Legislative Council

Tuesday, 22 November 1988

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

LAND TAX ASSESSMENT AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

STANDING AND SESSIONAL ORDERS SUSPENSION

Closing Days of Session

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [3.35 pm]: I move -

> That Standing and Sessional Orders be suspended for the remainder of this session as will enable -
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> (a) Bills to be introduced and put through any or all stages in one sitting; and
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> (b) business to be proceeded with beyond the times appointed for the sitting and adjournment of the House.

This is the standard form of motion to which we are accustomed at this stage of a session and if anything it is made more necessary than usual by the proceedings of the two Houses so far. It has taken quite a long time for Bills to be passed from the Assembly for our consideration but now that we have reached that point they will be coming at a very steady pace. Many of them will be non contentious and will lend themselves to consideration at one sitting, and I move this motion in order to facilitate that.

HON A.A. LEWIS (Lower Central) [3.36 pm]: I will not oppose this motion, but for a number of weeks we have been knocking off at six o'clock to suit the Government and I hope the Leader of the House does not use the passing of this motion as a method to bulldoze through Bills, having used, in his own words, "the courtesy of this House" to leave things for a week before discussing them. The fact that the Government cannot handle its business in another place is no fault of ours and I believe we should steadily go on with the business. I have no objection to sitting until reasonable hours of the night - midnight or one o'clock - but I believe we do not want to join the farce that has been going on in another place, which has sat until five or six o'clock in the morning.

Question put and passed.

EQUAL OPPORTUNITY AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

POTATO GROWING INDUSTRY TRUST FUND AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [3.38 pm]: I move -

> That the Bill be now read a second time.

The Bill before the House proposes to amend the Potato Growing Industry Trust Fund Act. This Act authorises and provides for the administration of a trust fund in relation to the

potato growing industry and for the application of moneys in the fund. The fund is made up from a levy which is deducted from the proceeds of all sales of potatoes. The fund is administered by the potato growing industry trust fund advisory committee.

The Bill proposes to alter the method of collection of the levy, to allow for the rate of the levy to be varied, and to provide for greater flexibility in the allocation of expenditure from the trust fund. At present the rate of contribution is $1.20 per tonne of potatoes sold, regardless of whether the potatoes are sold to the Potato Marketing Authority, to processors or to potato exporters.

After the payment of administration of the trust fund and its committee, the Act allows the fund to be used for the following purposes -

(a) The payment of the whole or portion of the costs and expenses of measures taken to prevent or eradicate pests and diseases affecting potatoes;

(b) the payment of compensation to growers for the whole or portion of losses suffered by them as the result of measures taken to prevent or eradicate pests and diseases;

(c) the payment of the costs of the promotion and encouragement of scientific research for the improvement and transport of potato crops;

(d) the provision of financial help recommended by the committee, and approved by the Minister, for the Potato Growers Association and its branches in carrying out its activities for the benefit of growers; and

(e) any other purposes which, in the opinion of the Minister, will promote and encourage the potato growing industry.

The request to amend the Act came from the potato growing industry trust fund advisory committee, which recommended that the method of levy collection be changed from the current rate per tonne to a levy based on the percentage of gross proceeds available to growers from the sale of potatoes. The background to the recommendation is that, with the development of the potato processing industry, the present system of a charge per tonne is inequitable when compared with the returns for potatoes produced for the Potato Marketing Authority, which handles the ware trade.

In addition, the committee has recommended that subsections 22(3)(a) and (b) of the Act, concerning the annual percentage of the fund's income which can be expended on particular purposes, unnecessarily restricts flexibility. The committee argued that it should be responsible for recommending to the Minister for Agriculture the manner in which the income of the trust fund should be expended, according to industry priorities.

At present these sections of the Act restrict the committee from recommending that more than 50 per cent of trust fund income be committed to either research, administration of the Potato Growers Association, or specific activities approved by the Minister. In addition, the Act restricts total expenditure on these items to less than 80 per cent of the income of the fund in any one year. These restrictions were incorporated in the Act in 1982, following representations from the Potato Growers Association. At that time the potato growers wished to restrict the way the fund was expended because the cost of running the association had risen almost to the level of the total annual income of the fund and it was considered that some brake should be placed on funds being allocated to other activities. The Minister for Agriculture has advised that the trust fund committee has reviewed the opportunities available to it in lieu of the present per tonne levy. It is believed that a levy based on a percentage of the gross value of potatoes sold by each grower as defined in the Act is the most equitable system. Initial calculations indicate that the rate will be of the order of 0.5 per cent. Specifically, the rate will be set annually by the Minister.

To give effect to the desire of the association to have more flexibility in recommending the distribution of funds, it is proposed to repeal section 22(3) of the Act. This subsection prescribes that no more than 80 per cent of total revenue may be expended in any one year and that no more than 50 per cent may be spent on any one specific area of activity.

To ensure the continuation of the growers' association, the Minister for Agriculture has given an assurance that adequate funds will be made available in future years to fund the association.

The changes proposed in the Bill are supported by the potato growing industry trust fund advisory committee, the Department of Agriculture and the Potato Growers Association. In addition, the Edgell-Birdseye potato processing negotiating committee has indicated that it supports the proposed change to the method of levy collection. The potato growing industry trust fund has been of significant benefit to the potato industry in Western Australia. It has supported a strong Potato Growers Association and has provided valuable research funds to the Department of Agriculture and universities to undertake research on potatoes.

I commend the Bill to the House.

Debate adjourned, on motion by Hon W.N. Stretch.

BILLS (2) - RETURNED

1. Family Court Amendment Bill
2. Local Government Amendment Bill (No 2)

Bills returned from the Assembly without amendment.

MINERAL SANDS (ALLIED ENEABBA) AGREEMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [3.45 pm]: On behalf of the Leader of the House, I move -

That the Bill be now read a second time.

The purpose of the Bill is to ratify an agreement between the State and Allied Eneabba Limited - hereinafter referred to as the company - the provisions of which amalgamate the Mineral Sands (Allied Eneabba) Agreement and the Mineral Sands (Western Titanium) Agreement. Amalgamation is achieved by transferring the outstanding obligations set out in the Mineral Sands (Western Titanium) Agreement to the Mineral Sands (Allied Eneabba) Agreement which is renamed the Mineral Sands (Eneabba) Agreement and repealing the Mineral Sands (Western Titanium) Agreement Act 1975. I will hereinafter refer to the Mineral Sands (Allied Eneabba) Agreement amendment as the Eneabba Agreement.

Members of the House would be aware that since 1975 two mineral sands mining projects have operated in the Eneabba area under the provisions of the two agreements that I mentioned earlier. Late in 1985 Renison Goldfields Consolidated Limited, the parent of the company carrying out operations under the Mineral Sands (Western Titanium) Agreement, took over Allied Eneabba Limited, the operator under the Mineral Sands (Allied Eneabba) Agreement. Since that event mining operations have been rationalised which has resulted in a single integrated entity carrying out the obligations of both agreements. In addition to the mining tenements held under the provisions of the two agreements, there are a number of mining tenements held by associated companies which will be brought under a single agreement mining lease to rationalise mining and rehabilitation regimes for all mining activity by the company in the Eneabba area. Mining on the additional areas which are shaded and hatched green on plan B, a copy of which I now table, is subject to the prior submission and approval of proposals as set out in the new clause 6B, which is introduced by clause 4(2) of the Eneabba Agreement.

[See paper No 623.]

Hon KAY HALLAHAN: The green shaded areas comprise agricultural lands which will have different rehabilitation requirements to the green hatched areas which are Crown lands. The red and yellow areas, both shaded and hatched, are the mining areas under the existing agreements.

Proposals submitted under new clause 6B will be dealt with in the usual manner under the provisions detailed in new clause 6C which has also been added by clause 4(2) of the Eneabba Agreement. In addition to addressing the amalgamation and additional mining

areas matters, the opportunity has also been taken to modernise other areas of the existing agreements to more appropriately reflect current practices. I will now refer to the major changes.

The current provisions in both agreements provide for rail transportation of all production of heavy mineral concentrates, heavy minerals and heavy mineral products from and to specified points. The current provisions for the determination of freight rates are now outdated. New provisions have been introduced via clause 4(6) of the Eneabba Agreement whereby the company remains bound to use Westrail, but the terms and conditions that will apply will be contained in a commercial contract negotiated directly between the company and Westrail outside the agreement.

Provisions relating to the issue of the mining lease have been deleted and replaced by new provisions as detailed in clause 4(9) of the Eneabba Agreement. The mining lease will now be under the Mining Act 1978 but in the form set out in the new second schedule which is introduced through clause 4(22) of the Eneabba Agreement. The lease will be for all minerals, which is the current practice for leases issued under the Mining Act 1978.

Two new provisions relating to the mining lease have been introduced via clause 4(9)(i) of the Eneabba Agreement. The first, which stands as clause 15(9), provides that the company may surrender portions of the mining lease from time to time provided that the Minister for Mines is satisfied that the company has met all its obligations including rehabilitation requirements in relation to the land being offered for surrender. The second provision which stands as clause 15(10) enables additional areas to be brought under the agreement mining lease from time to time. This will enable mining on those additional lands to be carried out in accordance with the approved procedures under the Eneabba Agreement.

An obligation exists under the provisions of clause 21 of the Mineral Sands (Allied Eneabba) Agreement for the company to continue to investigate the economic feasibility of proceeding to secondary processing in Western Australia. The company must proceed to construction of a secondary processing plant if studies show that such construction will be economically and commercially viable. As the company has a contract to supply monazite to a third party in Western Australia, a new clause 21A has been added by clause 4(14) of the Eneabba Agreement.

This new provision extinguishes clause 21 secondary processing obligations if an acceptable plant capable of processing 12 000 tonnes per annum of monazite to rare earth oxides is constructed within Western Australia before 31 December 1991, or such later date as the Minister may allow. Clause 5 of the Eneabba Agreement cancels the Mineral Sands (Western Titanium) Agreement.

A number of assignments are necessary to transfer facilities from associated companies to the company. Clause 6 provides for limited relief from the payment of stamp duty on such assignments. Clauses in the Eneabba Agreement that I have not specifically referred to contain the mechanisms for transferring obligations to a single agreement. Plan D referred to in clause 4(11) relates to the company's stockpile areas at Geraldton, over which the company has a number of leases. The new provision is for a single lease to be granted upon surrender of existing leases. I now table a copy of Plan D.

[See paper No 624.]

The House will appreciate that the content of the Eneabba Agreement is the culmination of extended negotiations with the company, and its provisions secure the long term viability of the company's operations at Eneabba, while maintaining maximum protection for the environment.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

LIQUOR LICENSING BILL

Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos 2 and 3 made by the Council, and had disagreed to amendment No 1, now considered.

Committee

The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon Graham Edwards (Minister for Consumer Affairs), in charge of the Bill.

Amendment No 1 made by the Council, to which amendment the Assembly had disagreed, was as follows -

No 1.

Clause 117, page 142, line 12 - To delete the words -

, or making their way to or from,

The Assembly's reasons for disagreeing to the Council's amendment were as follows -

1. The amendment undermines the central thrust of the Bill which is a balance between the needs of the industry and the rights of the community.

2. By the removal of the words ", or making their way to or from," the amendment deprives the community of the right to redress if the peace or amenity of their neighbourhood is unduly disturbed by activities directly linked to licensed premises.

Hon GRAHAM EDWARDS: I will move a amendment which, hopefully, will reflect an agreement which has been reached following consultation between the Minister for Racing and Gaming and the industry since the Bill was amended in this Chamber by deleting the words "or making their way to or from". Members will recall the lengthy debate we had on that amendment. I will also move another amendment which is consequential to the first amendment. The proposed amendment will allow for the disorderly conduct which may frequently occur at the vicinity of a licensed premises to be the basis for a complaint. Members will recall that during the Committee stage a great deal of concern was expressed that people who did not live within the vicinity of a licensed premises and who wanted to be mischievous could lodge complaints which might lead to unfair conditions being attached to a licence. We are seeking to ensure that such a complaint can occur only when disorderly conduct frequently occurs within the vicinity of a licensed premises. I move -

That for the amendment made by the Council and disagreed to by the Assembly there be substituted the following -

Clause 117

Page 142, line 12 - To delete the words ", or making their way to or from, "

Page 142, line 14 - To delete the comma and substitute " ; or.";

Page 142, after line 14 - To insert the following subparagraph -

(iii) disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises,

Hon P.H. LOCKYER: I thank the Minister for his explanation and I again indicate to the Chamber that members of the Liberal Party have a free vote on this Bill. I urge members of the Committee to accept the amendment moved by the Minister. I am pleased that good sense has prevailed. We reached a point where we decided to stand firm on our resolve to proceed with our original amendment. However, as this Chamber should always do, some compromise was sought. I congratulate the Minister for arriving at a compromise that is acceptable to the industry.

The reason the Opposition was standing so firm on its resolve on this subject is that legal advice had been received indicating that licensed premises would be under some considerable strain should the words "or making their way to or from" remain in the legislation, notwithstanding that many members on this side of the Chamber believe that great respect should be paid to residents whose lives are being affected by rowdy or disorderly patrons from licensed premises. The Opposition has always said that there should be some method with which to deal with people who make other people's lives a misery by their unfortunate behaviour. The ideal compromise is reached in the third amendment inserting a subparagraph after line 14. If, as in the case with the Nedlands Hotel, people

constantly cause disturbances to which the police are constantly called, some method must be provided to deal with that problem. The provision will no longer be as general as it was; if on the odd occasion some person makes an ass of himself, it will be the duty of the police to deal with that person. I recommend that the Government's amendment be agreed to.

Hon J.N. CALDWELL: I indicate the National Party's support for this amendment. The Minister in another place has shown great judgment in proposing this amendment. Members of the National Party were disturbed because they were being lobbied by people in their electorates who felt they were holding up the legislation. However, the National Party supports the amendment; it will improve the legislation, which previously was rather vague and could have resulted in some difficult legal questions concerning people travelling to or from the licensed premises, and their distance from those premises. The amendment will resolve that problem and I hope this Bill will now proceed with great haste as its provisions affect many people in the community. I am sure that our constituents will be very grateful when this Bill is passed.

Hon E.J. CHARLTON: The responsibility for a person's behaviour should rest with that individual. I am pleased that commonsense has prevailed in this matter. Although the Minister in another place said that under no circumstances would she agree to an amendment, commonsense has prevailed which will be for the better of the people in Western Australia.

Hon GRAHAM EDWARDS: I appreciate the indications of support from members opposite. The Government has sought to protect the good amenity of a neighbourhood in the face of greater flexibility given to the liquor industry. I am pleased that a compromise has been reached and that this Bill can now proceed.

Further amendment put and passed.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

OFFICIAL CORRUPTION COMMISSION BILL

Third Reading

HON P.G. PENDAL (South Central Metropolitan) [4.06 pm]: I move -

That the Bill be now read a third time.

Although it is an unusual step, I use this occasion to make a very brief comment on why the Bill should be read a third time. I draw the attention of the House to an incident which was not published, and of which I was not aware, at the time of the debates last week. I believe that incident illustrates in a very graphic and dramatic way that not only do we need the Official Corruption Commission, but also that the Government must now proceed to proclaim this Bill at the very earliest opportunity - I refer to a matter of days - and to appoint the three commissioners outlined in clause 2 of the Bill. You, Mr Deputy President (Hon John Williams), will be aware that in the course of many debates in this House in recent months and even during the course of interjections by many members, the question has often been posed as to whether corruption is being alleged. Members on this side have always been very careful and very sparing in the use of the word "corruption". However, the revelations that have come to me from two separate sources in the last 48 hours indicate allegations of corruption at very high levels in Western Australia. For that reason the Bill must quickly be read a third time and it must be quickly proclaimed.

One of the sources to which I refer is an article which appeared on the front page of *The Australian Financial Review* yesterday which outlines a most extraordinary, illegal withdrawal of $6 million in funds from the bank account of Western Collieries Ltd, carried out without the knowledge or consent of the board of directors of that company. A State bank is involved in this allegation. I am not in a position to say whether it is true, but apart from the information in that newspaper an entirely independent source has approached me and the Leader of the Opposition in another place confirming the accuracy of all but one paragraph of that report. The paragraph about which there is some doubt is not alleged to be inaccurate in its entirety, but is said to refer to some figures which are not correct. I repeat that the story talks about the illegal transfer of funds after hours on the part of some official

in that bank, and apparently done against his better judgement and under his protest, but eventually done at the behest of someone higher up in the scheme of things; that is an action which ought to be referred at the earliest possible date to the Official Corruption Commission, which is soon to be set up once this Bill is passed through this Parliament today. That article, if true - and the information which has come to me independently, if true - will allege corruption in high places. That word has been used sparingly, carefully and only in the proper context by members on this side of the House over a period of many months.

It is also of very serious concern that the article contains a suggestion that a Minister of the Crown in the State Government made contact with the R & I Bank recently in order to arrange some line of credit for Western Collieries, when, in fact, Western Collieries knew nothing about it. Consider that extraordinary situation for a moment, Mr Deputy President; a Minister of the Crown allegedly getting in touch with the State bank and asking that it arrange for a line of credit to be extended to a major resource company when the company itself was not aware that that request was being made.

I am aware that I cannot spend a lot of time raising new material, but I raise that aspect, and I make no apologies for doing so, because it is now a matter of extreme urgency that the commission be set up. I believe that the Government's credibility, or what is left of it, is now on the line as to how quickly it proceeds to the establishment of the commission. As members will be aware, clause 2 of the Bill states that the Act will come into operation on a day that is fixed by proclamation. Of course, the day of proclamation is entirely in the hands of the Government. Although the Opposition sponsored this Bill through the Parliament and has been successful in getting the Bill through the Parliament, it is now in the hands of the Government as to whether the Bill is proclaimed tomorrow or in six months' time. How quickly the Government is prepared to proceed with the proclamation will test fully its resolve to get to the bottom of the weird and strange happenings in this State. I ask here for some form of assurance from the Leader of the House that that early and urgent proclamation will take place, hopefully within a matter of hours.

Furthermore, I ask that the appointment of the commissioners under clause 5 of the Bill be proceeded with as a matter of urgency. Again, it is in the Government's hands to circumvent the wishes of the Parliament. If it chooses not to go ahead with the appointment of those three commissioners, it cannot claim - as the Government may do - that it takes a lot of time to hunt around for suitable people. I point out that it has never been envisaged that the three commissioners be anything but part-time appointees, and appointees who would be called in, as it were, and one of whom, if I recall correctly, is to be a retired judge who will be available on tap and on call as is required by the Government of the day. For that reason alone there is less difficulty in having early and urgent appointments made than were they to be full-time and permanent appointments; as we now know, that is not to be the case. I seriously ask the Government to give some commitment on these matters.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [4.15 pm]: The Government has supported this Bill in both the Legislative Assembly and in this House and the only amendments that we have moved have been with a view to strengthening its provisions. That alone is indication enough of the positive response by the Government to this legislation, and there is no room for doubt about that. Although I cannot speak in strict timetables, I am confident that there will be no undue delay in proceeding with this measure. I have to urge one caution, and that is the fact that it is not up to the Government to provide the commissioners. The Bill itself leaves that to three other named officers, and to that extent the timing of the appointments is not really in the hands of the Government.

The only other comment that I make is to remark on Mr Pendal's rather unusual use of the third reading debate. In his speech he seemed to canvas areas much wider than we expect and experience at this time, but given the Government's general constructive and cooperative approach to the legislation I saw no need to query that on the basis of formality. At the same time, I must say that I had some difficulty in matching his comments to an allegation of corruption. I understood him to be reading from a report which indicated that certain funds passed in and out of various accounts at particular times. I know nothing more about it than the article indicates, but the least that can be said is that neither the article itself nor Mr Pendal's elaboration on it made it in any way clear how an element of corruption was involved.

Hon P.G. Pendal: I am talking about the prospect of an officer taking $6 million out of someone's account when the owner of that account was not aware of that occurring. If that is not corruption, I will be surprised.

Hon J.M. BERINSON: I cannot go into the facts or merits of the situation since I know nothing about it.

The fact remains that the Bill is here and the commission will be in a position to consider either this or any other allegations which are put to it, and I am sure the choice of commissioners, having been left in the hands of the Chief Justice, the Chief Judge of the District Court and the Commissioner of Police, can be relied upon to constitute a body that will deal with this effectively and fairly.

Question put and passed.

Bill read a third time and passed.

RESIDENTIAL TENANCIES AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Consumer Affairs), and transmitted to the Assembly.

WESTERN AUSTRALIAN GREYHOUND RACING AUTHORITY BILL

Second Reading

Debate resumed from November 15.

HON TOM McNEIL (Upper West) [4.20 pm]: The National Party has some concern about the Bill before the House. My association with the greyhound racing industry goes back to the early 1980s when Des O'Neil was the chairman of the greyhound racing establishment and a committee was in place. During the time that I have been an owner and a spectator of the sport there have always been rumblings of disquiet within the industry. When Hon Des Dans was Minister for Racing and Gaming I had several discussions with him regarding an input from the industry to the board of management. Soon after that Pam Beggs became the Minister for Racing and Gaming. Perhaps Hon Graham Edwards will correct me if I am wrong, but as I recall it, one of the members from the Breeders Owners and Trainers Association was appointed to the committee - I think it was Roy Riordon. I am not sure that he was there for any great length of time before the committee stopped holding meetings. The Mitchell report commissioned by the Government has not seen the light of day in either House. There may be very sound reasons for this but I cannot think of any.

Hon Graham Edwards: It was not a report as such; it was done on a consultancy basis for the Minister. The information was put there for the Minister. As I understand it, the recommendations will be made public.

Hon TOM McNEIL: I suggest that the submissions to the Mitchell report were presented from a variety of quarters. As the Government probably paid for the report, the document should be here for us to see. It is simple for the Minister to say, "I have seen the report and I am recommending this", but we have to pass the legislation in this Chamber, and we are denied the right to see that report and whatever it may contain. Since public money was utilised to gain that report, with submissions from a variety of sources both within and surrounding the industry, it is essential that we see that report so that we can form a balanced opinion, as we suppose the Minister has. The Minister in another place suggested the report was really the Government's report. I would have thought that anything financed from public funds was a public document and surely it should be available to us.

Hon D.K. Dans: It was a report to the Minister. That is not unusual. How many reports to Ministers did the previous Government have which never surfaced anywhere?

Several members interjected.

Hon TOM McNEIL: I suggest -

The DEPUTY PRESIDENT (Hon John Williams): I suggest the member address the Chair and disregard interjections.

Hon TOM McNEIL: I suggest that if a sum of around $40 000 to $50 000 has changed hands for a report into the industry, showing its pitfalls, its profitability, and I do not know what else, we should be allowed to see it. It was certainly enough to cause disquiet in the Minister's mind. To make a balanced judgment in this place, that report should be available to us. It is obvious we are not going to get it - I can see the Minister nodding - the report has gone into the Minister's cubbyhole and we will not see it.

Hon G.E. Masters: I wonder why not? There must be something in it.

Hon D.K. Dans: Something like the report on Noonkanbah.

Hon G.E. Masters: That was totally different; we are talking about greyhound racing.

Hon TOM McNEIL: I guess doubt must be cast on the chief executive and on members of the committee in that there may be public speculation that all is not well. We do not want to stand up here and suggest that perhaps all is not well at the crossroads. But I cannot say that because I do not know. I would like to see the Mitchell report; but as the Minister says we are not going to get it, let us get on without it.

Trevor Smith was appointed acting chief executive on 22 December 1986. Mr Smith had been the executive manager of the Mandurah greyhound racing track for a number of years, and as far as I was concerned he always seemed to have his finger on the pulse of what was going on down there. But the fact that both bodies now have been brought under the umbrella of one man smacks of dictatorship. We have an advisory committee made up, as I understand it, of three people supposedly connected with the greyhound racing industry. The problem and the weakness in the system is, once again, the executive director is not obliged to take any notice of what they may tell him. It has been suggested to me that the three appointments are supposedly ministerial appointments, but the recommendations came from Mr Smith. I have no reason to suggest that is not true. We have an executive director suggesting to the Minister, "I would not mind these three people being advisers." Bear in mind the executive director has no reason to take any notice of what the advisers may recommend to him; it is nothing but a dictatorship. I see Mr Dans frowning, but as he is a pretty easy going member in this House -

Hon A.A. Lewis: He was a very good dictator in his time.

Several members interjected.

Hon TOM McNEIL: At the behest of the Minister the committee of the Greyhound Racing Association was asked not to meet. It was decided that Mr Smith would take over and that the committee would be put onto the back burner. I do not know whether at that time members of the committee were asked to resign, but I know Mr Hamer and Mr Ward tendered their resignations. I think those were the names mentioned in another place. One of the deepest mysteries of all concerns the annual reports. To the letter sent to the Minister, Pam Beggs, which was written by Mr Trevor Smith, chief executive, and tabled in this House on 20 September is attached a report from the Auditor General signifying that he carried out an audit for the period 1 August 1986 to 31 July 1987. The Financial Administration and Audit Act 1985 provides for regulating the financial administration, audit and reporting of statutory authorities, and this applies to the association and its operations. In respect of the association, the Acts Amendment (Financial Administration and Audit) Act says that the provisions of the Financial Administration and Audit Act 1985 regulating the financial administration, audit, and reporting of statutory authorities apply to and in respect of the association and its operations, and that the financial year of the association shall end on 31 July of whatever year. Through the good offices of Mr Trevor Smith, the executive director - not Mr Alan D. Smith, Auditor General - these figures were made available in this House on 20 September 1986. According to the Minister this shows a very healthy upturn in the performance of the Greyhound Racing Association. My immediate concern goes back to the previous annual report tabled in this Parliament. I draw to the attention of members that it was for the year ended 31 July 1985; it was tabled in this House on 11 June 1986, so here we have about a 12 month gap before we received the annual report. According to the record, both here and in the other place, we have never received the report for 1985-86. That would tend to suggest to me that perhaps all was not well with the greyhound racing industry and that we have just not been getting the total picture. Certainly in later times in a newspaper article penned by Mick Glasson there appeared a photograph of Mr Smith on the

front with the subtitle "WAGRA top dog Trevor Smith takes a moment to reflect on his major objective for 1988 - to fill the Cannington Raceway grandstand". That is a worthy aim. The article reads as follows -

> The WAGRA had traded at a loss of $184,277 in the 1985-86 season and had accumulated losses of a similar nature in less than five months of the 1986-87 year.

The point I am making is that a number of members take great interest in looking at these documents when they are tabled in this place, but we were never given the opportunity to look at the situation of the Greyhound Racing Association, when it had a substantial loss, which would probably have drawn our attention to what the Minister has finally had her attention drawn to. Perhaps the Minister in her wisdom in appointing Mr Smith wanted to turn around the situation of the loss and get the association back on the rails, so that it could make money. It was very interesting to note that at the time Mr Smith took over his duties a grant of $200 000 was paid from the Consolidated Revenue Fund to the Greyhound Racing Association.

Mr Deputy President (Hon John Williams), you would have been sitting in this place in 1981 when the TAB, with the approval of both the racing and trotting industries, granted $1.65 million by way of a loan to the greyhound racing industry. I touched on this the other day when we were discussing the racing Bill because it was given that money for five years interest free and then it had to repay it over the next 10 years at five per cent. I commented that it would be great if any of us could have received that money at that sort of interest and what we could have done with it. Talk about Khemlani! That was good money. We went along with that at the time because greyhound racing was going through a sticky period. I lift my hat to the trotting and racing industries, who said, "Okay, we'll go along with that when the TAB funding is used in that direction." We saw nothing wrong with that because we wanted to rescue the greyhound industry.

I think the suggestion that we should just sit back without getting some of the details of what happened to the money granted to the greyhound industry, whereby we were not shown the losses incurred in the 1985-86 period, should make all of us blanche; that we have an instrumentality like this operating in a loss situation -

Hon G.E. Masters: Publicly funded to a certain extent.

Hon TOM McNEIL: Yes, publicly funded, and we are accepting the Minister's statement that the loss was X amount of dollars. We do not have any details about it; it was touched on in various ways in newspaper reports when the thing started to look at bit healthier. I would like to see the greyhound industry once again become an organisation capable of standing on its own two feet. Perhaps Mr Smith is on the right track with his severe slashing of the prize moneys available for dogs winning races at Cannington and Mandurah, and with cutbacks on other expenditures here and there. I do not think we have heard nearly enough about the $200 000 that went in. There was a profit and loss statement attached to the report tabled in this place on 20 September 1988. I quote from a letter which I have mentioned before; it is from Mr Trevor Smith to Hon Pam Beggs, the Minister for Racing and Gaming. It reads -

> The Profit and Loss Statement for the year shows an operating loss, before abnormal and extraordinary items, of $337,464. If drastic cost cutting had not been carried out in January 1987 this loss would have been much greater. The budgeted loss for the year was $387,000 and by January 1987 the association had exceeded its expected losses for the period by $50,000. The cost cutting, which totalled $250,000, included reductions in Stake money of $118,000 and the removal of the breeders' bonuses of $18,000. Although difficult to make, those decisions were in the best interest of the sport.

It goes on to say -

> During the course of the financial year, the accounting policies, for the treatment of the Racecourse Development Account, the Special Purpose Account, and the Loan Redemption Reserve were reviewed and found not to be in accordance with generally accepted accounting standards. The balances in these accounts have been reallocated which has resulted in an increase in fixed assets, an increase in accumulated depreciation and an extraordinary profit for the year of $1.305 million. This extraordinary profit is the result of the understatement of the profits and losses of the association from 1975 to 1987.

Now assuming that the Greyhound Racing Association was complying with the financial Act, what I would like to know is why the Auditor General did not pick up such discrepancies. I am not an accountant and my friend, Hon Max Evans, is not here, so I cannot shove it under his nose, but it would appear that an accountant is the only one who can pick up discrepancies of this nature, which certainly, as was said in the article are -

> not to be in accordance with generally accepted accounting standards.

I do not know. I guess when one is looking at a sports organisation which is funded from public funds, which has an inquiry out of public funds and which has reports audited by the Auditor General, it should have been picked up 10 years ago. I refer again to the report, which is the Western Australian Greyhound Racing Association balance sheet as at 31 July 1987. Section 5 reads under extraordinary items -

> During the course of the financial year, the accounting policies, for the treatment for the Racecourse Development Account, the Special Purpose Account and the Loan Redemption Reserve were reviewed and found not to be in accordance with generally accepted standards. That has resulted in:
>
> (a) previous years profits being understated.
>
> (b) previous years expenditures being overstated.
>
> (c) assets not being recorded.
>
> (d) liabilities being overstated.

It continues -

> The effect of this treatment on higher period profits is as follows;

I am holding the document in my hand and I guess it would weary every member if I suggested I read them out. However, the final outcome is that from the period 1975 to 1987 the understated RDA figure was $1 124 118, the overstated SPA figure was $18 731, and the profits - LRR - total figure was $163 111. The total amount was $1 305 960. Immediately under those amounts it states -

> The understated profits resulting from these accounting policies have been brought to account in the 1986/87 financial year. Assets purchased from the Racecourse Development Account and the Special Purpose Account have been brought to account at their historical cost. Depreciation on these assets have been calculated from the year of purchase. Leasehold improvements which clearly have a useful life greater than the Association's depreciation rate of ten years have been depreciated over the unexpired period of the Cannington racecourse lease.

I would suggest that someone - such as Hon Max Evans - more conversant with accounting procedures could come up with a good story as to why this occurred. My untrained financial mind would suggest that obviously there has been some shoddy accounting practices in those 10 years. Perhaps the Minister has a story from the Minister for Racing and Gaming as to why this occurred. I look forward to his remarks.

Hon Graham Edwards: She is trying to deal with the realities of today and to address the industry in its current form and the way in which it is heading. The Minister has concentrated her energies in this area and it is the best thing she could have done in fairness to the industry and to the people involved.

Hon TOM McNEIL: Let us be fair to the industry. If there are any problems in the industry those problems should be brought to this House or the other place because public money is involved. We should not find out through articles in the newspaper that the industry incurred a loss of X number of dollars in any one year when the documents have not been tabled in this place in accordance with the Act. Hon Neil Oliver has some understanding of financial matters and perhaps he does not see anything wrong with it, but I certainly do.

To take the matter a step further, I advise the House that in March 1988 Mr Smith wrote to the Minister. The letter was tabled in this place on 20 September 1988 and the final paragraph reads -

> In March of this year a decision was made to race twice a week at the city track, on Thursday and Saturday evenings, and once a week at the country venue, on Friday

evenings. This has proved to be a more popular race program and with the Totalisator Agency Board's introduction of betting on Eastern States Greyhound Racing it is hope that the Association can return to profitability in the 1987/88 financial year.

I touched on that aspect of the greyhound racing operations during my speech on the racing legislation the other night because it has a direct input into what is happening in country areas. Mr Smith, as chief executive, decided he would alter the balance of the race meetings - in 1984, 60 meetings were held at Cannington and 60 meetings were held at Mandurah; in 1985, 64 meetings were held at each venue; in 1986, 75 were held at Cannington and 76 at Mandurah; in 1987 there were 81 meetings at Cannington and 72 at Mandurah; and in 1988, 105 meetings were held at Cannington and 53 at Mandurah. My immediate thought is perhaps the viability of the industry is such that Cannington is the best place to race.

A significant number of complaints have been received about the state of the Cannington track. The owners are not happy because the dogs were springing toes and injuring their elbows - I cannot remember if that is correct in regard to the bitch I had. The general opinion of the industry was that the track should have a sand surface. Like everything else, when this industry wanted a member from BOTRA on its board of management no-one wanted to know anything about it. Discussions about switching to a sand surface at Cannington have been continuing for two years and I recently read an article in the newspaper stating that a decision had been made that Cannington would switch to a sand surface. It is a progressive step to overcome the problems of racing dogs on an unsuitable surface - the problems would obviously arise because of the number of events being held on the city track. Mandurah has always had a nice track and it has received popular support, but the number of race meetings has diminished. I notice from the comments made by the Minister in the other place that, in her opinion, Mr Smith had been doing a fine job. That may well be the case and I will certainly not suggest otherwise.

Hon Graham Edwards: The majority of the industry would tend to support that statement.

Hon TOM McNEIL: Mr Smith is not a popular figure in the industry.

Hon Graham Edwards: The majority of people accept that he has managed to turn the industry around, and to that degree they are happy with what he has done.

Hon TOM McNEIL: If he keeps slashing things in the industry we will finally reach a situation where the owners and trainers will take a further cut in the stake money. I recall the time when I had a dog racing, and on the first occasion she won the prize money was $93. There is not a great deal of money in it.

Hon P.H. Lockyer: You would cut that out in the bar afterwards.

Hon TOM McNEIL: When the Minister made reference to the trotting industry she said Mr Smith should receive some sort of accolade because under his administration the greyhound industry's distribution from the TAB had increased from seven per cent to 10 per cent of turnover. I reject that suggestion. It is not true. I said in this House the other night that trotting would never achieve 40 per cent of the TAB turnover. The reason is that the influx of money generated from Eastern States' galloping, trotting and greyhound racing means that the local percentage must be lower. One day it may be higher, but that will never happen in the trotting industry. I draw the attention of the House to the fact that the Minister said that the percentage had increased from seven to 10 per cent. In case members want to check the figures I will read them to the House. In 1986 the amount was $328.823 million; in 1987 it was $340.642 million; and in 1988 it climbed to $386.605 million. The dog turnover TAB figure for 1986 was $20.692 million; in 1987 it was $20.984 million; and in 1988 it is $30.046 million. The Minister is right in suggesting that Mr Smith has lifted the figure, through his energies, from seven per cent, but it certainly did not reach 10 per cent. The percentage has gone from 6.29 in 1986, to 6.16 in 1987 and 7.7 in 1988. The latter is the top figure, and it cannot go any higher. The figure is even lower when we are talking about local content. The same thing applies to dogs as to trotting. If the TAB could be allowed to put the sheets in its outlets to be bet on more funds would be generated.

It is obvious that the greyhound industry has been badly dealt with in the past in so far as it was generating funds from this State only. Now there are another 115 meetings in the

Eastern States and the turnover has jumped close to $10 million. The number of meetings at Mandurah in the last five years was only 325 but, because of the action taken during the last 12 months, metropolitan race meetings have jumped to 385. In other words, there are an extra 60 meetings in the city compared with Mandurah. The funny thing about the turnover generated is that Mandurah is still ahead, although 60 meetings behind. The turnover at Mandurah is $55 million and at Cannington it is only $52 million.

I suggest that Mr Smith, whose forte was at Mandurah, then became chief executive director of both organisations and saw the need for more meetings at Cannington, although I do not know why. The track there was deteriorating and the average turnover was below that of Mandurah. Now Cannington's track is being switched to sand, so perhaps there will be a return to what could be construed as another cutback in sporting funds for country areas. It is the very same thing we were talking about with racing and trotting - the sport is part of the social fabric of the State, and if it is generating funding it should be made capable of standing on its own two feet and, where possible, funding should go back to the industry.

Hon Fred McKenzie: Maybe the owners and trainers did not want to go to Mandurah with their dogs.

Hon TOM McNEIL: The figures do not show that. People are dropping out of the industry in the same way as racing and trotting, and nothing has changed that. The figures, according to the 1985 financial report prepared by the Auditor General, show that the numbers of owners, dogs and whelpings are lower now than they were at that time. The number of sires is slightly up.

Hon T.G. Butler: Is there a levelling out?

Hon TOM McNEIL: It could well be, but we will not know anything for another 12 months. Perhaps the sport is on the way up. Any member involved in the industry will know that the greyhound industry does not cost as much as racing and trotting.

I do not want to go on about who is on the advisory committee. It may well be that one man making the decisions is the panacea for all problems within the greyhound racing industry, but I do not believe so. If the person in that position decides that the only way to make the industry viable is to cut, cut and cut, it is obviously his right to do so. My suggestion is that the committee system is perfectly feasible, and it has operated successfully in the past.

The annual report shows that an enormous amount of the funds had to be pushed in other directions to pay off debts. I am looking forward to hearing the Minister's suggestion as to why we have not had a tabled report in this House concerning that. At the same time, I would like an assurance from the Minister in this House that he will investigate how the Minister for Racing and Gaming could possibly be under the misapprehension that the total TAB turnover for the greyhound industry has jumped from seven per cent to 10 per cent. Perhaps we could also be given the reason why the number of meetings at Mandurah has been slashed in order to facilitate more races at Cannington, when it is obvious that the people who go to Mandurah have a greater input through the TAB. I do not know what the bookmakers' figures are, but I think the takings double what they hold on the TAB at each track. The Minister probably has the figures, and will let me have them.

Having suggested a number of areas of concern my final summation is that I am totally opposed to one man being placed in the position where he is the sole decision maker in an industry of this size. I do not believe the advisory committee has any teeth at all. The person making the decisions might as well come to Parliament House and listen to four or five Ministers here, then go away and make no decision or act as he sees fit. I would be more than interested to know what advantage there could be in having one man in that position as opposed to a committee. It seems as though we are making legal something that has been illegal, according to the Act.

Hon Graham Edwards: No. I will be happy to explain that later. The advice I have is that that is certainly not the case.

HON P.H. LOCKYER (Lower North) [4.58 pm]: Like the previous speaker I have some grave worries about this Bill. My worries are virtually the same as those which have already been explained to the House, but I want to go into more detail. I do not think I have ever seen a Bill which gives one person so much power as this will give the chief executive officer of the Western Australian Greyhound Racing Authority. From a careful reading of

the Bill, one can see that this officer will become the authority, and the only person who can override him is the Minister. The only person who can override the executive officer is the Minister. That is of enormous concern to me and I hope to other members of the House, who I hope will take time to read the Bill carefully.

[Questions taken.]

Hon P.H. LOCKYER: I want to make clear from the outset that I have neither met Mr Smith nor seen the way in which he operates. So far as I am concerned, I stand without forming any opinion. My advice is that the work he has done with the Western Australian Greyhound Racing Authority in the past few months has improved its financial ability somewhat. The comments I make this evening are not directed at him personally; it would not matter if he were Joe Bloggs, it is just that I believe that this Bill places far too much power with that person. I am surprised that a person would accept so much power and responsibility with only the help of an advisory committee. Hon Tom McNeil was quite right when he said that, in fact, the advisory committee could end up as a sop. They might give the best advice in the world, but if the chief executive officer does not choose to take that advice he does not have to take it. Clause 8(5) states -

> In performing a function the Chief Executive Officer may have regard to the advice of the advisory committee but the Chief Executive Officer may perform a function whether or not the advisory committee has given advice on the performance of that function.

It is there in black and white, that regardless of what the advisory committee gives to the officer concerned that advice does not have to be accepted. The other racing codes, the Western Australian Turf Club and the Western Australian Trotting Association, both operate successfully with committees. I cannot understand why an industry which is similar in so many ways could not operate under a committee system, albeit a very small one. I know that Hon G.E. Masters has said in this House that a perfect committee is a committee of one. I am sure he would not have meant - the wise man that he is - for that to apply in conducting a very large operation like this. I think he would mean it to be used in dealing with something like tossing Hon Sam Piantadosi out of the House as that is a decision he could make by himself. However arbitrarily this chief executive officer is able to operate it would be to the detriment of the industry. The Minister, by way of interjection this afternoon, made clear that it is his opinion that a majority of people in the industry accept this appointment. That is not right. I know that a number of members on this side of the House have received a considerable number of calls from people in the industry who are not happy with this arrangement. Some people are very unhappy with it because it creates a dictatorship. It is just not possible.

This afternoon I instructed amendments to be drawn up and it is my intention during the Committee stage of the Bill to move a series of amendments to give the authority the power of delegation to a committee. I believe that committee should involve the chief executive officer and should have the power to make decisions and not be an advisory committee. One simply cannot have one person operating the industry. I do not accept the argument that while this officer is doing a good job he should be left to do it. What happens if he drops dead tomorrow, or is so good at the job that he receives an offer from some other organisation in Australia and leaves the Western Australian Greyhound Racing Association tomorrow? Where would that leave the association in Western Australia? This sort of power cannot be handed out.

The more closely one reads this Bill the more power there seems to be; for instance, clause 9 states in relation to staff of the authority -

> The Authority may appoint such stewards and other officers and employees as the Chief Executive Officer considers necessary for the effectual performance of the functions of the Authority.

The appointment of the number of stewards in the industry boils down to this one man. Clause 15, and it is important that this is recorded in *Hansard*, in relation to the regulation and control of greyhound racing states that the authority may impose such conditions on the registration, or the renewal of the registration of any greyhound, person, or thing referred to in the subsections as the chief executive officer thinks fit. That is virtually making all the

rules. That is not to say that there are not some good clauses in the Bill because there are. The industry needs to have the same sorts of controls as are handed out in both of the other racing codes. Clause 27 says -

> The Chief Executive Officer shall furnish the Minister with such information concerning the activities, achievements, expenditure and financial position of the Authority as the Minister may from time to time require.

That is perfect, provided it is agreed to by a committee beforehand. The schedules provide for the chief executive officer to be appointed under clause 7(2) for such a term not exceeding five years as is specified in the instrument of his or her appointment and is, on the expiry of the term, eligible for reappointment.

Hon Fred McKenzie: When you talk about one individual holding the power, the chief executive officer will be in charge?

Hon P.H. LOCKYER: If the member read the Bill more closely he would see that the authority is the chief executive officer. This legalises what has been going on. I look forward to the Minister's explanation as to whether all that has been going on is legal. He has indicated by interjection that it is. Why do we have to have a Bill to put it in black and white? Why is it that a committee of three members plus the chief executive officer is not able to properly administer greyhound racing in this State? It is no secret that under the stewardship of Sir Desmond O'Neil the greyhound racing industry was progressing very nicely. In fact it had built up a considerable reserve fund. What went wrong?

The Minister handling this Bill knows that he is part of a sporting arrangement where directors have been brought in to run, for instance, the West Australian Football League in this State. The people he has appointed are eminently suitable for the job. Terry O'Connor has been placed in charge, and he is a person of the highest possible quality. Why can we not find persons of this eminence to become involved in the running of the greyhound racing committee in this State? There must be room for people of this type. It does not have to be a job for a retired member of Parliament, or someone to whom the Government of the day owes a favour. That favour may mean that as a result of sitting on this committee every Saturday night and during the week at Mandurah, this person gets a free feed and a few free beers. That is no reflection on those already on the committee, but that kind of thing could happen. It would be far better to choose carefully a committee to run the authority.

Like the previous speaker, I find it difficult to understand why the Mitchell report was not made public. By interjection Hon Des Dans said many reports go to Ministers for advice and are never made public. That may well be the position, but one as important as this, which is referred to so carefully by the Minister in another place, would be of enormous assistance to members in this House. We should consider the comments of Mr Mitchell, who is held in high respect, and who was eminently suitable for the task. There is no doubt that the information he reported to the Minister influenced her very much into bringing this Bill before the House. The greyhound racing business in this State -

Hon Graham Edwards: You may not be aware of it, but he was given an undertaking that the report would not be publicised.

Hon P.H. LOCKYER: I was not aware of that, no.

Hon Tom McNeil: Who is that? Mitchell?

Hon Graham Edwards: Yes. I will explain that later.

Hon P.H. LOCKYER: If that is the case, I am even more concerned. These things cannot be run under a shroud of secrecy, because sooner or later the hen will come home to roost, and when it does the feathers will get plucked out. That is what worries the people in the greyhound business today. They are asked to place their entire trust in one person to conduct that industry, whether they like it or not. Some do not like the decisions being made. Perhaps some are right, but people are being asked to accept decisions made by one person, and that is undemocratic. Imagine the State of Western Australia run by one person with an advisory committee! It would not be accepted for five seconds.

Hon J.M. Brown interjected.

Hon P.H. LOCKYER: I will treat that as an enormously frivolous comment. The

honourable member who has just interjected well knows that he would be the first to squeal like a stuck pig if he were asked to be only an adviser.

Hon Graham Edwards: Have you been taking lessons from Joh?

Hon P.H. LOCKYER: That is one chook that has come home to roost.

Hon J.M. Brown: They give them an electric shock.

Hon P.H. LOCKYER: That would be voted on and a decision made, and that person would go off and do what he wanted to do. That is undemocratic. We should not accept it. The Bill is in the place where the final decision is made. At the Committee stage we will look at some amendments which I shall have before the Chamber which will place the power back with the committee. I do not envisage a huge committee of something like 12, like the Turf Club, but perhaps three, plus the chief executive officer. They would make decisions so that those decisions did not rest on one set of shoulders.

Hon Graham Edwards: You are still drawing them up, are you?

Hon P.H. LOCKYER: I am. I thank the Minister; I asked him not to proceed with the Committee stage until we had had an opportunity to draft these amendments. They run right through the Bill, and it is important that an amendment which has consequences in other areas should be considered carefully. I have something like 30 altogether. It is important that at the second reading stage we should get our point of view over.

Hon J.M. Brown: Have you any ideas about the composition?

Hon P.H. LOCKYER: Yes, I do. I believe it should be a committee of three with the power to appoint the chief executive officer. If Mr Smith is the man, so be it. Provided he is responsible to the committee, and that committee has the job of operating the Western Australian Greyhound Racing Authority, that is acceptable.

Hon Fred McKenzie: An advisory committee?

Hon P.H. LOCKYER: I understand it is an advisory committee of three. The honourable member, whom I hold in great respect, realises that that advisory committee has about as much say in the future of greyhound racing as a wether does in the future of the flock. He has absolutely none at all because his essential part has been removed, and that is the essential part that has the say. For those who do not know what a wether is, it is a sheep which is not a ram.

Hon J.M. Brown: That is a ewe.

Hon P.H. LOCKYER: I agree with the honourable member who interjected. The advisory committee of three should be a statutory committee, and its decisions should be the decisions which run the business. I do not mind the Minister of the day having the power to appoint that committee, if that must be the position, but if the Minister has the right to appoint that committee, it should be very carefully chosen from people with a knowledge of the industry, or a solid knowledge of accounting and business practice. As the honourable member who spoke before me said, an enormous amount of funds are involved in such an industry. It is an industry that is not without its colourful characters, as are all the racing industries. There is no hope of making everyone happy.

Hon Graham Edwards: Absolutely.

Hon P.H. LOCKYER: There is no question of that. The other night we debated a racing Bill of this type and I received telephone calls from several people not agreeing with the decisions made by this House. In fact I received one very strong telephone call indicating that perhaps I am parentless, but one must accept these decisions.

Hon E.J. Charlton interjected.

Hon P.H. LOCKYER: He implied that I did not have any parents; being a well mannered fellow, I will not repeat precisely what he did say. I believe the problem is that we are giving the chief executive officer too much power. I will not have a bar of that, although I will support the second reading of the Bill. However, by tomorrow I will have a substantial number of amendments on the Notice Paper for the House to consider in the Committee stages of the Bill.

I support the Bill.

HON G.E. MASTERS (West - Leader of the Opposition) [5.21 pm]: I will make my remarks brief because they again reflect the concerns of two of my colleagues who spoke earlier. I was a little worried when I heard Hon Fred McKenzie interject because he seemed to be under the impression that an authority was made up of a group of people. I guess if most people pick up a piece of legislation and read there is to be an authority, they assume there will be a number of people and not just one person. However the clear intention of this legislation is that the Western Australian Greyhound Racing Authority is to be composed of one person, who is the chief executive officer. That concerns me because it simply means that through this legislation we are establishing a virtual dictatorship of the greyhound racing industry. The only person who will be able to exert control effectively over the chief executive officer will be the Minister.

I refer now to the Mitchell report; I think it is quite wrong for a Government to pay out substantial sums of public money to produce a report in respect of which a person says, "Okay, I will do the job but I want it kept secret". I think such a document becomes a public document. Obviously the Government of the day may see fit to refuse to release the report; I guess that is always at the discretion of the Government. Nevertheless the Government should have the option to release the document if it so wishes and if it is in the interests of the public. It is quite wrong for the Government to contract to a person or persons on the understanding that the document remains secret. Although there may be some cause for embarrassment to either the Government, or someone close to the Government, or it may be damaging to the industry, it is quite wrong -

Hon Fred McKenzie: You have been here long enough to know that Ministers do get reports and do not always release them to the public.

Hon G.E. MASTERS: They always refuse to release them for a reason, as Hon Fred McKenzie would well know. It could be because of embarrassment to the Government or that it could cause some damage to the industry. That is possible. I can understand Hon Fred McKenzie's difficulties; I admire his loyalty. However in this place members of Parliament are entitled to request and probably gain a report if it is of a substantial nature and is relevant to a piece of legislation which is all important to an industry battling for survival. There is no doubt at all that the setting up of an authority means that the industry will be under the control of only one person. The advisory committee, as already been mentioned, will only have a role in advising, it will have no power whatsoever. In fact, the chief executive officer can choose to ignore that advice at any time. Clause 5 of the Bill details the functions of the authority - in other words, of the chief executive officer - as follows -

> (a) to control, supervise, promote and regulate greyhound racing;
>
> (b) to conduct greyhound racing and provide facilities to enable greyhounds to compete in trials and be trained in racing;

There is no appeal at all to the tribunal in respect of those functions. Clause 19 of the Bill deals with the jurisdiction of the appeal tribunal. That jurisdiction is limited to certain areas; it is not a general appeal tribunal at all. It is limited to certain areas, to which I will refer in a moment. The functions of the authority in general terms are not appealable. I made the point earlier that the chief executive officer is subject to the direction of the Minister of the day, and so the Minister, being a busy person, quite often will not take perhaps the interest he or she should do; but that is not the fault of the Minister.

I point out again that the chief executive officer is the dictator, the supremo, of the greyhound racing industry and has the control and management of that authority vested in him. Perhaps the areas of most concern to me deal with the powers of the chief executive officer in the regulation and control of the racing industry. Clause 15(1) gives enormous powers to the chief executive officer, which in some cases are appealable. I accept that. There is a tribunal which will deal with complaints and appeals under clause 15(1), but Hon Philip Lockyer made reference to clause 15(2) when he made the point that the authority -

> may impose such conditions on the registration or the renewal of the registration of any greyhound, person or thing referred to in subsection (1)(a) . . .

That is not appealable, which I draw to the attention of the Minister. In fact the authority has sole control over the registration and renewal of registration of any greyhound or person. I would have thought that is exactly where there should be an effective appeal mechanism.

The authority may make rules, which are listed in clause 16 and which, with the exception of clause 16(i), are non appealable. Clause 16(2) reads as follows -

> Without limiting the generality of subsection (1) the Authority may so make rules -
>
> (a) regulating the holding and conduct of greyhound race meetings and regulating the admission of persons to race courses;

It goes on -

> (e) regulating the conduct of betting at racecourses by bookmakers and bookmakers' clerks or agents . . .

It also deals with the breeding of greyhounds and the prescription of fees for any registrations or renewals and so on. All of these rules, made and laid down by the chief executive officer, are non appealable, so the appeal tribunal, to which the Minister no doubt will refer, only has power limited to certain areas. There are many areas which are left wide open and under the complete and total control of the chief executive officer. I have never seen a piece of legislation in this place which will direct and give more powers to a single person than this Bill. If that is not bad enough, if one looks at schedule 1 of the Bill, one will see that the appointment of the chief executive officer - it has already been said that the chief executive officer will be appointed for five years - can only be terminated by the Minister on account of inability, inefficiency or misbehaviour. It is proposed that one person, as an authority, be in almost total control of the greyhound racing industry with only very limited appeal provisions being in place. The chief executive officer can be dismissed only for inability, inefficiency or misbehaviour. The provision does not mean that if there is a disagreement the Minister may dismiss the chief executive officer. My reading of the legislation may not be exactly right. If it is not, I would appreciate it if the Minister would give me any advice to the contrary.

This legislation and legislation like it should never be permitted to go through Parliament in this form. There should always be some backstop, even if it is a complete appeal tribunal, which we do not have here. I would much prefer to see set up a statutory authority or committee of some sort that would have overall control. That committee or authority would have on it representatives of the industry and the Government and perhaps another person whose expertise lay in an area such as accounting or law. In any case, we could not expect the single person the Government is appointing to control the industry to have all the expertise. It is quite wrong for that reason to appoint a single person. It is unfair on the person; it is unfair on the industry. If the wrong person got control, for example a dictatorial type, heaven help the industry for the five years that person would be in control.

HON A.A. LEWIS (Lower Central) [5.31 pm]: I will not delay the House for any length of time, but I would like the Minister to explain to me how he can have a chief executive of an authority who is the authority. The dictionary definition of "authority" would lead one to believe that there should be somebody on that authority. How can we have the chief executive officer to the authority when we have nobody on the authority? I agree for once with the Leader of the Opposition.

Hon D.K. Dans: Only once?

Hon A.A. LEWIS: Occasionally we disagree, but members of our party are allowed to do that. We are not like Graeme Campbell. We do not get censured for making a sensible decision. The Minister has to tell us what this authority is because I cannot reconcile my reading of the definition of "authority" in *The Concise Oxford Dictionary* with a chief executive officer to the authority who seems to have the powers that the authority ought to have. Is the Bill just producing an officer who does as the Minister says, or is it producing an authority?

As I read the Bill - I must admit I only scanned it very quickly this afternoon - I could find no clause in it appointing an authority. All the other Bills appointing an authority include the powers to set up an authority, but all this Bill does is give us a chief executive officer. For that reason, I wonder whether we should be considering this legislation at all at this time. If there were three or four people on the authority in addition to the chief executive officer, I could understand that person being the chief executive officer of the authority, but how can we have an authority that does not have anybody on it and a chief executive officer to it?

HON FRED McKENZIE (North East Metropolitan) [5.34 pm]: The question of the authority has been canvassed very widely. It would appear that the authority may be one person.

Hon A.A. Lewis: It cannot be a chief executive officer to the authority, can it?

Hon FRED McKENZIE: That is what the legislation says, but I will wait and see what the Minister says when he replies.

Hon A.A. Lewis: We all will, Mr McKenzie, with bated breath.

Hon FRED McKENZIE: I will be listening too. At first, I thought the authority was more than one person, but in view of what members have said it may well be that it is only one person and therefore it may have been more appropriate for the legislation to refer to a chief executive officer or have him defined as the authority.

Hon G.E. Masters: Clause 7(3) says that the control and management of the authority are vested in the chief executive officer, so it automatically says that he is it.

Hon FRED McKENZIE: Hon Gordon Masters may be right. I am not saying that he is wrong, but let us think about it. Given the history of the greyhound industry in Western Australia, and in spite of the well intentioned remarks of previous speakers, it may well be that for the time being at least control of the greyhound racing industry may be best vested in the chief executive officer, a single person. We have had plenty of examples of a single administrator running the affairs of organisations that formerly were controlled by committees which did not make a good fist of things. For example, many local government authorities throughout Australia when run by a number of councillors have not been able to manage properly the affairs of the councils. In many instances, the administrators subsequently appointed have done very good jobs.

Hon P.H. Lockyer: That is not the case here.

Hon FRED McKENZIE: It is the case with the greyhound racing industry. On two occasions that I can recall the Government has had to move in to bail it out and it was run by a committee until recently. I think I read in the newspapers recently that the committee, board or whatever it was, was still operating.

Hon G.E. Masters: In this case you have a chief executive officer and there is no appeal against many of his decisions.

Hon FRED McKENZIE: The Minister still has control over the chief executive officer under this Bill.

Hon G.E. Masters: Yes.

Hon FRED McKENZIE: That is more than we permit in the Western Australian Turf Club or the Western Australian Trotting Association legislation.

Hon G.E. Masters: That is not right.

Hon FRED McKENZIE: The committee has fairly extensive powers in both those industries, but in this industry the chief executive officer is answerable to the Minister.

Hon G.E. Masters: But in the racing industry it is a group of people elected by the industry. You are imposing one person on the greyhound industry.

Hon FRED McKENZIE: That is what I am saying. The structures that have made the industry democratic have not worked. The industry has been in a very parlous state from day one and the Government has bailed it out on two occasions. It may well be that at this point the administration of the greyhound racing industry is best vested in a single person.

Hon P.H. Lockyer: You cannot compare it with local government because the Minister never sacked Mr O'Neil.

Hon FRED McKENZIE: The Government did not sack Mr O'Neil, but perhaps the committee sacked itself because it would have gone out of business. If the Government had not bailed out the greyhound industry, it would have gone out of business. A number of people rely on that industry for a living.

Hon G.E. Masters: When Des O'Neil was chairman of the committee it had an $800 000 surplus and that is all gone.

Hon FRED McKENZIE: I will not get involved in the arguments because I am not a full bottle on it, but I have read enough to know the parlous state that the greyhound industry was in. Since Mr Trevor Smith was appointed as a single administrator, the industry has been pulling itself out of its problems. Members have all read about that.

Hon G.E. Masters: Yes.

Hon FRED McKENZIE: What is wrong with it then? Let it continue along that path until such time as the industry can show that it is a viable one and it is ready for a committee to take over.

Hon G.E. Masters: You and I know the dangers of a single person having full control with very little chance of appeal provided to people in the industry. It is wrong.

Hon FRED McKENZIE: I agree. It is a dangerous practice. History shows some justification for that view. I prefer to see more than a single person controlling an industry, but in this instance, given the track record of the committees that preceded the appointment of the single administrator, and the history since that person's appointment to control the industry, I am convinced that at this time it is better left in the hands of a single administrator.

Hon G.E. Masters: It is not what people involved in the industry want.

Hon FRED McKENZIE: Never mind what they want; it is either that, or there is no industry - that is the cold, hard fact. I am expressing my point of view. I am sure the Minister will add to it later. Members do not want to get carried away thinking that committees are the answer to everything, because sometimes they are not. I make perfectly clear that I prefer committees, but looking at the history of the greyhound racing industry and more recent developments I believe the course being followed is the correct one. I do not want to see a single authority exist for ever more, because I am aware of the dangers that can result from a single person having complete control of an industry.

Hon Tom McNeil: He will have a longer term than Hon Fred McKenzie will have in the new Parliament.

Hon FRED McKENZIE: I am not sure of that. The Parliament can alter that at any time. We have to take into account the importance of the industry to Western Australia and the problems that it has experienced since its commencement. It seems to me that in more recent times it has overcome those problems. That is all I will say on that part of the Bill, but we will see what are the amendments during the Committee stage.

I applaud some of the moves made by the greyhound racing industry in introducing betting on Eastern States races. I believe that is where the increase in turnover has occurred and, of course, with that take going back to the greyhound racing industry, an increase in turnover helps the industry. I wonder what the committee was doing prior to the appointment of the single administrator. We did not have betting on Eastern States greyhound meetings then, so that has certainly been an improvement. Maybe that is because for many years the industry did not have a representative on the TAB board; it has only been recognised in recent times and has become part of that board.

As there is now betting on Eastern States greyhounds that provides me with an opportunity to say something about the board, if it wishes to improve its position in respect of turnover for greyhound racing and is willing to do so. It has a representative on the board at the moment whom I would expect to be putting its case forward in relation to what it needs to do to improve racing for punters in TAB agencies. Of all the forms of betting, when one looks at the Eastern States information - and I emphasise the Eastern States because the local greyhound racing information is of a reasonable standard and is, in some instances, better than that provided by either the racing industry or the trotting industry - one finds it is absolutely deplorable.

I have here some information that I got from a paper at Cannington on Thursday night. They also bet on Sandown Park dogs. All one finds in this paper - and I pointed this out to members last week and they can check if they wish - is the field selections and the betting. There is nothing to tell people whether a dog ran at the last meeting, or anything of that nature. I do not think that is near good enough. Punters are required to bet blind because of that lack of information. All that is available is the form, betting and selection - no indication of where the dogs have run.

Hon Tom McNeil: We are all for Sandown Park on Thursdays and Olympic Park on Mondays.

Hon FRED McKENZIE: So am I, but information provided in the TAB shops is absolutely deplorable. I looked in *The West Australian* yesterday - and Hon Tom McNeil mentioned the Olympic Park greyhounds - and they were also betting at Wentworth. The same set of circumstances applied in relation to the Olympic Park dogs and Wentworth dogs; prices, selection and form were shown, but nothing else. There were no write-ups about the dogs. It is criminal to expect people to bet under those circumstances. It is hard enough to get a quid without not knowing where a dog has run before one places money on it. If the industry is to achieve a higher turnover and increased contributions, punters must be considered in this regard. The Cranbourne trots happened to be in the paper also, and there was even less information available; all that was shown were the fields and form, there was no selection or betting information, or anything else. However, there is a difference in the TAB shops where they have a *Trotting Weekly*, and I think the *Sporting Globe*, which has the fields in it. One of these papers at least has some guides even though it is not in *The West Australian*. There is information about the Cranbourne trots in most betting shops, although I am not sure whether it is in all of them. If one tries to compare the codes one can say that the trots do not have the information in the paper but have it in the shops while the dogs have only the Olympic Park and Wentworth Park fields in the betting shops with no other information. I mentioned this point last week in relation to midweek trotting and racing information, which is poor for those codes, but the greyhound racing information is atrocious. The Totalisator Agency Board ought to be doing something about this. People ought to be able to bet on greyhounds on Mondays, Thursdays, or Saturdays, on whatever days the dogs are racing in the same way as other codes can. However, the board ought to ensure - and I say the board because I think it is responsible - that punters are given a fair go.

HON MAX EVANS (Metropolitan) [5.48 pm]: I was out of the House and heard my name mentioned by Hon Tom McNeil. Let us look at the figures in relation to this matter. I believe a major decision has been made about what will be the future and ongoing structure of the Greyhound Racing Association. The latest figures I have are for 1987. Can the Minister say whether the accounts for the Greyhound Racing Association to 31 July 1988 are available? I do not believe that this debate should go further until everybody knows how it ended up for the past year. The reason I say that is that there has been a Press release titled "WA Greyhound industry is once again on solid ground".

Hon Graham Edwards: If it is, is Hon Max Evans saying he will support it?

Hon P.H. Lockyer: He is asking for the figures.

Hon Graham Edwards: If the figures indicate it is on solid ground, will Hon Max Evans support it?

Hon MAX EVANS: I am referring to the section which says that to 31 January it had made a turnaround in the industry, from a loss the previous year to a profit.

Hon Graham Edwards: I am aware what Hon Max Evans is saying.

Hon MAX EVANS: I would like to see the financial statement as at 31 July, either audited or unaudited, to make my judgment. They have converted a loss of $220 000 in the previous year to a profit of $70 000. The accounts show that the operating loss in the previous year, 1987, was $337 000 and that the operating loss to July 1986 was $184 000. The accounts to 31 July 1987 show a couple of extraordinary items, one being that they bought back all the leasehold improvements to improve the balance sheet - and as such I do not disagree with that, but that does not bring in liquid funds - and the Government made a grant of $200 000 for abnormal items to improve trading in that year, which is not a true position. I am not sure whether this information is for summer or winter, whether the first half of the year from July to January is the best half of the year or whether the period January to July is the best half of the year, because if the best half of the year is to 31 January there will be a downturn in the next part of the year, so I would like to see the accounts to 31 July 1988. Those accounts should be tabled for the House to look at before we make any decisions about which direction we will take.

I admire Mr Trevor Smith. Being the sole appointee of an organisation like this is a big responsibility. Even the Auditor General commented on this, as Hon Tom McNeil mentioned. The Auditor General stated -

> . . . the Committee of the Western Australian Greyhound Racing Association delegated all its power and functions to Mr T. G. Smith in his position as chairman, until otherwise directed by the Minister for Racing and Gaming. This delegation was effected from 21 October 21, 1987, at a meeting of the Committee and no meetings have been convened since that date.

This position was confirmed in an undated letter from Mr Smith to the Minister, tabled in this House on 20 September 1988.

Mr Deputy President (Hon John Williams), no business operation - and the gaming operation is a business, involving a lot of people off course - should be run by one person whose accounts will be audited only once a year. This is particularly so considering that the Government made a gift to the industry in July of last year of $200 000. There is an outstanding debt of $770 000. There should be greater accountability to the public in relation to those funds as well as the industry as a whole, including the TAB. Perhaps the Minister or his advisor can produce the accounts to 1988 - even if unaudited - to show that there has been a turnaround. If a real profit is shown to the end of July, and there are no extraordinary or abnormal items, at least we will know that the financial situation is looking better. I still believe there would be better management if the advice of other people was available.

This comes back to corporate bodies, where the managing director and the chairman of the board are the same people. The managing director should be accountable to a separate chairman of the board to make certain that he is complying with the objectives of the company. This present arrangement leaves everything in the hands of one man who is responsible to the Minister. I presume the Minister has an adviser who will spend a lot of time watching the operation, otherwise it could be slipped on the back burner. The Minister will only be as well informed as her advisor allows her to be. What will be his method of reporting to her? There should be a clearly defined method of reporting, and it would be far better done to a board than a Minister who has a lot of other problems.

There must be real accountability from an industry as important as this. The industry seems to be so important that people now consider it worthwhile continuing with it. If so, there must be a board comprising a person who knows about finance, a person who knows the industry and someone who knows about administration, which will make it more efficient. I am amazed that any body, corporation or company would have only one executive director. Under the Companies Code an exempt proprietary company must have two directors and a public company must have at least five. Here there is an association with only one, and the situation needs to be closely examined.

Debate adjourned, on motion by Hon J.M. Brown.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [5.55 pm]: On behalf of the Leader of the House, I move -

> That the Bill be now read a second time.

The principal Act which this Bill proposes to amend relates to the pensions scheme for coalmine workers in Western Australia. The specified rate used to calculate benefits payable in accordance with the Coal Mine Workers' (Pensions) Act 1943 is currently the weekly wage rate prescribed for the classification of "loadermen (northern district)" in an industrial award applying to the coalmining industry in New South Wales. This rate is commonly referred to as the "loadermen rate".

It has always been the intention of the Act that benefits should be adjusted in line with the cost of living; hence the adoption of a weekly wage rate as the specified rate. Due to industrial problems specific to the coalmining industry in New South Wales, the "loadermen rate" has not increased since January 1987. Since then there have been increases of $10 per

week, four per cent per annum and $6 per week resulting from national wage decisions. These increases have flowed to most sectors of the work force, including the Western Australian coalmining industry, but have not flowed to the New South Wales coalmining industry. Thus it can be clearly seen that members and pensioners of the Coal Mine Workers' Pension Fund have been disadvantaged in that benefits payable by the fund have not increased in line with national wage increases, had those increases flowed to the New South Wales coalmining industry and been applied to the "loadermen rate".

To rectify this situation, the parties concerned - the collieries and the coalmining unions - have agreed that the specified rate of pension should be set at a benchmark rate applicable to the Western Australian coalmining industry and include wage increases granted since the "loadermen rate" was last increased. This would ensure that the specified rate would reflect the conditions prevailing at any one particular time in the Western Australian industry. It was also agreed that this new rate would operate with effect as from 31 July 1988 and would not apply to benefits paid prior to that date.

The rate agreed to is the weekly rate of wages prescribed for the classification of "motor truck driver of 100 tons but not exceeding 110 tons" in the Coal Mining Industrial Award applicable to the employees of Western Collieries Ltd in Western Australia. This was the nearest Western Australian wage rate to the "loadermen rate" when the "loadermen rate" was last increased.

It was further agreed that the percentage of the specified rate used to calculate lump sum payments should be amended from 50 per cent to 48 per cent. This would ensure that there would be no increase in benefits payable other than those increases that would have been payable had the "loadermen rate" been increased by national wage increases granted since January 1987. Both parties have agreed that there should not be any relevant adjustments to the percentage rates applicable to pensioners due to the fact that only nine persons are still currently receiving pensions and the small amount of money involved. To offset the financial impact of the increased benefit rate, contribution rates have been increased accordingly.

Essentially, this Bill seeks to rectify an anomalous situation which currently financially disadvantages members and pensioners of the Coal Mine Workers' Pension Fund due to industrial problems existing in another State.

I commend the Bill to the House.

Debate adjourned, on motion by Hon A.A. Lewis.

RESERVES AND LAND REVESTMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON KAY HALLAHAN (South East Metropolitan - Minister for Community Services) [5.59 pm]: I move -

That the Bill be now read a second time.

This Bill is similar in intent to many other measures brought before the House each year to obtain the approval of Parliament to vary A class reserves for whatever reason and, in this case, to cancel a 999 year lease as well as to close certain pedestrian access ways and rights of way situated in various suburbs and locations. Apart from the final clause, the balance of provisions of the Bill relate to A class reserves.

Sitting suspended from 6.00 to 7.30 pm

Hon KAY HALLAHAN: I am particularly pleased to tell the House that a substantial number of amendments contained in this Bill will result in an expansion of A class reserves and other significant conservation areas. Some of these reserves have been the subject of Environmental Protection Authority Red Book recommendations and these are included in this Bill as representing the final stage of setting aside these areas for conservation purposes.

In particular I commend the Minister for Conservation and Land Management for the extensive work done to bring the conservation of the reserves to fruition. I am extremely pleased to advise the House that the Bill contains measures to finalise the establishment of the Shannon River Basin National Park. The Government considers this to be one of its major achievements in the area of conservation. There is no doubt that the Shannon River basin is a great conservation asset for this State, and its final proclamation will make it secure for future generations. This reserves Bill will lead to the proclamation of a 53 500 hectare park, which will effectively double the area of reserved native karri forest. This park has been managed as a national park since 1983.

I am disappointed that the creation of that national park did not gain the support deserved from the Opposition. Nevertheless, the final stages to the proclamation of this national park are before us. I repudiate any claims that this Government is not anxious to see the process of proclaiming the Shannon River Basin National Park completed. This Bill also sees the addition of significant areas of land to the Fitzgerald River National Park, the Torndirrup National Park near Albany, the national park which includes Canal Rocks at Yallingup, and into the Hidden Valley National Park at Kununurra. It also includes significant increases in the area of a number of other A class reserves.

Class A Reserve 31737 at Bremer Bay in the Shires of Ravensthorpe and Gnowangerup, electoral district of Katanning-Roe and electoral province of South, is set apart for the purpose of "national park", being the Fitzgerald River National Park, and is vested in the National Parks and Nature Conservation Authority. Pursuant to the Environmental Protection Authority's Red Book recommendation 3.2 and the Department of Conservation and Land Management's recommendation it is proposed to add all vacant Crown land to the west of the Phillips River goldfields boundary into the national park. The inclusion of this land requires Parliament's approval and this clause seeks that approval.

Class A Reserve 39962 at Waterman in the City of Stirling, electoral district of Karrinyup and electoral province of North Metropolitan, is set aside for the purpose of "conservation of flora and fauna and passive recreation" and is vested in the City of Stirling. The area encompasses Star Swamp and, as part of the initial proposal, several road reserves were closed for inclusion into the final nature reserve. A portion of closed road, now identified as Waterman Lot 6 was, however, omitted from this reservation. It is now proposed to include Waterman Lot 6 in Reserve 39962. This clause seeks Parliament's approval for that inclusion.

Class A Reserve 25113 at Lake Magenta in the Shire of Lake Grace, electoral district of Katanning-Roe and electoral province of South, is set aside for the purpose of "conservation of fauna", being the Lake Magenta Nature Reserve and is vested in the National Parks and Nature Conservation Authority. The Department of Conservation and Land Management has requested that an area of vacant Crown foreshore land adjacent to the existing reserve be included. It is proposed to amend Reserve 25113 to include the vacant Crown foreshore land and to describe the reserve as comprising the area shown on Lands Reserve Plan 280. Parliament's approval is required to amend Reserve 25113 and this clause seeks that approval.

Class A Reserve 38924 at Morangup Hill in the Shire of Toodyay, electoral district of Moore and electoral province of Upper West, is set aside for the purpose of "conservation of flora and fauna", being the Morangup Nature Reserve and is vested in the National Parks and Nature Conservation Authority. Due to a realignment of the Toodyay Road, a portion of the original road was closed. The Department of Conservation and Land Management has requested that this closed road, now identified as Avon Location 28937, be included into the adjoining Reserve 38924. This clause seeks Parliament's approval for this inclusion.

Class A Reserve 27322 at Sunset Beach in the Town of Geraldton, electoral district of Geraldton and electoral province of Upper West, is set aside for the purpose of "park and recreation" but is not vested in any authority. As part of its soil stabilisation plans for foreshore land, the Town of Geraldton has closed portion of Swan Drive and Bosley Street, and has requested that these closed portions of road, together with adjacent vacant Crown foreshore land, be added to Reserve 27322. The Geraldton coastal management plan also provides for the change of purpose of Reserve 27322 to "recreation and foreshore management".

In closing Swan Drive it is necessary to provide an alternative access road to the caravan park on Geraldton Lot 1925. Baler Road is to be accordingly extended through "use and benefit of Aborigines" Reserve 27321. An equal area of land is to be excised from Class A Reserve 27322 and added to Reserve 27321 to compensate for the road resumption. The Aboriginal Lands Trust is in agreement with this proposal and is arranging tabling in Parliament of papers referring to this amendment pursuant to section 25 of the Aboriginal Affairs Planning Authority Act. It is proposed to amend Reserve 27322 to include the former Swan Drive land and exclude the area to be included in Reserve 27321, and to redescribe Reserve 27322 to comprise Geraldton Lot 2873, and to change the reserve's purpose to "recreation and foreshore management". This clause seeks Parliament's approval for those changes.

Class A Reserve 25555 in the Shire of Pingelly, electoral district of Avon and electoral province of Central, is set apart for the purpose of "conservation of flora and fauna", being the Tutanning Nature Reserve, and is currently vested in the National Parks and Nature Conservation Authority. The Department of Conservation and Land Management has negotiated the purchase of suitable portions of adjacent freehold land, identified as Avon Locations 28800, 28801, 28802 and 28803 for inclusion into the conservation reserve. It is now proposed to amend Reserve 25555 by the inclusion of these locations. This clause seeks Parliament's approval for these inclusions.

Class A Reserve 37883 at Kununurra in the Shire of Wyndham-East Kimberley, electoral district of Kimberley and electoral province of North, is set aside for the purpose of "national park", being the Hidden Valley National Park, and is vested in the National Parks and Nature Conservation Authority. The Department of Conservation and Land Management has requested clarification on the precise boundaries of the reserve and inclusion of a small portion of vacant Crown land into the reserve. The reserve has been resurveyed and it is now proposed to redescribe Class A Reserve 37883 to comprise the area as delineated on original plan 16842. This clause seeks Parliament's approval for this amendment.

Class A Reserve 24258 at King George Sound in the Shire of Albany, electoral district of Stirling and electoral province of South, is set aside for the purpose of "national park and recreation", being the Torndirrup National Park, and is vested in the National Parks and Nature Conservation Authority. Agreement has been reached between the Shire of Albany and the Department of Conservation and Land Management on the cancellation of "rubbish disposal site" Reserve 28504, and reinclusion of the subject land, identified as Plantagenet Location 7640, into Reserve 24258. Reserve 28504 has been cancelled and it is now proposed to include Location 7640 into Reserve 24258. This clause seeks Parliament's approval for that inclusion.

Class A Reserve 10922 at Canal Rocks in the Shire of Busselton, electoral district of Vasse and electoral province of South West, is set aside as "national park" with vesting in the National Parks and Nature Conservation Authority. In accordance with the Leeuwin-Naturaliste working group's 1982 report, the Department of Conservation and Land Management has requested that the vacant Crown land comprising the offshore islands and rocks be vested in the National Parks Authority. The reserve has consequently been resurveyed and it is now proposed to redescribe the reserve to comprise Sussex Locations 4834 and 4783. This clause seeks Parliament's approval for that amendment.

Class A Reserve 15556 at Yangebup in the City of Cockburn, electoral district of Cockburn and electoral province of South Metropolitan, is set apart for "fauna conservation and research and drainage", being the Thomsons Lake Nature Reserve, and is vested in the National Parks and Nature Conservation Authority. Following a request from the Department of Conservation and Land Management, the City of Cockburn has agreed to relinquish its vesting over "recreation" Reserve 31882 to allow inclusion of the contained land, being Cockburn Sound Location 2256, into Reserve 15556. Reserve 31882 has now been cancelled and it is now proposed to include Location 2256 in Reserve 15556. This clause seeks Parliament's approval for that inclusion.

Class A Reserve 32590 at Stokes Inlet in the Shire of Esperance, electoral district of Esperance-Dundas and electoral province of South-East, is set aside as "national park", being the Stokes National Park, and is vested in the National Parks and Nature Conservation Authority. As a result of a land exchange involving freehold and Crown land, an area of

vacant Crown land identified as Oldfield Location 1464 has become available for inclusion into Reserve 32590. This clause seeks Parliament's approval for that inclusion.

Class A Reserve 32376 at Augusta in the Shire of Augusta-Margaret River, electoral district of Vasse and electoral province of South West, is set aside as "national park", being part of the Leeuwin National Park, and is vested in the National Parks and Nature Conservation Authority. As a consequence of the realignment of Leeuwin Road, a severed portion of vacant Crown land identified as Sussex Location 4815 has become available for inclusion into the adjoining Reserve 32376. This clause seeks Parliament's approval for that inclusion.

Class A Reserve 38333 at Millstream in the Shire of West Pilbara, electoral district of Pilbara and electoral province of North, is set aside as "national park", being the Millstream Chichester National Park, and is vested in the National Parks and Nature Conservation Authority. When this reserve was created, inclusion of De Witt Location 181 was intended but overlooked. It is now proposed to include location 181 in Reserve 38333. This clause seeks Parliament's approval for that inclusion.

Class A Reserve 8731 at Lake Monger in the City of Perth, electoral district of Subiaco and electoral province of Metropolitan, is set aside for the purpose of "public park and recreation" and is held under a Crown grant in trust by the City of Perth. The City of Perth has agreed to the excision of portion of Reserve 8731 to allow for expansion of the speech and hearing centre located on the adjoining Reserve 34689. It is now proposed to excise the land identified as Swan Location 11017 and associated road from Reserve 8731. This clause seeks Parliament's approval for that excision.

Class A Reserve 9286 at Kalgoorlie in the Shire of Boulder, electoral district of Kalgoorlie and electoral province of South East, is set aside for the purpose of "water supply" and is vested in the Minister for Water Resources. The Water Authority of Western Australia and the Shire of Boulder have agreed on the relinquishment of portion of this reserve for "drainage" purposes, and the area required has been identified as Kalgoorlie Lot 4346. It is now proposed to exclude Kalgoorlie Lot 4346 from Reserve 9286 for subsequent vesting in the Shire of Boulder as a "drainage" reserve. This clause seeks Parliament's approval for that excision.

Class A Reserve 17375 at Crawley, in the City of Nedlands, electoral district of Nedlands and electoral province of Metropolitan, is set aside for the purpose of "recreation" and is vested in the National Parks and Nature Conservation Authority. The Environmental Protection Authority's Red Book System 6 Recommendation M62.2 calls for portion of this reserve to be excised and set apart as a separate reserve for the purpose of "conservation of flora and fauna and recreation", with appropriate vesting. The area concerned has now been surveyed as Swan Location 11012 and it is now proposed to excise this land from Reserve 17375. This clause seeks Parliament's approval for that excision.

Class A Reserve 36915, comprising the Dampier Archipelago and adjacent to the Shire of Roebourne, electoral district of Pilbara and electoral province of North, is set aside for "conservation of flora and fauna" and is vested in the National Parks and Nature Conservation Authority. A lighthouse established on portion of this reserve, being part of Rosemary Island, is leased by the Commonwealth from the Department of Land Administration. The helipad adjacent to this lighthouse has been found to be outside the leasehold area and the Commonwealth has requested that this additional area be included in its lease. The area concerned has been surveyed as De Witt Location 219, and it is now proposed to excise this land from Reserve 36915. This clause seeks Parliament's approval for that excision.

Class A Reserve 23580 in the Shire of Merredin, electoral district of Merredin and electoral province of Central, is set aside for "recreation and parkland" and is vested in the Shire of Merredin. The shire and Westrail have reached agreement for the excision of that area now surveyed as Avon Location 28896 from Reserve 23580 for quarry purposes. This clause seeks Parliament's approval for that excision.

Class A Reserve 8103 in the Shire of Boulder, electoral district of Esperance-Dundas and electoral province of South East, is set aside for "recreation" and is vested in the Shire of Boulder. The shire proposes to move the Boulder Golf Club further southward to allow residential development, and a number of existing reserves therefore require cancellation.

This will allow amalgamation of several areas into one lot which will then be reserved and vested in the Shire of Boulder with power to lease. Reserve 7103 is one of those reserves requiring cancellation. This clause seeks Parliament's approval for the reserve's cancellation.

Class A Reserve 17826 in the City of Perth, electoral district of Perth and electoral province of Metropolitan, is set aside for "parks and gardens" and is vested in the City of Perth. The city council has advised that this reserve is used for vehicle parking on special occasions when major events are held at the Western Australian Cricket Association ground. Due to redevelopment of the WACA, enabling more night use and greater crowd capacity, the city expects that greater use of Reserve 17826 for vehicle parking will be necessary, due to the limited existing parking facilities in the vicinity. Council wishes to be able to charge parking fees on Reserve 17826 and, to do this, has requested that the reserve purpose be changed to "park, gardens and parking". This clause seeks Parliament's approval for that change in purpose.

Class A Reserve 4561 at Bedfordale in the City of Armadale, electoral district of Dale and electoral province of Lower West, is set aside for the purpose of "parklands", is known as Bungendore Park, and is vested in the City of Armadale. Environmental Protection Authority Red Book System 6 Study Report Recommendation M80.6 calls for the area of vacant Crown land to the east of the park, within the Bedfordale townsite, to be included into the reserve. Protection of two geodetic trig stations within the reserve by separate reservation is also considered necessary. All parties have agreed to the proposed changes and it is now proposed to redescribe class A Reserve 4561 to comprise Canning Location 3597, to accommodate the changes. This clause seeks Parliament's approval for those changes.

Class A Reserves 1624 and 1668 at Point Resolution in the City of Nedlands, electoral district of Nedlands and electoral province of Metropolitan, are both set aside for the purpose of "recreation", and vested in the City of Nedlands. Reserve 1624 has been named Point Resolution Reserve. Environmental Protection Authority Red Book System 6 recommendation M59 calls for the excision of that portion of Reserve 1668 west of Victoria Avenue and the inclusion of this area into the adjoining Reserve 1624. The recommendation also provided for the change of purpose of Reserve 1624 to "parkland and recreation". It is now proposed that both reserves be redescribed to accommodate these changes and variation to the area of Reserve 1624 caused by movement in its high watermark boundary. This clause seeks Parliament's approval for the changes in area and reserve purpose.

Class A Reserve 12397 near Lake Mears in the Shire of Brookton, electoral district of Avon and electoral province of Central, is set aside for the purpose of "water" and is vested in the Minister for Water Resources. Agreement has been reached with the Shire of Brookton, the Water Authority and the Department of Conservation and Land Management for a portion of the reserve which has been fenced into the adjoining property and cleared to be excised. This clause seeks Parliament's approval to this change.

Reserve 18149, Broome Lot 627, is held by the Trustees of the Mahomedan Church under a 999 year lease for the purpose of "Church Site (Mahomedan)". As the lease was issued in 1926 and the trustees listed on the lease document have passed on, any legal dealings on the property can be accomplished only through cancellation of the existing lease and trusteeship. The Per Satuan Muslim Broome Western Australian Association has requested legal tenure over Broome Lot 627 for the rebuilding of a mosque. Cancellation of the 999 year lease and trusteeship requires the approval of Parliament. This clause seeks Parliament's approval for such cancellation.

Reserve 14635 lies within the town of Cottesloe, the electoral district of Cottesloe and the electoral province of Metropolitan, and has a purpose of "fire station". The Western Australian Fire Brigades Board presently holds the land in freehold but under a trust requiring that the land be used for "fire station". As a result of the Reserve Act No 1 of 1939, the board has the unconditional freedom to sell the lot. During the 1960s, the adjoining Lot 331 was set aside as Reserve 27542 for "fire brigade purposes" with the Fire Brigades Board having a freehold title in trust for "fire brigade purposes" over the land. However, the land was made available on the understanding that the board would not exercise its right to sell Reserve 14635 and that the additional area would be used for

expanding existing facilities. The board now wishes to see existing improvements in situ and to establish new facilities over the remainder of both reserves. The result is that the area the board is wishing to sell covers the major area of Lot 182 and a portion of the adjoining Lot 331. The sale of this area is clearly outside what Parliament approved in 1939. This clause seeks Parliament's approval to amend the Reserves Act 1939 so as to allow the sale of land covering both reserves.

Class A Reserve 15860 is set aside for "parklands and recreation", situated on the banks of the Blackwood River in Bridgetown and vested in the Bridgetown-Greenbushes Shire Council. It lies within the electoral district of Warren and the electoral province of Lower Central. To facilitate its plans to improve the reserve for recreation and tourism, the shire has asked for various C class reserves, closed roads and other Crown land to be included in the reserve. This clause seeks Parliament's approval for the inclusion of these lands.

Class A Reserve 24491 lies within the Shire of Dandaragan, is set aside as "national park" and is vested in the National Parks and Nature Conservation Authority. The reserve is more commonly known as the Watheroo National Park and falls within the boundaries of the electoral district of Moore and the electoral province of Upper West. Both the shire and the Department of Conservation and Land Management have reached agreement over the excision of a small portion from the national park for quarrying gravel which is to be replaced by an equal portion of vacant Crown land. This clause seeks Parliament's approval for these amendments to the reserve.

Class A Reserve 35118 has a purpose of "historical site and buildings", is vested in the Shire of Ashburton and lies within the old Onslow townsite. It falls within the boundaries of the electoral district of Pilbara and the electoral province of North. Lot 252 is completely surrounded by Reserve 35118 and has just been acquired from the Commonwealth by the Department of Land Administration. The lot, being surplus to the Commonwealth's requirements, was offered to and accepted by the department. Given that it is surrounded and that it has no access, it would be unwise to release the lot to a private purchaser. Therefore, it is desirable to include the lot in Reserve 35118. This clause seeks Parliament's approval for the inclusion.

Class A Reserve 6627 lies in the Shire of Murray, the electoral district of Murray and the electoral province of Lower West, and has a purpose of "conservation and flora and fauna". The reserve is more commonly known as the Lake Mealup Nature Reserve. Although not part of any recommendation, the adjoining freehold Location 1847 - formerly Location 430 - has been recognised by the EPA System 6 report as forming an important biological area within the Lake Mealup area. The Department of Conservation and Land Management has now acquired this land for inclusion in Reserve 6627. This clause seeks Parliament's approval for that inclusion.

As a preliminary step towards creating the Shannon and Mt Frankland national parks, Parliament has agreed to the revocation of certain areas of State forest. As a further step, clauses 33 and 34 now seek Parliament's approval for the partial cancellation of Reserve 18705 and the closure of various roads so that these lands may also be included in the proposed national parks.

Class A Reserve 18705 has a purpose of "national park" and is vested in the National Parks and Nature Conservation Authority. It lies within the Shire of Manjimup, the electoral district of Warren and the electoral province of Lower Central, and is more commonly known as the Sir James Mitchell National Park. The reserve comprises narrow strips of forest on both sides of the South-Western Highway from Manjimup to Mt Pingerup. It was designed as a scenic vista, is mainly surrounded by State forest and is managed as such. It also passes through areas proposed to become the Shannon and Mt Frankland national parks. It is now proposed to incorporate part of this reserve into the proposed parks, necessitating its partial cancellation.

Furthermore, there are a number of redundant unconstructed public roads within the boundaries of the proposed parks. These roads need to be closed so that the land involved can be included in the parks. Given the Government's timetable for the creation of the parks, it is proposed to close these roads by means of this Bill. The Shire of Manjimup has been approached regarding the road closures and has given its agreement in principle.

Class A Reserve 39825 was created in February 1987 with a purpose of "conservation and the agreement defined in section 2 of the Alumina Refinery Agreement Act 1961". It is vested in the National Parks and Nature Conservation Authority. The reserve lies within the Shire of Serpentine-Jarrahdale, the electoral district of Dale and the electoral province of Lower-West. It was created out of State forest following agreement between Alcoa and the Departments of Resources Development and Conservation and Land Management. To allow the reservation, Parliament approved both the excision from State forest and a variation to the Alumina Refinery Agreement Act 1961. Continued negotiations between all parties - including Alcoa - have resulted in agreement being reached for a change of purpose for the reserve to "national park". This will enable the reserve to become part of the expanded Serpentine National Park. This clause seeks Parliament's approval for this change in purpose.

Class A Reserve 17495 is set apart from "national park" and is vested in the National Parks and Nature Conservation Authority. It forms a part of the D'Entrecasteaux National Park and lies within the boundaries of the Shire of Manjimup, the electoral district of Warren and the electoral province of Lower Central. Following agreement between the Departments of Conservation and Land Management, Health and Local Government, and the Shire of Manjimup it is proposed to exclude from the reserve that portion of the reserve south of Windy Harbour Road, to enable its inclusion within the adjoining Class A Reserve 38881, which has a purpose of "recreation, camping, caravan park and holiday cottages" and is vested in the Manjimup Shire Council with power to lease. The proposed decision is in accordance with the D'Entrecasteaux National Park management plan and will allow the shire to regularise the use of the area by professional fishermen and will incorporate part of an essential water supply system and a rubbish disposal site which had been established before the national park was created. This clause seeks Parliament's approval to allow the excision and subsequent inclusion of the land within the shire controlled reserve.

The latter part of this Bill seeks approval of the closure and revestment of 19 pedestrian accessways and four rights of way situated in various locations. These accessways and rights of way as described on the table to the clause were created from private freehold subdivisions under section 20A of the Town Planning and Development Act and, as a condition of subdivision, are vested in Her Majesty. Passage of time has indicated that, in these instances, the accessways are no longer required or are causing problems through misuse, vandalism, intrusion into family privacy and antisocial behaviour. In all cases the closure applications have been submitted by the relevant local government authority after adequate publicity and provision of time for submission of objections.

The need for this legislative measure arises from the lack of existing legislation to close these types of accessways. While amendments to existing legislation are being prepared to establish permanent powers to deal with these accessways, this revestment clause is intended, as a short term solution, to provide the legislative authority necessary to resolve these particular cases, where closure is considered to be an immediate requirement. Existing machinery established under part VIIA of the Land Act will be used to enable disposal of the land to adjoining landowners, with reasonable time being allowed for payment for the land.

I table plans and explanatory notes associated with the Reserves and Land Revestment Bill.

[See paper No 626.]

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

MINERAL SANDS (COOLJARLOO) MINING AND PROCESSING AGREEMENT 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 Central Metropolitan - Leader of the House) [8.03 pm]: I move -

That the Bill be now read a second time.

The purpose of the Bill is to ratify an agreement dated 8 November 1988 between the State and the joint venturers, Yalgoo Minerals Pty Ltd and KMCC Western Australia Pty Ltd, which are wholly owned subsidiaries of Ti0, Corporation NL and Kerr-McGee Chemical Corporation of the USA respectively. The agreement will facilitate the development of the world's first fully integrated mineral sands project involving the mining and wet concentration of ore at Cooljarloo, the processing into its component minerals at Muchea, and the manufacture of synthetic rutile and titanium dioxide pigments at Muchea and Kwinana respectively.

The agreement requires that the joint venturers proceed in the short term to construct and operate the synthetic rutile and titanium dioxide pigment plants, thereby increasing by a factor of 20 or more the value of the basic raw materials dug from the ground. The project thus meets the objectives embraced by all mainstream elements in the political spectrum in terms of further processing of the State's mineral resources. Its development will add to the technological and skills base in Western Australia, and will ensure that the economic benefits to the State are maximised by taking advantage of the narrow "window of opportunity" that presently exists in the international market for heavy minerals and their derivatives.

The joint venturers will, for their part, benefit from the security of tenure conferred by the agreement, and the assurance of quiet occupancy and use of their sites at Cooljarloo, Muchea and Kwinana. Government sanction for the project is necessary for the involvement of the Kerr-McGee group, whose environmentally preferred chloride process technology, and expertise in the international marketing of heavy mineral-based products, will greatly facilitate the successful establishment and long term viability of this venture. The operation of this project may also enable the future exploitation of additional heavy mineral resources in the northern Perth basin which would otherwise be sub-economic.

In order that members may fully appreciate this proposal, I outline briefly its major elements. The joint venturers intend to mine the deposit at Cooljarloo by means of a floating dredge and attendant wet concentrator, which, on average, will produce approximately 680 000 tonnes annually of heavy minerals. The concentrates will be transported by road to a site about four kilometres north of Muchea, where a dry processing plant will separate the component fractions, yielding about 500 000 tonnes per annum of commercially valuable heavy minerals, including ilmenite, rutile, zircon and leucoxene. In the initial years of operation, a tailings stream containing relatively small quantities of monazite will be sold to an existing major producer of that mineral in Western Australia. Adjacent to the dry plant will be another plant which will utilise ilmenite feedstock to produce 130 000 tonnes of synthetic rutile each year. The end products from both these processes will be railed to Kwinana for export, or, in the case of portion of the synthetic rutile, for use as feedstock to manufacture at Kwinana 54 000 tonnes per annum of titanium dioxide pigment destined for use in the international paint, paper and plastics industries. All solid wastes generated as a result of these activities will be returned to the mine for use as backfill prior to rehabilitation of the site to the satisfaction of the Department of Mines and the Environmental Protection Authority.

The total capital expenditure by the joint venturers on the integrated project will be in the order of $370 million over the next few years. The great majority of this will be spent in Western Australia. Approximately 470 new permanent jobs will be created when the project is fully operational, and a similar number of positions are expected in service and related industries as a direct consequence of the development. There will, of course, be a very substantial boost in the construction industry during the development phase. Product exports are forecast to generate in excess of $200 million annually or more than $5 000 million over the life of the project. The mine and associated processing plants will require annual operating expenditure of more than $100 million, about a quarter of which will accrue to State Government agencies in the form of royalties, taxes and charges for electricity, gas, water, transport and the like.

The term of the agreement is 21 years, with the joint venturers having the right to extend its life for a further five years, or up to 10 years subject to the approval of the Minister. The ore reserves at Cooljarloo are sufficient to sustain high volume operations for at least 20 years, and the inclusion of additional reserves held by the joint venturers at Jurien, and such other

reserves which they may secure in future years, have the potential to extend the project life considerably. The work force required for the construction and ongoing operation of the mine will be accommodated by the joint venturers at Cataby, with a small contingent of management staff housed in the town of Dandaragan. No special arrangements are proposed for employees in the Muchea and Kwinana plants, as it is expected they will be recruited from nearby districts and the metropolitan area generally.

Some members may already be aware that the plants at Muchea and Kwinana will require significant volumes of process water. The joint venturers are, in every respect, obliged to consult and agree on this issue with the Water Authority, which will, in the case of the Muchea operations, ensure the integrity of underground supplies for use by local residents, and prevent any adverse impact on the reserves of the Gnangara mound. The pigment plant at Kwinana will be serviced by scheme water.

The EPA has required different levels of assessment and public review in its consideration of this development because of the number of components of the project at various locations, and because of their different complexities. The mine operation has received environmental approval and the Minister for Economic Development and Trade has been advised that the dry processing plant at Muchea is in the final stages of approval. The synthetic rutile and titanium dioxide pigment proposals are currently being assessed by the EPA. Although Parliament is being asked to ratify the agreement during this session I emphasise that this will not in any way prejudice the required environmental assessment procedures. The recommendations of the EPA and the determination of the Minister for Environment will be required prior to final approval for those elements of the project not yet finalised, regardless of the ratification of this agreement. In any event, the agreement itself obliges the joint venturers to undertake programs of environmental monitoring and research, and to submit brief annual and comprehensive triennial reports on the results of their investigations and rehabilitation measures for all phases of the project.

I turn now to the specific provisions of the agreement which comprises the schedule to the Bill before the House. Clause 1 contains definitions of various words and phrases used in the agreement. Clause 2 outlines the intended interpretation or effect of specific references in the agreement. Clause 3 specifies the obligation of the State to introduce to Parliament the Bill to ratify the agreement. Should the agreement not be ratified by 15 December 1988 it shall cease and determine, unless the parties otherwise agree. Clause 4 obliges the joint venturers to undertake the approved project - that is, mining and wet concentration of the ore - once they have obtained the necessary approvals and licences.

Clause 5 deals with the issue of a mining lease over the mining areas held by the joint venturers at Cooljarloo. Subclause (1) requires the joint venturers to make application within three months of the commencement of the agreement for the issue of a mining lease, which shall be granted on the surrender of any mining tenements they currently hold over the area referred to. Subclause (2) specifies the life of the mining lease will be 21 years, subject to the right to renewal provided in clause 35. Subclauses (3) and (4) release the joint venturers from the expenditure obligations otherwise imposed by the Mining Act, and provide for access to the mining lease for the State and other parties. Subclause (5) prevents the joint venturers from mining within that part of the mining lease coloured red on plan A - a copy of which I now table - until such time as the Minister has approved or determined their proposals with respect to the titanium dioxide pigment plant at Kwinana.

[See paper No 627.]

Hon J.M. BERINSON: Subclauses (6) and (7) allow for the joint venturers to surrender portions of the mining lease, or to apply for the inclusion into the mining lease of additional areas held by them.

Clause 6 provides for the grant of a mining lease over the Jurien tenements which are held by subsidiaries of TiO_2 Corporation NL and Kerr-McGee Chemical Corporation. The participants in this separate but related joint venture will be subject to all of the conditions of the agreement if they decide to undertake commercial mining of these deposits.

Clause 7(1) specifies that royalties will be payable according to the rates from time to time prescribed in the Mining Act. Subclause (2) obliges the joint venturers to comply with the provisions of the Mining Act in respect of statistical returns and reports, and to provide

equipment for the purpose of monitoring and recording the movement of minerals mined on the mining lease.

Clause 8 deals with the requirement for the joint venturers to submit on or before 31 December 1988 proposals for the establishment and operation of a synthetic rutile plant at Muchea.

Clause 9(1) provides for the consideration and approval by the Minister of the joint venturers' detailed proposals for the synthetic rutile plant. It is also made clear that approval shall be subject to any associated requirements specified under the Environmental Protection Act 1986. Similar requirements for the consideration and implementation of the proposals as are contained in other ratified State agreements are set out in clause 9(1) to (5).

Clause 10 requires the joint venturers to submit by 30 June 1989 detailed proposals for the establishment and operation of a titanium dioxide pigment plant at Kwinana. Clause 10(3) specifies that the State, by means of section 73 of the Environmental Protection Act 1986, shall reimburse the joint venturers the cost of remedying pollution or contamination on or under the Kwinana pigment plant site if not attributable to their operations and provided that the State has directed them to undertake such remedial action. Subclause (4) requires the joint venturers, at the direction of the State, to surrender portion of their mining lease if they fail to submit proposals as required by the agreement in respect of the titanium dioxide pigment plant.

Clause 11 of the agreement deals with the mechanism for submitting additional proposals, or of significantly modifying or expanding activities pursuant to the agreement. Clause 12 specifies the obligations of the joint venturers with respect to measures to be taken for the protection and management of the environment, including programs of investigation, research and monitoring. Procedures for the consideration by the Minister of these reports are also outlined.

Requirements for the use of local labour, professional services and materials are included in clause 13. The joint venturers are required to report monthly to the Minister on their implementation of the provisions of this clause.

Clause 14(1) requires the joint venturers and the State to agree on the amounts and qualities of ground water required for operations under the agreement, and for the issue by the Water Authority of the necessary licences, provided the State is satisfied there will be no detriment to either the water source or other users. Subclauses (2) and (3) deal with the provision of, and charges for, scheme water, and the requirements for the joint venturers to meet the full cost of any augmentation or extension of the water supply scheme necessary for their operations. Clause 15 addresses the need for the joint venturers and the State Energy Commission to enter into negotiations for the supply of electricity and gas.

Clause 16(1) specifies that the joint venturers shall be responsible for the construction and maintenance of all private roads required for their operations and for measures to exclude use by unauthorised third parties, and to ensure adequate safety at railway and any public road crossings. Subclause (2) provides for the State or relevant local authority to recover from the joint venturers some or all of the costs of any upgrading or maintenance of public roads. Provision is made in subclause (3) for the State to resume and dedicate as a public road any private road constructed by the joint venturers, upon payment of reasonable compensation.

Rail transport issues are dealt with in Clause 17.

Clause 18 requires the joint venturers to confer with the Minister and the relevant local authorities in relation to the need for and cost of any additional community services or facilities which may be necessary as a result of project operations or the joint venturers' work force. Clause 19 ensures that the various elements of the integrated project, as approved by the State, may be developed at their present locations despite any contrary zoning or use classification. By means of clause 20 the State undertakes not to impose or allow to be imposed on the joint venturers or their operations any discriminatory taxes, rates or charges.

Clause 21 allows the joint venturers, with the consent of the Minister, to assign, mortgage, charge, sublet or dispose of any of their rights and obligations under the agreement, upon certain conditions. Variation of the agreement is provided for in clause 22, subject to any such variation being laid on the Table of each House of Parliament.

The force majeure measures contained in clause 23 are the usual provisions of this nature included in agreements ratified by Parliament. Clause 24 enables the Minister, at the request of the joint venturers, to extend or vary any period referred to in the agreement. Clause 25 outlines the circumstances under which the agreement may be determined, and provides for arbitration where there is a dispute.

Clause 26 establishes the liability of both the joint venturers and the State upon cessation or determination of the agreement and ensures that all moneys owed by the joint venturers to the State are paid. Paragraph (c) of clause 26 provides for the issue, at the request of the joint venturers, of a mining lease or mining leases under the Mining Act for the balance of the term of the mining lease if the agreement ceases or determines.

Provision is made in clause 27(1) for the joint venturers to provide alternative forms of finance to the State in lieu of payments which may be required by the agreement.

Clause 28 makes it clear that the joint venturers are not exempted from complying with the provisions of environmental protection legislation of the State. Under clause 29 the joint venturers shall indemnify the State against all claims or suits by third parties arising out of work carried out by or on behalf of the joint venturers pursuant to the agreement. Clause 30 stipulates that the joint venturers shall apply to the Commonwealth for any consents or licences required to fulfil the provisions of the agreement, and that the State shall assist, as appropriate. Clause 31 specifies that the parties to the agreement may subcontract with third parties for any portion of the approved operations.

Stamp duty exemption is provided for in clause 32. It also provides exemption in the first five years of the life of the agreement to the grant to the joint venturers by the State of any lease or other title pursuant to the agreement, and assignments, subleases or dispositions of the joint venturers' rights under the agreement.

Clause 32(2) provides for the refund of any stamp duty relevant to transactions specified in subclause (1) if such duty has been assessed and paid prior to the ratification of the agreement. Clause 33 nominates the Commercial Arbitration Act 1985 as the vehicle for settling disputes between the joint venturers and the State. The joint venturers are required by clause 34 to keep the State informed as to any matter which might significantly affect the interests of the State under the agreement.

Clause 35 indicates that the agreement will expire on the expiration or determination of the mining lease, as provided for in clause 25. Clause 35(2) allows the joint venturers to extend the agreement for five years, or with the Minister's consent, up to 10 years beyond its initial 21 year term. Clause 36 fixes the means by which either party shall communicate with the other regarding the formal notice provisions of the agreement.

Clause 37 provides that TiO_2 Corporation NL and Kerr-McGee Chemical Corporation shall act as guarantors for Yalgoo Minerals Pty Ltd and KMCC Western Australia Pty Ltd in the due performance of all their obligations under the agreement. Clause 38 stipulates that the agreement is to be interpreted in accordance with Western Australian laws.

Finally, the schedule to the agreement outlines the format of the mining lease to be granted to the joint venturers. The Government believes this agreement will greatly facilitate the establishment of the State's and, indeed, the world's first fully integrated mineral sands project. This development accords with our policy to encourage further processing of Western Australia's mineral resources prior to their export to world markets. The benefits to the State and the nation will be very significant over the life of the project and will lead to expansion of our technological base as well as providing major employment opportunities and revenue. The agreement will also guarantee that the project proceeds in an environmentally acceptable manner.

I commend the Bill to the House.

Debate adjourned, on motion by Hon N.F. Moore.

ELECTRICITY AMENDMENT BILL

Second Reading

Debate resumed from 15 November.

HON BARRY HOUSE (South West) [8.19 pm]: The Opposition generally supports this legislation which makes amendments to the 1945 Electricity Act. The penalties in that Act have not been changed since 1947. For instance, a fine of $100 for these offences is inadequate in this day and age, and a review of the Act is long overdue. Many people, including the Electrical Trades Union, have been critical of the delay in bringing this legislation to the House, and there is a lot of concern about why it has taken so long.

Moves to increase the penalties began in earnest after the tragic deaths of a couple of apprentices. The first apprentice was Wesley Millett, who died in January 1984; the moves were strengthened further by the death of another apprentice, Gary Deimel, in Carnarvon early this year. When they died they were working unsupervised in the roofs of buildings. The new penalties are different for individuals, who will now be faced with fines of up to $5 000, and for corporations, which will now be faced with fines of up to $20 000. I understand that these are maximum fines; otherwise they seem a bit excessive. I would welcome the Minister's confirmation.

Hon J.M. Berinson: That is so.

Hon BARRY HOUSE: I thank the Minister. The electrical industry is generally a responsible and safe industry, but obviously there is a clear need to prevent unsafe working conditions allowed by a few contractors. Anything that might lead to deaths such as those of the two apprentices needs to be discouraged. There is no second chance with electricity and even one accident is one too many.

The legislation also seeks to replace the present two boards - the Electrical Contractors Licensing Board and the Electrical Workers Board - with a single board appointed by the Minister instead of the State Energy Commission. My understanding is that Western Australia has had a very good system of regulation over the past 30 years; it seems to have been superior to systems operating in most of the other States. I hope that the standards in the other States do not drag the requirements in Western Australia down to a level which is not sufficiently high. We must always keep in mind when talking about electricity that Australia has a higher voltage than most of the rest of the world; therefore, our industry is potentially more dangerous.

Hon Garry Kelly: That is a shocking thing.

Hon BARRY HOUSE: In the light of this, Western Australia has had a very good record over the years, with the only two notable exceptions being, as far as I can gather, the deaths of those two apprentices.

The legislation also facilitates mutual recognition of qualifications and training in Western Australia, bringing it into line with the rest of Australia. We live in a world which has a highly mobile work force. This seems a logical move and is to be encouraged. It will overcome some of the problems of electrical tradesmen working across States' boundaries.

The SEC has also been given the power to issue guidelines for safety practices in the industry. There is some concern in the industry about clause 6 that to specify standards, practices and procedures is more than issuing guidelines. The industry does not see the need for the proposed section 33AA(2)(a), as it believes there are enough regulations already in the electrical regulations and the occupational health, safety and welfare regulations, which already set down the rules. I would welcome the Minister's comments on the need for this proposed new section.

The Bill also deals with the question of the electrification of the Western Australian railway system and it sensibly gives to Westrail the responsibility for the overseeing of that electrification. It also brings the agreements into line with similar arrangements in other States. In general there is an obvious need to upgrade this legislation because it does not seem to have been amended since 1947. It is unfortunate that the catalyst for this amendment was the tragic deaths of those two apprentices. With those few remarks, I support the legislation.

HON J.N. CALDWELL (South) [8.24 pm]: The National Party goes along with the remarks made by the previous speaker about the need to upgrade the safety measures and also to increase the penalties for breaches of anything to do with electricity. Talking about that on behalf of farmers - particularly country people in remote areas - nothing has been more important over the last few years than the supply of electricity to their properties. I can

well remember people having to go out and fill up their tanks because their electric motors had run out of fuel. I guess the supply of electricity to those areas has been one of the greatest things to have happened to this State. Electricity is now supplied throughout the State.

Something about electricity really frightens us, particularly in years like this, when we have had a wonderful season and an abundance of grass and fodder has been produced. Members just have to drive along country roads to see the terrific fire hazard which exists in the countryside. Just last week on my property an electricity pole started a fire. Fortunately there happened to be a few blades of green grass around it and the fire was smothered, but had it been a few weeks later there would have been devastation. Our farm is waving with grass; it is the first time that the sheep have seen grass for a long time. I would like to bring that matter to the attention of the SEC. I am sure that the SEC could do something extra about the fuses on electricity poles to safeguard them. I know there have been some suggestions about this, but it does seem ridiculous, in this day and age, with the existing technology, that when a fuse blows it lights up the place. It is just as easy as that. It seems to spread the fuel all over the place; it catches the pole alight and the first thing people know about it is that they have no power. The power goes off and they ring up the SEC and say, "The power has gone; something must have happened." Invariably the fuse has blown. Unfortunately this year that situation will be terribly dangerous for country people. The SEC should keep on investigating and trying to improve the fuses it uses on electricity poles, especially in country areas where there is a great abundance of fuel which can burst into flame and cause a lot of damage.

Hon W.N. Stretch: Quite right. It is a very big problem.

Hon J.N. CALDWELL: This Bill is welcomed by the National Party.

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [8.27 pm]: I thank members for their support of this legislation.

So far as I can recall there was only one reservation expressed - I think that is probably putting it too highly; probably all that was sought was some further elaboration of the provisions of the clause - in respect of clause 6. There is no specific power now in the Act for the commission to issue guidelines for safety practices for a variety of tasks. The commission considers it would be advantageous to issue such guidelines to assist the industry. It is important to note that these guidelines would not attract criminal sanctions but would point to safety procedures. Their advantage compared, for example, with the regulations is their greater flexibility to cope with technological advance. Whether some people in the industry believe that the terminology goes beyond what would normally be understood by guidelines, the situation is that they are what they say they are; that is, guidelines and not mandatory provisions. To that extent, they are there to help the industry rather than to impose matters on it.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

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

House adjourned at 8.31 pm

QUESTIONS ON NOTICE

ALCOHOL - SALES
Liquor Fee - Sales Tax

432. Hon W.N. STRETCH to the Leader of the House representing the Treasurer:

(1) Is it correct that the liquor fee charged on sales of alcoholic beverages is charged not only on the drink itself but also on the already imposed sales tax component?

(2) Is the Government taking steps to remove this tax on taxation or, as it is termed, "double-dipping"?

Hon J.M. BERINSON replied:

(1) There is no direct State impost on sales of liquor. However, persons selling liquor are required to be licensed and to pay a licence fee determined as a percentage of the value of liquor purchases, inclusive of Commonwealth sales tax and excise, in a previous period.

(2) The State licence fee is not considered to be double dipping. None of the Commonwealth sales tax or excise accrues to the State.

TAXES AND CHARGES - PAYROLL TAX
Federal Statutory Authorities - Payments

433. Hon MAX EVANS to the Leader of the House representing the Treasurer:

(1) With regard to estimated revenue in 1988-89 of $438 million for payroll tax, what amount of payroll tax is estimated to be paid by Commonwealth statutory authorities?

(2) Is this the first year that payroll tax payments have been made by Commonwealth statutory authorities?

(3) If not, what has been paid previously?

Hon J.M. BERINSON replied:

(1)-(2) $20.8 million comprising $15 million from Commonwealth business enterprise not previously liable and $5.8 million from Commonwealth business enterprises subject to payroll tax prior to 1 July 1988.

(3) Payroll tax of $5.3 million was paid by Commonwealth business enterprises liable for payroll tax in 1987-88.

ABATTOIRS - WA LAMB MARKETING BOARD
Operations

508. Hon BARRY HOUSE to the Minister for Consumer Affairs representing the Minister for Agriculture:

(1) How many years has the WA Lamb Marketing Board been in operation?

(2) How many lambs has the board processed in each year of its operations?

(3) How many people have been charged with offences against the WA Lamb Marketing Board in each year of its operation?

(4) How many people have been convicted of offences against the WA Lamb Marketing Board in each year of its operation?

(5) Can the Minister indicate the general nature of infringements against the WA Lamb Marketing Board?

(6) Are there any charges pending at present?

(7) If so, would he indicate what the nature of these charges are?

Hon GRAHAM EDWARDS replied:

(1) The Western Australia Lamb Marketing Board commenced operations on 2

December 1972 and has therefore been operating as either the WA Lamb Marketing Board or the new Western Australian Meat Marketing Corporation for a total of 15 years, 11 months.

(2)

Financial Year	Number of Lambs
1973 (7 months)	485 471
1974	1 161 211
1975	1 319 258
1976	1 700 642
1977	1 769 204
1978	1 423 497
1979	1 328 404
1980	1 509 935
1981	1 497 209
1982	1 113 341
1983	973 735
1984	996 271
1985	1 104 703
1986	1 034 048
1987	1 106 468
1988	1 089 375
1989 (YTD 31.10.88)	440 004
	20 052 776

(3)-(5)

I refer the member to my reply to questions in the Legislative Assembly of 19 October 1988 - question 1573 from Mr Cowan, question 1577 from Mr MacKinnon.

(6) Yes.

(7) Failing to declare lambs under section 19 of the Marketing of Lamb Act 1971 as amended.

AGRICULTURE - PESTICIDES
Declared Farms, Cattle Sale - Wholesalers' Participation

523. Hon A.A. LEWIS to the Minister for Consumer Affairs representing the Minister for Agriculture:

With regards the sale of cattle from pesticide declared farms -

(1) Are all wholesalers taking part in the scheme?

(2) If not, which wholesalers are taking part?

(3) Are the purchasing wholesalers being given extended terms?

Hon GRAHAM EDWARDS replied:

(1)-(3)

Cattle purchased from pesticide affected properties through the cattle industry compensation fund are subsequently sold by the Department of Agriculture through a number of avenues - saleyard auction, the computer aided livestock marketing system and direct sales - to try to get the best return to the fund. There is no restriction on who may purchase cattle. Cattle have been sold direct to feedlot proprietors on 60 day terms. The cattle remain the property of the fund until payment is made and the fund is saved the cost of agistment for that period.

EDUCATION - AUSTRALIAN LABOR PARTY CANDIDATE
Nollamara - Homeswest Opening, Dianella

524. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

I refer the Minister to her answer to my question 504 of 1988 and ask -

(1) Since when has attendance by a teacher at the opening of a Homeswest building been considered as "urgent personal business"?

(2) How many days' leave under regulation 120(1) have been granted this year to the ALP candidate for Nollamara?

Hon KAY HALLAHAN replied:

(1) The type of leave granted was "short leave" and, in line with the "Better Schools" recommendations for self-determining schools, granting of such leave is now the responsibility of the school principal. Delegation of leave to the school level allows all relevant factors to be taken into account in considering applications. As advised in an earlier response, no disruption to the educational program of students resulted from this decision.

(2) Two x 2 period = 0.5 school day, and one day: Total 1.5 days.

BURKE, MR TERRY - EMPLOYMENT
Chairman - Office Provisions

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

Further to question 511 of 1988, will the Premier advise if Mr Terry Burke in his current positions of chairman, revamp committee and chairman, overseas relations committee is provided with -

(a) office accommodation;

(b) staff; and

(c) an allocation to cover the costs incurred in running an office for such items as phone accounts, stationery, postage, etc?

Hon J.M. BERINSON replied:

(a) The revamp committee is part of the overall East Perth project which occupies space in the LandCorp offices; Mr Burke as chairman has an office provided.

(b)-(c) The revamp committee has access to secretarial, stationery and other administrative support provided by LandCorp in respect of the East Perth project.

BURKE, MR TERRY - EMPLOYMENT
Chairman - Government Credit Card

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

Further to question 511 of 1988, will the Premier advise if Mr Terry Burke in his current positions of chairman, revamp committee and chairman, overseas relations committee is provided with -

(a) a Government credit card; and

(b) if yes, what type of credit card?

Hon J.M. BERINSON replied:

(a)-(b) No.

EDUCATION - STATE SCHOOL TEACHERS UNION OF WA
Agreement - Industrial Relations Commission

531. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

I refer the Minister to the proposed agreement between the State School Teachers Union of WA and the Ministry, and ask -

(1) Is it intended that the agreement be ratified by the Industrial Relations Commission and, if so, why?

(2) If (1) is yes, when is the agreement to go before the commission?

Hon KAY HALLAHAN replied:

(1) No.

(2) Not applicable.

EDUCATION - HIGH SCHOOLS
Change Rooms - Shower Facilities

532. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

(1) Which district high schools - classes I and II - do not have change rooms with proper shower facilities?

(2) Which high schools and senior high schools do not have change rooms with proper shower facilities?

(3) At which senior high schools, high schools and district high schools are change rooms currently being constructed?

(4) Since when has the Government's policy on physical education included the provision of physical education specialists to all primary schools?

Hon KAY HALLAHAN replied:

(1) Darkan, Denmark, Donnybrook, Dowerin, Gingin, Goomalling, Kojonup, Kununurra, Lake Grace, Laverton, Mt Magnet, Narembeen, Northcliffe, Ravensthorpe, Wagin, Wundowie, Yanchep and York.

(2) -.

(3) Australind (construction will commence shortly), Coodanup and Tom Price.

(4) Since 1977, all primary schools have had the opportunity to apply for a specialist teacher in one of the following areas: Music, art-craft or physical education.

EDUCATION - TECHNICAL AND FURTHER EDUCATION
Overseas Study Groups - Report Release

535. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

Further to question 464 of 1988 -

(1) Is the Minister in a position to release the reports of the two large TAFE groups who went overseas recently on study tours?

(2) If (1) is no, could she advise when the reports will be available?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

(1) No.

(2) The report is in preparation and it is anticipated that it will be presented to me in December or January.

EDUCATION - TECHNICAL AND FURTHER EDUCATION
Full Time Lecturers - Expenses, 1989

536. Hon N.F. MOORE to the Minister for Community Services representing the Minister for Education:

(1) Is the Minister aware that full time TAFE lecturers undergoing teacher training - required by the Office of TAFE - at Curtin University, could be required to pay -

(a) $1 800 tuition fee;

(b) $115 guild fee;

(c) $10 parking fee; and

(d) $200 approximately for text books

in 1989 for second year trainees?

(2) Is it correct that staff will meet these expenses from their own pockets?

(3) If (2) is no, would she consider some method of subsidising payment for the lecturers concerned?

(4) If (2) is yes, would she take steps to ensure that all future incoming TAFE lecturers are made aware of the expenses that they might be required to incur?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that -

(1)-(2)
Yes.

(3) Consideration is being given to a one-off subsidy for the 1989 second year group.

(4) Yes. All applicants for appointments to the permanent staff in 1989 and thereafter are to be advised of the expenses they will incur prior to being appointed.

QUESTIONS WITHOUT NOTICE

NEWSPAPER ARTICLES - R & I BANK
Western Collieries Ltd, Short Term Finance - Minister's Involvement

376. Hon P.G. PENDAL to the Minister for Budget Management:

I refer to the front page story in the *The Australian Financial Review* of yesterday under the by-line of Mark Smith in which it said that "The bank," that is, the R & I Bank, had earlier rejected an approach by a Minister of the State Government to provide short term finance to Western Collieries. Will he give an unequivocal assurance that he was not the Minister involved?

Hon J.M. BERINSON replied:

Certainly.

NEWSPAPER ARTICLES - R & I BANK
Western Collieries Ltd, Unauthorised Transfer - Minister's Knowledge

377. Hon P.G. PENDAL to the Minister for Budget Management:

(1) Will he tell the House whether the contents of the front page report in yesterday's *The Australian Financial Review* on an unauthorised $6 million transfer from Western Collieries' account at the R & I Bank was known to him prior to the publication yesterday?

(2) If so, will he say what knowledge he had and when he had that knowledge?

Hon J.M. BERINSON replied:

(1)-(2)
I had no prior knowledge at all.

COMMUNITY SERVICES - ADOPTION LEGISLATION REVIEW
Adoptive Parents' Interests - Terms of Reference Amendments

378. Hon P.G. PENDAL to the Minister for Community Services:

(1) Is it correct that since the sitting of this House last Wednesday she has amended the terms of reference for the adoption law review to cater for the interests of adoptive parents?

(2) If so, will she arrange to table the amended version of the terms of reference?

Hon KAY HALLAHAN replied:

(1)-(2)

The terms of reference have been amended. As I said before, they did take in the interests of adoptive parents but those parents were clearly of the view that their interests were not taken into account. Term of reference 1 now reads -

> Changes to legislation in relation to access to adoption information by all parties to adoption.

I made an announcement on Sunday morning at the conference. The people from the Adoptive Parents Association and the writer of one of the letters, a copy of which I assume was sent to Hon Phillip Pendal, approached me and said her organisation would be very happy with that change to term of reference 1. Mr President, I seek leave to table the terms of reference of the review of adoption legislation.

[See paper No 625.]