the *Daily News* of Monday, 16 May, that the Parliamentary Commissioner for Administrative Investigations has been denied access to files of the Corporate Affairs Department to investigate a complaint by a citizen of Western Australia?

Hon J.M. BERINSON replied:

In relation to what?

BURSWOOD CASINO - CORPORATE AFFAIRS DEPARTMENT
Parliamentary Commissioner for Administrative Investigations

3. Hon NEIL OLIVER, to the Attorney General:

My previous question to the Attorney General related to the controversy surrounding the Burswood casino project. It was reported in the *Daily News* yesterday that the Parliamentary Commissioner for Administrative Investigations had been denied access to files of the Corporate Affairs Department concerning a complaint by a citizen of Western Australia. Is that true?

Hon J.M. BERINSON replied:

It is my understanding that the Ombudsman was not denied access.

WESTRAIL
Australian National Railways - Mergers

4. Hon H.W. GAYFER, to the Leader of the House:

(1) Is it a fact that the Western Australian Government and/or Westrail is negotiating with the Commonwealth Government for the takeover of part or whole of the Westrail network by the Australian National Railways?

(2) If so, how far down the track have the negotiations proceeded?

Hon J.M. BERINSON replied:

(1)-(2)

I have to ask the honourable member to place that question on notice as I am not the Minister responsible for that area.

WESTRAIL
Australian National Railways - Mergers

5. Hon H.W. GAYFER, to the Leader of the House:

As the office of the Leader of the House was telephoned six days ago advising that my previous question would be asked in the House today, would it not have been courtesy to advise me that he was not prepared to answer my question at this stage?

Hon J.M. BERINSON replied:

I am sorry if Hon Mick Gayfer gave advance notice. It may well have been forwarded to my office.

Hon H.W. Gayfer: It wouldn't be a bit curly, would it?

Hon J.M. BERINSON: It is not curly at all. The answer would be yes or no.

STATE SUPERANNUATION BOARD
Central Park Development

6. Hon G.E. MASTERS, to the Minister for Budget Management:

It would be the first time that the Minister has answered yes or no.

Was the Minister ever consulted about the State Superannuation Board's involvement with

the Bond Corporation's development known as the Central Park Development, which involved \$100 million of the board's money?

Hon J.M. BERINSON replied:

For more than the first or second time, but to repeat a practice of long standing on my part, no.

BURSWOOD CASINO

Legal Opinions

7. Hon NEIL OLIVER, to the Attorney General:

With respect to the Burswood Casino development, a preliminary report based on a legal opinion resulted in a subsequent investigation and a further legal opinion. Is the Attorney General prepared to table both legal opinions in order that the people of Western Australia will be in a position to understand the manner in which the Corporate Affairs Department decided to vary its final decision in regard to its investigations?

Hon J.M. BERINSON replied:

Those legal opinions were not provided to me and to the best of my recollection I have not seen them. For the reasons I gave in an earlier answer - and even if those opinions were available to me - the answer would be no.
