

Legislative Council

Wednesday, 27 September 1989

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

STANDING ORDERS COMMITTEE - ANSWERS TO QUESTIONS

Representative Capacity, Ministerial Responsibility - Report, Extension of Time

HON J.M. BROWN (Agricultural) [2.33 pm]: Mr President, I have been directed by the Standing Orders Committee to submit the following report -

The Standing Orders Committee advises that it is not in a position to comply with the requirements of the order of the House relating to the matters that it is obliged to take into account when considering the question of Ministerial responsibility when answering questions in a representative capacity.

The committee, as required, is seeking statements from the bicameral parliaments in Australia as to their customs and usage. Some replies have been received, but the committee anticipates that this phase of the inquiry will not have been completed before it is required to present its report.

Accordingly, the committee seeks an extension of time within which to report until Thursday, October 28 1989.

I move -

That the report be tabled and agreed to.

Question put and passed.

MOTION - SELECT COMMITTEE

Darling Range, Escarpment and Foothills - Land Use

HON DERRICK TOMLINSON (East Metropolitan) [2.34 pm]: I move -

1. That a Select Committee be appointed to inquire into and report on -
 - (a) land use in those parts of the Darling Range, the escarpment and the foothills which lie within the Perth metropolitan region, particularly with reference to competing demands for -
 - (i) various kinds of residential development;
 - (ii) horticulture, viticulture, and other agriculture;
 - (iii) regional parks and recreation reserves;
 - (iv) mining and excavation; and
 - (v) water catchment;
 - (b) procedures for coordinating the planning and development powers of State and local government authorities within the region.
2. The committee to have power to send for persons, papers and records.
3. The proceedings of the committee during the hearing of evidence be open to accredited representatives of the news media and the public.
4. The committee to report not later than 31 March 1991.
5. The committee have power to present interim reports.

The purpose of this motion to appoint a Select Committee is to inform public policy for land use in the Darling Range, escarpment and foothills. Underlying that is the need to satisfy competing demands for conserving and developing the region. To these ends, the committee will be charged with gathering information about alternative land uses, evaluating those alternatives, offering advice which takes proper account of public and private interests, preparing guidelines for land use and conservation in the region as a whole and in different

parts of it, and suggesting some means of coordinating or integrating powers of the several State and local government authorities responsible for the supervision and management of land use in their separate jurisdictions.

In considering this motion, the House should take notice of three different, but interrelated, matters. The first is the legitimate interests of local residents; the second is the broader issue of regional parks for the benefit of all Western Australians, but particularly those who reside in the metropolitan area; and the third is the need for a detailed management and development plan which acknowledges the authority of local government for its implementation. For many years, this part of the metropolitan region was regarded as rural fringe. It still supports significant horticultural, viticultural and other agricultural enterprises. Large tracts of it are reserved as State forests and water catchment areas and it has long been used for recreational relief by residents of inner suburbia. Now, even though it is categorised as metropolitan for the purposes of the metropolitan region planning scheme, it retains much of its rural or semi-rural quality. Town planning schemes of the several local government authorities have protected that essential rurality, and people who live there appreciate that aspect of their lifestyles.

In recent years tension has grown between proposals to develop parcels of land for urban housing and the desire of some local residents for their localities to be protected under rural or special rural zonings. Action groups have contested proposed urban development in such locations as Jane Brook, Wooroloo, the Helena Valley, Bushmead, Maida Vale, Orange Grove, Roleystone and Forrestdale. There is also growing concern among residents of Byford and Mundijong about the activities of mining companies exploring mineral sand deposits and gold prospects in the foothills. Some are fearful that the extensive extraction of mineral sands and goldmining will destroy the natural beauty and rural aspects of their districts. Elsewhere in the region, people have been affronted by the opening up of gravel mines in a State forest and gazetted water catchment area. Others are uneasy about sand excavation in arable land.

Clearly, in all of these instances there is tension between the values of those who want their immediate environs to remain in much the same condition as they know them and the legitimate interests of landowners who want to capitalise on their holdings by subdivision and sale for residential development. Similarly, there is tension between the interests of conserving a rural aspect and its associated lifestyle and the benefits of legitimate exploitation of mineral resources. That tension is an enduring one in urban and metropolitan communities; it is a tension between private values and the perceived public good. Tensions of that kind seldom are resolved satisfactorily for all. Competing interests can be appeased by the intervention of a disinterested party to adjudicate them. A Select Committee authorised by this House to investigate and recommend on land use is one way of proceeding. The informed advice of such a committee offers a basis for resolving conflict among competing values. It is unrealistic to expect that all parties will be satisfied, but at least they will know that their opinions have been heard and their interests acknowledged.

The question of setting aside parts of the Darling Range and escarpment for recreation and regional parks addresses quite different propositions. They were canvassed in the general principles and recommendations of the 1983 System 6 report by the Environmental Protection Authority. Some of its recommendations have been adopted and others have been devalued by inaction. Among the latter is the recommendation to coordinate a land resource inventory for planning purposes. Had that recommendation been pursued the need to appoint a Select Committee now might have been avoided. Even so, the principles underlying the System 6 proposals offer a sound starting point for future planning.

Since that report was published, other investigations of different aspects for planning and development of the region have offered equally valuable information and advice. Among them are the Travers Morgan report on the eastern corridor major roads study and the State Planning Commission review group on planning for the future of the Perth metropolitan area. Each of these reports highlights competing demands and offers different strategies for land use in the region. Taken together, these and several other reports commissioned by State and local government authorities offer comprehensive information which needs to be brought together to form a single set of recommendations for public policy. A Select Committee charged with that task might well justify new initiatives to provide for conservation and public recreation in natural surroundings as part of an integrated plan for land use.

Finally, any proposal for land use which does not include machinery for its implementation and supervision will probably founder. For that reason, it will be necessary for the Select Committee, if appointed, to prepare a detailed management plan. Because several State authorities have statutory responsibilities in this area - the Department of Conservation and Land Management, the Western Australian Water Authority, the Environmental Protection Authority, and the State Planning Commission, to identify four of them - and because six local government authorities, namely the Shires of Swan, Mundaring, Kalamunda, Gosnells, Armadale and Serpentine-Jarrahdale, have planning and administrative authority for their separate jurisdictions, any management plan for the region must offer a means for coordinating or integrating the functions of those separate bodies. The intention should not be to take authority away from them, but to strengthen their independent authority through coordination. The task will not be easy, but the need for a detailed plan and management proposal for land use in the Darling Range, the escarpment and foothills, is acknowledged in advice given to Government by other agencies. The appointment of a Select Committee by this House can address that need.

I commend the motion to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

MOTION - STANDING ORDERS COMMITTEE

Bills - Consideration of Chapter XXI - Bills

Debate resumed from 21 September.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.44 pm]: The Opposition supports the motion. In essence, the motion seeks to refer to the Standing Orders Committee the proposed chapter of Bills that the Leader of the House has invited the committee to consider and report on. No doubt, the Leader of the House trusts that in due course the report will be favourable and in fact that proposed chapter of Bills will be confirmed as part of the Standing Orders of this House.

I will be brief in my comments, but I make the point to the Leader of the House that in his comments on Thursday, 21 September, when he moved the motion, he suggested that if members were to read the proposed changes, members would be entitled to agree that nothing original is proposed; indeed, nothing really novel. I have to say that when the Leader of the House uses those words, I for one start worrying and looking very hard at the proposition which he has invited the House to consider.

Hon Mark Nevill: So you should.

Hon GEORGE CASH: Indeed.

The PRESIDENT: Order! I remind honourable members that the reading of newspapers in this Chamber is not permitted.

Hon T.G. Butler: I apologise. Actually this is a journal. I did not think that fell into the newspaper category.

The PRESIDENT: Order! The rule is that members should not read any matter not pertaining to the subject before the House.

Hon GEORGE CASH: I suppose the earlier words that I mentioned - the words of the Leader of the House - are really a question of interpretation. When these matters are referred to the Standing Orders Committee they will receive the scrutiny to which they are entitled. I recognise that the Standing Orders Committee at the moment has a very heavy workload but it is important that the propositions that are to be referred to it should be properly researched, and that a considered report be presented to this House in due course.

I support the motion.

HON D.J. WORDSWORTH (Agricultural) [2.46 pm]: I would like to speak to this motion even though I am a member of the Standing Orders Committee which will consider the matter. No doubt the Leader of the House will complain that I am having two bites at the apple. Nevertheless, this is the place in which to explain my concern for the proposals put forward by the Government. I believe that many of the proposals will change the Parliament

from what it used to be and what it is intended to be. I go so far as to say just as this Government has corrupted the administration of this State, this move could well corrupt debate in this House. I say that deliberately because there is good reason for the various Standing Orders which are in place.

First, I refer to the matter of going straight into the second reading rather than giving notice of intention to introduce a Bill. The existing provision was put in place deliberately to give Parliament a chance to become aware of Government's intentions, and the direction in which the Government is heading. We used to have the Governor opening the Parliament, and delivering an opening Speech in which he outlined the legislation to be introduced. That practice has been lost, so all I can say is that the Government is flagging its intention -

Several members interjected.

The PRESIDENT: Order! I suggest to the honourable member that perhaps he is debating the wrong motion. I will allow him to continue to see where he is heading. The member is in fact debating the merits of the proposals in regard to some suggestions for changes to Standing Orders, as distinct from the motion - which is that those proposals be submitted to the Standing Orders Committee. Debate ought to be confined to whether the proposition should be submitted to the Standing Orders Committee.

Hon D.J. WORDSWORTH: I apologise, Mr President. Perhaps I did not quite explain myself clearly enough. I think the proposition is far too serious to send to the committee and that this House ought not to be even considering it. I think the issues are so important, that they should not even go to the committee.

Hon Mark Nevill: Who is considering the report of the committee?

Hon D.J. WORDSWORTH: It should not even go to the committee. The House ought to be able to make up its mind from the word go that these matters are questionable. In other words, throw out the motion when it goes to a vote. That is why I am endeavouring to go through the various matters; I am trying to persuade the House that they should not even be considered.

I was explaining why notice of a Bill must be given; it takes some days before the Bill actually arrives here, and that gives the public a chance to know that the Government intends to move legislation on a certain subject. For example, when the Government gives notice of intention to introduce a Bill affecting the real estate industry, a real estate agent working quietly and lawfully about his business at least has a chance to organise himself and be present during the second reading of the Bill.

I do not wish to labour every point but I wish to go through some of them because they are very important. It is nothing but an insult to not have a second reading speech in this House. Before this Government came to office a second reading speech was never the same speech as in the other House. To do that was considered an insult. I suppose one could say it was a ridiculous waste of time, but there was an officer in the Leader of the House's office who would write a new speech for this House; the Minister would not deliver the same one as in another place. He at least gave us the courtesy of having an original speech to support a Bill.

I think it is wrong that we should consider not having a Committee stage in this House. Being the second most senior member in this Chamber - you Mr President being the most senior, but I am the most senior on the floor - I can remember that when I came here every single Bill which went into Committee was picked up by members and followed through the Committee stage clause by clause. Only one or two people might have spoken, but the members would be there to follow the points. I am astounded at the deterioration of standards in this Chamber in the last two weeks, aided and abetted by the Clerks of this House in that we do not even have the Bills in front of us. What chance do we have of being able to follow a Bill?

Hon J.M. Berinson: What do you mean, you don't have the Bills?

Hon D.J. WORDSWORTH: The Bills have disappeared off the table. Where are the members' Bills?

Hon J.M. Berinson: But you have been provided with the Bills.

Hon D.J. WORDSWORTH: What will happen when we are in Committee and someone

raises a point in a Bill? Are the Bills to be distributed to members when we go into Committee?

Hon J.M. Berinson: Surely that is a matter you could have put very simply to the President. It does not relate to this motion.

Hon D.J. WORDSWORTH: It relates to where we are going in this House and the handling of Committees. The Attorney General has suggested that we do not even need to go into the Committee stage.

Hon J.M. Berinson: Only when nobody wants to say anything in Committee.

Hon D.J. WORDSWORTH: There are times when one might want to study something and will not be able to, even under our present system, if the Bills are not there. A sudden call will have to be made for the Bills and they would have to be quickly distributed. I consider that would be quite chaotic and would encourage members not to raise points. To pass the Bill from the second reading to the third reading without a Committee stage at all would also encourage members to let matters go without raising them. That is of course what this Government wants us to do.

Hon Graham Edwards: The Government did not take your Bills off your desk.

Hon D.J. WORDSWORTH: I believe 20 years ago - if one needs to go back the exact number of years - the members of this House used to follow every Bill right through the Committee stage.

Hon Graham Edwards: Twenty years ago your mob was conscripting young people in Australia to fight in Vietnam.

The PRESIDENT: Order!

Hon P.G. Pandal: That's a relevant remark!

Hon Graham Edwards: It's as relevant as his.

The PRESIDENT: Order!

Hon D.J. WORDSWORTH: I will ignore that interjection.

Hon John Halden: Pity you didn't ignore it 20 years ago.

Hon D.J. WORDSWORTH: It shows how ridiculous the member is.

Hon John Halden: No more ridiculous than you are.

Hon D.J. WORDSWORTH: Another suggestion is that this House should proceed straight to a third reading. I believe the third reading gives the public and members of the Opposition a chance to raise an issue and to vote against the Bill. Surely the National Party will have to agree with me on that one. It came in on a third reading at the last moment and saved the day. If we do what the Government is suggesting there will not even be that opportunity; the Bill will have passed so quickly that the opportunity will be lost.

Hon E.J. Charlton: That's very significant.

Hon D.J. WORDSWORTH: Very significant. I am not in agreement with these suggestions. While this House may say it is wise to present these proposals to the Standing Orders Committee, I certainly do not. I think all the stages of a Bill are there for a very good reason. They are part of the whole Westminster system and are in other Parliaments. If they are done away with the House will certainly sit for fewer hours or talk a lot more rubbish about ballroom dancing or something like that.

Hon John Halden: No more rubbish than you are talking at the moment.

The PRESIDENT: Order!

Hon John Halden: A member has every entitlement to speak about what he wants.

Hon D.J. WORDSWORTH: The ballroom dancing was not the rubbish; it was the speech that was made about it.

Hon John Halden: It is a disgraceful comment on your part; you have been here long enough to know better.

The PRESIDENT: Order! I asked the honourable member to come to order because it is

also disgraceful for Mr Halden to keep interjecting when the President is calling him to order.

Hon D.J. WORDSWORTH: Thank you Mr President.

Hon Mark Nevill: What do you think of ballet?

The PRESIDENT: Order!

Hon D.J. WORDSWORTH: Not only are we suggesting ways in which this House will lose some of its powers but it would seem that the Government is endeavouring to remove some of your powers, Mr President.

HON J.M. BROWN (Agricultural) [2.57 pm]: I was very reluctant to rise to speak but because of the comments made by Hon David Wordsworth, it would be remiss of me not to make a contribution to the debate that the motion before us be submitted to the Standing Orders Committee. That process has been well established within the Legislative Council over many years. While no one denies the right of any member to oppose such a suggestion, the way it was opposed indicates that there is something amiss with the procedures of this Chamber. In this day and age we are very anxious to expedite activities without curtailing the rights of members. This is clearly evidenced by our Sessional Orders which were introduced three years ago. Hon David Wordsworth presented them to the Chamber, and the changes were made in order to facilitate the debate which takes place. The Sessional Orders, as we are aware, have been referred to the Standing Orders Committee because this is a new Parliament. As the Leader of the Opposition said on that occasion, there are now new members in the Chamber and new members of the Standing Orders Committee. One would understand the reason Sessional Orders were referred to the Standing Orders Committee. We are doing exactly the same with the motion before us. There is nothing untoward in following a procedure which can assist members in their deliberations because the matters must come back to the Legislative Council. If one looks at our Standing Orders one will notice that a committee of this House made recommendations which altered the time allowed to members for speaking. We adopted the Sessional Orders in principle but made a recommendation to increase the time limit on speeches from 30 minutes, which was agreed to by the Standing Orders Committee, to 45 minutes. That was a major change to the Sessional Orders.

The Standing Orders Committee is being asked, through this motion, to consider certain proposals and report thereon not later than November 1989. I do not deny the member the right to oppose the motion, but I consider that it is a matter which should be considered by this House. The House is being asked to consider the motion in order that the proposals may be referred to the Standing Orders Committee. I support the motion.

HON PETER FOSS (East Metropolitan) [3.01 pm]: I would like to raise a couple of matters for consideration by the Standing Orders Committee which I have previously raised. The first point is how the House deals with the business before the House with expedition and the second point is the time to be taken from the commencement of the Bill being considered to the completion of the Bill. They are two different points. There are stages between each step. Their existence is merely a question of the occupation of the time of the people who want the Bill put through the Parliament. There is also the matter of the stages when the Bill is under actual consideration in the House, and they occupy the time of the House.

I mentioned previously that one of the difficulties the public have is that all too often legislation passes through both Houses before they have had the opportunity to comment on it or to give their points of view. It is quite clear that no person instructing a draftsman is capable of considering all the ways in which the public will be affected. It is important that the public be given the opportunity not only to comment, but to comment at a time when it is feasible to change the legislation. It is not good enough to say that legislation goes through two Houses and that every one has a second bite of the cherry. The fact is that once the Bill passes through one House it is difficult for a member of the public to seek changes to it because it involves extra time if a Bill is amended in the second House. Ideally, what should happen is that ample opportunity for comment should be given to the public. It is not necessarily inherent in what has been proposed by the Leader of the House that this opportunity be reduced, but there is a possibility it may come from the rules proposed.

Another thing which is important to members is the ability to comprehend the reasons behind legislation. I commend the Attorney General on his second reading speech on the Director of Public Prosecutions Bill. It was an informative and a useful second reading speech which was clear and could be understood by all members. However, the second reading speech is not a two-way dialogue and it does not make it easy for members to query points; and nor is forming a Committee of the Whole House the best possible way to bring it out.

I make a plea for a proposal in which Standing Committees consider legislation in order that members of this House have the opportunity to speak to the officers responsible for the drafting of legislation and to find out in detail what is behind it. This would allow for a more reasoned and useful debate in this House when the legislation is debated. People will be available to satisfy members' queries in advance to allow them to make a more positive contribution to debates. I thank the Attorney General for his offer to make officers available to me in relation to the Justices Amendment Bill. I have been able to discuss the Bill with them, and when the Bill - which is of genuine public importance and of interest to members on both sides of the House - is debated there will be a clear understanding by members on both sides of the House of matters which are of concern. It will give the real benefit of a House of Review and we will be able to put our efforts into getting legislation which will be of benefit to the people of Western Australia.

I urge the Standing Orders Committee to consider these matters: The ability of the public to comment, and the ability of members to find out in a formal way the logic behind, and the general basis for, the instructions for a Bill so that we can all do our job effectively in this Parliament.

Question put and passed.

MOTION - ACTS, WESTERN AUSTRALIAN

Repeal Consideration - Committee Appointment

Debate resumed from 6 September.

HON P.G. PENDAL (South Metropolitan) [3.05 pm]: The House, by way of this motion, is being asked to consider the establishment of a committee to consider and report on the desirability of repealing the enactments listed in the schedule. The Opposition signals its intention to support this motion, but I will deal with it briefly and in two parts. For those members who have not taken a clear interest in this motion I point out that it outlines, in the schedule, some 40 Western Australian Acts of Parliament, some of which date back to 1854; and 30 or so Imperial enactments, some of which go back as far in antiquity as the year 1327. While I do not want to deal with many of the earlier Statutes some things should be said before the House agrees with the Attorney General's request. I will deal with the motion in two parts: Firstly, in respect of the merits of a repeal mechanism, and secondly, the measure that is intended as a result of the motion. I might add this signals the Opposition's intention, although I do not intend to move it at the moment, to alter the number of members who would sit on this committee which, in effect, will become a Select Committee.

The first question I raise is whether we need to be spending any time on this matter at all. If members think about it, to set about repealing laws really indicates that those laws are no longer needed and they are outmoded or outdated to such an extent that they should be taken off the Statute books. It begs the question whether, if an Act of Parliament - we are talking about more than 70 Acts - is in fact worthless, it should be taken off the Statute books. One wonders why we need to go through the process of spending time to do that given that for them to remain where they are really is no encumbrance on the State; and yet to go through the process of removing them perhaps saves a little storage space somewhere, although I doubt that is the case. It begs the question whether not only the Parliament's time, but also the time of the Law Reform Commission should be used in this way. I hesitate to add that it has for years been a bipartisan view that the Law Reform Commission does, in many respects, an excellent job; but one would have thought the job of the Law Reform Commission was to be just that: To look at those laws which need reforming rather than the fairly academic exercise of removing from the Statute books laws which are simply not used any more or are not relevant.

Hon J.M. Berinson: The commission recommendations for the repeal of the Acts was only

incidental to its review of the Justices Act as a whole. It is not as though they took it on as a special venture.

Hon P.G. PENDAL: I thank the Attorney General for his comment and, to some extent, I accept it. However, it means that the Law Reform Commission is part of the motion that we will be seeking to have qualified. The Law Reform Commission will, of course, be involved in the review process with this committee of the House. I am simply saying that that will take time and effort on the part of the Law Reform Commission which will possibly be spread over a period of two months, the time in which I think the committee has to report to the House. I make the point that I do not want to linger for long on the fact that the Law Reform Commission, and for that matter a Parliament which is hard pressed to keep up with a lot of important reform business, ought not be diverted into bothering about Statutes that people say have no relevance in this day and age.

Hon Garry Kelly: Does Hon Phillip Pendal not think we should spring clean the Statute book now and again?

Hon P.G. PENDAL: It is a matter of priorities and this has a low priority when there is other work of this House and of the Law Reform Commission that they could be getting on with rather than proceeding with this academic task. This leads to my second point. I am not sure how many members have taken the trouble to look at the list of Statutes that we are considering, Statutes involving such monumental matters - I am sure Hon Joe Berinson would agree - as whether or not Easter Day should in every year be the first Sunday after the second Saturday in April, which includes about 50 or 60 lines of provisos, or other requirements as weighty as the Street Photographers Act and whether society will be improved enormously by the repeal of that Act. I have some doubt about that.

It is interesting that the Attorney General has invited us to look at this matter - and I am not seeking to denigrate either his work or the work of the Law Reform Commission. In fact, this is not a bad time for the House as a whole, before it sends these matters off to the committee envisaged in the motion, to look at two or three of the Acts. In themselves they are something of a social commentary on their times. I certainly have not been able to get my hands on a copy of the 1327 Act and I do not know that anybody else in Western Australia has been able to do that, either. That begs another question as to whether we are able to repeal these things.

Hon Mark Nevill: The committee may have to go to London to find that out.

Hon P.G. PENDAL: Then I am becoming more enthusiastic about the work of the committee and I might seek to be one of its members. For example, the Street Photographers Act contains a provision which actually states that in granting any licenses the licensing authority shall give preference to an applicant for such licence who is a discharged member of the forces as defined in another section. That, in itself, is an interesting commentary on the day. One wonders whether, in fact, the same sort of positive discrimination would actually exist were we to talk about returned servicemen in the 1990s.

Another of the Acts that the committee will consider is the Aboriginal Offenders Act of 1883. We are now getting back to the early days of the Western Australian colony before we had responsible Government. This Act actually dealt with some matters of positive discrimination against Aboriginal people but discrimination which was seen in the fairly paternalistic view of the time. Part of the Act begs the question about how times have changed. I was intrigued by section 12 of that Act which states that in case any person shall be charged with the commission of any offence under the Act the burden of proof that such person is not of the whole or half blood of the Aboriginal native race shall be on the person so charged. That is another commentary on the times - that a person so charged under this Act actually had to prove that he was not an Aborigine otherwise the court would proceed with the view that he was. I have never been sure about how one proves a negative. I am not sure how Aboriginal people got on in the post 1883 years when trying to prove to a court that they were not something that the court was saying they were. That may be one of the very good things to disappear.

On less weighty matters, the motion envisages the repeal of matters to do with bird droppings, or guano as the official terminology is. That crops up in the Removal of Guano Act. For those who are not aware of this matter but who are interested in parliamentary

trivia, back in those days the word "guano" was to include all phosphorated substances, gypsum, dung, compost and manure of any kind. That might remind members of this House about a few things. This is another Act that will go out the door if the committee so desires.

I come now to a matter which is of some significance and moment and which actually touches on the repeal of a fairly innocuous sounding piece of legislation; that is an Act of 1909 relating to the Fremantle Cemetery and a subsequent Act of the Parliament in 1931, the Fremantle (Skinner Street) Disused Cemetery Act. Both of these Acts, for those who are riveted by these things - as I know the Minister for Lands is because she asked me the other day why I was asking about certain land in Fremantle - have some significance. I am serious when I say that I am not sure that this should be referred to the committee for repeal. Both of these Acts relate to some early land which was alienated in Western Australia in early colonial times, within about 23 years of European settlement, and which was set aside for the purposes of one of Fremantle's, therefore one of the Swan River colony's, early cemeteries.

Nearly 140 years have passed since that land was alienated and almost 60 years have passed since we had a series of repeal mechanisms that ultimately resulted in this land being disconnected, if one likes, from cemetery purposes. Members may not be aware that the land in question is actually the playing fields of John Curtin Senior High School. I believe we ought to be very careful about disengaging that land from the purpose it was set aside for, if for no other reason than it has a strong anthropological significance to Western Australia.

Hon J.M. Berinson: The document will always be there. Is Hon Phillip Pendal suggesting that the school should incorporate a cemetery?

Hon P.G. PENDAL: No.

Hon J.M. Berinson: What Hon Phillip Pendal is saying is that there is an interesting historical aspect, is he?

Hon P.G. PENDAL: Yes.

Hon J.M. Berinson: That is established by the document itself, whether it has legislative effect or not.

Hon P.G. PENDAL: I am saying more than that. I say that as a result of the repeal of these very old laws, including the 1931 Act, there will no longer be protection of any kind for that area other than the fact that it is a piece of Crown land attached to a Government high school. Even if it is not significant to people in an anthropological or sociological sense in 1989, it may well be important to Western Australia's heritage in 100 years from now, particularly if people consider that probably - and I have not been able to ascertain this as a fact - a large number of convicts transported here up until 1868 are buried in that cemetery. With the repeal of all these Acts, the last connection with the disused cemetery will be in dispute.

Hon J.M. Berinson: The connection will still be there between the land and the repealed Act - a historical document rather than one which keeps appearing on the Statute books.

Hon P.G. PENDAL: I am aware of that. It permits anything to occur on that land, as indeed has already occurred. Because of the Government's lack of interest in these things, at Governor Stirling High School in Guildford a classroom has been built over the original Governor's cottage. The lack of vigilance in these areas has meant that a piece of land with some significance to colonial times has been bypassed and overtaken by events, which has resulted in a situation which will be irreversible for another 100 years. That is the point I am making - no more and no less than that. I shall make representations to the committee once it begins work.

Hon Mark Nevill: Skeletal remains were shifted to the Fremantle cemetery.

Hon P.G. PENDAL: Yes, they were. Some of the skeletal remains were disinterred, but not all of them. Work stopped on a \$7 million project at Rottnest Island on the ground that people are buried there. I do not believe they are - in fact the Museum has established beyond doubt that no people are buried there. However, the issue is still relevant today for the reason that people become emotional - and so they should - when there is a suggestion of tampering with someone's burial ground. It was thought an Aboriginal burial ground was being interfered with on Rottnest Island, so people ought to be careful when they start to interfere with a cemetery which still contains the remains of human beings, particularly when there is an added historical significance as a result of convict connections.

I comment on two parts of the mechanism which the Attorney General sees as being put in place to carry out the task. Members would be aware that the proposal is for the committee to consist of four members. We are saying, for the sake of consistency, that the committee should be composed of three. Before I resume my seat I shall move an amendment to that effect. Another area of concern is one where I shall move an amendment unless the Attorney General can give, for the record, an answer which satisfies us. It had been our intention to treat the committee seriously by giving it one of the key powers given to another Select Committee of the House; that is, the power, with the prior approval of the President, to appoint persons with specialist knowledge in order to provide such services, facilities, studies and reports as are necessary to assist it in the discharge of its inquiry. Those words are embraced in a motion moved by Hon Bob Pike in another matter currently before the House. It is our belief that the committee suggested by the Attorney General should have that sort of expertise.

I am told, but only informally - and I quote a document which came to me - that arrangements have been made with the Western Australian Law Reform Commission to provide advice on the various proposals. The letter goes on to report that the commission was instrumental in compiling the list. We already know that. The Clerk has requested the commission to assist the committee. If we are given an assurance that that is to be the case, I shall not pursue the question of giving the committee the wherewithal to do its task, but I need that indication before I sit down or I shall have to keep talking until we receive that assurance from the Attorney General.

Hon J.M. Berinson: You want confirmation of the availability of advice from the Law Reform Commission?

Hon P.G. PENDAL: Yes, along the lines of that which I understand has been properly provided to us by the Clerk; arrangements have already been made with the Law Reform Commission to provide advice on the various proposals.

Hon J.M. Berinson: That is correct.

Hon P.G. PENDAL: It is clear that the Opposition would not need to move along the lines I suggested. However, having said that, there is a job of work to be done, but I am not convinced as a matter of priority that we should be doing it.

Hon Garry Kelly: The longer you speak the longer it takes.

Hon P.G. PENDAL: Members opposite, including the member who interjected, would know that one of the fundamental purposes of having a Parliament is to talk things through so that members are clear about what we are doing. I have already said twice that I am not too enthusiastic about giving a committee of Parliament a task which I think is a fairly academic one anyway. It would be different were we being asked to look at 25 Statutes which needed updating, or which needed putting on the Statute books. Here we are talking about Statutes we regard as useless. My question is, why do we not treat them as useless but keep them on the Statute books, because that will offend no one? Before resuming my seat I give an indication that we will be supporting the motion.

Amendment to Motion

I move an amendment -

To delete the words "of 4 members, any 3 of whom constitutes a quorum,".

I do this in order that we may achieve our objective of appointing a committee of three members.

The PRESIDENT: The honourable member must give that in writing.

Hon P.G. Pendal: I understood it was given in writing.

The PRESIDENT: The honourable member must sign it.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.29 pm]: I oppose the amendment, and I am disappointed to hear it moved. Certainly Hon Phillip Pendal is right in saying that in the last week or two the Opposition has been consistent in its opposition to committees based on equal numbers. That is to say, it has been consistently opposed to balanced committees. I believe that the Opposition is wrong in principle on that,

and we have spoken many times about it. I think experience also indicates that as a practical matter the Opposition is wrong. Our experience in the last Parliament was that on no less than seven occasions when we established committees with four members they worked perfectly well and effectively. There was nothing to be lost by providing that balance, and this sudden ideological determination to transfer this huge majority on the Opposition's side of 17:16 to a majority of 2:1 in respect of committees is really a bit odd in that context. It is especially odd in the context of members who express their interest in a committee system actually working. A committee system will only work, as I have said on innumerable occasions, when there is a constructive approach by its members and when it has suitable subjects to consider. Using the steamroller will not make a committee system work. While that will not matter on as non-contentious a subject as this in principle, it is absolutely wrong and as a practical matter it is not very sensible. So I oppose that.

I would add that even if in general the Opposition were interested in dominating the committee system of this House, commonsense would suggest that even then there might be some sensible exceptions to the general rule. It is impossible to conceive of an exception which lends itself more readily than this motion does. It is absolutely devoid of ideological content. The thought that it requires political considerations translated through a majority of members is absurd. One could very well have the position on a committee of this kind, having looked at 50 or more Bills, that not only could there be a majority and a minority report but also there could very well be four different reports, if there were four members, with member A supporting the repeal of all Bills except No 22; member B supporting the repeal of all Bills except Nos 16 and 17; and so on for members C and D. No-one in this House would blink if a report of that nature came in. What they would then do would be to apply themselves to the different reasons given by the four different members and make a decision on the strength of that. Well, we are not going to be given that opportunity apparently, if the Opposition is going to convert this ideological attachment to its majority into everything that is likely to happen, and whether or not that makes any difference to the eventual result is in large part beside the point. It is just a shame the Opposition is adopting that approach and if it continues to adopt it, it is reasonable to signal that the whole committee system of this House will be put into jeopardy.

A committee system operates properly when people respect it. It does not operate properly, as I suggested before, by the operation of a steamroller over that section of the Chamber which may not have an overall majority. I repeat: The sort of track the Opposition is going down with its persistent view that we can never have balanced membership is putting the committee system as a whole at risk. Having said that, I think I should also comment briefly on the other part of Hon Phillip Pandal's comments when he said he could not see any point to repealing dead legislation and that if it was dead, we should leave it buried and no harm would be done. There are two answers to that.

Point of Order

Hon PETER FOSS: I believe the question before the House is the amendment rather than the substantive motion.

The PRESIDENT: Yes, it is. I was just about to draw that to the attention of the Leader of the House.

Debate Resumed

Hon J.M. BERINSON: Very well, Mr President. I was not going to take long, but I will have two bites of the cherry apparently and an opportunity to answer that part of Hon Phillip Pandal's comments subsequently. I therefore leave my present comments on the basis that the Government opposes the proposal to change the numbers on the committee from four to three and it does so strenuously. That is not because of the content matter of this Bill but because of the attitude towards the committee system of this House which the amendment reflects.

I urge members opposite before they become too entrenched in this attachment to odd numbers on committees - on all of which they will no doubt proceed to demand a majority - to think again and acknowledge that there is indeed substantial benefit to be gained from a balanced number on the committee. Experience has proved it and we should take advantage of that experience rather than ignore it.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.36 pm]: I support the amendment moved by Hon Phillip Penda. We ran through this debate some weeks ago in this House and the Opposition made the point very clear that while it preferred committees of three -

Hon Garry Kelly: Of course you would; you want the numbers.

Hon GEORGE CASH: - it would be prepared to consider committees, as I said at the time, of three, five, seven, nine or 11. The point is that when we last discussed the matter the Attorney General was trying to get his own way, as he usually does; that is, he tries to get his own way. In the past it may be that he succeeded in doing so and there were committees of four, but the Opposition expressed the view that it would be proper, if the committee system is to work in a reasonable manner in this House, that there should be odd numbers on committees. As to the proposition that the committee cannot work unless it has an even number, I must say to the Attorney General -

Hon J.M. Berinson: I did not say that.

Hon GEORGE CASH: - that I do not understand the logic of that argument. It seems to me that the Attorney General is suggesting that unless his party has an equal number of members to that of the Liberal Party and the National Party, the committee will operate in some biased way. I do not accept that. This is a classic example of a committee that could function in a nonpartisan way. There is no need for there to be two Government members on the committee.

When this matter - that is, the establishment of a committee to consider some of these Acts, because this year the Government has added some more to them - was raised some time ago in this House, the then Leader of the Opposition, Hon Gordon Masters, considered a number of the Acts before he responded to the Attorney General's suggestion to set up a committee. The Attorney General will recall that Hon Gordon Masters mentioned there could be great significance in some of the laws, which the Attorney General wanted the House to agree to repeal.

Hon Garry Kelly: The numbers are on the floor of the House in the final analysis.

Hon GEORGE CASH: Does Hon Garry Kelly know why the numbers are as they are on the floor of the House? Because the people of Western Australia saw to that on 4 February this year. It disappoints me when I hear the Attorney General talking about a steamroller effect when he does not get his own way. I would just remind him of the percentage of votes cast at the last election, and I invite him to reconsider his comments in respect of the steamroller.

Hon J.M. Berinson: I have not changed my mind.

Hon GEORGE CASH: That is the Attorney General's privilege, just as it is my privilege to move for a committee of three and the Attorney's privilege to move a committee of four. We have argued the point before and it was clearly determined by the House that it should be a Select Committee of three people. That is the case unless the House determines otherwise.

Hon J.M. Berinson: My motion seeks to do otherwise.

Hon GEORGE CASH: I am saying that I disagree.

Hon J.M. Berinson: That much is clear, but the rest of the Leader of the Opposition's logic is not.

Hon GEORGE CASH: The Leader of the House should not talk about logic if he has not read his own speeches. He takes quantum leaps from what he says from time to time and creates massive inconsistencies in some of the propositions he puts forward. We have had this debate before and it was the view of the House that Select Committees should comprise three members. The proposal today is that we should not establish a Select Committee, but a committee of the House. The Attorney General seeks to have it comprise four members; I am proposing that a committee of four is not the appropriate number to consider the matter the Attorney General wishes to refer to that committee. For the sake of consistency I will support three, five, seven, nine or 11 members on the committee.

Hon J.M. Berinson: For being consistently wrong.

Amendment put and a division taken with the following result -

Ayes (15)

Hon J.N. Caldwell
 Hon George Cash
 Hon E.J. Charlton
 Hon Reg Davies
 Hon Max Evans
 Hon Barry House

Hon P.H. Lockyer
 Hon M.S. Montgomery
 Hon N.F. Moore
 Hon Muriel Patterson
 Hon P.G. Pental
 Hon R.G. Pike

Hon Derrick Tomlinson
 Hon D.J. Wordsworth
 Hon Margaret McAleer
(Teller)

Noes (14)

Hon J.M. Berinson
 Hon J.M. Brown
 Hon T.G. Butler
 Hon Cheryl Davenport
 Hon Graham Edwards

Hon John Halden
 Hon Kay Hallahan
 Hon B.L. Jones
 Hon Garry Kelly
 Hon Mark Nevill

Hon Sam Piantadosi
 Hon Bob Thomas
 Hon Doug Wenn
 Hon Fred McKenzie
(Teller)

Pairs

Ayes

Hon W.N. Stretch
 Hon Peter Foss

Noes

Hon Tom Helm
 Hon Tom Stephens

Amendment thus passed.

Motion, as Amended

HON PETER FOSS (East Metropolitan) [3.44 pm]: The question posed by Hon Phil Pental deserves an answer; that is, whether there is any reason why legislation which has become of no further use should be repealed. There is one very good reason for that, which is that if the State were to produce a complete reprint of the Statutes of this State, this would be necessary. I seriously urge upon the Attorney General to do so. It has been done once to my knowledge in the history of this State under the auspices of a former senior partner of my firm, Sir Walter James, who produced the James - not King James - version of the Statutes in an earlier part of this century.

Sitting suspended from 3.45 to 4.00 pm

Hon PETER FOSS: It is an extremely costly experience for people who wish to set up with a set of Statutes to have to buy the entire Western Australian Statutes back to their inception together with such reprints which are available. This raises another point that for some time now the Government has ceased binding as a matter of course the annual reprints. For some years those reprints were published in an annual volume. They are now available only in loose leaf form and people have to arrange for their own binding. I support the move to clean out the Statute book provided it is followed by a general issue of a version of the Statutes reprinted to the present date. That has been done on a Commonwealth basis and has made a tremendous difference to the ability of members of the public to resort to the laws of Parliament.

The other point raised by the Attorney General was that even if an Act were repealed, it would continue as an historical document. The problem is that it is almost impossible to find these historical documents without another document that has not been printed for some time. I refer to the pilot volume which was published by the Government some years ago and which contained not only all the current laws - which we get on an annual basis in the indexes - but also all the repealed laws, and the Imperial Statutes which have been repealed and those which still have application in Western Australia. It would not be a very difficult measure for the Government Printer to compile such a document and for it to be printed and issued. It would be another way in which the laws which apply in Western Australia could be made more readily available to the people of Western Australia.

The PRESIDENT: Order! There is far too much audible conversation and members are out of order.

Hon PETER FOSS: I must confess to some agreement with Hon Phil Pental that it would be

a pity to lose some of these Acts. One for which I have some fondness is the Broome Local Court Admiralty Jurisdiction Act. It is a unique Act in that as far as I know it is the only instance in which a Local Court was vested with jurisdiction under the Colonial Courts of Admiralty Act; that is certainly the case as far as Australia is concerned and probably as far as the entire Commonwealth is concerned. I found this Act and raised it in a paper presented to the Maritime Law Association in Australia and New Zealand. As a result every paper produced since then has had to deal with the question of whether it was a valid exercise of the legislative power in any event or whether it was unconstitutional. It has received a lot of academic and legal interest over the years and certainly is a unique Act. It obviously has no effect with the passing of the Federal Admiralty Act.

Another Act I have a certain interest in is the Fish Farming (Lake Argyle) Development Agreement Act, with which I was personally associated. It was an interesting aquaculture venture which may be considered by the Select Committee proposed by Hon Phil Lockyer. The final Act is that referred to by Hon Phil Pental, the Removal of Guano Act. Whenever one opens the index to the Statutes of Western Australia, it always seems to open at the page with this Act on it; it is one of those coincidences that occurs. If that Act were removed, it would be like losing an old friend. As Hon Phil Pental suggested, in the present day with the problems in this State with WA Inc, a small amendment to that Act might make it very useful.

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.06 pm]: I will take only a moment to refer to some of Mr Pental's comments. My response to him has partly been anticipated by Hon Peter Foss and I will just add a couple of other considerations to what Mr Foss has said. In the first place I think the reality is that we are quite far distant from a new printed, consolidated set of Statutes. To that extent the problem of reprinting dead letter law is not one that is a worry in that area. On the other hand, the honourable member will know that we are moving steadily towards the computerisation of all Western Australian Statutes; that is an exercise being done in conjunction with similar moves in respect of Statutes of the Commonwealth and the other States. The truth of the matter is that as we progress with the work, and in the absence of the repeal of these 50 or more Acts, these will go into the system. That is a waste of material resources, it is quite unnecessary, and it should be avoided unless in particular instances the committee we propose can point to some positive value to be derived from the retention of one of these Acts.

As well as the material considerations of printing or computerisation, there is another consideration, and that is thrown up very nicely by the Law Reform Commission report. While these Statutes remain on the record and in the index their mere appearance may require an examination of them when the general subject matter is involved in a lawyer's work, or if it is involved in the work of other people who need to refer to Statutes. The Law Reform Commission is exactly to the point; it was given the job of looking at the law of justices in this State. It could not do that job completely without going to the Imperial Statutes which still have theoretical effect in this State because it was only when it went to them that it found they had no practical application. That itself is an indication of one of the reasons that we should not leave laws on the books that no longer have an effect. It is wasteful in both respects.

I do not intend to take any of these matters further. There seems to be general agreement that the matter should at least be considered by the committee. No doubt it will consider any special issues which individual members might like to raise on legislation and that is the place for it to be done. When we have the report we shall be in a better position to get some understanding as to how we should best proceed further.

Question (motion, as amended) put and passed.

MOTION - DE FACTO RELATIONSHIPS

Select Committee - Appointment

Debate resumed from 31 August.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.10 pm]: The Opposition is prepared to accept that there should be a Select Committee established in this State to consider the situation of de facto relationships. I note that in 1983 the New South

Wales Law Reform Commission reported on de facto relationships in that State; and that the complexity of de facto relationships and the manner in which they were treated before the law and within the community generally required that commission to consider the matter for no less than two years. The NSW Government considered the matter for some time after the report was published and introduced legislation which took into account a number of the recommendations made by the commission.

It is clear that there are in Western Australia a considerable number of couples living in a de facto relationship. The New South Wales Law Reform Commission noted in 1983 that it believed its statistics showed that 4.7 per cent of all Australian couples lived in a de facto relationship. The commission noted also that between the years 1971 and 1983 there was a tenfold increase in the number of people living in a de facto relationship. It is regrettable that we have to go back as far as 1983 to get concrete statistics about this matter, but the commission reported that, at that time, 59 per cent of those people living in a de facto relationship had been together for more than two years, and more than 20 per cent of those couples had been in a de facto relationship for more than five years.

Another matter which emerged from the investigations of that commission was that more than one-third of all people in a de facto relationship had dependent children. It is not clear whether those children were the children of the de facto relationship or the children of a previous relationship. It is clear that de facto relationships exist in Western Australia and that a significant number of people live in such a relationship. There is a need for a committee to consider this matter because the number of people living in such a relationship is increasing, and there is confusion in respect of the legal relationships of de factos to each other and the community.

The terms of reference for the Select Committee suggested by the Attorney General are that the committee consider -

the adequacy of that law and whether it should be extended, modified or otherwise altered, particularly with reference to -

- (i) the definition of *de facto* for the purposes of any written law;
- (ii) maintenance;
- (iii) real and personal property;
- (iv) workers' compensation;
- (v) inheritance; and
- (vi) domestic violence.

The committee will obviously have the power, when it is established, to send for persons, papers and records, and to do those other things which Select Committees are generally empowered to do.

There are some people in the community who believe that the establishment of a Select Committee to consider the question of de facto relationships may cause a proliferation of those relationships. There are those who believe that if people are not living in the holy state of matrimony the morals of society will decay. That is not the case in a practical sense, and in fact it could be argued that when this committee reports, with its various recommendations, and if those recommendations are acted upon, it could be that more stability will be introduced into, first, de facto relationships, and, second, the state of marriage in Western Australia. It seems to me that the committee would be able to consider and report on the legal obligations which de facto couples have to each other, their dependants, and the community generally. There will always be de facto relationships, and the sooner we investigate the matter by way of a Select Committee, the committee reports to the Parliament, and the Parliament considers that report and takes the action that it believes necessary, the sooner we will be able to lessen the burden currently borne by some de facto couples. I refer here to the legal status of persons in a de facto relationship in respect of inheritance, workers' compensation, insurance payouts, and various other areas in which the law wants to offer a view about a particular matter.

It is proposed that there be four members on the Select Committee. I do not want to retread the ground that we have gone over in the past in arguing about whether there should be three

members on that committee. However, I give notice that I intend to move an amendment to delete the words "of four members, any three of whom constitute a quorum", in paragraph 1 of the motion moved by the Attorney General.

Mr President, would it be appropriate to move the amendment at this stage, or should we go into Committee to discuss the matter? I am mindful of the fact that some weeks ago, when I moved an amendment to a motion, it caused the situation where members were allowed to speak only once, whereas in Committee they can speak on more than one occasion.

The PRESIDENT: I cannot see any reason why the House should go into Committee to consider the foreshadowed amendment. I have received notice of one amendment, which is similar to that which was dealt with earlier this afternoon, so there is no need to go into Committee for that. However, it is up to the House.

Amendment to Motion

Hon GEORGE CASH: I thank you for that advice, Mr President. I sought that advice given the situation that occurred some weeks ago when I moved an amendment and cut myself off from speaking again on the subject. I am more than happy to move the following amendment -

Paragraph 1, line 1 - To delete the words "of four members, any three of whom constitute a quorum,".

The PRESIDENT: Order! I am not quite following what the honourable member is saying, but certainly when he sits down he will have cut himself off from any further comment.

Hon GEORGE CASH: Mr President, I accept that in relation to this particular motion. In fact, one of the reasons for my seeking your advice is that later on we will deal with some other motions to appoint various Select Committees with an extensive number of amendments on the Notice Paper.

The PRESIDENT: Order! The member should deal with that when he gets to it. We are talking about this motion at the moment.

HON J.M. BERINSON (North Metropolitan - Attorney General) [4.21 pm]: Some members may feel that there is a certain degree of futility in my opposing this motion but I intend to do so and I take the opportunity in this debate to answer a wide ranging proposition which was put to the House earlier in the afternoon. It was then suggested by the Leader of the Opposition that the fact that the House did not support my proposal to have the Standing Orders Committee consider a regular system of four members per Select Committee means that the House has rejected for all time and in all cases anything other than Mr Cash's proposition, which is for odd numbers on Select Committees on every occasion. That has never been decided by this House and I do not accept that the result of our earlier considerations should be regarded as closing off the options. The rejection of my motion had the effect of leaving the Standing Orders undisturbed. The Standing Orders provide that Select Committees should have three members unless otherwise ordered, and it is always open to the House to agree to the appointment of four members, as my motion does. If we were to close our minds to that possibility, I have to put the converse of the suggestion that was put to me about the Standing Orders, and I invite Mr Cash to write something equally inflexible along his lines into the Standing Orders.

Hon George Cash: You at least acknowledge that your proposition was inflexible.

Hon J.M. BERINSON: My proposition, had it been accepted, would indeed have been inflexible, certainly; and I was arguing for that on principle. The House rejected that and I, naturally enough, accept the rejection; but we have never decided that we should always have odd numbers and on a number of occasions it simply does not make sense. I will not go over past history, but it did not make sense in the decision that we made earlier this afternoon and it would not make sense if we were to take a similar tack on this motion for the appointment of a Select Committee on de facto relationships. This is another instance where, so far as I am aware, we are proceeding to a genuine inquiry in which members on all sides have expressed some interest and there is simply no reason, to use the term Mr Cash does not like my using, to apply the steamroller to propositions of this kind.

Just as I probably imposed on your generosity, Mr President, in going back to our past decision I will attempt to do so but very briefly in anticipating a future debate and saying that

it is not enough on non-contentious matters - indeed, it is probably even more the case on highly contentious matters - that we should look for balanced representation on our committee. But taking the issues one at a time we are, here, now, dealing with de facto relationships on a totally non-contentious basis. There is no reason in principle or practice to oppose equal numbers from the Government and non-Government sides on such a committee and again I put it to the Chamber that if this House keeps insisting on non-Government majorities on all committees it will end up jeopardising the effectiveness of the committee system itself. That is absolutely inevitable. I will not repeat what I said before but I do repeat that prediction: It will put the whole committee system into disrepute and disrespect and in the end it will simply not work.

HON E.J. CHARLTON (Agricultural) [4.26 pm]: I disagree with the Attorney General that it is inevitable that these committees will end up in disrepute and that they will be ineffective, to use his words. I reiterate a point I made on a previous occasion; namely, if one takes the point of view in an inquiry on the same basis that the Attorney General is putting forward - that is, that the number of members on a committee is not the significant thing - that could be used both ways. For that reason it is not valid to say that it is inevitable that the committees will fail and that their reputation will be jeopardised. I reiterate also, probably taking the same line as the Attorney General in repeating himself on these questions -

Hon J.M. Berinson: Perhaps we could each incorporate our previous comments in *Hansard*.

Hon E.J. CHARLTON: That might be another way to do it, but it would deny the other members the opportunity and privilege of hearing us reiterating our positions in order to make them abundantly clear.

I reiterate that, while the Government has the greatest numbers of any party in this House, it does not have equal numbers nor does it have a majority. It is the same on this side of the House, whether it be the Liberal Party or the National Party. As well, the members of the National Party like to go into the committees in which we participate with the No 1 priority of making a contribution as we see the facts when they are put forward. It is not right for the Leader of the Government simply to say the non-Government parties will have a preconceived view, particularly in an area of inquiry such as the ones the Attorney General refers to as - what were the words he used?

Hon J.M. Berinson: Either contentious or non-contentious, depending on which I was talking about.

Hon E.J. CHARLTON: That is right - a non-contentious issue. Therefore, the argument is valid both ways; it is a 50-50 each way bet. No-one could argue the point strongly for or against. The matter becomes important only if a person has preconceived ideas about the end result. It is not relevant to have that point of view.

Hon Sam Piantadosi: Does your party wish to participate in every Select Committee? The member made a point about numbers.

Hon E.J. CHARLTON: The member does not have to say any more. I have said on previous occasions that the National Party cannot have a member on every Select Committee because of its numbers. When the position becomes clear, whether on this occasion or on any other occasion, we will make our decision at that time.

Hon Sam Piantadosi: Do you envisage two Liberals on the committee then?

Hon E.J. CHARLTON: We will make a decision at the time on the question before us; we will have to be open-minded about the numbers. I will not answer Hon Sam Piantadosi's question as it is hypothetical.

Hon Sam Piantadosi: You did mention numbers; you said we would have the majority.

Hon E.J. CHARLTON: The member's party would have the majority over the Liberal Party, if the Nationals did not participate. That will not represent a majority of the House.

Several members interjected.

The PRESIDENT: Order!

Hon Sam Piantadosi: The question is that there could be two Liberal members to one Labor member.

The PRESIDENT: Order! On the contrary, the question is that the words proposed to be deleted be deleted.

Hon E.J. CHARLTON: I think Hon Sam Piantadosi is about to move an amendment.

It is not relevant for anyone to suggest, including the Attorney General, that we have a preconceived position. The National Party reserves its right to make decisions based on how it views an issue when a question comes before the House.

HON P.G. PENDAL (South Metropolitan) [4.33 pm]: Debate on this issue reminds me of the old story when a man who married a widow who had 14 children said, "There does not seem much left for me to do."

Hon J.M. Berinson: We will give leave for Mr Pendal to incorporate his previous comments as well.

Hon P.G. PENDAL: In this debate, we have gone over one hundred times - if it has been gone over once - the principle that we on this side of the House are seeking to have expressed in the membership of Select Committees. For that reason I support the amendment moved by Hon George Cash. If the Attorney General wants it, we would support five members or seven members. We are suggesting -

Hon J.M. Berinson: As long as it is not balanced; any number as long as it does not allow a balance.

The PRESIDENT: Order!

Hon P.G. PENDAL: On the contrary, because it is balanced when it is three; it becomes unbalanced when it is four.

Hon T.G. Butler: How do you work that out?

Hon E.J. Charlton: I just explained that. Don't members listen?

The PRESIDENT: Order!

Hon P.G. PENDAL: Mr Charlton, we have to spell it out in cartoon form; it is that simple.

Hon E.J. Charlton: Mr Butler will not read the paper any more.

Hon P.G. PENDAL: As I have said before, in this House the Labor Party has 16 members; the Liberal Party has 15 members. That is as close as we can get, without a dead heat. The Labor Party continually wants to turn its 16-members-worth into double the membership that the Liberal Party would be entitled to with a similar number of members in this House.

Hon J.M. Berinson: Equal membership for the Opposition.

Hon P.G. PENDAL: It has not always been the case that the Labor Party has been in the flush situation where it has 16 members. Labor Party numbers in this House have been as low as nine.

Hon J.M. Brown: No, eight.

Hon P.G. PENDAL: I thank the member. That assists my argument further. When the Government has been a Labor one with as few as eight members, it still has one member in this House, and rightly so. What the Select Committee process attempts to do in this House is to say that, because there are three parties, each of them should be represented. That is another principle.

Hon J.M. Berinson: Does that mean two Liberals to one Labor?

Hon P.G. PENDAL: We do not stand around on this side - I think the National Party appreciates this point - and say, "Well, because we have five times the membership of the National Party, we want a disproportionate share of the members on the Select Committee." We have said on numerous occasions that the Government is entitled to one member, we are entitled to one member because of the size of the representation we have, and the National Party equally is entitled to be represented on Select Committees.

Hon Garry Kelly: What happens in the situation when the National Party cannot participate? Does the Liberal Party get two members and the Labor Party one member?

Hon P.G. PENDAL: We then decide where the third position goes. Members have just heard from the mouth of Hon Eric Charlton that he is not irrevocably locked in to an uneven number. By extension that means his situation is negotiable. I would hope that it is less

negotiable than he has made it out to be. At least he has made his position clear, and I respect that.

We could spend a month here talking about an issue which we have talked about often in the past. The Liberal Party does not waiver from the view it has taken in the past; that is, that to turn the Select Committee process into a minimum of four members is to make a major rewrite of the Standing Order. It is interesting that the Government does not attempt to move that the Standing Order be referred to the Standing Orders Committee. Standing Order No 232 includes the words "unless otherwise ordered" - the words which stick in the gullet of the Government every time the matter comes before the House. We say that the House should not go down the path of "otherwise ordering", and that the membership of a Select Committee in this House ought to remain at three. I support the amendment.

HON J.M. BROWN (Agricultural) [4.38 pm]: We have had an occasion when we have had four members on a Select Committee, when the National Party could not participate. At that time we had two Liberal members and two members from the Government side.

Hon Graham Edwards: The committee of inquiry into fruit and vegetables.

Hon P.G. Pandal: The Liberal Party opposed it.

Hon J.M. BROWN: The committee to which I refer inquired into the pre-purchase of coal; it was chaired by Hon Sandy Lewis. That committee brought down a unanimous report on a controversial subject.

Hon P.G. Pandal: Which proves our point.

Hon J.M. BROWN: The committee's numbers were two and two, and it worked well. As pointed out by the Minister for Racing and Gaming, another Select Committee inquired into fruit and vegetables, and it had a membership of four. Mr President, you and I know that the best committee consists of one member - but we would never be able to pursue that.

Although Mr Pandal suggested that when we had eight members in this place we had one member on Select Committees, we should recognise that irrespective of the numbers in the Chamber it could not operate without the Labor Party's participating in the operations of a Select Committee, if it were to be satisfactory. I believe it is not unreasonable for us on this side, and particularly through the Attorney General, to request an equal number - not to try to balance the scales of justice but to try to obtain resolutions that will benefit the House.

Amendment put and a division taken with the following result -

| Ayes (15) | | |
|----------------------|----------------------|-----------------------|
| Hon J.N. Caldwell | Hon P.H. Lockyer | Hon Derrick Tomlinson |
| Hon George Cash | Hon M.S. Montgomery | Hon D.J. Wordsworth |
| Hon E.J. Charlton | Hon N.F. Moore | Hon Margaret McAleer |
| Hon Max Evans | Hon Muriel Patterson | (Teller) |
| Hon Peter Foss | Hon P.G. Pandal | |
| Hon Barry House | Hon R.G. Pike | |
| Noes (14) | | |
| Hon J.M. Berinson | Hon John Halden | Hon Sam Piantadosi |
| Hon J.M. Brown | Hon Kay Hallaban | Hon Bob Thomas |
| Hon T.G. Butler | Hon B.L. Jones | Hon Doug Wenn |
| Hon Cheryl Davenport | Hon Garry Kelly | Hon Fred McKenzie |
| Hon Graham Edwards | Hon Mark Nevill | (Teller) |

Pairs

| Ayes | Noes |
|------------------|------------------|
| Hon W.N. Stretch | Hon Tom Helm |
| Hon Reg Davies | Hon Tom Stephens |

Amendment thus passed.

Question (motion, as amended) put and passed.

MOTION - PETROCHEMICAL PROJECT*Documentation Presentation - Tabling*

Debate resumed from 6 September.

HON P.G. PENDAL (South Metropolitan) [4.43 pm]: I support the motion moved by Hon Eric Charlton on 31 August. I begin my remarks by referring to a conversation recently with the Leader of the House who placed some significance on the fact that, only recently, the Dowding Government produced a document called "Investing for the future" with a subheading "Financial guidelines for development". That White Paper was published in September 1989. The Leader of the House asked me whether I thought that those guidelines were inadequate. I replied by saying that they were because until they were implemented and until we saw the level of the Government's commitment to the way in which they were implemented, they remained a very hollow gesture by the Government. In more than one respect, that is the very nub of the matter that we are seeking to resolve in the House today in relation to the documents that have been amassed by the Government and by the private sector in the months leading up to the petrochemical plant's being aborted at enormous cost to Western Australia. The nub of that matter was and remains accountability.

Before I address myself to the specific parts of the motion, I refer to the sorts of sentiments that have been expressed by the Government in the document to which I have referred. I ask members to remember that these sentiments have been expressed, not by the Opposition or, for that matter, by the National Party, but by the Government. I refer in particular to page 4 of that document where we are told -

The Government has also demonstrated that accountability in government activities is more than just rhetoric. Accountability is an essential aspect of the management of the public's assets.

That goes very much to the heart of not only the motion moved by Hon Eric Charlton, but also an amendment that I intend to move. Before I proceed to that amendment, I ask members on the Government side of the House to remember that, when we make additional requests of the Government arising out of the proposed amendment, the words in that document are the Government's words and not the Opposition's.

On page 5 of that document we are told that the report of the Commission on Accountability which has been accepted by the Government suggested that the level of public scrutiny of Government financial transactions should be improved. I do not think there is doubt in anyone's mind anywhere in Western Australia about that. Page 5 continues to tell us that the Government is determined - again these are the Government's words, not ours, and I ask the Government to remember that when we move the amendment - that the spirit of the findings of the Commission on Accountability be carried across to the area of major project support.

Hon J.M. Berinson: Has your amendment been circulated?

Hon P.G. PENDAL: It is about to be circulated.

I hark back to those words that I have just read following that interjection -

The Government is determined that the spirit of the findings of the Commission on Accountability be carried across to the area of major project support.

Nowhere are the requirements for accountability more obvious than in respect of the petrochemical project itself because no-one could say that it is anything other than an area of major project support. This is not for the amount for which we will be in debt in five, 10 or 20 years from now, but because of what we suspect the Government has become committed for over the last three, six or nine months. If the words in the White Paper are not to be meaningless and if those commitments by the Government arising out of the Burt commission and the promises arising out of the White Paper are not to be merely a hollow piece of tokenism, I suggest that the motion as I am proposing to amend it has to be supported by the Government without any fuss or bother. I wish to refer to page 30 of the same document under the subheading of "Accountability" as follows -

The nature of support and incentive measures provided by Government can range extensively.

We have certainly found that out in the case of petrochemicals and other Government incursions into business. I continue -

Discriminating between these types of support is of secondary importance to the incurring of risk itself. As previously noted the same level of financial risk can be incurred by a Government under any form of commitment, and none need be more inherently risk oriented than any other.

I am not sure whether that is true. I think as time goes by it will be shown that this Government has made massive decisions which are by their very nature more risk oriented than a lot of others. I continue -

As discussed, the notion that an investment as a grant or infrastructure (unlike equity or a guarantee) cannot be "lost" is incorrect. These are as much at risk as public investment is brought formally to account. To be accountable, the level of support provided by government to a project needs to be explicit and fully costed in dollar terms.

If ever those words should have any meaning they must have meaning in respect of the motion moved by Hon Eric Charlton and they will have special relevance to the amendments that I propose to move. I will remind members again, and these are the Government's words not ours -

To be accountable the level of support provided by Government . . .

That is at the heart of the support given in the case of Petrochemical Industries Ltd. The level of support provided by Government to a project needs to be explicit. No-one would suggest that this Government has been anything other than secretive about what the level of its support has been. Everyone knows by now, including the members opposite, that it has been like drawing teeth. Only because of motions put by Hon Eric Charlton, the Leader of the Opposition and other members of the Opposition in the other place and in this House, under the most severe form of legitimate parliamentary pressure has this Government come clean, bit by bit, piecemeal, about the dubious sorts of actions that it has been involved in. Not once has the Government been prepared to show that it is serious in its commitment to tell the truth. If one remembers the timing of this document - released in September 1989 at a time when the Government still would not answer certain serious questions about the deals it was involved in - one recognises that even after the production of a major document the Government continues to refuse to be accountable.

Hon Fred McKenzie: What if these are going to have some effect on court cases? Would it go so far as to damage the State?

Hon P.G. PENDAL: Hon Fred McKenzie is one of the few people on that side of the House who takes these matters seriously. Our advice is that that is not going to occur. We have no interest in aborting trials in courts of law in this State.

Hon T.G. Butler: Not much you haven't.

Hon P.G. PENDAL: We have not because the courts of law in this State, and Parliament, are about the only two processes left to the people that have not been corrupted by the Government in its efforts to prevent people learning the truth. Therefore I assure Mr McKenzie, a person of integrity, that there is no hidden agenda on the part of the Opposition to do what he suggests. Indeed, any Opposition which sets out to interfere in the due processes of law once the matter has been started can only find that those things reflect on it. Mr McKenzie knows that as well as I do.

Returning to page 31, it is important to note the following words, knowing that this is the document in which the Attorney General has placed so much faith, as he did by interjecting during my speech on the Budget -

To be accountable the level of support provided by Government to a project needs to be explicit and fully costed in dollar terms.

Good. We want the Government to be explicit and not only answer the questions posed in the original motion, but also to start telling us some of the answers that are to be part of the amendments. If, in the history of this State there has been a project that has not been costed in dollar terms, or enveloped in the most rubbery figures ever imaginable - figures that have blown out from a low figure one month to a mammoth high figure the following month - it has been the petrochemical project. Yet at the Government's own request -

Hon Bob Thomas: Didn't you come out with a new figure every day?

Hon P.G. PENDAL: Mr Thomas is quite right: every day we did come out with a new figure because every day the media and the Opposition were discovering more facts that the Government was suppressing. Members opposite have not heard the last of it. Next year and years after when the Government thinks this is off the political agenda, the cost of this project to this State will be a hell of a lot higher than it is at the moment, mainly because of the suppression the Government has imposed on it.

Those words, which have caught the attention of the honourable member, and which say that the level of support in dollar terms has to be fully costed, emphasise that that is the level of accountability the Government promised. That is what the Opposition now expects it to deliver. The paper goes on to say, and I love this bit -

This needs to be done using appropriate standards and conventions to allow meaningful public scrutiny.

If ever there has been a lot of tommyrot, that is it.

Hon T.G. Butler: What is wrong with that as a statement?

Hon P.G. PENDAL: I am happy that the member has asked that. "This needs to be done", we are told, "using appropriate standards and conventions." Does the honourable member seriously suggest that the Dowding and Burke Governments have used appropriate standards and conventions in their business dealings?

Hon T.G. Butler: Of course they do.

Hon P.G. PENDAL: The Government would not be in trouble if it had used appropriate standards and conventions. I can tell Hon Tom Butler that a few of his friends would not be facing the law courts right now if they had applied appropriate standards and conventions. We are saying that as a result of what we are now going to move it is incumbent on the Government to put some flesh on the skeleton, which is all it is, by ensuring that we not only get the documents required by Hon Eric Charlton, and I underline his words -

[Pursuant to Sessional Orders, debate interrupted to take questions without notice.]

[Questions without notice taken.]

Hon P.G. PENDAL: Prior to question time we spent 16 minutes talking about accountability and the Government's document to ensure that accountability occurs. We then endured a question time which failed on at least two counts to meet those selfsame standards the Government claims it is imposing upon itself. While I do not want to go off down another path in the immediate future on that, it is again clear, and it very eloquently makes the point that I endeavoured to make prior to question time, that notwithstanding its protests to the contrary the Government continues to fail to be accountable. I refer back to that famous document, which I predict will become an infamous document as the months and years unfold. Page 31 of the document reads as follows -

It is the Government's intention that under guidelines for government support of major development projects any special arrangements should be scrutinised by Parliament.

For the first time in the document members ought to be aware we are now talking not just about the desire of a Government to be accountable to the public but also about listening to a Government promise that the primary concern of Government ought to be that its actions should be scrutinised by the Parliament. I quote again -

It is the Government's intention that under guidelines for government support of major development projects any special arrangements should be scrutinised by Parliament.

That begs the question as to why the National Party's motion was even needed in the first place because if the Government were serious about the contents of its own glossy document, all those things would have occurred without the prompting of either Opposition party in this Chamber. It is significant that when the Attorney General sought to head off the moves by the National Party and the Liberal Party in this place in respect of these documents, he was clever enough to use words to the effect that he "now tables a comprehensive set of

documents". Even he did not claim that they were the totality of the documents which would throw light onto one of the most mammoth bungles in the history of Government activity in this State. However, one has to take the Government at its word and give it the chance to break its own commitments if for no other reason than to prove again to the media and the public that these words are merely that - words that do not have any real meaning.

Hon J.M. Berinson: Those tabled documents were directed to the documents requested in the motion.

Hon P.G. PENDAL: The Attorney General is saying that he will be led reluctantly like the urchin being pulled out of a tart shop, that he will go no quicker than is absolutely necessary, and that he will do no more than is absolutely necessary.

Hon J.M. Berinson: It is pretty hard to respond to questions which are not even being asked.

Hon P.G. PENDAL: On the contrary, at the time it was framed Hon E.J. Charlton's motion asked for a whole host of documents. The Leader of the House's words to the House were that in response to that outside pressure by the Liberal Party and the National Party he was tabling a comprehensive set of documents. I suggest that the Leader of the House was hoping that people would read "comprehensive set of documents" as being a "complete set of documents". In fact people will have to read very carefully - as they are doing more and more these days, I might add - exactly what the Leader of the House said, and exactly what the Premier and the Treasurer said in relation to all of these dodgy and dubious deals.

Hon E.J. Charlton: Especially when the Treasurer does not always say the same thing.

Hon P.G. PENDAL: Yes, especially in that case. My proposed amendments will seek no more than the fulfilment of the Government's promise outlined on page 31 of its document, where the Government admitted that Parliament not only has the right but also has the obligation to scrutinise and call for a complete set of documents in relation to the support of major development projects.

I cross over to another part and use the Government's own words on page 35, chapter six, which deals with support guidelines which, once again, will make it easy for the Government to agree to our amendment requesting the production of further documents. This uses the word that the Government has used frequently since the election, as it has a born again commitment to accountability. It states the following -

Accordingly support for major investments will proceed only when the following broad guidelines are met.

The first of the guidelines is accountability; the second is prudence - I will mention this in a moment because it is relevant to the debate - and the third subheading is benefits. Under the heading of prudence the document states -

... commitments entered into by government should, under the worst case be met within existing financial resources without recourse to the taxpayer or the Federal Government.

That is worth dwelling on for a while, Mr Charlton. When I first went through the document when preparing for this debate, I must admit that I did not look at that because the word "prudence" jumped out of the page. The Leader of the House will turn a paler shade of grey when he looks at it. In order to assist him, let us dwell on it. Nothing has been more telling than the way in which the Minister for Budget Management - the third ranking financial Minister, and leading financial brain in the Government - has been imprudent in dealing with this case and all other business deals as well. The third of the broad guidelines is benefits. Although in respect of prudence the document says that the commitment entered into by the Government should, under the worst case, be met within existing financial resources without recourse to the taxpayer - we all know about that - it has been pointed out that in this year's Budget, as with last year's, WA Government Holdings Ltd has lost \$100 million down the tube. It has broken the first rule, "without recourse to the Federal Government". Despite the claptrap we heard in this House the other night from Hon Tom Stephens -

Hon Kay Hallahan: It was an excellent speech.

Hon P.G. PENDAL: - who was made an instant expert over the dinner adjournment by the Minister for Budget Management in order to discredit my argument, my argument still stands.

Hon J.M. Berinson: It is wrong.

Hon P.G. PENDAL: I said that the Federal taxpayer was already paying to bail out the deals that the Government has entered into.

Hon J.M. Berinson: You refuse to recognise the facts.

Hon P.G. PENDAL: I refuse to recognise the falsity that Mr Stephens put forward the other night as I can prove without any doubt whatsoever that this Budget deals with a Commonwealth outlay. Despite the Premier's claim upon returning from the Premiers' Conference that there was a real cut of six per cent, it is, in reality, a 21 per cent increase; Hawke and Keating have bailed the Government out.

Hon J.M. Berinson: You cannot believe that, Mr Pendal. I do not know why you keep saying it.

Hon P.G. PENDAL: I am saying it because it is true. The Government refuses to recognise the truth. Senator Walsh certainly recognised it.

Hon J.M. Berinson: What has Senator Walsh said about us receiving a 21 per cent increase?

Several members interjected.

The PRESIDENT: Order! I will not tolerate these outbursts that occur quite frequently these days for some reason or other. I ask members to bear that in mind.

Hon P.G. PENDAL: There is no doubt that senior Ministers in the Federal Government are dissociating themselves from the bandit cowboy tricks of Government members opposite.

Hon R.G. Pike: Hear, hear!

Hon P.G. PENDAL: I have with me a statement by Senator Button in which he thinks that the Government should be more up front in the way it deals with taxpayers' funds in this State, and with the taxpayers' funds received at the Premiers' Conference. Anyone who wants proof of that should refer to *The West Australian* of 16 August; the paper in which members opposite are part owners.

Hon Kay Hallahan: No more than you are.

Hon P.G. PENDAL: I do not want to be a part owner.

In relation to the interjection from the Minister for Budget Management, senior Federal Ministers are criticising their Western Australian colleagues and branding them as the architects of WA Inc; it is not the Liberal Party that is saying it, it is the Government's mates. It was stated in the newspaper article, and I quote -

The Industry Minister, Senator Button, told the Senate yesterday that the WA Government was not well placed to advise the Commonwealth about what money should be available to particular firms.

This type of advice from the people who set up WA Inc was not needed.

Hon Fred McKenzie: Have you suddenly become the champion of the centralists?

Hon P.G. PENDAL: Mr McKenzie must have been asleep for five minutes because I am not talking about them. I am saying that the Government's own people are turning against it; its own people are saying that the guidelines set in the glossy brochure are not being adhered to and the Government's Federal colleagues are ashamed that the guidelines are not being followed.

Hon Fred McKenzie: I cannot understand why you are quoting that.

Hon P.G. PENDAL: I can understand why the member does not understand it.

We have seen good old Senator Peter Walsh, who can be usually relied upon to reduce a debate to the lowest common denominator, making comments about the lack of prudence with Federal taxpayers' funds. That is the second score on which this Government fails to adhere to its own guidelines. The daddy of them all is accountability, which has become a famous word. Any support arranged by the Government should be open to public scrutiny as to its own risk, the guideline states. The debate goes a full circle back to Hon Eric Charlton's motion which was supported by Hon George Cash; that is what this motion is all about, and what the amendment will be about as well.

I preempt what undoubtedly the Minister for Budget Management's response to the amendment will be: He will probably say, "Well, hang on, we have tabled some documents and we have satisfied the list that was contained in the motion moved by Hon Eric Charlton, and we have done most of them - or most of the relevant ones. We have had a look at your motion, Mr Pendal, and we have satisfied that as well. We do not really need that." I suggest that the acid test as to whether the guidelines document is worth the paper it is written on is the extent to which the Minister for Budget Management is prepared to support the amendment which will be moved. I am not suggesting that I doubt whether Mr Charlton is suggesting that his list is exhaustive, because the point he made in his speech on the motion is that we are not to know what documents we will receive. That is the ultimate matter. We will have to rely on a discredited Government and it has said that it produced all that it can produce. As Mr Charlton has pointed out, we may find in five, 10, or 20 years down the track other documents that were not produced.

Hon Mark Nevill: You may find they were all produced.

Hon P.G. PENDAL: The Opposition parties want the documents produced. Arguably, what we are seeking to do is to exercise the most basic and, at the same time, the most powerful facility in the hands of a free Parliament. Even more fundamental than the question of our being law makers is our right to know what the Executive has been up to. If members consider the Westminster system of Parliament, which has operated for centuries, a more fundamental question than that of making laws for the good governance of the people is the right of the Parliament to challenge the Executive to be truthful in what it has done. In order to know whether the Government is truthful we have to know answers to certain questions so we can decide whether it is being truthful. Until those things are resolved it is the Parliament that is being treated with great disdain and great contempt. I put it to the Leader of the House that if it is the Parliament that is treated with disdain and contempt, it is therefore the people who are being treated with disdain and contempt. Heaven only knows the public, as much as the members of Parliament, have been treated as though they are members of a mushroom club, and that has occurred not just since the last election, but since the Burke Labor Government gained office.

I sincerely put it to the House that what the Opposition is seeking is far more important than a bundle of documents that Hon Eric Charlton and the National Party hope to get their hands on; it is far more important than the bundle of papers the Parliamentary Liberal Party hopes to get its hands on. It is something that goes beyond that to the right of the Parliament to know whether the Government has been telling the truth and in order for us to establish that we need to know whether the documentation which the Government has fiddled around with is in order. Only when it is tabled in this House will the people have a chance to judge.

Amendment to Motion

Therefore, I move -

That the following documents be added to the list of documents presented by Hon Eric Charlton -

- (g) the "Letter of Assurance" from Minister Grill to Bond Corp (mentioned in the Press Statement by Peter Beckwith of 31 August 1989), issued at the time of the Bond bid for the minorities of Bell Group, to support the loan of \$110m to Rothwells by Bond Corp;
- (h) documentation relating to the Government assigning its depreciation and amortisation rights in the petro project to Bond, which assignment was referred to in *The Australian Financial Review* of 1 August 1989;
- (i) documentation concerning the Government providing Bond with a tax-effective investment in the petro project, which investment was referred to in *The Australian Financial Review* of 1 August 1989;
- (j) the affidavit by Ken Judge of Bond Corp filed in the Supreme Court in opposition to the appointment of a Provisional Liquidator for PIL and copies of all exhibits thereto
- (k) the notice under the Crown Suits Act in relation to the damages action proposed to be brought by Bond Corporation Holdings Limited or companies associated therewith and all related documents;

- (l) any advice tendered by Peter Wiese to the State Government or its instrumentalities in relation to Rothwells during the period 1 October 1988 to 30 November 1988;
- (m) details of any support promised by the Government in relation to SECWA in which the price of gas was to be reduced to zero as mentioned in the Beckwith statement of 31 August 1989;
- (n) legal documentation relating to the extension of the Bond/Bell/SGIC indemnity referred to in the 31 August 1989 Beckwith Statement and the 29 August 1989 statement by the Premier to the Parliament; and
- (o) the new Memorandum of Understanding and Deed of Release which is the subject of the present Bond/Government disagreement, mentioned in the 31 August 1989 Beckwith statement and the 21 August 1989 judgement by Master White in the Supreme Court.

HON FRED MCKENZIE (East Metropolitan) [5.46 pm]: I move -

That the debate be adjourned until the next sitting of the House.

Question put and a division taken with the following result -

Ayes (17)

Hon J.M. Berinson
Hon J.M. Brown
Hon T.G. Butler
Hon J.N. Caldwell
Hon E.J. Charlton
Hon Cheryl Davenport

Hon Graham Edwards
Hon John Halden
Hon Kay Hallahan
Hon B.L. Jones
Hon Garry Kelly
Hon M.S. Montgomery

Hon Mark Nevill
Hon Sam Piantadosi
Hon Bob Thomas
Hon Doug Wenn
Hon Fred McKenzie
(Teller)

Noes (12)

Hon George Cash
Hon Reg Davies
Hon Max Evans
Hon Peter Foss
Hon P.H. Lockyer

Hon N.F. Moore
Hon Muriel Patterson
Hon P.G. Pandal
Hon R.G. Pike
Hon Derrick Tomlinson

Hon D.J. Wordsworth
Hon Margaret McAleer
(Teller)

Pairs

Ayes

Hon Tom Helm
Hon Tom Stephens

Noes

Hon W.N. Stretch
Hon Barry House

Question thus passed.

Debate adjourned.

MOTION - STATE FINANCE

*Rothwells Ltd, Petrochemical Industries Co Ltd, Western Australian
Government Holdings Ltd - Committee Appointments*

Debate resumed from 6 September.

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the motion be considered in Committee

Committee

The Chairman of Committees (Hon J.M. Brown) in the Chair.

Paragraph 1 -

The CHAIRMAN: I draw the attention of members to supplementary Notice Papers No 9, which deals with the Select Committee, and No 13, which deals with proposed

amendments. I propose to put each paragraph which appears on paper No 9 in order. I therefore draw the attention of members to paragraph 1.

Hon J.M. BERINSON: I move -

To delete from line 1 the expression "5" and substitute "4".

Despite identical questions having already arisen this afternoon I believe that the circumstances of this motion require a fuller consideration than was the case with the two committees that were considered earlier. Mr Pike's motion brings into sharp focus the whole question of parliamentary Select Committees and both the extent and the limit of their potential usefulness. It is hardly being original to suggest that the effectiveness of the committee inquiry is likely to be in inverse proportion to the politics of its subject matter. The fact is that the more political the context or ideological the subject the less likely it is that a useful result will emerge. That has often been said in this House before, and in Parliaments all over the country. It has been said by members of all parties - and there is no doubt that it is true - that this is not a matter of guesswork but a matter which experience proves. Of course, that cannot mean that we never have committees on politically contentious issues as that would defy the nature of Parliament, and human nature as well. What it does mean, however, is that the more political the issue the greater the risk will be that the drive for political advantage will overwhelm all other considerations including any attempted objectivity or even simple fairness. Headlines, in those circumstances, nearly always come first.

In the present case we are dealing with a proposed inquiry which is not only directed at intensely political issues but also at issues which are the subject of the McCusker investigation, which have already led to a number of charges and which are the subject of major civil litigation as well. There is a real question as to whether a Select Committee inquiry in any framework would really be appropriate until those investigations and cases are completed. In any event, my primary point at this stage is that it would be asking too much to look to a committee of politicians to approach an inquiry of this sort except on a highly political basis. However, accepting the reality of the numbers in this House means that an inquiry will, in fact, proceed now, we must do what we can to encourage at least some minimum level of balance and objectivity. That is the purpose of this amendment, which is to change the number on the committee from five to four on the understanding that two members will come from each of the Government and non-Government sides. I have argued this proposition so often that it would be pointless to repeat the case in detail.

I therefore simply summarise it in four main propositions: Firstly, the Government party should have at least equal numbers on any parliamentary committee. Secondly, that is all the more the case where, as in this Chamber, the Government party is also the largest single party. Thirdly, experience with no less than seven committees in the last Parliament when the Council agreed to equal Government and non-Government membership showed that there is nothing to be lost and much to be gained by this structure in terms of effectiveness and acceptability of the outcome. Fourthly, an inbuilt anti-Government majority on a committee aimed directly at the Government's activities is a recipe for cynicism about its eventual report even before its work starts.

I know that the House has rejected similar arguments in recent weeks and, for that matter, in recent hours; and that is a pity. I assure members that I do not raise the issue again at this stage merely as a matter of form. On the contrary, the nature of this committee's inquiry is such that reconsideration of the issues is essential. If the House is serious about this inquiry it can give no better indication of that than to accept the amendment which I have moved. More than was the case with any of the committees that we considered earlier today, the amendment that I have put to the House constitutes a test of good faith. Do we want a genuine inquiry, or do we want to accommodate Mr Pike's interest in attracting the odd headline? Certainly his introduction of the motion with its gimmicky reference to such matters as a possibility of an invitation to Mr Tony Fitzgerald QC shows where his interest lies. Those should not be the interests of the House - they cannot be the interests of the House if we are to take the committee system generally in a serious way and, in particular, if we are to take this inquiry in a serious way.

I repeat that this is not an amendment which purely goes to the philosophy of the situation, it is not an amendment which is put forward on a simply academic basis; this is an amendment

which is put forward as a test of the good faith of this House in approaching this highly contentious committee. I have used that word "contentious" because earlier we were using the word "non-contentious" without much success. Earlier today Hon Eric Charlton drew attention to the fact that in either event one can raise arguments both ways. The proposition that I am putting to the House, which I suggest I signalled in my earlier comments, is that balance is always important to an effective parliamentary committee system. It is important in a non-contentious framework; it is absolutely essential when we come to a subject as highly political and as highly contentious as this one. I have said the same thing so many times it is pointless to elaborate on them further, but I put this forward as a serious test of the good faith of this House and urge members to support it.

Sitting suspended from 6.00 to 7.30 pm

Hon R.G. PIKE: I draw the attention of the Chamber to one of the comments made by the Leader of the House. He spoke about a "contentious Select Committee of this type" and I allege that the actions of the Government in the matter of Rothwells were reprehensible, illegal and irresponsible. The Leader of the House has spent half his time on his feet in this place telling us, with his normal panache, that the actions of the Government have not been illegal, have not been in any way incorrect, and certainly have not been reprehensible. As a result the issue is a non-issue. It cannot be contentious when what Mr Berinson is claiming with regard to Rothwells is that the Government's actions were fair and above board. He has a proclivity to look right and to sound logical on an issue when the premise upon which he makes his comments is often incorrect.

Having said that, I do not intend to waste the time of the Chamber by dealing for the fifth time with the question of whether we should have an even number or an uneven number on the committee. However, in any court of appeal or in any situation where a decision has to be made, there is always an uneven number so that a decision will be made. If we were to accept the proposition of the Leader of the House, a four-member committee would not get started, because in the event of an equality of votes the answer would be in the negative, therefore I oppose the amendment moved by the Leader of the House.

Hon PETER FOSS: The Leader of the House stated that this committee is inherently political. I cannot agree with that statement. It is inherently not political because it is constituted to find out what money has been committed or what liabilities have been incurred, the circumstances, mechanism and decision-making process relating to the matters, the reason for making such investments or commitments, the present state of the investments, the effects of the investments upon the viability and operation of the State and its instrumentalities, the contingent liabilities which remain, the authority upon which the commitment or investment was made, the benefits, if any, direct or indirect, received by individuals or companies, the propriety and ethics of all such transactions, and what changes in the law would be appropriate.

The terms of reference are clearly what is required for the accountability of Government. Accountability of Government is not itself political. The Commission on Accountability makes these points as to the liability of the Government and instrumentalities of Government to account for their actions. The fact it is a legal obligation means that the Government has an obligation to account to Parliament, and Parliament is charged with seeing how that accountability is met.

The report says at page 3 -

This obligation to account extends to ends as well as means. The government agency should be made subject to an obligation when called upon to account to Parliament for the ends which it seeks to achieve by the exercise of its investment authority.

Hence it can be seen that accountability is accountability to the Parliament and, as will appear, the Parliament is the place within which the idea of public scrutiny must find its fulfilment.

The CHAIRMAN: Order! There is too much audible conversation and I do not think it is fair to the Hansard reporter.

Hon PETER FOSS: What is to be done by this committee is the role of this Parliament. Its work is capable of being carried out in an apolitical manner. It is not the terms of reference that make it political; the only thing that can make it political is if, first of all, one party in

this House considers there is something disreputable which it does not wish to be found out. That would make it political.

Hon J.M. Berinson: Can you give any other examples which might apply to you or to Mr Pike?

Hon PETER FOSS: I am not saying there are. If the Leader of the House thinks it is likely to be political, it is because he believes it is not a simple matter of accountability; it is a matter of somebody having something to cover up and another person seeking to find out. Members should be interested in this. The only reason that I can think of why members opposite might think it a political matter - they may very well be right -

A Government member: You are joking!

Several members interjected.

Hon PETER FOSS: It would be because there is something to be hidden. If there is not -

Hon J.M. Berinson: I suppose it cannot have anything to do with preconceptions on your side?

Hon PETER FOSS: I am not saying there are any preconceptions.

Hon J.M. Berinson: I know you are not, but anyone else would.

Hon PETER FOSS: I do not have any preconceptions at all. I am saying this is clearly one of the roles of Parliament, and it is only if a member has some preconceptions that he may perceive that this may turn into something political. It may very well be that members opposite have some reason for thinking that it will be a matter of contention.

Hon E.J. Charlton: If we had seen this before we would not have had to have a committee of inquiry.

Hon PETER FOSS: It may very well turn out that way if that is the case, but the important thing is that what the committee is set up to do is not inherently, in the terms of reference, political.

Hon J.M. Berinson: Why can't we have equal numbers? What are you afraid of?

Hon PETER FOSS: I have made quite clear on a number of occasions the reason for having uneven numbers. There may be a number of other reasons. I have terrible problems with the Leader of the House's arguments; they seem illogical, but whenever he gives his reasons, they seem to be the best reasons for uneven numbers.

I will not repeat the argument that I consider the Leader of the House to be illogical and that his arguments are illogical; that is already on the record. I do not think the matter can be allowed to pass without being picked up, that in the terms of reference this is not a political matter. I hope that the people appointed to this committee, even though it may turn out there will be political advantage and political disadvantage as a result of the inquiries, will see that the inquiry is firmly within the requirements, obligations and duties of this Chamber, and that it will be carried out not necessarily for the purposes of political advantage but to find out the facts.

If the facts are found out, the duty of this Parliament will be done. It may well be as a result of finding out those facts that some people will be embarrassed. I do not wish to prejudge that; but the duty of carrying out the investigation itself is not necessarily inherently political. I hope that the people appointed to the committee will proceed to find out the facts dispassionately and by looking for the truth, and not put a particular edge on it.

Hon E.J. CHARLTON: For the reasons stated previously, the National Party does not support the amendment to delete the number "5" and insert the number "4". The National Party intends to participate in the committee but when the time comes we will judge the issue on its merits.

Hon GEORGE CASH: I oppose the amendment. I will be brief because my comments basically support the members on this side who have already spoken. It is a pity that the Leader of the House continues to prejudge the deliberations of the committee when it has not yet been established. Clearly, in his own mind, the Leader of the House seems to determine whether something is to be political or non-political before the committee has had a chance to meet. If the Leader of the House were to approach these matters with an open mind and

not try to chase a dozen rabbits down a dozen different rabbit holes, we might make some progress. I oppose the amendment.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN (Hon J.M. Brown): Before the teller tells, I cast my vote with the Ayes.

Division resulted as follows -

Ayes (14)

| | | |
|----------------------|------------------|--------------------|
| Hon J.M. Berinson | Hon John Halden | Hon Sam Piantadosi |
| Hon J.M. Brown | Hon Kay Hallahan | Hon Bob Thomas |
| Hon T.G. Butler | Hon B.L. Jones | Hon Doug Wenn |
| Hon Cheryl Davenport | Hon Garry Kelly | Hon Fred McKenzie |
| Hon Graham Edwards | Hon Mark Nevill | (Teller) |

Noes (15)

| | | |
|-------------------|----------------------|-----------------------|
| Hon J.N. Caldwell | Hon P.H. Lockyer | Hon Derrick Tomlinson |
| Hon George Cash | Hon M.S. Montgomery | Hon D.J. Wordsworth |
| Hon E.J. Charlton | Hon N.F. Moore | Hon Margaret McAleer |
| Hon Reg Davies | Hon Muriel Patterson | (Teller) |
| Hon Max Evans | Hon P.G. Pental | |
| Hon Peter Foss | Hon R.G. Pike | |

Pairs

Ayes

Hon Tom Helm
Hon Tom Stephens

Noes

Hon W.N. Stretch
Hon Barry House

Amendment thus negatived.

Hon E.J. CHARLTON: I move an amendment -

To insert in subparagraph (a) after "the Government's involvement" the words "whether direct or indirect".

We have debated this point on several occasions. The reason for moving the amendment is obvious in that it will allow the inquiry to be expanded. This will not in any way detract from the inquiry. The insertion of the words will be of benefit to the committee; the inquiry will not be circumvented by aspects which are not directly part of the committee's deliberations.

Hon J.M. BERINSON: I support the amendment. I have nothing to add on the direct point.

I take the opportunity to take up the earlier comments by Mr Foss who indicates that I really must be wrong in talking about this committee dealing with highly political and contentious matters because one can see the terms of reference are intrinsically neutral. I have no argument with that. In fact, I would have thought Mr Foss would have noticed by now that the Government is indicating no objection to any of the terms of reference.

I have offered one amendment to the terms of reference, and that refers to an expansion of the terms so as to consider a particular document. There has been no indication on my part, and there could not have been any indication to Mr Foss from any other quarter, that the Government objects to the terms of reference. We accept them as appropriate to the exercise. Our concern has been directed at the framework in which these terms of reference are to be considered and the confidence or lack of confidence which must apply to the ability of that committee to address these terms of reference in a credible way. As far as I am concerned, the proposal to have balanced numbers on the committee was a proposal designed to increase the credibility of its work. The rejection of that by the Opposition is an attack on its credibility. I agree with one of the Opposition speakers that that raises questions about both the credibility and effectiveness of the committee, even before it is appointed.

I stress again that the terms of reference have not been an issue and I do not raise them as an issue. I would not accept the single amendment that I have listed to the terms of reference being regarded as raising an issue that is unacceptable to other side. That is not what we are talking about. We are talking about the capacity of a committee, given its subject matter, to apply itself constructively and objectively. That will not depend on the terminology of the terms of reference; it will depend on the approach taken by the members of those committees. The early indications, going on the Opposition's insistence on a majority of members as opposed to a balanced membership, can lead us only to believe that that objective and constructive approach will be very hard to achieve.

Amendment put and passed.

Hon E.J. CHARLTON: I move -

To insert at the end of subparagraph (g) the words "and whether and, if so, what objections there were, departmental or otherwise, to any such commitment or investment".

This amendment will ensure that the committee will not be restricted in any way in its deliberations on this point. I think it is self-explanatory.

Hon J.M. BERINSON: The Government has no objection to this amendment.

Hon R.G. PIKE: I have no objection also to the inclusion of those words.

Amendment put and passed.

Hon J.M. BERINSON: I move -

To add to subparagraph (j) the words -

and in particular, whether and to what extent legislative effect should be given to the proposals set out in the White Paper "Investing for the Future";

Subparagraph (j), as presented in the motion, requires a report on what changes in the law appear to be appropriate. In looking for possible guidelines to legislation in this area, there is no point to ignoring the substantial work and consideration which the White Paper reflects. To the extent that its proposals are acceptable to the committee and agreed to be worth including in legislation, the work of the committee would be simplified. On the other hand, it has been interesting to note that some commentators have criticised the White Paper as overreacting to recent events with the result that its proposals are excessively cautious and restrictive, perhaps even in some respects, impractical. That is a view which the committee should also be well placed to test and comment on. My only additional comment is to stress, as must be clear from the words of my amendment, that there is nothing in the additional words which would restrict the broad ambit of the inquiry into possible changes to the law which the original form of subparagraph (j) provides.

Hon R.G. PIKE: I oppose the amendment. Subparagraph (j) is the only prospective part of the Select Committee's mandate. Nevertheless, the fact is that, other than the immediate changes in the law which may or may not be necessary, consequential upon the final report of the committee and what it finds, and while I commend the noble thoughts put forward by the Leader of the House, the fact is that "Investing for the Future" is simply too big a mandate. We intend, I imagine, other than to propose those specific and particular remedies, to be retrospective. Page 16 of the White Paper includes a table which deals with the structure of Commonwealth taxes and refers to income tax, customs duty, etc. Page 20, under the heading "Lloydminster" refers to the Governments of Canada, Alberta and Saskatchewan joining with Husky Oil Operations Limited of Calgary. Under the heading "Oslo", the White Paper refers to Canada producing crude oil from its vast oil sands deposits for some years. Under the heading "Hibernia" the White Paper states that, in July 1988, the Canadian Prime Minister and the Province of Newfoundland Premier signed a statement of principles with members of the Hibernia consortium. Page 24 refers to Procordia AB and states that it is involved in many wholly owned subsidiary companies whose interests vary from beverages and food, to hotels and restaurants. If that is the booklet to which the Leader of the House refers -

Hon J.M. Berinson: Mr Pike is not suggesting, I hope, that that is the recommendation of the White Paper.

Hon R.G. PIKE: Of course, I am not. I am making the point purposely that if we go down that track that the committee could be in danger of mistaking activity for usefulness.

Hon J.M. Berinson: The member is not suggesting we go to Alberta, is he, although I would not mind.

Hon R.G. PIKE: I oppose the amendment. In itself it is commendable; but obviously the Government's document, as pointed out by Hon Phil Pental, has been tabled and it has some glaring falsehoods. It is not the function of the committee to tell the Government how to do its job.

Hon E.J. CHARLTON: I agree with the principle espoused by Hon Bob Pike. The amendment moved by the Leader of the House is not contrary to the deliberations of a committee inquiring into this matter. My understanding is that the committee would take on board the thoughts of the Leader of the House when deliberating on changes to the law. It is a basic term of reference that should be adhered to.

Hon J.M. BERINSON: I do not stress the point: I have put forward this amendment as a constructive proposal and, frankly, I am surprised at the reaction to it. I think it was Mr Pike - if it was not him it was Mr Foss or Mr Cash - who talked about the importance -

Hon George Cash: It has to be one or the other. Perhaps it was Mr Pental or Mr Lockyer.

Hon J.M. BERINSON: It could have been. Whoever it was did not mean what he said because he said that the important thing about committees is that members go in open minded. Mr Pike is arguing about going in blinkered. What he is saying is despite the fact that recommendations have already been collated; despite the fact he is prepared to call them commendable; despite the fact they would not lead the committee off on any tangents, but in fact would be a useful reference point, nonetheless, the committee should not have its attention directed to them. Why? Because it comes from a document collated by the Government. That is the sort of open mindedness with which the potential chairman of this committee approaches his work. It adds very much to the reservations that any objective observer would have about the capacity of a committee approaching its work like that to really perform its duties properly.

It must be very clear that if this amendment is carried the extent to which the committee pays regard to it, spends time on it and considers it is a matter entirely at its discretion. There is nothing in the amendment which states that the committee must drop everything else to consider the Government's White Paper; there is nothing to say that whatever legislation is suggested should be based on the recommendations of the White Paper. It is simply saying that we agree that a committee engaged in this inquiry should consider whether legislative changes are necessary and while it is considering that it make a point of looking at the White Paper which is already the product of considerable work and consideration in that area. That is all that is being said. The fact that Mr Pike is not prepared to accept even that much can only be regarded as an ominous indication of what he regards as a sort of open mindedness approach to a committee of this type.

Hon GEORGE CASH: I sometimes despair at the comments of the Leader of the House. What he is seeking to do is to introduce an amendment which would clearly restrict the terms of reference of the committee.

Hon J.M. Berinson: How?

Hon GEORGE CASH: Because the Leader of the House indicates in his amendment that the committee should consider the White Paper. I put it to members that I hope that not only will the committee consider the White Paper - I am referring to the publication titled, "Investment for the Future" - which was tabled in this place recently, but also that it would consider the report of the Burt Commission on Accountability. I also hope that the committee would give consideration to the interim report of the National Companies and Securities Commission to the Ministerial Council for Companies and Securities, which was the report on Rothwells. I also hope that the committee would take into consideration many other documents and publications. For the Leader of the House to want to divert -

Hon Garry Kelly: What is the problem of having one document drawn to its attention?

Hon GEORGE CASH: The extension to that is that all the documents that one wants the committee to consider should be listed. It is a foolish amendment and it does not deserve support.

Hon E.J. CHARLTON: The point I want to make is in line with the comments made by the Leader of the Opposition. In response to the comment by the Leader of the House that the Opposition parties would not accept the amendment because it is something put forward by the Government, I say that is not the case. If one believes that he would say a National Party policy on accountability would be considered because it is its position. The same thing could apply to the Liberal Party. It is not accurate to say the Chamber is not agreeing to this amendment simply on party lines. It is to the contrary. If members take that point of view, it must be taken further and I do not think anyone is suggesting that be the case.

The members appointed to the committee should look at things from all angles in order to determine whether changes should be made.

Hon R.G. PIKE: In referring to my attitude to the activity of the Select Committee the Leader of the House said I rejected this because it comes from a document the Government has collated. I inform him and the Chamber that even I believe that occasionally this Government is capable of being straightforward and honest - I emphasise, "occasionally" -

Hon E.J. Charlton: That will be headlines in tomorrow's paper.

Several members interjected.

Hon R.G. PIKE: The Government would still end up with six out of 10 marks. Nevertheless, we are in the process of finding that out and, therefore, I do not reject the document out of hand. I re-emphasise the point made by my leader; that is, this is a document we will properly study, but it will stand in rank with other documents and its particular reference should be rejected.

Amendment put and negatived.

Paragraph 1, as amended, put and passed.

Paragraph 2 -

Hon J.M. BERINSON: I move -

To delete the words ", to commission reports".

There are two separate grounds for the amendment which I have moved. One is, to speak of commissioning reports in the context in which it appears in paragraph 2 is to take the risk of confusing concepts. One either has a parliamentary inquiry or a commission of inquiry. It is difficult to combine those concepts in a useful way if the intention of the reference in paragraph 2 is to commission reports that are substantial and basic. I suspect that what we are really dealing with here is a proposal to do no more than what is proposed by the new paragraph 5 in the list of circulated amendments, which allows for the provision of reports. The great advantage of paragraph 5 over paragraph 2 is that the ability to seek these reports is put into an administrative framework which can be readily understood.

I suppose that if we carry clause 2 in its unamended form that will be subject, in any event, to the same administrative framework. One would certainly expect it to be, but in that case, why have the duplication? It is only fair to indicate in advance that I am not all that keen on paragraph 5, either.

The CHAIRMAN: Order! We are dealing with paragraph 2.

Hon J.M. BERINSON: I think it is only fair to indicate that I will be accepting paragraph 5 but do not accept paragraph 2 in its present form, and that is part of my argument. I do this on the ground that this is unnecessary duplication, and the fact that paragraph 5 and not paragraph 2 is explicit as to the framework on which I deal. That is why I have moved for deletion of those three words.

Hon R.G. PIKE: I direct the attention of the Chamber to Standing Order No 38A dealing with Standing Committees. Standing Order 9 on page 16 says that a Standing Committee shall have the power to send for and examine persons, papers and records and commission reports.

Hon J.M. Berinson: That can be done under new paragraph 5.

Hon R.G. PIKE: I think that Standing Order makes the intent of the direction abundantly clear. I point out that that is a facility that has been available to Standing Committees and one that ought to be specifically available as set out very clearly here.

Hon J.M. BERINSON: Hon Bob Pike has made it sound as though the provision on page 16 is a standard sort of provision. It is not; it is an exceptional provision and applies only to the Standing Committee on Government Agencies; so far as I am aware, it does not appear in relation to any other Standing Committee or to our Select Committee system. To that extent, it has sneaked in there in one way or another. If my memory serves me correctly, it is because Hon Bob Pike moved the Standing Orders and we were probably indulgent at the time, given his youth, and said it could go in.

However, it is not a standard provision and to refer to it does not add anything to the argument in favour of putting it in here. On the contrary, I say the fact that there is no such standard provision on any other Standing Committee or Select Committees generally, considering what we are dealing with is a Select Committee, makes the argument irrelevant for our purposes and strengthens the point I made earlier that if this committee is to have some interest in obtaining reports it can safely rely on the powers proposed to be given to it by the listed amendments to paragraph 5.

Hon R.G. PIKE: I make the point that the nature of this Select Committee will be such - and this is obvious from the terms of reference already expounded by my colleague Hon Peter Foss - that there will be a specific need to perhaps call upon this power and authority. The inclusion in the Standing Order of this Select Committee does not mean that it is mandatory it be done; it means that it is an option for it to be done. If my memory serves me correctly, Hon Joe Berinson also served on that committee with me and was an enthusiastic supporter of this proposition.

Hon J.M. Berinson: I am sure it was at the forefront of my mind.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the teller tells I give my vote with the Ayes.

Division resulted as follows -

| Ayes (14) | | |
|----------------------|---------------------|----------------------|
| Hon J.M. Berinson | Hon John Halden | Hon Sam Piantadosi |
| Hon J.M. Brown | Hon Kay Hallahan | Hon Bob Thomas |
| Hon T.G. Butler | Hon B.L. Jones | Hon Doug Wenn |
| Hon Cheryl Davenport | Hon Garry Kelly | Hon Fred McKenzie |
| Hon Graham Edwards | Hon Mark Nevill | (Teller) |
| Noes (15) | | |
| Hon J.N. Caldwell | Hon Max Evans | Hon N.F. Moore |
| Hon George Cash | Hon Peter Foss | Hon Muriel Patterson |
| Hon E.J. Charlton | Hon P.H. Lockyer | Hon P.G. Pental |
| Hon Reg Davies | Hon M.S. Montgomery | Hon Margaret McAleer |
| | | (Teller) |

Pairs

Ayes
Hon Tom Helm
Hon Tom Stephens

Noes
Hon W.N. Stretch
Hon Barry House

Amendment thus negatived.

Paragraph 2 put and passed.

Paragraph 3 -

Hon E.J. CHARLTON: I ask members to vote against this paragraph. Paragraph 3 is not required for the deliberations of the committee. With the committee instructed the way it is, there is no reason to appoint a subcommittee. It would be a great advantage to the deliberations of the committee if this paragraph were removed.

Hon R.G. PIKE: I support Hon Eric Charlton.

Hon J.M. BERINSON: May I indicate that I also agree with the views expressed by Hon Eric Charlton, and I signal in advance, to avoid repeating myself, that the same applies to paragraph 4.

Paragraph 3 put and negatived.

Paragraph 4 -

Hon E.J. CHARLTON: I ask members to vote against this paragraph. I am similarly of the opinion that this paragraph will not benefit the committee, and as a consequence of the other changes which have been or are to be made in other paragraphs, it would be better if this paragraph were not part of the terms of reference.

Paragraph 4 put and negatived.

Paragraph 5 -

Hon E.J. CHARLTON: This is a very important change. I move -

To delete the paragraph and substitute -

5. The committee may recommend the appointment of persons with specialist knowledge in order to provide such services, facilities, studies and reports as will assist it in the conduct of its inquiry.

It must be acknowledged by all members that in appointing people here, the deliberations of the committee should become part of the operations of this Chamber. It is one thing for the Chamber to direct members to assist, but it is another thing to carry it out. It would be of far greater benefit to all concerned if the committee recommended persons with special knowledge to serve on it. That would lead to far greater cooperation, and it would allow the committee, in consultation with those in positions of responsibility, to ensure that an acceptable and proper association would be available to assist.

Hon J.M. BERINSON: The Government will support the deletion of the existing paragraph 5 and its replacement with Mr Charlton's proposal. I have already referred to the duplication of one paragraph in the form we have passed it. If we want to be argumentative about it we could look at the services, facilities, studies and reports and move an amendment to delete "assist" and insert "as are required". I am sure that is what Mr Charlton and members of the committee have in mind. I am happy to have Mr Charlton's nod there. The appointment of innumerable people may very well assist, but it is not the job of a committee to look for support of this nature. I am sure it will understand that the approval being given here is for the recommendation as to services, facilities and so on which are genuinely required for the conduct of that inquiry.

Amendment put and passed.

Paragraph 5, as amended, put and passed.

Paragraph 6 -

Hon E.J. CHARLTON: I move -

To delete the paragraph and substitute the following to stand as paragraph 6 -

6. Where the Council is adjourned for more than 14 days, the committee may publish a report.

We come now to a very important area which needs to be a little more precise to ensure that the committee is in a position to conclude its deliberations by reporting in a manner which will not only enhance its findings but ensure they are to the benefit of all concerned. The amendment is self-explanatory.

Paragraph 6 as it stands provides that the hearing of evidence and so forth must be viewed very seriously, because we are dealing with a highly emotive question. Other inquiries are taking place, and we must ensure that this inquiry does not cause any problems to any other inquiry. Even more importantly, when the Council is adjourned there is no opportunity for the committee to table a report. This new paragraph simply gives the committee an opportunity to publish a report when the Parliament is adjourned for more than 14 days. It is essential that this be done. The discussions and deliberations I have had with members of the Liberal Party, who indicated their support, will allow the committee to have ongoing

deliberations and an opportunity to report. This will be to the advantage of the committee's operations, as tabled.

Hon J.M. BERINSON: I agree with both the principles Hon E.J. Charlton has expressed, but I will leave my own comments on present paragraph 6 to his proposed new paragraph 7. I give notice of a further amendment to change "14 days" to "21 days".

I can understand what Hon E.J. Charlton is looking to achieve, and that is to avoid a situation where interim or even final reports cannot be brought in because of a lengthy recess. However, there are two occasions in the year when by common practice the Parliament adjourns for two weeks; we are right on the edge of that now. We adjourn for two weeks during school holiday time. When Parliament does that, we are in adjournment for 18 or 19 days; that is, two full weeks plus the odd days from the Thursday we knock off to the Tuesday we resume. I think in those circumstances it is always preferable to have these reports presented to the House. In those two odd situations, I do not think the fact that we have a two week recess rather than a one week recess should change that. So on the one hand I accept the principle that we should not look to unreasonable delay, but on the other hand I suggest that that is not an unreasonable, and is in fact our common practice of having a two week recess once in each session, and could be accommodated by the change from 14 to 21.

Hon D.J. WORDSWORTH: I am a little concerned about the deletion of this paragraph not because I believe the media should be allowed to be there, and that they will be there in their multitudes - I do not believe they will be - but because, if this sort of provision is not in place, what happens when someone who gave evidence restates it and it appears in the newspapers or something like that? Would that person then be in contempt of the committee by allowing that information to appear in the newspapers? That is the only thing that worries me. What is the opposite to having the Press there?

Hon J.M. Berinson: It is not repeating what you have said yourself, but repeating what others may have said.

Hon D.J. WORDSWORTH: In other words, the person appearing before the committee could go away and say that is what he said?

Hon J.M. Berinson: He might simply repeat what has already been said outside.

Hon D.J. WORDSWORTH: What about the reverse?

Hon J.M. Berinson: The same thing applies.

The CHAIRMAN: The question is that the amendment be agreed to.

Hon J.M. BERINSON: I move -

To delete "14" and substitute "21".

Hon E.J. CHARLTON: The point raised by the Leader of the House is valid. The reason "14 days" was chosen was not simply to overcome the problem of what to do when Parliament was adjourned for two weeks but for a substantial period. While it could be argued one way or the other that if it does not make that much difference, it does not matter whether 21 days is preferred to 14 days. I do not think that is the big issue, but the reason for 14 days is simply to have a cut-off point. If I were a member of that committee and Parliament adjourned for 14 days, or for 18 days, it would be absolutely ludicrous to bring in a report four days before Parliament resumed. In saying that, I think it is valid to accept the reason for the 14 days, which is that it gives a cut-off point to enable the committee, if it knows that Parliament is not coming back for some time and it believes it is in the interests of the people of this State for the report to be published in this way, to do so.

I do not think anyone should perceive that the reason for 14 days is to overcome a problem caused by the adjournment of Parliament for a couple of weeks. In fact, Parliament would, as the Leader of the House said, be adjourned for at least 18 days. It is not simply to enable the committee to slip in a report which is open to the public by being published in that way. I certainly did not consider that when I set down that period. I am prepared to stand by that.

Hon J.M. BERINSON: On the basis of Hon E.J. Charlton's comments, I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Paragraph 6, as amended, put and passed.

New paragraph 7 -

Hon E.J. CHARLTON: I move -

To add the following paragraph -

7. In presenting any report, the committee may annexe any papers, evidence or transcripts or other documents if it is satisfied, after consulting the Special Investigator (Mr McCusker QC) and the Solicitor General or counsel representing the Solicitor General, that nothing in a report or annexure would have a prejudicial effect on -
 - (a) the conduct of any trial or civil litigation; or
 - (b) any investigation being carried out by the Special Investigator.

As members are very much aware, there is a very important and in-depth inquiry currently taking place. I think that has been substantiated by the fact that as a result of that inquiry charges have been laid. It is absolutely imperative that the committee not allow itself to transgress that inquiry and create problems for which it would be sorry if it did anything which created a situation or impeded - or worse, had a detrimental effect on - any other investigations taking place. I have discussed this with other members prior to circulating this amendment. In presenting any report the committee must accept that very important responsibility to discuss it with the special investigator, Mr McCusker, or the Solicitor General to ensure that any reporting or any evidence given will not be detrimental to any other inquiry. It does not mean that the committee will be hamstrung in any way. It means that the committee will pay a courtesy, if one likes, by ensuring that in its final deliberations, or in any deliberations, it gives the opportunity to those people to comment and to the committee and to enable it to act in a responsible manner.

This is the final paragraph involved in the terms of reference and, as I said at the outset, it is imperative that the members of this committee act in the highest and most responsible manner in setting out to achieve what the people of this State want to know; this may be done by this committee or by some other inquiry. I would like to see those ideals apply with any inquiry and not have committee members act in a competitive manner. I hope this is the direction that the Select Committee will take. For those reasons, I move the amendment standing in my name.

Hon J.M. BERINSON: I support this proposal which is clearly the most important amendment with which we have to deal. The Government supports its realistic and responsible approach to the special nature of the subject matter of the proposed inquiry, especially as it relates to legal actions, both criminal and civil, which are already under way.

Our experience with the Select Committee inquiry into Western Collieries should have made it clear that, unless the House is prepared to delay the present inquiry until the special investigation and all the legal actions are completed, it would simply be impossible to have the committee operating in open session without the serious risk of affecting Mr McCusker's deliberations and outcomes. I have not looked up the *Hansard*, but I remember it was Hon Mick Gayfer who insisted that the debate for the Western Collieries Committee should be confidential and any report or paper should be cleared by Mr McCusker before release. In the light of experience, that insistence by Mr Gayfer was clearly correct and has been acknowledged by the agreement of the House with a decision that the Clerk subsequently took. With Mr McCusker's investigation further advanced and more charges occurring in the meantime, the consideration raised by Mr Gayfer is more relevant now. That is acknowledged by this amendment and I agree with Hon Eric Charlton that it is of fundamental importance that that is done.

Hon PETER FOSS: The terms of reference of this committee are directed to quite different things from those with which Mr McCusker is directed to follow. That does not mean that it is not possible that the inquiries will tread on the same path; but, of course, our committee is directed merely to follow what has happened with the money and find out why it happened and perceive what has been done as a result of it. Therefore, it does have quite a different role from that which Mr McCusker has as the prosecutor. The Leader of the House may

inform me as to whether he is a special investigator appointed under the Companies Code, or a person appointed to prosecute.

Hon J.M. Berinson: He is a special investigator - although he may end up prosecuting, but that is not the basis of his appointment.

Hon PETER FOSS: However, the role of this committee is considerably different from that to be carried out by Mr McCusker. I concede that to some extent they may walk the same path, but if that has to be done, this amendment is a very good one. Walking the same path should not impede in any way the things done by the special prosecutor. It is important to keep in mind the role of a Select Committee, which is not akin to Mr McCusker's inquiry. It is more the role of looking at the charter of Government. It is not in any way a similar role to that of Mr McCusker's.

Hon MARK NEVILL: While there have been charges laid, I would expect other charges to be laid. It is possible that the committee in its deliberations could stumble on areas in which charges have not been laid. The duties of this committee definitely overlap the duties of Mr McCusker. To that extent it is extremely important that this amendment be inserted into the Select Committee's terms of reference.

New paragraph 7 put and passed.

Paragraph 8 put and passed.

Motion, as Amended

Hon J.M. BERINSON: I take the opportunity for a final comment. The terms of reference made clear a number of issues that will be subjected to the closest scrutiny by this committee. At the risk of repeating what I have said before, the way this committee operates will itself be subjected to close scrutiny. In particular we will be looking to that committee to apply itself in an objective and a constructive way. Frankly, I would like to be more confident than I am that it will conduct itself as required, and any doubts that I have are based on matters that I have discussed. Nonetheless, in terms of debate there is substantial agreement on the matter that the committee should apply itself objectively and the responsibility is now on the members yet to be appointed to ensure that it does its work as we want it to. I make no advance judgment on that. I simply repeat the concerns about the attitudes which some aspects of the framework of the committee have led me to develop.

Hon E.J. CHARLTON: My final comment is that I acknowledge that there has been a great deal of cooperation and I appreciate the fact that members involved in these deliberations - in this debate and prior to it - have seen fit to support these amendments and the changes that have been made. I say that in all sincerity because, as the Leader of the House has said, it is absolutely vital that those fundamental aspects of the terms of reference are adhered to and the committee is structured in a way to achieve the ultimate aim. I sought legal opinion about what has happened regarding Mr McCusker's inquiry to try and assure myself that we were going down a path that would not create any unnecessarily problems.

Bearing those things in mind it is important to acknowledge that on a highly emotive question of this nature members in this place have been in agreement. Perhaps the final outcome is not that which was intended by the mover of the motion or perhaps by other members. However, it is necessary to acknowledge we have reached an agreement without experiencing some of the behaviour which occurs in this House from time to time. I acknowledge the cooperation given by all members to this motion.

Hon GEORGE CASH: In supporting the motion before the Chair I point out the Opposition, together with the Government, expects the committee, when established, to act in a responsible manner. The committee has a very difficult task to perform and if it does not use its discretion in certain matters it may be argued that it will become very political. I urge those members who, in due course, will form this committee to recognise that the people of Western Australia are looking for answers and those answers can be found if the committee is diligent in its investigations within its terms of reference. I hope it is seen to be a committee of integrity and that will be uppermost in my mind as it proceeds in determining the matters that go before it.

The Opposition stands ready to give the Leader of the House the names of those members of the Opposition that it is agreed should form part of the committee. I have made the point to

the Leader of the House that, either tonight or tomorrow morning, I will give him the names of the two members who will act on behalf of the Opposition. I also acknowledge that in determining the committee tonight there has been a collective show of support from both the Opposition and the Government.

It is, therefore, important that as the committee makes its deliberations the Government does not pull the carpet from under it for political reasons. Many members of the community and, I am sure, many members of this Chamber, would be very disappointed and would probably want to take other action if the Government were to prorogue Parliament purely for the purpose of destroying or terminating the committee. I leave that matter with the Leader of the House and urge him to give my comments consideration if there is discussion about the prorogation of Parliament in the next few months.

Hon R.G. PIKE: I wish to associate myself with the comments made by the Leader of the House and the Leader of the Opposition. It is good to see a spirit of togetherness existing in this place.

The National Party's amendments were accepted by the Opposition because they were constructive and added to the ultimate motion which is now more comprehensive. I ask members to remember the spirit of cooperation indicated by the Leader of the House should the committee find it necessary to come back to this place in order to obtain funding should the funds existing for the Legislative Council be insufficient for the funding of this committee.

Question (motion, as amended) put and passed.

Report

Motion reported, with amendments, and the report adopted.

MOTION - SELECT COMMITTEE

Aquiculture and Mariculture Industry

Debate resumed from 20 September.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [8.57 pm]: I have an amendment.

Amendment to Motion

Hon J.M. BERINSON: I move -

To insert after the words "select committee" in line 1 of the motion the words "of four members, any three of whom constitute a quorum".

Was Hon Eric Charlton listening?

Hon E.J. Charlton: I thought I was dreaming.

Hon J.M. BERINSON: He woke up and found it was a nightmare!

I move this motion to again test the views of the House. There is no point speaking at length, but it should not be taken that the repeated rejection of the Government's proposal for balanced membership of Select Committees in this place can ever be taken by us as acceptable. It is not acceptable because it is not right.

I again urge the members of this House to look at the subject of the matter to be considered by this committee and to try to imagine in their wildest dreams what possible harm could be done by agreeing to a balanced membership. I would be content if having done that they voted on the proposition on its merits. My fear, of course, has to be that they will not be voting on the merits of this amendment, but by force of habit. There may be a view opposite that if we repeat the habit often enough it will become the accepted and universal rule. It will never be acceptable to this Government because it has never been right and it never will be.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [8.59 pm]: I guess, if anything, the Leader of the House has to be given five out of five for trying, but this committee of all the committees debated this evening is a committee that should comprise either three or five members. While the Leader of the House seems to be stuck on the figure

four, I have made the point each time I have risen to speak on the membership of committees that the Opposition is not fixed on the figure three. Standing Orders provide that a Select Committee shall comprise three members unless otherwise ordered. If it is that we can be accommodating.

Hon J.M. Berinson: Does Hon George Cash say that there is some possible case for a committee of four?

Hon GEORGE CASH: If it is that number, or we can encourage the Leader of the House to accept five members on this committee, then I believe the Opposition will probably accommodate him. However, if he keeps coming back with the figure four then there is not a lot we can do for him. I will not reiterate for the fifth time this evening the reasons why we are supporting the Select Committee having a membership of three, but in this case I would be very disappointed if this important Select Committee were to fail because the Government was not prepared to have a committee comprising three or five members. I happen to believe that this is an important committee, that there is much work to be done in the area of investigating aquiculture and mariculture, and that three members of this House, with the support staff that goes with a Select Committee, would be adequate to make these investigations. I oppose the amendment.

HON E.J. CHARLTON (Agricultural) [9.02 pm]: I do not think I can add anything new to this ongoing debate on the number of members for this committee except to say that the National Party has been involved in these latest deliberations and has indicated that it would be happy to be part of that committee of inquiry but has taken the position that there should be one member from each party to make up that committee. We will make a judgment each time on the various questions put before us about what different committees may be inquiring into.

The thing I am sorry about with this move for a Select Committee by Hon Philip Lockyer, who has an outstanding record of chairmanship of inquiries with which he has been involved directly, is that probably a lot of members want to participate in this highly educational exercise. Bearing that in mind, we will be participating and we support there being three members on the committee, one from each party. That reflects the situation in this House, where no party has a majority in its own right and as a consequence demonstrates the balance to which the Leader of the House referred earlier.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Sport and Recreation) [9.03 pm]: I support the amendment moved by the Leader of the House. In so doing I refer back to the report of the Select Committee which inquired into the fruit and vegetable industry in Western Australia; the report was presented by Hon P.H. Lockyer, as chairman, and tabled in the Legislative Council on 11 December 1984. I refer in particular to some acknowledgments made by Hon P.H. Lockyer when presenting that report. Before I do that, I remind members that members of that committee were Hon P.H. Lockyer, chairman, Hon G.C. MacKinnon, Hon. Sam Piantadosi and me, so there were four members, two representing this side of the House and two representing the other side. The acknowledgement stated -

The Select Committee acknowledges the assistance given by the following individuals and organisations:

Officers from the Department of Agriculture, both locally and interstate who arranged and accompanied the Committee on numerous inspections of research stations, markets and properties, and for the invaluable background material which they provided;

Mr Ian Manning, Secretary of the Metropolitan Market Trust, for the several occasions which he spoke with the Committee, and the material he provided to assist with the inquiry;

The management and officers of Woolworths (WA) Ltd and Sumich & Sons for the inspections organised for the Committee;

The many growers, producers, agents and individuals who presented submissions;

And finally the producers who readily gave their hospitality and time to assist the Committee with inspections of their properties.

They were proper and important acknowledgements. I ask the House to consider the fact that the important thing is that the reason those people gave their support and were so free with their time and hospitality, and the reason they were so keen to assist the Select Committee, was that they - just as the Leader of the Opposition has recognised about this Select Committee - acknowledged the committee as one of great importance to the State. The matter raised with me on a number of occasions was that they were pleasantly surprised that it was not a political committee with weighting favouring one party or another but was a balanced committee able to go into the community of the State and assess things on a non-political basis. The reason the committee was so successful in its deliberations and dealings with the industry and the people who make up that industry was that it was able to produce such a successful and well received report.

I can only warn the House, as we move towards what appears to me to be the rejection of a sensible, well considered and well weighted amendment suggested by the Leader of the House, that we run the risk of giving people in this industry the impression that this is a politically weighted committee. If the people in the industry gain that impression then the committee will not have the same chance of success in emulating the report brought down by Hon P.H. Lockyer in relation to the fruit and vegetable industry. I ask the House to give consideration to this argument.

HON P.H. LOCKYER (Mining and Pastoral) [9.08 pm]: I intended not to get involved in this debate because I thought I would reap the benefit of what other members had to say about this serious matter before us. However, I would like to comment on the remarks made by Hon Graham Edwards. I take cognisance of the fact that his remarks were made with great sincerity. The point I make in opposing the amendment moved by the Leader of the House is that in this case the very arguments put forward by Hon Graham Edwards about the general community respecting the fact that it is represented by the three parties in this Chamber is an important one.

When I moved for the Select Committee I said that it was one which deserved support apolitically from every party in this Chamber. I believe that if ever an argument could be put that there should be equal representation it could be put with this committee. I can give the House an indication that politics will not enter into our deliberations. I will go to pains to ensure that that does not happen because the subject before the committee will be far beyond the realms of any cheap politicking. The future of this State will be firmly in the hands of the committee.

I respect what Hon Graham Edwards has said. The fruit and vegetable Select Committee was one of the best I ever sat on. The only thing was that the National Party was not represented - more is the pity. However, those members on the committee carried out their duties amicably; there is no question of that. The Minister's argument needs to be put so that if parties have equal representation, that is respected by the witnesses we see, the inspections we make and the totality of the report presented to this Chamber. For this reason I urge the Chamber to reject the amendment of the Leader of the House.

Amendment put and a division taken with the following result -

Ayes (14)

Hon J.M. Berinson
Hon J.M. Brown
Hon T.G. Butler
Hon Cheryl Davenport
Hon Graham Edwards

Hon John Halden
Hon Kay Hallahan
Hon B.L. Jones
Hon Garry Kelly
Hon Mark Nevill

Hon Sam Piantadosi
Hon Bob Thomas
Hon Doug Wenn
Hon Fred McKenzie
(Teller)

Noes (15)

Hon J.N. Caldwell
Hon George Cash
Hon E.J. Charlton
Hon Reg Davies
Hon Max Evans
Hon Peter Foss

Hon P.H. Lockyer
Hon M.S. Montgomery
Hon N.F. Moore
Hon Muriel Patterson
Hon P.G. Pandal
Hon R.G. Pike

Hon Derrick Tomlinson
Hon D.J. Wordsworth
Hon Margaret McAleer
(Teller)

Pairs

Ayes

Hon Tom Helm
Hon Tom Stephens

Noes

Hon W.N. Stretch
Hon Barry House

Amendment thus negatived.

Debate (on Motion) Resumed

HON M.S. MONTGOMERY (South West) [9.14 pm]: I support this motion which is of great interest to me personally as I have seen the attempts made to set up mariculture in the Albany region in King George Sound. Very little in depth research had been done, and the setting up of this committee to inform Parliament of the requirements of this industry will be of great benefit to us. I am sure, as a result of doing all the things which have been set out as needing investigation, this will become an exciting industry, particularly when it can be undertaken on farms.

I speak of aquiculture enterprises such as marron farming. Another area is the breeding of koonacs, which are a great delicacy. As one member told me yesterday, he spent a lot of his Christmas time fishing on his family's farm catching their Christmas dinner. I can assure members that koonacs are a great delicacy, and we can make breeding them a benefit to this State by diversifying agriculture into these sorts of areas. If we can use mariculture, that would be advantageous to this State. We in the National Party and I personally support the appointment of this Select Committee.

HON DOUG WENN (South West) [9.16 pm]: I support the motion, and congratulate Hon Phil Lockyer for the effort he has put into this. At the outset I spoke to Hon Phil Lockyer about his procedure. I have to admit that I dispute the numbers on the committee. This is such a huge industry, or it is about to become such a huge industry, that as many members as possible would like to become involved. I agree with Hon Phil Lockyer when he says members should make no mistake, these two industries - aquiculture and mariculture - will become very big industries in Western Australia. In fact they are already under way in many areas. Something like 5 or 6 marron farms in the south west are doing very well, and are receiving very large orders from overseas. As a State Government we must make sure that we not necessarily control but assist these people with their market endeavours overseas.

The Government has already engaged Kinhill Engineering to develop proposals to attract private interests in the industry. We should not necessarily control that aspect but we should point them in the right direction. The consultants we engaged should help to take that enterprise in the right direction. Another emphasis will be on tropical marine species which can be bred in Western Australia. The fishing industry will not survive solely on the types of fish we have off our coast at the moment. I recently spoke on another Bill put forward by Hon Eric Charlton in regard to the fishing industry.

The PRESIDENT: Order! There is far too much audible conversation and it is not fair to the person addressing the Chair.

Hon DOUG WENN: In regard to the tropical marine species, barramundi is one of the gourmet fish which sometimes come onto our menus, but unfortunately we cannot get enough of it. Another unfortunate aspect is that other fish is sneaked in and called barramundi. That is something we are learning to control, and what we learn here will apply to the type of industry we are talking about.

There will definitely be a lot of further development of aquiculture in Western Australia and it is essential that we are able to compete on the nation's markets. I refer again to the marron industry, which now has extensive overseas markets, for which it is producing a large number of marron. Let us not fall into the trap of thinking Western Australia is unique in the industries it has, because it is not. Western Australia's markets are under threat at all times, particularly from South East Asia, where people there are setting up pearl and prawn farms. In an earlier speech I said that a pearl was always a pearl, but Hon Tom Stephens suggested that a Broome pearl is a different pearl altogether. I did not go into depth with him about that. However, Western Australia has an excellent reputation overseas for the quality of the seafood it exports. Western Australia has a large market and we have the species here, but if they are not controlled we will lose them all.

I think the basis of the committee, when it gets up and running - which I hope will be very soon - should be the coordination of all the projects being put together throughout Western Australia. If we allow them to go off helter skelter, and allow people to do their own thing, it will be counterproductive. A few years ago marron farmers in the south west went about things badly, but they were able to recover and are now running profitable ventures.

Western Australia's biggest aquiculture industry - and in fact Australia's biggest - is the pearl culture industry in Broome. Hon Philip Lockyer is lucky to have that industry operating within his electorate. It is a booming industry. It employs over 400 people who are involved in the harvesting, growing and creation of the quality Broome pearls we have come to know. These pearls are used for the world jewellery market, and that industry is worth \$60 million to Australia. It is predicted that within three to five years the industry will be worth more than \$100 million to this country.

I recently chaired a committee on the sporting and recreational use of marron in the south west. We had a marron farmer on the committee and the information he gave us was tremendously helpful. The marron industry, through marron farming, is now producing enough marron to release some into the wilderness, into dams and rivers. The sporting and recreational side of marron farming has become very large, and I think it will be of great benefit to Western Australia. Not only are marron being produced for export, but the stage has been reached where the marron farms can no longer keep up with the requirements for stock. They cannot get enough marron to the right size to send overseas. However, they are still working on that and I am sure with the commitment they have shown in the past they will be able to find a solution.

I refer again to tropical fish. We cannot continue to concentrate on the usual species; we must look to the future. We have those industries up there and they are already getting back into production. The important point is that we need to educate people. The State Government has already started the ball rolling through programs in TAFE and other tertiary education institutions. It is important that the various facets of industry work together so that we do not have fragmentation throughout the system.

It is also very important that we allow the private sector to develop and undertake research, because that is the only way the industry will grow to the degree we are hoping for. I think the challenge is to achieve cooperation within the industry and the various arms of Government, including the educational institutions, in order to foster a profitable and efficient aquiculture industry in this State.

I support the motion.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [9.24 pm]: I support the motion before the House and congratulate Hon Philip Lockyer for proposing that a Select Committee be established to look into aquiculture and mariculture, and for proposing the very particular terms of reference. These have regard for the taking of evidence on the amount of information available in that general area at the moment in Western Australia, but more particularly for the opportunities I am sure exist in Western Australia if only we apply ourselves in a proper manner to the development of this industry.

I have had responsibility for fisheries in Opposition for some time, and as a result of Hon Philip Lockyer's moving for this Select Committee, a number of people have come to me and asked what exactly aquiculture and mariculture are all about. I must admit I was forced to go to some of my books on the fishing industry in order to get some reasonable definitions because the people in the industry to whom I spoke all seemed to give me different answers. However, it would appear by definition that aquiculture covers the activities which relate to the commercial farming of such seafoods as marron, trout, cultured pearl, and abalone. Mariculture refers to the farming of sea water or brackish water species such as cultured pearls, mussels, oysters, abalone culture, scallop culture and dolphin fish. The latter are mahi-mahi, which are not to be confused with dolphin.

I know that is riveting information, but it indicates there is tremendous potential available if only this State were to get its act together and farm commercially the species I have talked about. If it were to do so, it would have even greater success than it has at the moment. There is no question, as Hon Doug Wenn said, that the South East Asian countries are well ahead of Western Australia in the development of this industry. It is a multi-multi-million

dollar industry in those countries. Western Australia, with its terrain, water and the generally clean oceans off our coast, has the opportunity to exploit this industry and earn huge amounts of export earnings for Australia.

The other good news is that the fishing industry in Western Australia - that is, those people to whom I have spoken about the proposal to establish a Select Committee under the terms proposed - are very supportive of the proposition. It is fair to say that I will not be breaching any confidences when I tell the House that people I have spoken to in the Fisheries Department are very pleased that consideration is being given to the establishment of such a committee.

As members have already expressed, it is critical that this not be a partisan committee. I believe that having one representative from the Liberal Party, one from the National Party and one from the Labor Party will be a clear indication to those whom the committee either calls on for advice or takes evidence from that the committee enjoys cross-party support and that we, as a Parliament, are very serious about becoming more involved in this industry. I offer my best wishes to Hon Philip Lockyer, who will be the nominee from the Liberal Party for this committee, and the other members who are elected to it. I think this committee has the possibility of producing a report which will be of great value to the industry and to the Western Australian economy in the years to come.

HON J.N. CALDWELL (Agricultural) [9.28 pm]: I support the establishment of this committee. When I was on the committee inquiring into rural education it became apparent that there was a great deal of ignorance about the promotion of Western Australian products. I guess this committee will in some way promote this type of agriculture, if one can call it that. In so doing the promotion of the industry will encourage other people to take on these various ventures.

It is not good that we Australians are producing items without being educated as to how to promote them overseas by using promotional material in the manner we should, and in packaging those goods acceptably. We have heard that the packaging of Australian meat overseas is probably the worst in the world. We hear that New Zealand is all over us in terms of promotional materials and packaging. It is terribly important that this committee have a look at that. I do not know if it is in its terms of reference, but perhaps it could gather some information and make suggestions that promotional people have to be educated the right way on how to package products that Australia produces. In adding those comments, I wish the committee well.

HON P.H. LOCKYER (Mining and Pastoral) [9.31 pm]: I thank members for their support and take on board the comments of Hon Doug Wenn, the Leader of the Opposition and Hon John Caldwell. I have no doubt that we have a tremendous task in front of us, and, provided the motion is passed, we will face this very important task with tenacity for the benefit of Western Australia's fishing industry.

Question put and passed.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.32 pm]: I move -
That the House do now adjourn.

Adjournment Debate - Edwards, Mr Kevin - Parliament House Meeting

HON P.G. PENDAL (South Metropolitan) [9.33 pm]: The House should not adjourn until it considers for a few minutes the significance of an event that took place in Parliament House last night which has serious implications for the confidence that people so far have been able to have in the administration of justice in Western Australia. Last night a meeting took place in these premises between a person who is charged under the Companies Code with offences of the most serious kind; I refer to Mr Kevin Edwards. I hasten to add that my remarks will in no way canvass the merit or demerit of the charges that are currently levelled against him. My concern is that last night Mr Edwards was known to have come to Parliament House and to have met with the most senior representatives of the Cabinet of this State, including the Deputy Premier, Hon David Parker, the Minister for Economic Development and Trade, Hon Julian Grill, the Minister for Fuel and Energy, Hon Jeff Carr;

and it is possible that Mr Edwards met with the Premier of Western Australia, Hon Peter Dowding. The possibility of the last mentioned figure being involved is not known to me as one of fact. For a person who is facing charges of the seriousness of those laid against Mr Edwards to meet with at least three senior Ministers of the Crown, some of whom may even have a bearing on the case or cases in point, is a serious matter indeed.

Justice must not only be done, but it must be seen to be done. This is an invitation for the community at large to think less of the impartiality of our due processes of law and our system of government when the people know there are meetings taking place of the kind I have referred, only a matter of weeks before the matter is due to go to trial. I would have thought in the very least a sense of priority would have demanded that Mr Edwards not be seen within a country mile of Parliament House or in meetings with Ministers of the Crown. I repeat, at the very least one would think that the element of the priority would ensure that that sort of meeting would not take place. One is often entitled to put a more sinister connotation on such a meeting; for the time being at least I will not put that sinister connotation on it.

Hon J.M. Berinson: What have you been doing up until now?

Hon P.G. PENDAL: I will come to the first law officer of this State in a moment, so I suggest that he does not buzz off. At the very least that meeting was an act that bordered on the improper.

Hon J.M. Berinson: You are not suggesting that it was improper, but you are saying that it bordered on improper. How many points do you want to stretch?

Hon P.G. PENDAL: I will be delighted to hear the Leader of the House get to his feet to tell us whether the meeting took place and whether he was part of it and, if so, what was discussed.

Hon J.M. Berinson: You are hopeless. The answer is no and no!

Hon P.G. PENDAL: Does the Leader of the House condone the meeting?

Hon J.M. Berinson: I do not condone this debate.

Hon P.G. PENDAL: Does the Leader of the House condone the meeting having taken place?

Hon J.M. Berinson: The member will get his answer.

Hon P.G. PENDAL: The reason I said that I am not sure whether the Premier was involved is that the Premier has denied in another place that he was present. For the moment, at least, I accept that.

Hon Kay Hallahan: That is big of you.

Hon P.G. PENDAL: The ministerial offices in this place are connected by a door with the Premier's office and the Premier was in his office at the time that the meeting was in the ministerial office.

Hon T.G. Butler: You are disgusting!

Hon P.G. PENDAL: It is possible - and I want to hear it from the Leader of the House himself, for a person to pass from the Premier's office to the ministerial office without being observed - that is unless the ministerial door has been filled in in the six years this Government has been in office.

Hon Graham Edwards: It will be 20 years before you will get back in, and this will help us.

Hon P.G. PENDAL: That is another question that we will come to, but the sort of behaviour that the Government is engaging in with Mr Edwards may see the Opposition in office sooner than members opposite think. I will take the point no further.

I want to know under what circumstances is a person so charged able to meet with three senior Cabinet Ministers, and in such circumstances which is obviously causing panic on the front bench tonight.

Hon J.M. Berinson: Causing obvious disgust!

Hon P.G. PENDAL: There are many people in this State who are disgusted at the way in which the Leader of the House and the Government has administered the affairs of this State

to the extent that his reputation is nowhere near what it was a mere few years ago before his Government started to go down the road it has.

Hon J.M. Berinson: What does that have to do with your present muckraking exercise, Mr Pental?

Hon P.G. PENDAL: The Leader of the House can call it what he likes. I have only two minutes left. He can respond in whatever way he wants. Is it not marvellous how, if someone does not like the message, he discredits the messenger?

Hon Kay Hallahan: Sit down, you disgusting creature.

Hon P.G. PENDAL: I am not going to ask the Minister to withdraw that silly and emotional outburst because I have only one minute to go. I am concerned that the meeting took place. The mind boggles about what would have been the subject matter of the meeting. I repeat that it does raise doubts in members' minds.

Hon B.L. Jones: Yours.

Hon P.G. PENDAL: Yes, mine, and in the mind of anyone else who wants to learn about it. That warrants the matter being brought to the attention of this House. Hopefully, I might be assured by the Leader of the House that such a meeting did not take place and that he certainly would not condone it if it did take place.

HON T.G. BUTLER (East Metropolitan) [9.42 pm]: Over the last week or so, I have been chastised by Hon Phil Lockyer and by Hon Reg Davies. Unfortunately, Hon Phil Lockyer is not in the Chamber at the moment.

Hon Doug Wenn: He is on parliamentary business.

Hon T.G. BUTLER: Yes, but he surely would have been the next speaker to his feet to admonish Hon Phillip Pental if he is the fair man that I think he is. I am surprised that Mr Davies was disappointed and devastated, I think were his words, by my conduct. Surely he must be completely shattered by the performance tonight by Hon Phil Pental.

Mr Pental prefaced his remarks by saying that he did not intend to canvass the issue. However, immediately he opened his mouth, he went on a witch hunt and muckraked about what Mr Kevin Edwards was doing here. Incidentally, Hon Phil Lockyer deplores members of this House attacking people who cannot respond. That did not seem to worry Mr Pental.

I was not present at that meeting last night, if that meeting was held.

Hon P.G. Pental: So there was a meeting; you have admitted it.

Hon Kay Hallahan: Did you dream it up; is that how low you have gone?

Hon T.G. BUTLER: However, I confess to Mr Pental that I meet Kevin Edwards regularly of a Saturday morning at the shopping centre and we have a cup of coffee. Mr Pental can make whatever he likes out of that because there must be no room for anything else but filth in his tiny mind. He disgusts me.

Adjournment Debate - Hawke, Prime Minister Bob - Senior Citizen - Rude Outburst

HON MURIEL PATTERSON (South West) [9.45 pm]: The House should not adjourn until I draw its attention to a front page article in today's *Daily News* which is headed "Pensioners blast Hawke". The article states -

Outraged pensioners have slammed Prime Minister Bob Hawke for twice calling an elderly man a silly old bugger during a shopping centre walk.

They have called for Mr Hawke to make an immediate apology to war veteran Bob Bell, 74, who was left stunned by the outburst.

Mr Bell copped the blast after asking about the size of the pension when Mr Hawke was at a South Australian country shopping centre last week.

After an exchange, Mr Hawke asked an ABC television crew to edit it out but it appeared on the 7.30 *Report* current affairs show.

Pensioners' spokesman Stan Duncan said today: "It is an absolute insult to older Australians.

"He should apologise immediately to Mr Bell and the old people of Australia."

Hon B.L. Jones: He has done so.

Hon MURIEL PATTERSON: The article continues -

Mr Bell said today he was shocked by the Prime Minister's outburst.

Mr Bell, who lives in a caravan on his property at Whyalla, 400km north of Adelaide, said that all he tried to do was ask Mr Hawke to give pensioners a better go.

Instead, he copped the blast from the Prime Minister who twice called him a silly old bugger and then walked away.

Mr Bell said: "I said, 'Why don't you give the pensioners a go instead of filling your own pockets with taxpayers' money?'"

I know many members on both sides of this House feel sad and embarrassed that this elderly war veteran was so publicly humbled. If he had not fought for his country and given his prime years, not to performing acts of patriotism, but to the accumulation of wealth, he may not have had the dependence on the pension today and suffered this indignity.

For many years, many of us have worked hard to build up confidence and self esteem of the aged. Each of us in this House has seen his or her parents ageing and losing confidence in a fast developing world. They are assured that, with age, they will not lose value to society. Any family without grandparents loses a different and good dimension to their lives. However, we have read this report of a senior elected member of our country, none other than the Prime Minister, Mr Hawke, denigrating one of our senior citizens publicly.

Hon Graham Edwards: At least he has his pants on all of the time.

Hon MURIEL PATTERSON: The Prime Minister of Australia should be setting an example, particularly to our youth, to teach them that the elderly deserve our respect and understanding. My hope is that our senior citizens have the respect of all members of this House. In the words of Senator Stone as reported in *The Australian* today -

The Prime Minister should be strongly condemned both for his unpardonable rudeness and for his attempt to censor the open reporting of the incident by the ABC TV.

*Adjournment Debate - Edwards, Mr Kevin - Parliament House Meeting - Pental,
Mr Phillip*

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.48 pm]: Mr President, you have commented on several occasions in recent times that the standards of this Chamber seem to have changed. Certainly, I think it is true to say that tonight the standards plunged to an all time low and that record of performance was achieved by Hon Mr Pental with about the most disgraceful single performance that I have ever heard in this Chamber.

Hon Phillip Pental asked me whether I attended this meeting which he alleged took place last night. I said no. He asked me whether I knew that such a meeting had taken place and I said no. With any sense of decency, Mr Pental should have stopped at that point because he would have been aware that whatever he said would be said under conditions which could not be answered in this House by anybody who knew what the answer was. He knows very well, just as is the case in our questioning process, that if he wants to make these allegations with any semblance of a sense of justice on which he calls, he should either direct his comments in an area where the people concerned are in a position to reply for themselves - all of the Ministers he referred to are in the other House - or he could take the decent alternative and provide some advance notice of his comments so that some reasonable opportunity for reply could be given. Mr Pental, following the example of his exalted leader, prefers the tactics of ambush. The Opposition decides to get in there, throw all the mud it can get together, muckrake as hard and fast as it can, but most of all does it in a set of circumstances which absolutely minimise the opportunity for reply. The only indication that I have been able to get in the few minutes since Mr Pental launched into that attack is that this very question was in fact raised in the Legislative Assembly earlier today and it was replied to.

Hon P.G. Pental: Inadequately.

Hon J.M. BERINSON: That, to the extent that the question is proper at all, is the way such a question should be directed - at the place and to the people in a position to provide an appropriate response. That was not done and instead he launched into the attack in this House. What is the attack? It is alleged that Mr Kevin Edwards met with three Ministers. Mr Pental did not stop at that point; he said that Mr Edwards may have spoken to the Premier. He may have spoken to me; he may have spoken to the President.

Hon George Cash: It is a very distinct possibility.

Hon J.M. BERINSON: That he spoke to the President? Now Mr Cash is saying that Mr Edwards spoke to the President. He may have spoken to the Lord Mayor, he "may" have spoken to anyone, but I do not care.

Hon George Cash: Was Charlie Hopkins here as well?

Hon J.M. BERINSON: All I am talking about is the oily, greasy type of attack that has been launched without any real basis.

Hon P.G. Pental: You should join Actors Equity with that kind of stuff.

Hon J.M. BERINSON: I would not like to say what Mr Pental should join because I doubt whether an organisation low enough exists. We received a lecture from Mr Pental to the effect that justice must not only be done, it must be seen to be done. That is a very original sort of concept, but original or not, I agree with it absolutely. Justice should not only be done, it should be seen to be done. One aspect of justice happens to be a presumption of innocence; Mr Pental is not prepared to respect the presumption of innocence.

Hon P.G. Pental: Yes I am.

Several members interjected.

The PRESIDENT: Order! I have tolerated about as much as I will tolerate with regard to the incessant interjections. The Minister is replying and he seems to me to be quite capable of replying without the assistance of half a dozen other people. If the House erupts into this type of behaviour every time a member gets on his feet, I am afraid the decorum of the place will slip to an all time low. I will not tolerate this behaviour and if members do not stop, I will take some action.

Hon J.M. BERINSON: Although Mr Pental did not come precisely to the point, he implied that there is no presumption of innocence.

Hon P.G. Pental: That is not true.

Hon J.M. BERINSON: He implied that a person who is charged apparently should not be spoken to until the charge is disposed of.

Hon P.G. Pental: Wrong!

Hon J.M. BERINSON: Attempting to leave some room for an avenue of retreat, Mr Pental did not make things better, but in my view made them worse after delivering that diatribe by saying it "borders on the improper". It is not really improper, it is at risk of being improper, or it might be on the edge of being improper. It is not certainly improper, but it is enough to bring it into this House with all the insinuations and implications he was trying to convey in this sordid attempt at character assassination. I would have thought that if a meeting took place and if there was -

Hon George Cash: Are you denying there was?

Hon J.M. BERINSON: I am saying I have no personal knowledge of it.

Hon P.G. Pental: The Premier is in the corner and he can tell you.

Hon J.M. BERINSON: Would Mr Pental care for a short adjournment while I ask the Premier? Is he seriously suggesting that?

Hon P.G. Pental: If you need it.

Hon J.M. BERINSON: The member has engaged in this disgusting ambush and he now tells me to ask the Premier for the answer.

Hon George Cash: Or John O'Connor.

Hon J.M. BERINSON: We were talking yesterday about Mr Cash and his moving ground

every time he knew he was on weak ground. If he has to introduce John O'Connor into a case such as this, he must be really battling.

Hon George Cash: Why did you offer your resignation to the former Premier soon after you entered the nolle prosequi?

The PRESIDENT: Order! Only two minutes are left to complete the debate on the adjournment motion. It seems to me that even the most unruly individual in this place can keep quiet for two minutes. I am very reluctant to break the longstanding record I have of never having thrown any member out of this place for the sake of two minutes. Anybody who is trying to achieve that will not win. In future I shall be watching very carefully those members misbehaving and I can assure members that this Chamber will not tolerate such behaviour while I am in the Chair. The Leader of the House has the floor for two minutes.

Hon J.M. BERINSON: I certainly shall not need more time than that. If there was such a meeting and if it took place in such a public location as Parliament House, surely that in itself is a complete answer to the sinister connotations Mr Pandal tried to read into the situation. This is the combination before us: Allegations in a place and under circumstances where a reply could not reasonably be prepared; a knowledge on his part that that could not be done since in his direct questions to me as to whether I was at such a meeting or knew about such a meeting, I had answered no; a total ignoring of the presumption of innocence; the effort to smear not only the person charged but also any person who may have spoken to him, and Mr Pandal rounded that off with the absence of the nerve to say it was all justified on the ground that if such a meeting occurred, it would have been improper. The best he could say was that it was "bordering" on the improper. Well, what Mr Pandal has done tonight is not bordering on the improper or bordering on the disgraceful; it is absolutely disgusting.

Question put and passed.

House adjourned at 9.59 pm

QUESTIONS ON NOTICE

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - BUILDING
SURPLUS*Building Disposal*

412. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) Has CALM disposed of any buildings that were surplus to requirement during the past 12 months and, if so, will the Minister nominate the type of structure and location of such buildings?
- (2) Will the Minister nominate the method of disposal of these buildings?
- (3) Will the Minister nominate those persons or companies who either tendered for, or expressed an interest in purchasing the buildings the subject of disposal?
- (4) Has any officer of CALM been charged or interviewed by the police in the last 12 months over alleged irregularities in the disposal of buildings which were surplus to the department's requirements and, if so, will he provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management provided the following reply -

- (1) Yes. Under a scheme designed to reduce its housing estate, CALM has been disposing of houses which are surplus to its operational requirements. Over the past 12 months houses and associated outbuildings situated at Balingup, Collie, Dwellingup, Grimwade, Hamel, Harvey, Ludlow, Nannup, Walpole and Yanchep have been disposed of.
- (2) Where houses have been occupied by departmental employees, they have been disposed of to the tenants at the valuation fixed by the Valuer General; where the houses have been vacant, public tenders have been invited.
- (3) See attached schedule.
- (4) Yes. Two officers have been charged with offences under the Criminal Code and those proceedings are now before the courts.

SCHEDULE

(a) Houses disposed of to existing tenants -

| House No. | Location | Tenant |
|-----------|----------|------------|
| 630 | Nannup | K Pears |
| 648 | Nannup | C Podzuka |
| 650 | Nannup | R Shelley |
| 670 | Nannup | C Gale |
| 761 | Walpole | A Clarke |
| 846 | Nannup | W Pitt |
| 917 | Walpole | M Smith |
| 946 | Walpole | A Johnson |
| 957 | Walpole | D Bastiani |
| 958 | Walpole | K Lillie |
| 980 | Walpole | P Brenton |
| 1104 | Nannup | J Green |

(b) Houses disposed by public tender -

| Tender No. | House No./ Location | Tenderers |
|-------------------|--------------------------------|--|
| 94/88 | 1143 Nannup | A Bilecki R Dinis Federated Municipal & Shire Council Employees Union C Humble B & M McLean S Pannone P Rhodes F & G Roberts W Scrivener T Tate |
| 97/88 | Nannup | G Crothers M Kaptien J Mason M Nichol T Wilson |
| 100/88 | 96 Collie | M J Goodwill S Graham P Kings A Pasco D Trigwell R Trigwell F Whiteman |
| 103/88 | 1230 Balingup | L Kerklaan G Lathwell J Menard J Mitchell |
| 104/88 | 231 Dwellingup | L Cardilini G Chalker P Clements R Gudgeon A Harner K Hamilton A Lee R Mackean K McEwan J McKenny N Naylor V Stehn I Whitford |
| 111/88 | 276 Grimwade | A Bilecki H Borwick J Evans P Rattigan R Watkins |
| 112/88 | 616 Grimwade | A Belecki I.Davies A.Doyle Evans Motors J.Giumelli R.McNab & Co A.Melia R.Pears J.Ryan |

| | | |
|--------|---------------|--|
| 113/88 | 896 Grimwade | A Belecki A Doyle R Edwards-Miller Evans Motors J Guimelli R McNab R Syme M Vlahou |
| 114/88 | 897 Grimwade | A Bilecki A Doyle Evans Motors J Guimelli M Huitengan R McNab & Co P Saunders A Simpson L Tait |
| 115/88 | 2575 Yanchep | G Williams L Zamudio |
| 7/89 | 128 Collie | C & S Murless M & S Rankin |
| 8/89 | 339 Harvey | J McGann P Rattigan R Robinson J & J Silberstein |
| 9/89 | 639 Ludlow | I Arnold J Green R Leece |
| 12/89 | 2252 Nannup | J Crumplin |
| 24/89 | 1085 Grimwade | S A & S R Jessop J McGann & L White A F & J F Rose P R I Saunders |
| 25/89 | 1161 Grimwade | A C & J R Rose P R I Saunders R W Whitehead |
| 47/89 | 339 Harvey | I C James C MacMillan R A & P A Syme |
| 48/89 | 155 Nannup | A P Bileck Bunbury House Transporters E S & L J de Marchi M Dobbin C J Humble S A & S R Jessop |
| 49/89 | 1673 Hamel | C Brett |
| 50/89 | 2576 Yanchep | P A Provan |
| 51/89 | 1101 Harvey | T W & B H Dawson I C James M O'Connor R A & P A Syme |
| 52/89 | 274 Grimwade | K Jackson B Kitson N J Oaks M O'Connor |

| | | |
|-------|---------------|--|
| | | Terry's Demolition E W Thomson |
| 53/89 | 275 Grimwade | M J Bromley K Jackson M O'Connor Terry's Demolition E W Thomson G I Williams |
| 54/89 | 1086 Grimwade | M S Aitken A Biagioni S & S Jessop B Kitson M O'Connor E J Roberts E W Thomson S Wheatley |
| 55/89 | 1577 Grimwade | A Biagioni M A & M E Cunningham S & S Jessop M O'Connor E W Thomson S Wheatley. |

MOTOR VEHICLES - DRIVERS' LICENCES, PLASTIC

Additional Cards - Complaints

450. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Have there been any reports of drivers receiving more than one plastic licence card when renewing their drivers' licences?
- (2) If yes, how many complaints have been received?
- (3) What action is being undertaken to overcome this anomaly?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1)-(2)

No formal complaints have been received concerning this matter. However, the Police Department has received perhaps 10 or so complaints from members of the public who have been sent a duplication of their plastic licence.

- (3) The issue of a duplication of a plastic licence to the one owner is not the result of a particular anomaly. The procedures that have been adopted for the issue of plastic drivers' licences are considered to provide sound internal controls and where a problem is identified, appropriate steps are taken to correct the situation.

During the initial months of production when there were delays of up to three months before a new plasticised MDL was issued, there were occasions when some licence holders requested a replacement as the original had not been received within the anticipated period. Subsequently, the original plastic licence was received.

MARINE AND HARBOURS DEPARTMENT - POLICE DEPARTMENT

Marine Operations Merger Proposal - Budget Allocation

459. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

Will the Minister provide details of the proposed merger of the marine operations of the Marine and Harbours Department with the Police Force and

indicate whether any funds have been provided in the 1989-90 Budget for this merger, and if so how much?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

A functional review has been conducted into the issue of Police/Marine and Harbours responsibility for sea search and rescue and other marine operations.

The Functional Review Committee report has been submitted to Government and further negotiation has been entered into.

When a firm proposal has been agreed upon, an announcement will be made.

No funds have been provided in the 1989-90 Budget.

STATE FINANCE - ESTIMATES OF REVENUE AND EXPENDITURE

Traffic Services - Details, Allocation Reduction

460. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

Will the Minister provide details of the \$977 000, 1989-90 estimate for traffic services as listed in the CRF accounts and the reasons for the reduction in the allocation for traffic services from \$1 473 321 which was expended in 1988-89?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

Details of the 1989-90 allocation for traffic service are -

| | |
|---------------------------------|------------------|
| Travel and fares | \$420 000 |
| Professional services | \$155 000 |
| Sundry consumables | \$126 000 |
| Equipment - purchase and repair | <u>\$276 000</u> |
| | \$977 000 |

The reasons for the reduction in allocation are -

The completion of the radar replacement program in 1988-89 (\$160 000); and

the adjustment for "one off" equipment purchases such as a photographic processor and intersection camera in 1988-89.

STATE FINANCE - ESTIMATES OF REVENUE AND EXPENDITURE

Police - Salary Wage and Adjustments Allocation

461. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

Will the Minister provide details of the \$5 683 000 provision for salary wage and adjustments as set out in the 1989-90 CRF accounts?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

The provision for salary and wage adjustments is calculated by Treasury officers and is based on anticipated wage movements during the coming year.

STATE FINANCE - ESTIMATES OF REVENUE AND EXPENDITURE

Police - Public Relations Expenditure, Budget Reduction

462. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

I refer to part 16, division 84, item 6 of the Police budget and ask the Minister to provide full details on the expenditure of \$1 906 785 for public relations during 1989-90 and the reason for the substantial reduction in the public relations budget which is estimated at \$450 000 for 1989-90.

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

Assuming the member wishes to compare 1988-89 to 1989-90 the information is as follows: Details of the 1988-89 expenditure on public relations are -

| | \$ |
|---|-------------|
| Travel, fares, printing, consumables etc | 553 000 |
| Equipment purchases | 116 000 |
| 'RBT' advertising campaign | 182 000 |
| 'Office of Crime Prevention' - advertising campaign and printing | 950 000 |
| Community policing - general expenses | 51 000 |
| Community policing - State Advisory Council | 44 000 |
| Safe Community grants | 11 000 |
| | <hr/> |
| | \$1 907 000 |

The reason for the substantial reduction in the 1989-90 allocation is an adjustment for "once off" expenditure relating to the launch of the crime prevention campaign and various equipment purchases in 1988-89.

STATE FINANCE - ESTIMATES OF REVENUE AND EXPENDITURE

State Emergency Service - Budget Reduction

463. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

I refer to page 16, division 84 of the 1988-89 CRF Estimates of Revenue and Expenditure and ask will the Minister provide details for the reasons behind the reduction in the budget for the State Emergency Service from \$1 886 468 to \$1 523 000 for 1989-90?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

The reason for the reduction in the 1989-90 allocation for the State Emergency Service is that due to the special nature - four wheel drive, low annual usage, top quality make, etc - it is not considered appropriate to adopt the standard Government motor vehicle replacement policy for the State Emergency Service. Each proposal for replacement is examined on its merits and in 1988-89 there was a \$639 000 provision for motor vehicle replacement.

STATE EMERGENCY SERVICE - NEW LEGISLATION

Roles and Functions

464. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is the Government considering introducing legislation to cover the State Emergency Service and clearly distinguish the SES roles and functions?
- (2) If so, when?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1)-(2)

The State Emergency Service is currently preparing a submission for consideration by the Commissioner of Police and the State Counter Disaster Advisory Committee in relation to counter disaster legislation.

Such has not been considered by Government at this stage.

POLICE - EXMOUTH

Children on Streets Watch - Five Month Trial

465. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Has the five month trial period at Exmouth wherein the police paid particular attention to children seen on the street after dark been a success?
- (2) How many children were conveyed home by the police officers during the five month trial period?
- (3) Did the police interview the children's parents to ascertain the reason for their children being on the streets after dark?
- (4) Has the exercise indicated a lack of parental responsibility for the actions of certain children and, if not, what positive aspects have flowed from the exercise?
- (5) Have any children refused to allow the police to convey them to their home and, if so, for what reasons?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Very successful.
- (2) Seven. Publicity resulted in an immediate response with a rapid decrease in the number of children wandering the streets after dark.
- (3) Yes. Interviews revealed that children were on streets after dark for a variety of reasons such as leaving a bona fide activity, wandering without their parents' knowledge and the pretence of being at a legitimate venue.
- (4) No. Parental responsibility is still evident, however the police activity has reinforced parents' control.
- (5) No.

"NOONKANBAH" PUBLICATION - ADDITIONAL AUTHORS

Government Files - Restricted Access

508. Hon N.F. MOORE to the Leader of the House representing the Premier:

Further to his answer to my question 434 of 7 September 1989, will the Minister provide -

- (a) the names of any authors, other than Steve Hawke and Michael Gallagher, who have been given restricted access to Government files for the purpose of writing a book;
- (b) the name of the person/s who gave permission to Messrs Hawke and Gallagher to view Government files for the purposes of writing "Noonkanbah"?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

(a) I am advised that to collect this information would require a significant amount of research. If the member has a specific request I will examine it.

(b) The request was approved by the Deputy Premier and Premier Burke.

**RALLY AUSTRALIA - CONSERVATION AND LAND MANAGEMENT
DEPARTMENT**

Road Protection - Jarrah Dieback Area Protection

511. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

(1) What steps were taken by the Department of Conservation and Land Management to protect -

(a) roads;

(b) jarrah dieback areas;

during Rally Australia which was conducted recently?

(2) Were the rally organisers required to pay a substantial amount to CALM towards road repairs and other costs?

(3) If so, how much?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

(1) (a) The roads used by Rally Australia were selected by the rally organisers in consultation with the Department of Conservation and Land Management. The upgrading of these roads included installation of culverts, surface drainage works, sheeting of unstable surfaces with road making materials and grading. After the event, the roads were assessed for damage jointly by CALM and the Water Authority of WA. The repair of any damage is programmed for October 1989.

(b) The likely impact of any dieback introduction and spread was evaluated. All roads used were situated in forest vegetation types where the environmental impact of any infection will be nil or low. All vehicles entering the forest disease risk areas were washed down by CALM personnel before entry.

(2) The cost of upgrading, subsequent repair, washing down and controlling the rally will be recouped by CALM from Rally Australia.

(3) Road preparation and maintenance - \$28 000

Supervision and washdowns - \$13 800.

CARAVAN PARKS - WAROONA DAM

Closure

519. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

(1) Is the Minister aware that the Waroona Dam caravan park, situated partly on a CALM lease, has recently closed?

(2) Is the Minister also aware that there is strong local support to retain the caravan park on its present site?

(3) As part of the Waroona Dam caravan park is situated on a CALM lease, what are the objections to having this lease excised from the State Forest to allow the caravan park to continue operations on the existing site?

- (4) Where does CALM want to see the caravan park located?
- (5) What are the reasons for wanting a change of location of the caravan park?
- (6) Why was the Minister unable to fulfil a commitment to meet the Waroona Shire Council on Monday, 11 September 1989 to discuss this issue?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

- (1) The leaseholder, the Shire of Waroona, has not informed the Department of Conservation and Land Management that the Waroona Dam caravan park has closed. I am aware that the shire, as the park leaseholder, is having difficulty retaining a manager.
- (2) I am aware of support for both the existing site and an alternative site.
- (3) It is not necessary to give away publicly owned State forest to allow the caravan park to operate. The tenure of the land is not a problem for the successful operation of the caravan park.
- (4)-(5) The department wants to see the caravan park located at the most scenically attractive and cost effective location. Two sites are being evaluated to ensure the most suitable site is determined.
- (6) Hon David Smith, Minister for South-West, discussed this issue with the shire at the time in question.

CARAVAN PARKS - WAROONA DAM

Closure

521. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for South-West:

- (1) Is the Minister aware that the Waroona Dam caravan park has recently closed?
- (2) Is the Minister also aware that there is strong local support to retain the caravan park on its existing site?
- (3) Has the Minister made any representations to CALM and WAWA to reach agreement on the use of their leases for the continuation of the Waroona Dam caravan park operations?
- (4) If so, what is the outcome of these discussions?

Hon GRAHAM EDWARDS replied:

The Minister for South-West has provided the following reply -

- (1) Yes.
- (2) I have received a number of representations on the matter from residents of both Perth and the Waroona region, and especially the Shire of Waroona.
- (3) Yes, through the relevant Ministers.
- (4) Discussions are continuing, and I hope there will be an early resolution of the matter.

PETROCHEMICAL PROJECT - DOCUMENTS TABLING

Western Australian Government Holdings Ltd - Deed of Undertaking, Execution

522. Hon GEORGE CASH to the Leader of the House representing the Deputy Premier:

With reference to the documents tabled by the Attorney General in the Legislative Council on Wednesday, 30 August 1989, and in particular to a deed of undertaking dated 17 October 1988, and the annexures to that

document and, in respect of the guarantee which was referred to as annexure "C" to the deed of undertaking, will the Minister tell me when the guarantee was executed by Western Australian Government Holdings and the other parties to the guarantee?

Hon J.M. BERINSON replied:

The Deputy Premier has provided the following reply -

A Treasurer's guarantee of the obligations of Western Australia Government Holdings under the deed of undertaking has not been provided.

PETROCHEMICAL PROJECT - TREASURER'S GUARANTEE

Solicitor-General's Written Opinion - Shareholders, Government Provision

523. Hon GEORGE CASH to the Leader of the House representing the Minister for Resources Development:

Did the Government provide to any party to the petrochemical project the written opinion of the Solicitor General, suggesting that a Treasurer's guarantee would be legal, binding and effective, to enable the Government to honour its previously agreed commitments to the parties in the petrochemical project?

Hon J.M. BERINSON replied:

The Minister for Resources Development has provided the following reply -

Copies of the opinions, relating to a Treasurer's guarantee of Western Australia Government Holdings obligations, were provided to participants in the PIL project finance raising.

POLICE - DISABILITIES, OCCUPATIONAL

Compensation - New Legislation

530. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

What action has been taken on providing appropriate means of compensating police officers who suffer disability in the course of their occupation and when will the appropriate amendments be made to legislation to settle this matter?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

There is provision for an ex gratia payment to be made to those police officers who suffer a disability in the course of their occupation and are unable to receive compensation through civil court action.

A working party is currently reviewing the question of compensation to police officers; however, it has not yet completed its inquiries.

MOTOR VEHICLES - PARKING FINES

Collection Difficulties - Licence Records Mechanism

531. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

In view of the difficulty that some local authorities in Western Australia have in collecting outstanding parking fines which require the involvement of the police in the execution of warrants, what mechanism can be developed, whereby a notation is made on the motor vehicle licensing records, to ensure that action can be immediately implemented to satisfy the warrant upon application being made for the re-licensing of the motor vehicle?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

This matter has not been evaluated by the Police Department.

The mechanism available is for the local authorities concerned to refer any difficulties which they have on the execution of such warrants to the traffic board for evaluation, through their nominated representative on that board.

POLICE - CHILD ABUSE SQUAD

Homosexual Sex Romps With Children, Thailand - Organisers' Identity

535. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

I refer to the article by Tony Barrass in the *Sunday Times* dated 17 September, and ask -

- (1) Has the child abuse squad received advice about the identity of the two men reported to be organising the homosexual sex romps with children in Thailand mentioned in the article?
- (2) If so, what action is being taken to curb the activities of these men?
- (3) If (1) is no, will the Minister undertake to have the matter investigated so that the organising of such sex tours is stopped, thereby alleviating the concern of the community for both the exploited children and the future health of Australians?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1) Yes.

(2)-(3)

Inquiries reveal no offence has been committed against Statute law in Western Australia.

The persons responsible for the advertisement were interviewed following which they gave personal assurances that they would cease these activities.

SPORTS CULTURE INSTANT LOTTERY - INCOME

Distribution Details

541. Hon R.G. PIKE to the Minister for Racing and Gaming:

What is the detailed distribution of all moneys received from the Sports Culture Instant Lottery?

Hon GRAHAM EDWARDS replied:

The distribution of moneys received in 1988-89 was as follows -

| | \$M |
|----------------------|-------------|
| Prizes | 31.8 |
| Commission to Agents | 4.2 |
| Operation Costs | 4.6 |
| Sports | 3.0 |
| Arts | 3.0 |
| Hospital fund | 6.4 |
| | <u>53.0</u> |

QUESTIONS WITHOUT NOTICE

PETROCHEMICAL PROJECT - STATE ENERGY COMMISSION
Government Guarantee - Governor's Approval, Premier's Misrepresentation

262. Hon GEORGE CASH to the Attorney General:

- (1) Is he aware that the Premier issued a letter dated 23 January 1989 to the State Energy Commission in which he stated that a guarantee had been issued with the prior approval of the Governor, whereas the Premier has now admitted that the Governor's consent was given the following day?
- (2) Will he undertake to refer the matter to his officers in the Crown Law Department to determine whether any breach of the criminal law has occurred as a consequence of this misrepresentation by the Premier?

Hon J.M. BERINSON replied:

- (1) The first part of the question should clearly be directed to the Premier and should be put on notice.

Hon George Cash: It was directed to him yesterday and I am now asking the Attorney General the question.

Hon J.M. BERINSON: The honourable member cannot ask me in my capacity as Attorney General whether I know the details of a document issued or not issued -

Hon George Cash: The answer is yes or no.

Hon J.M. BERINSON: Hon George Cash does not need to tell me the answer as he does not even know the question.

Several members interjected.

The PRESIDENT: Order! The Attorney General is endeavouring to answer a question.

Hon J.M. BERINSON: The answer is -

- (1) This part of the question should be directed to the Premier and put on notice.
- (2) I believe this question should also be put to the Premier. I have no doubt that he would take all the necessary steps to satisfy any genuine inquiry as to the propriety of his action.

PETROCHEMICAL INDUSTRIES LTD - WINDING-UP
Budget Allocation - Changes

263. Hon E.J. CHARLTON to the Attorney General:

In view of the court decision to wind up the operations of Petrochemical Industries Ltd, is the Government contemplating any changes to the Budget allocation of \$62.8 million?

Hon J.M. BERINSON replied:

No.

SPORT AND RECREATION - SUBIACO FOOTBALL OVAL
Government Takeover - Subiaco City Council Opposition

264. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

- (1) Is he aware that the Subiaco City Council today reiterated its opposition to the State Government's taking over Subiaco football oval?
- (2) In the face of that opposition, will the Minister inform the House whether a figure of compensation has been considered for the Subiaco City Council?
- (3) How will the Government force the council to give up Subiaco oval?

Hon GRAHAM EDWARDS replied:

(1)-(3)

Having once explained the position I am amazed at the member's lack of knowledge about this matter. I understand that the Assembly member who has a responsibility for this area did not even know that the matter had to come to Parliament. I think this matter was raised last week and in my answer I indicated that the final determination would need to be made by Parliament and that both Houses must be involved in a matter of reversion of land. I am not aware of any matters about which the Subiaco City Council is claiming compensation. If the honourable member is aware of such matters, then I suggest that he have the Subiaco City Council put those matters to me so that I can address them. I have already requested that it do this.

HUME, S.E.K., QC - ADVICE TABLING

Solicitor General's Advice - Attorney General's Reply

265. Hon PETER FOSS to the Attorney General:

I earlier asked the Attorney General whether he would table the advice of S.E.K. Hume, QC referred to in the advice of the Solicitor General tabled in this House and he indicated that he would seek advice from the Solicitor General before replying. Is he now able to reply?

Hon J.M. BERINSON replied:

Yes, I did seek the advice of the Solicitor General, who advised against my agreeing to table that document. That is the position I have taken on the matter.

AMERICA'S CUP - NEW ZEALAND GOVERNMENT

State Government Agencies - Event Advice

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

- (1) Is it correct that New Zealand Government officials have been approaching a range of State Government agencies for advice on matters relating to the running of an America's Cup event?
- (2) Is it correct that the Premier has issued instructions that no Western Australian Government officer is to have any further contact with New Zealand officials on the matter?
- (3) Is it also a fact that the Premier intends to charge for such advice in the belief that Western Australian taxpayers and businesses should receive an appropriate return?
- (4) Does he not regard his actions as paltry and small minded, given the fact that the Western Australian Government, in preparing for the America's Cup off Fremantle -

The PRESIDENT: Order! The last part of the honourable member's question is out of order.

Hon P.G. PENDAL: Then I ask the first three.

Hon J.M. BERINSON replied:

The Premier has provided the following response -

- (1) Yes.
- (2) No.
- (3) Depending on the advice being sought, the Government believes that it may be more appropriate for public servants to assist in other instances. The matter might be more appropriately referred to the private sector or, alternatively, EventsCorp. The Government is anxious that its role in this matter should not displace benefits which would accrue to private enterprise in this State as the Government is anxious to provide assistance to the New Zealand Government to make it a worthwhile event.

My attention has been drawn to a note in relation to that reply that would make it appear that all of these questions may have been overtaken by events which make it unlikely that New Zealand will host the America's Cup.

LUNCHEON - OCTOBER 11
Premier's Circular Letter - Arranger

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

Notice has been given of this question. I refer to the Premier's circular letter dated 18 September inviting recipients to a luncheon on 11 October under the auspices of the decision makers -

- (1) Who arranges such lunches or functions?
- (2) In this instance, how much does the Hyatt Regency charge per head?
- (3) Where does any excess money go?
- (4) Who bears any of the losses for such functions?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

- (1) The Ceremonial Hospitality Branch of the Ministry of the Premier and Cabinet.

(2)-(4)

As hotels operate in a competitive environment this information is of a confidential commercial nature. If the member has any specific concerns he should address them to the Premier in writing.

PETROCHEMICAL PROJECT - STATE ENERGY COMMISSION
Government Guarantee - Governor's Approval, Premier's Misrepresentation, Breach of Law

268. Hon PETER FOSS to the Attorney General:

I ask the Attorney General to clarify his answer to Hon George Cash and to say whether by his answer he is indicating that he is refusing to refer a possible breach of the law to his officers, or is he saying he is leaving the matter to the Premier for a decision?

Hon J.M. BERINSON replied:

I was indicating that I have no evidence of a breach of the law which requires me to take action at this stage. I have indicated that I am quite sure that the Premier would be happy to respond to any questions related to this matter.

**PETROCHEMICAL INDUSTRIES CO LTD - WESTERN AISTRIAN
 GOVERNMENT HOLDINGS LTD**

Government Guarantee - Solicitor General's Advice, Edwards, Mr Kevin

269. Hon GEORGE CASH to the Attorney General:

I refer to the Attorney General's answer to question 449 yesterday in which he answered -

- (1) The Solicitor General's opinion of 16 August 1988 indicated that his advice had been sought by the office of the Treasurer.
- (2) Mr K. Edwards.

Is the Mr K. Edwards referred to the same Kevin Edwards who has been charged with a number of offences in respect of breaches of the law involving Rothwells Ltd?

Hon J.M. BERINSON replied:

(1)-(2)

The answer is yes, but it is deplorable that the question should be asked in those terms.

Hon Kay Hallahan: Agreed.

Hon George Cash: Did you answer that it was Mr K. Edwards?

Hon J.M. BERINSON: Of course I did.

Hon George Cash: I have asked if that is Kevin Edwards.

Hon J.M. BERINSON: I have said yes.

Hon George Cash: That is all you have to say.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: Beneath that tough exterior I am sure there lies a heart of gold, but it is so deeply embedded in the dirt that it is hard to find.

Several members interjected.

The PRESIDENT: Order! The House will come to order. I want to indicate that there has been a trend in recent times for this House to develop into a slanging match when a member says something other members disagree with. I have said on many occasions that members do not have to agree with speakers, but they must be quiet while they are speaking. Members will have their opportunity to say something later with which perhaps other members will not agree. In the meantime everybody listens to everybody else. In this case it is the Leader of the House.

Hon J.M. BERINSON: The Leader of the Opposition has developed an odd notion that not only should his questions be put as he wishes to put them, but also my answers should be put as he wishes to have them put. The system does not work like that. I shall proceed with the balance of my answer, which is simply to the effect that the Mr Edwards referred to could very well have been identified without the references to the court actions under way, and he would more properly have been identified without such reference.

Hon Kay Hallahan: Agreed.

TREES - WILSONS INLET FORESHORE

Clearance, Palos Verdes Estates Pty Ltd - Community Outrage

270. Hon BOB THOMAS to the Minister for Lands:

- (1) Is the Minister aware of the community outrage at the clearing of trees along a seven kilometre section of the foreshore of Wilsons Inlet near Albany? This was done by Palos Verdes Estates Pty Ltd in order to access a block it owns in the area.
- (2) Is it true that under the Town Planning and Development Act the company is liable to a fine of only up to \$2 000?
- (3) Are there any provisions under the EPA, the Department of Agriculture or Department of Land Administration regulations or Acts, which require the company to rehabilitate the cleared area?

The PRESIDENT: The honourable member is asking for a legal opinion in at least one of those questions - the second, I think - therefore it is out of order. He cannot ask for a legal opinion.

Hon KAY HALLAHAN replied:

- (1) The member gave me notice of his question, because the action is causing a furore in that area, and I cannot see that I am asked for a legal opinion.

The PRESIDENT: Order! I have said that the question is out of order.

Hon KAY HALLAHAN: Which question?

The PRESIDENT: The second question which seeks a legal opinion. The Minister can answer the balance of the question.

Hon KAY HALLAHAN: The answer to the honourable member is that my office is aware of the outrage felt by the community, and I understand the community is very outraged by this action. My office has been advised by the Denmark environment centre and Hon Bob Thomas. Neither the department nor the shire authorised that work to take place, so an immediate inspection was arranged.

- (3) It appears that the action may have contravened a number of Acts, including the Land Act, the Environmental Protection Act, and the Soil and Land Conservation Act. All these Acts have varying penalties for breaches and rehabilitation requirements. The Department of Land Administration has advised me that the damage done to the environment is senseless environmental vandalism. This is fairly strong language, and most unusual language for me to receive. Due to the sensitive nature of the coast in that area it may not be a simple case of rehabilitation. A second on-site meeting of the shire and Government authorities is being convened this Friday, and I am hoping that the extent of the damage can be determined and it can be decided what action can be taken. The work seems to extend not only to the clearing of the foreshore of Wilson Inlet, but also to private property without the owner's consent. I shall be discussing the matter further with my colleague, the Minister for Environment, Bob Pearce. I understand the Environmental Protection Authority will be taking action in the next few days under the Environmental Protection Act. I believe that fines of up to \$50 000 and \$1 000 per day are available under that Act. At this stage it appears that that would be the most appropriate Act under which to take action, both with regard to prosecution and to rehabilitation.

PETROCHEMICAL PROJECT - STATE ENERGY COMMISSION

Government Guarantee - Governor's Approval, Premier's Letter, Breach of Law

271. Hon PETER FOSS to the Attorney General:

Would the Attorney General undertake to obtain a copy of the letter of 23 January 1989 by the Premier to the State Energy Commission of Western Australia and acquaint himself with the Premier's answer in another place so that he is able to decide whether to refer the matter to his officers?

Hon J.M. BERINSON replied:

There is no call on me to undertake that type of activity. I have indicated both to Mr Foss and to Mr Cash how they should proceed and I suggest that they do it in that way.

PETROCHEMICAL INDUSTRIES LTD - BUDGET ALLOCATION

Western Australian Government Holdings Ltd - Japanese Gas Corporation Claims

272. Hon MAX EVANS to the Minister for Budget Management:

The Minister gave a very clear answer to Mr Charlton about the claim of Bond Corporation for damages.

Hon J.M. Berinson: That was not his question.

Hon MAX EVANS: We will come back to the other one. I shall rephrase the question. If the Budget estimate of \$62 million for WA Government Holdings is correct, will that be affected by any claims by Japanese Gas Corporation or Clough Engineering; and, if not, who will pay for the damages?

Hon J.M. BERINSON replied:

I did not understand Hon Eric Charlton to be asking the question Mr Evans indicated he asked. My understanding of the earlier question was that it asked whether there was any proposal to change the allocation of \$60 million-odd as it appeared in the Budget. I indicated on the basis of any knowledge I have that there is no such proposal. Hon Max Evans now raises hypothetical

questions based on claims which have not been made, and the results of which can certainly not be known. Given the nature of that question, I do not think I can reasonably be expected to respond, even if the question was in order, which I believe it was not.

PETROCHEMICAL INDUSTRIES LTD - BUDGET ALLOCATION
Western Australian Government Holdings Ltd - Expenditure, Future Direction

273. Hon E.J. CHARLTON to the Minister for Budget Management:

In line with Mr Evans' question and my previous one, bearing in mind the fact that PIL is dead, and that the allocation of \$62 million will remain unchanged, as intimated by the Minister, where is that allocation now to go?

Hon J.M. BERINSON replied:

I am not sure that I understand.

Hon E.J. Charlton: Where is the \$62 million to be spent, seeing there is now no petrochemical project?

Hon J.M. BERINSON: As I understand it, that \$62 million is directed to payments of existing obligations. Naturally they are not affected by the winding up of the company. What is affected is the drawing of a line under the commitments to that project, but unfortunately not with retrospective effect.

LOCAL GOVERNMENT - COOLGARDIE SHIRE COUNCIL
Shire Clerk, Unqualified - Approval Request

274. Hon P.H. LOCKYER to the Minister for Local Government:

- (1) Has the Minister received a request from the Coolgardie Shire Council regarding the approval of an unqualified shire clerk?
- (2) If the Department of Local Government has received that request, has the Minister approved it?

Hon KAY HALLAHAN replied:

(1)-(2)

I thank the honourable member for giving me prior notice of this question. I have received a request for the appointment of an unqualified shire clerk to the Shire of Coolgardie. I advise the honourable member that I will approve the appointment of that person on an interim and acting basis, subject to the condition that the person in question begins and undertakes the clerks' diploma in local government. That is a requirement which has not been met, although I understand that the person has had an outstanding career in local government and has served remote communities very well. I have taken that into account. Secondly, his operation as the shire clerk in the Shire of Coolgardie will be assessed, and those two assessments I suggest should be made in July 1990 because he needs time to get into the next semester and to be in a position for his performance to be assessed. In July 1990 I will make a further decision with regard to the appointment.

SPORT AND RECREATION - SPONSORSHIP CONSULTANT
Major Sport and Cultural Events - Appointment, Newspaper Advertisement

275. Hon M.S. MONTGOMERY to the Minister for Sport and Recreation:

- (1) Is the Minister aware of the position advertised in *The West Australian* on 18 September on page 103 regarding a sponsorship consultant for major sport and cultural events?
- (2) Will that cut across the role of the sport and recreation officer based in Albany?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I am aware of the advertisement, albeit briefly aware of it. I do not see that it would cut across the role of the sport and recreation officer in Albany.

Indeed, just as we have EventsCorp as it is in relation to the Ministry for Sport and Recreation across the State, I see no conflict, duplication or cutting across of each other's duties in a situation like this. Indeed I would encourage it if it helped to decentralise major sporting and cultural events from the city region. This is something I am particularly keen to see happen. The Government supports sporting associations and encourages them to hold major sporting events outside of the metropolitan area. One event that springs to mind is the King's Cup which was nearly held at Wellington Weir and which was so unfortunately affected by a cyclone that happened to come through at the wrong time. I am not aware of the full intent, but I do not see any conflict on the face of it.

PETROCHEMICAL INDUSTRIES LTD - BUDGET ALLOCATION

Western Australian Government Holdings Ltd - Unsecured Creditor Payments

276. Hon MAX EVANS to the Minister for Budget Management:

I just want to clarify the figure of \$62 million. The Budget has a figure of \$62 million which is to be paid to WA Government Holdings Ltd to be paid to Petrochemical Industries Ltd. Is that anticipated to pay out all the unsecured creditors so that there will be no claims and that all the unsecured creditors will be paid in full leaving WA Government Holdings Ltd the only creditor?

Hon J.M. BERINSON replied:

I have to ask that that question be directed to the Minister responsible for WA Government Holdings Ltd, and I am not that Minister.
