

Legislative Council

Thursday, 21 February 1985

THE DEPUTY PRESIDENT (Hon. D. J. Wordsworth) took the Chair at 2.30 p.m., and read prayers.

GAMBLING: CASINO

Environmental Review: Urgency Motion

THE DEPUTY PRESIDENT: The President has received the following letter—

The Hon. Mr C. Griffiths
President of the Legislative Council
Dear Mr President

21st February 1985.

In accordance with the provisions of Standing Order 63 I wish to advise you of my desire to move for the adjournment of the House for the following reasons—

This House calls upon the Government to honour its own stated commitment for a full environmental study on the Burswood Island casino project before construction commences as a matter of extreme urgency.

Failure to follow these procedures would be—

1. In breach of the Minister's publicly reported undertaking and his statements in Parliament;
2. To greatly increase public concern, now freely expressed in the community, at the level of ethical standards being followed by Government in development and construction projects.

Accordingly I will move that the House at its rising adjourn until 11 a.m. on Friday 1st March 1985.

Yours faithfully

G. E. MASTERS.

Member for West Province

The mover of this motion will require the support of four members.

Four members having risen in their places,

HON. G. E. MASTERS (West—Leader of the Opposition) [2.34 p.m.]: I move—

That the House at its rising adjourn until 11.00 a.m. on Friday, 1 March 1985.

The reason I have moved this motion would be obvious to everyone who has read the papers and heard the radio broadcasts today.

This situation is, in a way, similar to the debate yesterday on another matter concerning Hon. Peter Dowding; that is, a Minister's word is in doubt. It is an issue that is important to this House and to this Parliament and, therefore, it should be debated as a matter of urgency.

The arrangements, discussions and debates involving the casino which have taken place to date have been something of a disaster for the Minister concerned. I would suggest that the Minister now wishes with all his heart that the committee had dealt with this matter rather than himself. If that sort of arrangement were made I am sure that in the future there would not be many Ministers who would seek Mr Dans' position.

I want to make it clear that the debate today does not concern the issue of whether there should be a casino. Members of Parliament have decided that there will be a casino in Western Australia and I am one of those members who supported the proposition. It was interesting to note that members on my side of the House had a free vote concerning the casino proposal, and some of them supported it while others did not.

As far as I am concerned the siting of the casino is not an issue in this debate. This issue will be debated at a later stage and it will not be Mr Dans who will decide on the siting of the casino, although he and the Premier probably think he will, especially when one takes into consideration their comments and commitment to a particular site.

I am not proposing to debate that issue today because it is a matter that will be decided when the legislation comes before the Parliament. I understand that Bill will be introduced today and the members of Parliament will decide that issue.

The precise point of this urgency motion is that the Minister concerned—the Leader of this House, Hon. Des Dans—has broken his word. He has broken an undertaking which he made publicly and which was reported in *The West Australian* on 20 November 1984. An extract from the article to which I have just referred was repeated in *The West Australian* today, as follows—

An environmental review and management programme would be done before the casino went ahead.

The Minister made that statement on 20 November 1984 and everyone was under the impression that the study would be undertaken before work proceeded on the casino.

On 4 February 1985 Hon. Phil Pandal made the following statement in *The West Australian*, involving a commitment made by Mr Burke—

Mr Burke, he said, had promised in April that nothing would go ahead on the island without traffic, planning and environmental studies being carried out.

Had the environmental studies been carried out the matter would have been resolved, but it is the understanding of the Opposition that they have not been carried out. We are asking the Minister to have these studies carried out as soon as possible.

As I have said the Opposition is not arguing about the establishment of a casino or the siting of it, but it requests that an environmental study be undertaken. I understand that such a study would not take very long and as the Bill will be in this Parliament for two or three weeks a study would not necessarily hold up the project. I would not suggest that we hold up the project. However, a Minister of the Crown made an absolute commitment that an environmental study would be undertaken, and that is the point of this motion.

Let me emphasise the importance of a Minister's word in this Parliament or outside it. First of all, the Minister made a public statement which was reported in the Press—it was repeated today—that a study would be undertaken, but it now appears that he has misled the public.

In answer to question 448 of last year which was asked by Hon. Phil Pandal, who has been vigorously pursuing this matter, the Minister said—

- (1) The developers chosen by the Government have been informed that it is their responsibility to obtain the necessary approvals from Government and statutory bodies to enable the development on Burswood Island to proceed.

There is a commitment—Mr Dans said a requirement will be that an environmental study take place.

In issue 9 of the *WA Government Notes*, dated 25 September 1984 which was circulated to all members of Parliament, we find the following—

Burswood Island casino study to come first

An environmental study of the impact of a casino on Burswood Island was always the Government's intention, and the necessary consideration was well under way, the Minister for Administrative Services, Mr Des Dans, said.

A statement has been made to Parliament and to the public, and a commitment has been made by

Mr Dans. He has broken that commitment, and that is the issue.

Yesterday Mr Dowding was condemned for statements he had made and today we are dealing with a commitment from the Leader of the House which he has broken in no uncertain terms. He has said that those things he had promised will not take place. It is interesting to recall that when we were in Government there was a very active group of environmentalists under Mr Bartholomaeus and other such people. They marched up and down St. George's Terrace protesting against the Government's actions on many issues. I suggest that if my Government were to have made statements such as the statement made by Mr Dans yesterday another march would have taken place in protest. Where are these people now—Mr Bartholomaeus and his associates who used to demonstrate so actively? Where have they gone?

Hon. Peter Dowding interjected.

Hon. G. E. MASTERS: Mr Dowding looks very happy; has he had a tax rebate today?

It seems to the members of the Opposition that there is one law for one group and another law for the others. To quote Mr Burke's own words when he was in Opposition, he said that there was one law for the Opposition and another law for the Government. I suggest there is now one law for Mr Burke's friends and another law for the rest of us. Mr Dowding has been grateful for that understanding.

Hon. Peter Dowding: You did not even suggest that last night. That is how absurd it is.

Hon. G. E. MASTERS: If Mr Dowding had been listening last night he would have heard me quote Mr Burke's remarks twice. When a party or group says on Monday that a colour is green and on Friday it says that same colour is red, which is exactly what is happening, it indicates there has been a monstrous foul-up. Conflicting statements have been made by the Premier and Mr Dans and also in replies to questions asked by Mr Pandal, who exposed this mess by way of his questions. The Minister has misled this House on the environmental issues involved. It appears that may also be the case with regard to whether the land should be leased or sold. However, I do not intend to go into that matter today.

What role has Mr Davies played in this episode as Minister for the Environment? He is responsible for ensuring an Act of Parliament is complied with as the law of the land, yet he seems to be pushed in the background or totally overridden on this issue. If that is not the case Mr Dans can say that there is no need for an environmental report or in-depth study because he does not be-

lieve it is necessary and because Mr Davies, the responsible Minister, agrees with him.

How can Mr Dans make the sort of statements he made today about the environmental issues when on 14 September 1984 a letter from the Minister for the Environment addressed to Mr Pental contained the following paragraph—

The Authority has now recommended that an Environmental Review and Management programme should be prepared after the Government has selected the final proponent. I have forwarded this advice to the Minister for Administrative Services, who is responsible for the casino proposal.

I am happy to table this letter.

Where do we go from here? The public, Mr Pental, and the people he represents had an assurance that these investigations would be carried out. The letter was signed by the Minister responsible for that area and it stated that these programmes would be carried out. However, today it means absolutely nothing.

The headlines in the newspaper clearly indicate the importance the public place on this issue. It is equally important that we should be able to trust the word of the Premier and a Minister if we are to have a Government worth anything at all. We have seen Mr Dowding's performance over recent months and during the last few years—which was dealt with in this place yesterday—and now Mr Dans' actions.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! The member shall not refer to the debate held yesterday.

Hon. G. E. MASTERS: When the members of the House ask a Minister—in this case Mr Dans—questions on behalf of members of the Opposition or any members of Parliament, and when the public through the Press or any other group ask the Minister of the day questions, they expect proper answers. Once having received the answers and any assurances they do not expect the Government to back away from the issue and to change its mind without proper consultation and without bringing it before the Parliament. How can the Minister be trusted when he has taken these actions in this situation?

Mr Dans was reported today as saying there will be an ongoing environmental review during construction. However, the developers involved are investing \$100 or \$200 million in this project. That is good in itself. But how can Mr Dans or anyone else say that there will be an environmental review during construction, and that perhaps, if things are not going too well, they can cease con-

struction and instead of building 10 storeys they will stop at eight?

Hon. D. K. Dans: Wait until I produce the agreement. You will be shocked.

Hon. G. E. MASTERS: I will not be shocked. I am not against the development.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. G. E. MASTERS: Mr Dans said, and I quote—

An environmental review and management programme would be done before the casino went ahead.

However, yesterday he said it would not be done. Everyone with an interest in this project expected it to be done bearing in mind the plans and the work by these people who have spent enormous sums of money in investigations and submissions. The environmental study could have been done two or three months ago. It could easily have been carried out in a few weeks if the pinch was on. However, it was not carried out and it is not being carried out.

I am surprised that members of the Government have not themselves become upset. Hon. Lyla Elliott is not in the Chamber at present, but she raised environmental issues when I was Minister for Conservation and the Environment and she showed immense concern about these matters. How can she tolerate this situation?

Hon. P. G. Pental: She has been gagged.

Hon. G. E. MASTERS: She would have been in serious trouble had she raised the matter.

Also it is not a fair thing to do to those people who are ready to commence construction. Mr Dans could easily have arranged to carry out sufficient studies to enable the project to go ahead without criticism from the Opposition. He has had plenty of time since Christmas but he has done nothing. I do not know what has happened. It has been an immense foul-up and the work that should have been done has not been done.

I ask the Leader of the House the following questions: Who made the decision? Who made the statement that there would not be a proper environmental study? Was it Mr Dans? Was it Mr Davies, who said not less than a few months ago that appropriate studies would be made? Was it Mr Burke? I suggest it was Mr Burke who decided in Cabinet for one reason or another to take this course of action. If I am wrong about Mr Burke, Mr Dans can say so. If I am wrong, Mr Dans can advise us that Mr Davies decided the work was not necessary. I think Mr Burke has prevailed upon his colleagues and dictated that environ-

mental studies of the kind promised earlier by Mr Dans will not be made. I ask the Leader of the House: If he did not make the decision, did Mr Burke make it; or was it a Cabinet decision?

The proposal is a major departure from accepted practices of the past. Again, when I was Minister for Conservation and the Environment, like you, Sir, I found the Government's overtures were frustrated by environmental demands. They were necessary, but they seemed to take a long time.

If the Government says to us that it has devised a method to shorten the time taken by environmental studies and reduce the cost, I will be happy with that. But the Minister has not said that. He may when he responds, but he has not said that yet. So, we have to say again that the promises and commitments made by the Premier (Mr Burke), the Minister (Mr Dans), and the Minister for the Environment (Mr Ron Davies), have been overridden at the last moment without any reference to Parliament or to other people. This came out of the blue as a result of a question at a Press conference. We have every reason to doubt the integrity of the Minister and his statements about issues of this sort in the future.

As it deals with the Minister's integrity, this is an urgent matter which should be brought before the House.

HON. D. K. DANS (South Metropolitan—Minister for Racing and Gaming) [2.51 p.m.]: I think that I should answer the Leader of the Opposition now. Firstly, I want to put a few misconceptions to rest. The first is that I was doing the negotiating, and somehow that was wrong for the Government. I know the Leader of the Opposition has made that spurious statement. He said perhaps it would be better if we had a commission or something of that sort.

If members cast their minds back to the previous session of Parliament, they will remember we brought into this House a Bill to establish the Casino Control Committee. It was properly labelled "Casino Control Act". That Act gave the Casino Control Committee the right to negotiate on behalf of the Government. That is exactly what has happened.

Hon. G. E. Masters: So you have not negotiated at all?

Hon. D. K. DANS: No, the Casino Control Committee has been responsible for all the negotiations with the entrepreneurs, ably assisted by officers of the Crown Law Department.

I will put this matter in its right perspective. The committee made recommendations to the Government under clause 19 of the Casino Con-

trol Act—to the Minister, who is myself. I took that recommendation or agreement to the Cabinet and it was endorsed by the Cabinet.

To return to the statement I made in this House, it is perfectly true that I made the statement we would do an environmental review and management study on Burswood Island. At that time I was fully convinced that was the course we should follow.

However, the recommendation of the Casino Control Committee was that we should follow another course of action.

I might point out here that I have said there is to be an ongoing technical committee. I think that is excellent, because if members turn their minds to some of the undertakings which have been made over the last few years, such as Laporte and Kwinana, which were subject to EPA requirements, they will appreciate the continuing pollution from those areas. One would have to accept that the Casino Control Committee was very wise in its recommendation to the Government to set up an ongoing technical committee. As a result, not only could the area be monitored during construction, but it could be monitored at all times in the future.

Hon. G. C. MacKinnon: You are aware that Laporte was established 30 to 40 years ago!

Hon. D. K. DANS: There are other areas around the place. There was no proposed undertaking by the Government. We have always been aware of the sensitive areas concerning environmental matters. The Government, instead of following the conservative approach to environmental matters, adopted a stronger approach to the issues relating to the construction of the resort complex on Burswood Island. The Government has appointed the Burswood Island Board which will look after the parks and gardens and will have on it two members nominated by the Casino Control Committee, two members of the local authority—Perth City Council—and two members of the Burswood Island consortium. They will supervise the protection of the parks and gardens which are to be established in that area.

Members know where the money is coming from for that. In addition, a technical committee will be set up not only to monitor the environment during construction, but forever and a day.

In addition, the Chairman of the Environmental Protection Authority has advised the Government there is only one environmental issue involved and that is the containment of any effluent which could leak from the rubbish buried on Burswood Island.

Hon. G. E. Masters: That is the only issue?

Hon. D. K. DANS: That is the only issue. The chairman has also advised it is not necessary to undertake a full environmental review management programme.

Hon. G. E. Masters: Who said that?

Hon. D. K. DANS: The Chairman, Professor Main.

Hon. G. E. Masters: When did he say that?

Hon. D. K. DANS: Let me finish. The member made his speech without interjection from me.

Hon. G. E. Masters: I am only asking questions.

Hon. D. K. DANS: Instead the matter can be covered by the development of a study which has been brought forward since the time of that statement about the ERMP. A public environmental report, briefly referred to as a PER—public environmental report, for submission to the Environmental Protection Authority, has been prepared. The Government has always been aware of the need to address the environmental issue in regard to the complex.

Hon. G. E. Masters: Can I ask about the PER? Does that take a much shorter time?

Hon. D. K. DANS: Much shorter. I was talking to Professor Main this morning. The one issue they have in mind will take three or four weeks, I think—or two or three weeks, he is not sure—but it certainly does not take as long as an ERMP; so the Government is allowing that study to take place.

I have not introduced the agreement into this Chamber as yet, but when I do, members will find it contains a clause which reads, in part, as follows—

The resort complex shall comply with the lawful requirements or regulations and by-laws of all relevant local authorities of the State and Commonwealth and all Acts of the State and Commonwealth applicable thereto.

While the Environmental Protection Authority originally called for an environmental review and management programme, it did so mainly in order to address the single issue of the containment of any effluent which might leach out of rubbish buried on Burswood Island.

I issued a Press statement at lunchtime today. Professor Main has advised me that this issue can be adequately covered by the production of a public environmental report for submission to the Environmental Protection Authority. He is satisfied any environmental consequences caused by the construction of the casino, such as the leaching of effluent from any rubbish buried on Burswood Island, can be managed under this procedure, subject to a suitable commitment from the developers.

The casino-tourist complex developers have been aware for some time that they will have to satisfy the EPA's requirements. No Government of any political complexion would be prepared to permit a project worth ultimately \$300 million to proceed while breaking the laws of the land and subjecting the entrepreneurs to a running battle. If one did that, some of the major participants would simply withdraw. My Government has a long-standing commitment, which it has stated publicly, to the environmental protection not only of Burswood Island, but also of any other area, and I assure the House that it will continue to honour that commitment.

The facts of the matter are that at the time I made my statement about the ERMP—there is no denying that I made that statement and I am not trying to mislead the House—that was the only way I thought we could travel.

Hon. A. A. Lewis: In other words, you did not know what you were talking about.

Hon. D. K. DANS: At that time it was the only way we could travel, but since then, for various reasons, the public environmental report has been introduced.

Since I have been in the Chamber today, I have received a letter prepared by Cameron Chisholm & Nicol, and perhaps it is appropriate that I read it now. If anyone would like me to table this document I am quite prepared to do so. It is very interesting and contains some engineering marvels. The letter is addressed to Professor Main and reads as follows—

Dear Sir,

BURSWOOD ISLAND RESORT

We write at the request of Burswood Management Ltd, and advise that the foundation system to be employed on all the major buildings proposed for the above named resort will be one of piles and pile caps providing complete support to the structure above. The only exception to this may be the Exhibition Centre which appears to be located on sandy soil.

This decision was taken following comprehensive soils investigation carried out on the site in December (Golder Associates Report 84640100—copy available on request). The investigation showed that the building site is covered by 2 to 3 m of fill consisting mainly of building rubble, underlain by 5 to 12 m of soft alluvial clay overlying very stiff predominantly clayey soil.

That may put to rest some of the bizarre descriptions I have been given of what is believed will lie

under the casino. I have been told there will be all kinds of things including old car bodies, bits and pieces from the hospital, and used condoms. I do not know whether that is true.

Several members interjected.

Hon. D. K. DANS: The casino will not be constructed right beside the river, but rather 150 or 160 metres away from it.

The letter continues—

It is intended to drive piles through the fill and soft alluvial clay and found them in the stiff clay layer below R.L.-4 to R.L.-8, although if necessary they could extend further into the dense sands below. Load from the structures will thereby be transferred via the piles directly to the stiff lower clays without loading the fill and soft alluvial clays immediately below the surface. (See attached sketch).

Attached are two drawings, SHEET 1 and SHEET 2 which show the location of buildings on the site and their proximity to the river. You will note that no building is closer than 150 m to the water's edge.

We trust this information is adequate for your requirements, but would be pleased to elaborate further if necessary.

I am given to understand that is exactly what Professor Main wanted from them.

I would have been foolish to instruct the Casino Control Committee to proceed with its investigations if the Government had not done a few investigations itself. The Government itself undertook test borings on the site. I must admit that when I received the report it contained some rather strange language, using symbols and signs. I did not fully understand those symbols and signs, but they were interpreted for me and I was given to understand that the site was adequate.

Hon. I. G. Medcalf: Are you trying to prove that the casino will not fall into the river?

Hon. D. K. DANS: I am simply pointing out that I have been accused of misleading the Parliament. On that occasion I made a statement which I thought to be correct. Since then the EPA has adopted another method to go about the matter and that method is being used at present. In addition to that, the private consultants, led by Dr Riggert, have carried out extensive surveys of the area.

Hon. G. E. Masters: I understand he has reservations now.

Hon. D. K. DANS: Then he should please let us know about them, although he should not have been leaving it this late.

I repeat: I have read the urgency motion. I have admitted making that statement in Parliament, fully believing it to be true at the time. I reject out of hand the proposition that the Government stood too close to these negotiations.

One of the first things I did when taking over this responsibility was to come to Parliament with a Casino Control Bill. If members read that Act they will know it gives to those prominent business people involved the right to enter into an agreement with the Burswood entrepreneurs, and they have done exactly that. They produced for us an agreement in conformity with section 19 of the Casino Control Act, and gave it to me, the Minister responsible. It had to be approved by the Cabinet and I took it to the Cabinet and, with a few small changes, sent it back for them to re-examine. As the chairman, Mr Harry Jarman, was away, I had to fly him down from Kalbarri because there was one last document they had to sign confirming to me they had sighted all the documents involved. With that signature we signed an agreement yesterday, always with the understanding that the agreement had to be ratified by the Parliament because that was one of the conditions of coming here last year with the Casino Control Bill.

That is where we are now, and I can assure the Parliament that we are complying and will continue to comply with all of the laws of this State. When the agreement is presented to Parliament it will adequately demonstrate to all members that that is exactly what we are doing.

It has been mentioned that we are rushing through this proposal. We have not been rushing it. Members will recall that it all started in early March last year. It has had a matter of urgency about it because of the requirement to have an agreement by 31 March this year, otherwise one of the participants would drop out. It is not a matter of whether we have a casino, and I agree with Mr Masters on that score.

The facts are that, firstly, we are looking down the barrel of the provision of between 3 000 and 4 000 jobs, with between at least 1 500 and 2 500 on the site during the period of construction; secondly, we are looking at about 1 700 jobs when construction has been completed. The sooner the agreement is accepted—and I hope it is—it will be possible in November for the entrepreneurs to start training people for work in the casino, and I think that is admirable.

In addition, at the insistence of the State Government, an exhibition centre will be built which will be of value to the State for many years ahead. The centre will be capable of holding some

17 000 people and it will be quite possible to stage a soccer match under cover.

Further, at the insistence of the State Government, a convention centre will be built which will include simultaneous translation equipment for about six or eight languages. This is really needed, and since the convention centre plan has been announced we have received about 28 inquiries for conferences to be held there.

It has been mentioned that the casino is being rushed because of the America's Cup challenge. A number of members opposite are businessmen, and they would know that if anyone were to commit ultimately \$300 million to \$400 million for an event that will reach its peak for just two weeks, he would have to be stupid.

The people involved would like to have it up and running by then, but so would every person in this Chamber; everyone here would like to see a 400-room hotel operating during the period of the America's Cup challenge, so that visitors might look around and decide that Perth was not a bad place and they would come back again.

I repeat: I did not mislead the Parliament in my statements. I firmly believed it was the only way to travel. Since then it has been pointed out that there is a PER. I admit I did not know what that meant; I do not think many Opposition members knew what it was.

Hon. G. E. Masters: Never heard of it.

Hon. D. K. DANS: It means a "public environment report". When Professor Main mentioned it, I had to ask him what it was. I do not think he would have made it up.

Hon. G. E. Masters: Is this the first project to be considered for a PER?

Hon. D. K. DANS: I do not know.

I reject out of hand the suggestion that I in any way misled the Parliament. I say categorically that I have been engaged in none of the negotiations, and neither has any other Minister of the Crown. The negotiations were carried out in accordance with the Casino Control Act, and we accepted the report that is covered by section 19 of the Act. The report had to be handed to the Minister, namely myself, and I put it to the Cabinet.

If members here are sensible they will vote against the motion. I will provide a copy of the material to which I referred during my speech.

The papers were tabled (see paper No. 452.)

HON. P. G. PENDAL (South Central Metropolitan) [3.17 p.m.]: The Leader of the Opposition in his brief remarks to this debate quite distinctly made the point which is at issue here: It is not a debate about the merits or demerits of a casino

and it is not a debate about the merits or demerits of siting it at Burswood Island—as much as I would personally like to see that occur. It is, as the Leader of the Opposition said a few minutes ago, consistent with some of the comments made in the House yesterday, a question of whether in future the Parliament can believe the Ministers of this Government.

It is not good enough for Mr Dans now to tell us that it is not a question of his misleading the House, but, as he puts it, a question of the Government and the EPA having apparently found some miraculous new way to get around the law, namely, the Environmental Protection Act, which is still the law of Western Australia.

Whatever Professor Main has told Mr Dans today, I can tell the House that a week or two ago Professor Main was not aware of this grand new scheme to fast-track the environmental aspects of the Burswood Island casino. As of 4 February—just 17 days ago—not only did Professor Main not know about a PER, but also the Environmental Protection Authority itself knew nothing of it. As a matter of fact the EPA, headed by Professor Main, as of 4 February this year did not have a proposal for the casino before it. Therefore, one is entitled to ask: What happened between the time Mr Davies sent the letter dated 14 September and now, which letter was mentioned by Mr Masters, in which Mr Davies said—

The Authority is now recommending that an ERMP should be prepared after the Government has selected the final proposal.

What has happened between 14 September last year and 20 February this year to make the Government change its mind and, more importantly, what has made the Government break the law? That is what this amounts to.

I remind Mr Dans that he is bound by section 56 of the Environmental Protection Act. It is of great irony, as my leader pointed out a few minutes ago, that it is the Labor Party which continually parades its virtue in regard to the environment.

Why has Mr Davies been silent on this matter? Since the casino proposal has been current we have heard much from Mr Dans, and that is to be expected since he is in charge of that side of the casino project. Mr Davies, however, who has environmental responsibilities under the Act, has been silent. He has been allowed to make no public comment; not only has Mr Davies been gagged by his own Premier, but as late as this morning the Environmental Protection Authority was still being gagged. Press people in this town went to the EPA this morning to find out the extent to which

the story in this morning's newspaper was accurate and they were told by the Department of Conservation and Environment's Mr Colin Porter that he was not allowed to comment. Who put the silencer on him? Something entirely smelly is going on now about the adherence to this motion, just as a lot of smelly things have been going on about this whole project.

It is simply not good enough that Mr Dans stands in the House and tells us that notwithstanding all those promises that were made—including those promises given on 5 April last year by the Premier—the Government has found some miraculous new way to fast-track something which until now every individual in Western Australia has had to abide by. The people are entitled to ask those questions and until their questions are answered the people of this State are again entitled to put a gigantic question mark over the Government's desire, it seems, to fast-track certain projects for certain people, while the remainder of the business community of WA still has to abide by the law.

What about the man who wanted to put in the marina at Woodman Point? He was prepared to put up \$10 million of his own money. He did not get the fast track. Mr Dans, why did he not get the fast track? He lives in Mr Dans' electorate, if I remember correctly, and if not, he runs a business in his electorate. The differences and discrepancies between the slow-tracking of that matter and the fast-tracking of the project he is now involved with is very interesting indeed. Many businessmen have come to me about this matter and they are becoming increasingly concerned about the unethical activities of this Government and its capacity to smarten things up when it suits some people and to deliberately slow things down when it does not suit them.

I support the motion.

HON. H. W. GAYFER (Central) [3.23 p.m.]: I have read the motion before the House with a great deal of interest and I rise to speak on a section included in the second paragraph, "to greatly increase public concern now freely expressed in the community". The Leader of the Opposition is dead right in his comments: Great public concern is now being freely expressed in the community, and this concern is being expressed in the community for many reasons. After this debate, no doubt, this will be another matter in respect of which the people will record their expressions of concern.

The previous speaker mentioned that there are a lot of smelly things about the whole project, to use his exact words, so that means that there is even

more involved in this matter than the Leader of the Opposition has drawn to the attention of the House. There are other reasons that we should be looking at the whole set-up of the project itself and, if not, indeed supporting the exact words of the Leader of the Opposition, perhaps amending those words so that a true expression of concern can be aired.

In recent months, certainly since this project started to get off the ground, the public of WA have become increasingly more concerned, day by day, at the problems which will be associated with the casino, both ethically and as far as its construction is concerned.

I hasten to add that the recent outbreaks of crime in the Northbridge area, and even in St. George's Terrace, have given people great concern and they are now freely expressing this concern within the community. The words of the Minister are correct, but the people are now beginning to wonder whether the right decision was made in regard to building the casino at Burswood Island. Certainly if there is any doubt at all that Burswood Island is the proper place for the casino, indeed fresh thought should be given to the whole project—in fact, to the whole matter of a casino in Western Australia.

What Mr Masters said is also perfectly correct; this is just another matter which is increasing public concern, which concern is being freely expressed in the community. I propose an amendment to delete certain words and return the matter to the people to decide whether we will continue with the project or leave it alone—and, as the Minister has said, 31 March is to be the deadline associated with the final signing of any of these contracts.

In the light of concern that is being expressed for the future, particularly in respect of the crime angle associated with this State in recent months, the Government and the people should have another look at the whole casino proposition. Accordingly, I move an amendment to the motion moved by the Leader of the Opposition—

Delete all words after the word "Government" with a view to inserting the following words—

This House calls upon the Government to institute a referendum of all the people in Western Australia in which they will be asked do they approve or disapprove of the establishment of a gambling casino in Western Australia?

The **PRESIDENT**: An amendment cannot be moved in those terms.

HON. P. H. LOCKYER (Lower North) [3.29 p.m.]: I am pleased in some respects that we are not able to speak to that amendment, but I am also disappointed in some ways because I am constricted by the motion before the House and I am unable to expand on the comments I would like to make.

First of all, I am amazed that all of a sudden, popping out of the woodwork in this Parliament is a new Rev. Fred Nile, and the last two speakers warned me repeatedly on this matter.

[Resolved: That business be continued.]

Hon. P. H. LOCKYER: I could be excused, as could be many other members of the Western Australian community, for believing that I may read the headline in the *The West Australian* newspaper tomorrow that the principal involved in the casino development in Western Australia, Mr Dallas Dempster, announced to the Parliament this afternoon that he had withdrawn his proposal to build a casino and had decided to build it in Queensland, or much worse, in New Zealand.

Hon. Peter Dowding interjected.

Hon. P. H. LOCKYER: The last person I want to hear from this afternoon is Hon. Peter Dowding. I am on his side at present and any of his comments will easily shift me.

I am sick and tired of seeing obstacles put in front of the development of this casino. I know that my leader moved this motion this afternoon with the right thought in mind; he is reminding the Leader of the House that as far as getting the casino into the starter's hands is concerned he has made a terrible botch of things.

I listened carefully to the explanation of Mr Dans this afternoon and I think he is doing his best. If I had my way I would have every environmentalist lined up against the wall and shot, because the proposed site for the casino was once a rubbish dump. It is only because of the efforts of people like Mr Graham MacKinnon, and the business people from Victoria Park and other associated areas, that the area was made anywhere near as acceptable as it is today.

Environmentalists will be brought in on this matter and they will say, "Look at the smoke coming from that chimney; that is pollution". It is not pollution; it is production! We cannot see everything as a threat to the environment.

We heard the Leader of the House say a moment ago that 1 500 to 2 500 jobs will be provided for the construction of this casino. Let us just say that Mr Dempster informs this Parliament, or the Government of the day, that he will not build the casino. Who will tell those people who have the

prospect of a job that they no longer have a job? Who will tell the 1 700 prospective employees of this casino that there will no longer be a job for them? Is not the time ripe for us to make some easier roads so that this casino can go ahead?

Mr Dans has made a terrible mess of the matter. I know it is not entirely his fault—he probably has an enormous problem in the Cabinet, and this is perhaps the only way he can sneak his way out of the matter. That does not mean to say that all my conservative friends are right, or that the "Fred Niles", like the honourable member behind me who continued on with a debate that should have waited until we discussed the casino Bill in the House, are right.

I am concerned that obstacles have been put in the way of developers by the EPA. If, as Mr Dans says, there is some other way to develop a project which could be better for the environment, then we must be protected, but not to the point where matters are held up forever and a day. We have seen that occurring in the past.

Mr MacKinnon corrected Mr Dans a moment ago when he said that the EPA was not around when Laporte was established. Thank God for that, otherwise it may not be there today!

We have heard Hon. Sandy Lewis bringing the matter of forests to our attention and the problem always comes back to the environmental people. Let us stop mistaking noise for numbers.

Mr Gayfer said his proposed motion would call for a referendum. He must be careful because many people are sick and tired of listening to the noisy minority. Many people want this development and many people are happy about the way in which Mr Dempster and the Genting Berhad people are trying to do something in the area. It is time for us to get in and support the project and to draw up proper guidelines and get on with the job of getting the casino off the ground.

HON. PETER DOWDING (North—Minister for Employment and Training) [3.34 p.m.]: Opposition members, as they were yesterday, are long on innuendo and smear, and very short on fact.

I have spoken this afternoon to Colin Porter and Hon. Ron Davies and neither has any objection to or any criticism of the procedures that are being followed in relation to the environmental aspects of the project. I note Mr Pendal, having had his little bit of smear, has not stayed to hear that nasty innuendo and unnecessary assertion corrected.

As Hon. Gordon Masters should have checked up, but failed to do, the environmental authorities in this State do not have any criticism of the way in which this procedure is being pursued. Indeed,

it is their position that it is appropriate that it be pursued in this way. I do not adopt the comments of Hon. Philip Lockyer about environmentalists, the Department of Conservation and Environment, or the Environmental Protection Authority. These people have recognised, not only that the environment will be adequately protected by the procedures we have adopted, but also the need for this matter to be pursued within a certain time-frame.

The tragedy is that the Leader of the Opposition in this House, whose incompetence is remarked on far more often than anyone criticises casinos to me, is seeking nothing but a quick headline, without any substance to his allegations. The first matter that ought to be corrected is the question of where the casino will go. I know that when Sir Charles Court was interviewed on the subject of Burswood Island, he conducted the interview on Heirisson Island. When he was photographed for the newspaper he did not go on to the area where the casino is to be built, he stayed near the road-way on Burswood Island. That area had already a park development for the public and it will remain so.

It appears that Hon. Gordon Masters does not know and does not have sufficient time, wit, or intelligence to find out where the casino will be. It will not be built on the edge of the river; it will be built as the Leader of the House has said, some distance from the river, equivalent to over twice the width of the Esplanade.

One environmental issue needs to be monitored and it is for that purpose that a PER is required. Not only is it acceptable to the EPA and the department, but it is also acceptable to Hon. Ron Davies. The ridiculous smear that Phil Pental suggested today, when he was on his feet purporting to be a responsible member of this House, was that Hon. Ron Davies had been gagged on the issue. That is false, malicious, and untrue. I have this afternoon confirmed that fact with Hon. Ron Davies.

If members opposite were serious in their belief of the need for projects in Western Australia, they would not put spurious problems in the way of projects. All they do by this niggling is simply seek to undermine the credibility of the relevant Government Minister responsible, with no thought of the impact on the community at large, and certainly no thought for the welfare of Western Australians—just as formerly these members used to go overseas and rubbish Western Australian unions.

I am told that members opposite have been quite free with their criticism of this Government

when they have met overseas business people. If they think that is the way to attract investment and development to this State they are either foolish, ill-educated or, as I suspect, deviously seeking to persuade developers to go elsewhere until the unlikely event of their return to Government.

I am told that despite the unnecessary and untrue innuendo and smear from Mr Pental that Dr Riggert will support the submission from Cameron Chisholm & Nicol to the Environment Protection Authority—

Hon. P. G. Pental: Get the name right!

Hon. PETER DOWDING: If lies made Mr Pental's nose longer he would be in my way on this table.

I am informed this afternoon by the officers concerned in the matter that Tom Riggert will be supporting the Cameron Chisholm & Nicol submission.

Hon. P. G. Pental: Bring Colin Porter to the bar of the House!

Hon. PETER DOWDING: I have just spoken to him. I would not bring him here to suit Mr Pental who is a little twerp. I say to Mr Pental that I left this Chamber five minutes ago and spoke to Colin Porter. Mr Pental should stop trying to embarrass him by making untrue, sly innuendos.

Hon. P. G. Pental: They are not untrue.

Hon. PETER DOWDING: Of course they are.

Hon. P. G. Pental: Who would believe you after you fiddled your tax?

Hon. PETER DOWDING: The Opposition said yesterday, through its Deputy Leader, that there was nothing illegal about my tax activities.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I have prevented other people from raising that subject and the Minister will stop doing it too.

Hon. PETER DOWDING: Hon. Phil Pental is incapable of being directed into an area of the truth. Under the guise of truth he puts a proposition which is no more than his belief. If he likes to assert that he thinks Colin Porter ought to be or might be upset, he might have some degree of credibility, but he has none. I have spoken to Mr Porter this afternoon.

Nothing in this motion raises matters worthy of criticism of the Government. The only issue raised in the motion which might on the face of it have any substance is the issue of the Leader of the House making a statement previously as to the path the Government would follow. As he said, it was the Government's intention at the time to do

that. Is the Opposition seriously suggesting that having said that 'last year we should now go against the advice of the EPA, the Department of Conservation and Environment, and the Minister for the Environment?

Hon. P. G. Pandal: It never gave you advice; that is a lie. It has not been before the EPA.

Hon. PETER DOWDING: Mr Pandal should button his nappy and listen for a minute. This afternoon Mr Colin Porter personally told me we were pursuing the proper course. Is Mr Pandal seriously suggesting we should put this project in jeopardy to follow a procedure which no one involved in this issue says is necessary simply because a few months ago it was in the mind of the Government?

Hon. P. G. Pandal: Your colleague said it was necessary.

Hon. PETER DOWDING: That was what we expected would be the proper course of action. Should we now hold up the project, put the developers to expense, and potentially jeopardise the project, or do what the Leader of the House has done and said; that is, that that was the Government's intention but it is no longer required and another environmental procedure will be followed? People on this side of the House prefer the course the Government has taken. We believe it to be the honourable and sensible way to deal with the matter, consistent with our stated objective of protecting the environment, and entirely appropriate. This piece of headline grabbing by the Opposition will be seen for what it is.

HON. A. A. LEWIS (Lower Central) [3.43 p.m.]: If the last honourable gentleman had not entered the fray I would not have risen to speak because this subject is far better dealt with when we deal with the Bill.

The Leader of the House admits he made a blue—

Hon. D. K. Dans: I did not admit I made a blue; I made a statement.

Hon. A. A. LEWIS: It is compounded by Hon. Peter Dowding. This great Government wants to get rid of authorities. Some of us know a little about management, and thank the Lord more than does Peter Dowding. The Government is setting up another authority to look after Burswood Island, yet it has been talking about getting rid of authorities. It has said it is getting rid of the MRPA and others because there are too many of them. Why cannot the Government leave the management of this matter to an authority? There is doubt in the public mind whether we need an ERMP. I tend to go along with Hon. Phil Lockyer

and think that these things are drawn out far too long.

I also tend to think that Mr Dowding when he was in Opposition was one of the people who stirred up the community to want these environmental reviews. Mr Dowding has turned turtle completely. The next thing he will want is two Aborigines on the Burswood Island board because it is a sacred site or something, as was suggested by the Premier in his Press statements in relation to the National Parks Authority.

Sitting suspended from 3.45 to 4.00 p.m.

Hon. A. A. LEWIS: This Government has got itself into a farcical situation in its proposal to appoint another authority. What is needed in land management are people who understand land management. One does not obtain that expertise by considering race, creed, or anything else. The best people possible should be appointed to those positions.

Surely the Minister is joking when he talks about setting up this authority. An authority has been set up already under legislation. It could deal with this issue. The Minister for Racing and Gaming wants to start his own parks service under the racing and gaming legislation. He will probably want to place a Luna Park in the middle of the racecourse next, and a slippery dip for which the public will have to pay at all TABs. That is the sort of mentality of this Government.

As Hon. Phil Lockyer says the Minister has made a complete and utter botch of the matter. He is incompetent.

Hon. Peter Dowding accused Mr Masters of incompetence. Mr Masters has had an odd portfolio or two, but he has not been sacked once.

Hon. G. E. Masters: I have never been sacked.

Hon. A. A. LEWIS: The public sacked the Minister once. Mr Dowding will probably be the person who runs the slippery slides at the TAB for Mr Dans because he is going downhill very fast. He has absolutely no knowledge of land management and has insulted the Leader of the Opposition and made stupid remarks.

The Leader of the House has made enough botches of this matter. We will deal with the rest of them when we begin dealing with the Bill. He will be more blustery then than he was today trying to defend himself. There is no doubt in the minds of members of this House that the Leader of the House has botched the job and misled the House. He now wants to do a somersault.

I believe the censure of the Leader of the House is warranted.

HON. G. E. MASTERS (West—Leader of the Opposition) [4.05 p.m.]: I will reply briefly to the comments. I certainly dismiss Mr Dowding's comments. Obviously he is trying to re-establish himself after the mess he made last night and the lack of support he received from his own colleagues. Undoubtedly, being involved in a tax fraud as he was—

The **PRESIDENT**: Order! The member cannot talk about those matters.

Hon. G. E. MASTERS: I dismiss Hon. Peter Dowding's comments and suggest that he read the Act before he stands in this House and lectures other people about what we should and should not know.

I suggest that Mr Dans snowed this House with his comments. He passed the buck by saying that his technical committee recommended that there be no environmental review management plan.

Hon. D. K. Dans: I did not say the technical committee; I said the Casino Control Committee.

Hon. G. E. MASTERS: Okay, the Casino Control Committee made recommendations to the Minister. After the recommendation was made the decision on the recommendation should have been finally made by Hon. Ron Davies, the Minister for the Environment, and above all by the Premier. No matter how many recommendations came forward, though, the decision finally belonged to Mr Dans. He decided that there would be no ERMP.

It is interesting that the Government has suddenly said that it will call for a PER. I have never heard of that expression before. I suggest it is an invention that has been produced quickly and as a miraculous cure at the direction of the Premier to get the Minister and the Government off the hook. How will the public be able to study the public environmental report? If the document is to be made public, there will not be time for it to receive proper consideration. This scheme has been particularly devised at the direction of the Premier to overcome and short-cut some of the problems and most of all to get the Minister off the hook and to deprive the public of a proper consideration of the environmental issues.

I understand that the Minister for the Environment was furious with the decision and has made no secret of those feelings in some quarters. The Minister was overruled by Mr Burke, the Premier. Mr Burke has taken responsibility and he alone must bear the total responsibility for the Government's somersault on this matter. We saw the same thing occur in regard to the Western Australian Development Corporation. Promises were made and were reneged on.

The letter is a very important one. We should recognise its objectives. The Leader of this House made a public statement and a promise which everyone was entitled to understand to mean that an ERMP would be carried out in relation to the casino site. We understood that it was not to be a short-cut version. That is the real issue.

It is important that we understand what was the purpose of the letter. The House was misled and the public were misled. I draw the attention of the House to the last paragraph of the letter which states—

... to greatly increase public concern, now freely expressed in the community, at the level of ethical standards being followed by Government in development and construction projects.

I do not need to say anything more. One can read the newspapers every day to see what is going on. The public has a right to query the ethics and standards of the Government in short-cutting these environmental issues. We ask: Who is getting the favours?

For those who do not understand an urgency motion, it is necessary for a member to move a motion under the Standing Orders to enable him to talk on matters he considers of great urgency and in the public interest. After the debate is completed it is then necessary for that member to withdraw the motion, otherwise I would be happy to pursue it.

Motion, by leave, withdrawn.

[Questions taken.]

CASINO (BURSWOOD ISLAND) AGREEMENT BILL

Introduction and First Reading

Bill introduced, on motion without notice by **Hon. D. K. Dans** (Leader of the House), and read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.23 p.m.]: I move—

That the Bill be now read a second time.

The State Government has reached an agreement with the developers of the planned Burswood Island casino resort complex. The ratification of the agreement by this Parliament will pave the way for this very important development to proceed. This agreement has been closely scrutinised by the Casino Control Committee which has recommended that the State enter the agreement.

This, on current estimate, \$220 million project will provide a major boost to the economy of this

State, both in the short-term and the long-term. The agreement commits the developers to spend at least \$200 million on the project.

The project is about jobs, economic growth, and confidence in the State's future.

The economy's base will be broadened. Significant construction and permanent jobs will be created, not only at the casino complex but through a broad cross-section of industry and commerce. Tourism will be boosted with further increases in incomes and employment across many businesses.

The developers have agreed to use, wherever practicable, labour, materials, services, and contractors available in Western Australia. The developers have agreed to comply with all the laws of this State. This is a specific clause in the agreement and if there is non-compliance, the State can order compliance, suspend the project, or even terminate the agreement.

This development will bring thousands of new job opportunities to this State and assist in alleviating unemployment, especially in the 18-25 year-old age group.

The State will receive significant revenue from the taxes and licence fees that the developers will have to pay. It is estimated that the State will be receiving at least \$8 million per annum from these sources.

The Commonwealth Government's revenues will be boosted also by increases in income tax, corporate taxes, and other taxes. These new funds will be used to benefit the general community. In this way the project's benefits will spread throughout the community.

Besides the initial \$220 million investment, provision exists for a possible further \$100 million investment by the developers in the future.

A wide range of new facilities— theatre complex, amphitheatre, etc.—and valuable new parkland will also be developed for the benefit of the community. Importantly the State will not have to make any financial payments under this agreement.

I shall return later in this speech to look at the benefits I have cited in more detail.

The purpose of this Bill is to seek parliamentary ratification of an agreement between the Minister for Racing and Gaming and the successful developer/operator chosen by the Government to build and operate a casino resort complex on Burswood Island. Parliamentary sanction is required to comply with section 19 of the Casino Control Act 1984. Parliament was informed of this requirement during the passage of the Casino

Control Bill last year. Ratification of the agreement will enable the developers to seek the necessary permit from the Perth City Council to enable construction of the \$220 million complex to begin. It will also pave the way for the successful developer/operator to lodge a formal application with the Casino Control Committee for a casino gaming licence pursuant to section 21 of the Casino Control Act.

The Casino Control Committee was appointed under the provisions of section 4 of the Act in July 1984. The control committee was requested to conduct a detailed financial examination of both submissions before it made a recommendation to the Government. The investigation by the committee was conducted over a four-month period. To assist the committee, two Department of Treasury officers were co-opted. The Commissioner of Police provided the services of a police officer who undertook inquiries into the reputation of the directors of the companies involved in the organisations which comprised the two finalists. Members of the committee visited casinos in Australia and overseas where these organisations currently conduct gaming operations. The committee was assisted also by the Australian Federal Police and the Royal Malaysia Police.

The control committee was unanimous in its recommendation that the responsible Minister should enter into an agreement with the consortium comprised of Perth businessman, Mr Dallas Dempster, and Tileska Pty. Ltd. Tileska Pty. Ltd. is a Sydney-based company which is owned by the Lim family, who in turn control Genting Berhad, the owner and operator of the casino resort in the Genting Highlands of Malaysia. Genting Berhad is the fifth largest public listed company in Malaysia.

After acceptance of the Casino Control Committee's recommendation by the Government, the successful consortium formed a company in Western Australia known as Burswood Management Ltd. This company will be the manager of a publicly listed unit trust. Establishment of such a publicly listed unit trust and the management company was proposed by the partners in its initial submission to the Government.

Details of the trust structure and the background of directors are contained in a prospectus to be released in the near future inviting approximately 45 per cent public shareholding in the venture. This means that equity in the resort complex available to Australians will approximate 72 per cent. Western Australian applicants will be given priority of allocation of units and wide participation will be sought.

The initial investment in the casino resort complex is estimated at \$220 million. This level of investment will allow for the construction of the following buildings and facilities and makes provision for cost overrun—

400-room hotel of international standard;
freestanding casino of 135 tables;
convention centre for 2 400 persons;
theatre restaurant for 1 200 persons;
exhibition and sporting centre seating 17 000 persons;
foreshore and parkland improvements;
amphitheatre;
sports pavilion/gymnasium;
tennis courts;
18-hole golf course;
tourist information centre; and
enclosed all-weather swimming pool.

the investment of \$220 million will be funded as follows:

	\$ million
Dempster Nominees Pty. Ltd., the family trust company of Mr Dallas Dempster	30
Genting Berhad, Malaysia	30
Public shareholding	50
Total	110

The further \$110 million required to fund the project will be borrowed by the Burswood Property Trust which will own the assets of the casino resort complex.

The Rural and Industries Bank of Western Australia has agreed to be lead banker for the borrowing and will hold a mortgage on the casino licence and the resort complex.

West Australian Trustees Ltd., a public listed company, will hold the casino licence and act as trustee for the unit holders of Burswood Property Trust.

Burswood Management Ltd., which is jointly owned by Mr D. Dempster and Tileska Pty. Ltd., will be the project manager for the entire resort development and will manage the assets and property constituting the trust fund.

Subject to the grant of the casino licence, the casino will be operated by Genting (Western Australia) Pty. Ltd., a wholly owned subsidiary of Genting Berhad, Malaysia.

All facilities of the resort complex will be available for use by the public. The proposal involves the development and beautification of the whole of Burswood Island as a reserve at no cost to the people of Western Australia.

Only 12.5 hectares out of a total area of 112.5 hectares will be utilised for building purposes. The balance of the land comprising resort site will remain as a reserve administered by a board to be established under the Parks and Reserves Act, called the Burswood Park Board. The park will comprise a planned foreshore development, open parklands, and an 18-hole championship golf course, all for public use.

To facilitate the use of 12.5 hectares for the casino resort complex, the Perth City Council will sell to the Government 11.1 hectares of land which is zoned urban.

The developer will pay \$30 million to the State, a sum which includes an amount for the freehold title to be determined by the Valuer General and the balance is consideration to the State for entering into the agreement.

The purchase of 11.1 hectares by the Government increases the amount of Crown land on Burswood Island from approximately 120 hectares to 131 hectares. The net result is that only 1.4 hectares out of 120 hectares of Crown land will be lost as public open space.

The Government wishes to place on record its appreciation of the part played by the Perth City Council in bringing this development to fruition.

I am particularly pleased that the developers will undertake a major and extensive beautification of Burswood Island. Without this development, Burswood Island would remain a public eyesore, without public access. Funds which may have been utilised by the Government and the Perth City Council to develop Burswood Island in the future can now be directed towards assisting the community in other areas.

The developers will spend \$15 million on the establishment of foreshore parklands, general landscaping, and the golf course, under the supervision of the Burswood Park Board. Membership of the board will comprise two members each from the Perth City Council, the Casino Control Committee, and Burswood Management Ltd. The board will be responsible for management, maintenance, and promotion of the whole reserve on Burswood Island, excluding the buildings which comprise the resort complex.

It is emphasised that neither taxpayers nor ratepayers will be financially responsible for the maintenance and future development of the public recreation areas including the golf course.

The Burswood Park Board will be funded by an amount of \$1 million or one per cent of gross casino revenue annually from the casino resort operation, whichever is the higher figure.

The developers have agreed to the establishment of a Burswood Park technical committee. This committee will advise the Burswood Park Board on management, development, and environmental matters related to Burswood Park.

The technical committee will comprise membership from each of the Department of Conservation and Environment, the Swan River Management Authority, the Perth City Council, the Town Planning Department, the Main Roads Department and the Metropolitan Region Planning Authority, the environmental consultant of the developers, and a representative of the Casino Control Committee. The function of the committee will be to advise the board on environmental traffic and other issues. Such membership will achieve a co-ordinated approach and resolution to any issues which may arise.

I return now to look in more detail at the boost this project will give our State. Significant employment opportunities will be created, both directly and indirectly.

During the construction period, up to 1 500 persons will be employed on site. Employment and income in businesses supplying materials to the building industry will also increase. On completion of the project on 31 December 1983, the complex will provide employment for 1 760 persons. The casino will provide 1 000 jobs, the hotel 500 jobs, with a further 260 jobs in maintenance, gardening, and other areas.

It is important to highlight that most of the jobs created will be for persons within the 18 to 25 year-old range, currently the highest bracket of unemployed persons in Western Australia.

Of the 1 000 staff required for the casino, it is estimated that 900 will be recruited in Western Australia. New skills will be developed and the developers will be undertaking training programmes for selected employees. The occupational structure of our work force will therefore be broader. The balance, comprising the senior staff, may have to be recruited from other States or overseas as relevant casino experience will be required.

The agreement provides for a Government tax rate of 15 per cent of gross casino revenue. This is additional to the one per cent casino revenue to fund the Burswood Park Board, therefore, the developers will be responsible for payment of 16 per cent of their gross casino revenue before any operating expenses are deducted.

The agreement fixes the tax rate of 15 per cent for 15 years. After expiry of the 15-year period the Minister may increase the tax rate to a maximum

of 20 per cent but cannot increase the percentage by more than one per cent each year.

In addition to the tax rate the operators will pay an annual licence fee of \$400 000 which will offset the cost of Government surveillance through the Casino Control Committee. The control committee's costs will be further reduced by licence fees of \$300 for key casino employees and \$100 for other casino employees.

Each applicant will be investigated by the Casino Control Committee. Individual licence fees will cover the costs of these investigations.

Provision has been made in the agreement for the annual escalation of the \$400 000 licence fee based on CPI increases.

It was estimated by the Government advisory committee that the 15 per cent tax should at the minimum yield \$6 million to \$7 million per annum. It is confidently expected that the estimate will be exceeded.

The matters associated with land, planning, and roads are also dealt with in this Bill. The developer will be responsible for the funding and construction of the roads to agreed standards.

The Bill provides also that the current moratorium on the granting of certain liquor licences will not affect the grant of licences in respect of the resort complex.

The agreement which is scheduled to the Bill is divided into seven parts. Part I includes definitions of terms used throughout the agreement. It provides also the machinery for amendments to be made to the agreement. Such amendments must be laid before both Houses of Parliament which may pass a resolution disallowing amendments.

Part II covers the obligations of the developers to construct the whole resort complex on Burswood Island. This part also provides for the establishment of the Burswood Park Board under the Parks and Reserves Act.

Part III deals with the corporate structure of the founders and covers the issue of units in the trust to the public. The selling price of shares will be 50c each and a minimum parcel will be 1 000 shares. No person will be able to hold more than five per cent of the total number of units on issue at any time except with the approval of the Minister. Foreign ownership will be limited to 40 per cent of units on issue.

Part IV provides for payment by the developers of 15 per cent of gross casino revenue to the Treasurer and the annual licence fee of \$400 000 to the Casino Control Committee. Provision is made also for the Burswood Park Board to be paid one per cent gross casino revenue of \$1 million per

annum, whichever is the highest figure. This part also provides the machinery for the grant of a casino licence and review of the rate of casino tax.

In consideration of the rate of tax, the licence fee, the \$30 million to be paid to the State, and the level of investment in the project, the Government has agreed to the developers being granted exclusive rights to casino gaming in Western Australia for a period of 15 years. The casino will have exclusive right to certain games except the game of "two-up" which may be allowed to be played outside a radius of 200 kilometres from the casino, a list of card and other games which involve spontaneous social gaming, or those games which are not usually played in a casino.

After the 15 years' exclusivity period, the agreement provides that the State shall not grant another casino licence within a radius of 100 kilometres of Perth unless it is in a hotel and casino of comparable size and standard to the Burswood casino. Outside of the 100 kilometres any hotel and casino need only be built to international standards. It is emphasised that the exclusivity provisions granted to the casino licensee will not prevent the playing of games which are now approved under the Lotteries (Control) Act and other Acts, including chocolate wheels and raffles.

Part V deals with the assignment of the casino licence and provides that the trustee shall not mortgage or otherwise encumber the licence or the site without the prior consent of the Minister.

Part VI provides for the termination of the agreement under certain circumstances and provides the developers with a right to arbitration if they contest the grounds on which the State made such determination.

Part VII covers the general provisions of the agreement, including a power for the Minister to compel the manager and the trustee to supply all information held in respect of the ownership, unit holdings, shareholdings, directors, or corporate structure of the trust of the manager. It also provides for arbitration on disputes arising out of the interpretation of the provisions of the agreement.

Last year, Parliament sanctioned the Casino Control Act which allows the State to enter a casino agreement and to issue casino licences.

In summary, ratification of the agreement contained in the Bill will cause numerous benefits to flow to many sections of the community and provide a boost to the economy of the State from this \$220 million project.

The State's revenue will be boosted by—

A tax of 15 per cent of gross casino revenue, estimated to be at least \$7 million per year;

an annual licence fee set initially at \$400 000 and increased each year by CPI change;

\$30 million for land and consideration for the State's signing the agreement.

In short the Bill can be summarised in three words: Jobs, jobs, jobs.

I commend the Bill to the House.

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

ACTS AMENDMENT AND VALIDATION (CASINO CONTROL) BILL

Introduction and First Reading

Bill introduced, on motion without notice by Hon. D. K. Dans (Leader of the House), and read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for amendments to the Police Act, the Lotteries (Control) Act, the Liquor Act, and the Casino Control Act.

The amendments are consequential to the Casino (Burswood Island) Agreement Bill and should be considered having regard to the provisions of that Bill.

Amendments to the Police Act and the Lotteries (Control) Act are necessary to ensure that the Casino Control Act and the Casino (Burswood Island) Agreement Act provisions do not conflict with the gaming provisions of the Police Act or the definition of "Lottery" in the Lotteries (Control) Act.

Amendments to the Liquor Act are necessary to provide for a casino liquor licence and other licences necessary for the operation of the resort complex. When the Casino Control Act was introduced last year mention was made of the need to make amendments to the Liquor Act to protect the investment in the resort development and facilitate the viability of the casino operation.

The main provision in the amendments to the Liquor Act provides for the grant of hotel, cabaret, and restaurant licences on application to the Licensing Court.

It is intended that the bars in the casino and the theatre restaurant be operated under a caterer's permit from the hotel since they will be under the

control of the one operator. The hours to apply to the caterer's permit in the casino and the theatre restaurant will be as notified to the court by the Casino Control Committee.

Liquor provision for the exhibition centre will also operate under a caterer's permit from the hotel, as and when required.

Section 126 of the Liquor Act has been amended to provide for the playing of authorised games in the casino.

In the second reading speech for the Casino Control Act last year, it was emphasised that the Casino Control Act was to be regarded as an enabling Act and that further amendments would be necessary when Parliament was asked to ratify an agreement entered into by the Minister. Those amendments are included in this Bill. Several definitions have been added and others amended for clarity.

The definition of "game" has been revised by using the present definition of "game of chance" in the Police Act to include games played by means of any electrical, electronic, or mechanical contrivance, or any other instrument of gaming. This will afford a measure of protection to the developers by preventing the exclusivity provisions of the agreement being circumvented by the playing of casino games on such machines elsewhere in the State.

The amendment of several sections has been necessary to provide for the circumstances relating to the processing of a casino gaming licence for a person who is a party to a casino complex agreement.

Section 4 has been amended to specify the powers of the Casino Control Committee. A similar amendment, in relation to officers of the committee, has been made to section 9.

Section 19 has been substantially amended to provide for the circumstances in which a person who is a party to a casino complex agreement wishes to apply for a casino gaming licence. The major change is a requirement of the Casino Control Committee to conduct a prior examination into the reputation and financial status of the company or companies wishing to enter into an agreement with the Minister. This amendment is occasioned by the circumstances in which the Government was placed last July when the contenders for the Burswood casino were reduced to two finalists.

Because of the level of investment proposed by both finalists, the Government asked the Casino Control Committee to examine the submissions of both finalists before making a recommendation to the Government of its preferred choice. This re-

flects the desirable course of action in the event of the Minister's entering into an agreement with a developer to establish and construct a casino.

It is commonsense and logical for any examination conducted by the committee to be undertaken prior to the Minister's entering into a casino complex agreement. This is provided for in the amendments to section 19 and a validation clause numbered 45 has been included to facilitate the examinations which the Casino Control Committee conducted.

The Bill before the House amends section 20 of the Act to provide that the casino gaming licence tax is paid into the Consolidated Revenue Fund. Provision is also made for review or variation of the tax rate and penalty for late payment of the tax.

Section 21 of the Act is amended to set out the procedure for dealing with an application for a casino gaming licence. This section requires that the provisions of the relevant casino complex agreement are complied with by the applicant before a casino gaming licence can be granted. A licence once issued remains in force until suspended, revoked, or surrendered.

New sections 21A and 21B provide for inquiries into any matter concerning a licensed casino by the control committee. The Minister is given the power to suspend or revoke the gaming licence or terminate any agreement relating to the management or operation of the casino complex.

Upon termination of the casino complex agreement the Minister may revoke a casino gaming licence, subject to the approval of the Governor.

To protect the interests of unitholders in the trust which will own the assets comprising the trust, an administrator may be appointed. The administrator shall be deemed to be the holder of the casino gaming licence, notwithstanding its revocation.

This Bill will allow a casino licensee to mortgage the gaming licence and the licensed casino premises with the prior consent of the Minister.

In accordance with the Government's previous stance in this issue, the use of poker machines in a casino will be specifically prohibited by amendment of sections 22 and 23 of the Act.

The provisions of this Bill will be deemed to have come into operation on the day before the signing of the Burswood casino agreement.

I commend the Bill to the House.

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

COMMERCIAL ARBITRATION BILL

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.47 p.m.]: I move—

That the Bill be now read a second time.

In 1974, the Standing Committee of Attorneys General resolved "to consider the existing legislation and reports on commercial arbitration with a view to preparing a model Bill to form the basis of uniform legislation".

The need for reform and restatement of this area of the law has been recognised in a number of Australian jurisdictions. South Australia's Law Reform Committee first reported on commercial arbitration in 1969, and our own Law Reform Commission reported on the subject in 1974. Victoria's Chief Justice's Law Reform Committee considered the matter twice—in 1974, and again in 1977; the Queensland Law Reform Commission reported on the subject in 1970; the ACT Law Reform Committee in 1974; and the New South Wales Law Reform Commission in 1976.

This Bill is substantially based on the model Bill, subsequently agreed to by the Standing Committee of Attorneys General.

New South Wales and Victoria have already passed, but not proclaimed, similar legislation. Minor technical variations have, however, been made in each jurisdiction to accommodate the laws of each State.

It is intended that Australia will ultimately have a substantially uniform system of arbitration for the settlement of disputes arising from commercial agreements.

At present, the Arbitration Act 1895 provides for arbitrations in this State. The Act is very brief and inadequate for the complexities of modern contractual conditions. The Bill repeals the Arbitration Act and updates the provisions needed to deal both with large commercial claims and international disputes.

The use of arbitrators to attempt to settle commercial disputes has a very long history. The settling of a commercial dispute by arbitration enables the parties to put their case before a tribunal of their own choosing, which has expertise in the particular subject matter of the dispute.

The major advantages to the parties over a court hearing are, generally, savings in time and cost, flexibility, privacy and the availability of expertise. It is an important advantage to the parties that hearings are conducted in private so that the risk of release of confidential commercial information in open court is removed.

Commercial enterprises operating throughout Australia will greatly appreciate the availability of a uniform system of arbitration. Most large arbitrations involve interstate companies and personalities. It will facilitate the settlement of disagreements between persons in different States.

While the Bill is lengthy, many of the provisions relate to purely procedural matters. I shall draw attention to some of the more important aspects of the legislation.

The Bill makes provision for the court to appoint an arbitrator where an arbitration agreement is silent as to who should arbitrate, or where an appointed person dies or otherwise fails to act. The court may replace an arbitrator. Apart from this, the possibility for court intervention is kept to a minimum.

The Supreme Court will have primary jurisdiction in matters related to the resolution of disputes by arbitration, although it is provided that the parties may agree to nominate the District Court.

The arbitrator will have a wide discretion as to the manner in which arbitrations are conducted. The arbitrator must act according to law, but may otherwise conduct proceedings as thought fit.

On application to the court, a party to an arbitration will be able to obtain a writ or summons requiring a person to appear or to produce documents.

An arbitrator will have the power to make interim awards. This is frequently necessary in order to preserve the status quo, to safeguard property, or to protect the interests of a party pending a full hearing.

An arbitrator will have the power to order specific performance of an agreement in circumstances in which such a remedy would be available in the court.

Arbitration awards will be final and binding.

Unless the arbitration agreement makes specific provision as to costs, the arbitrator will have a discretion as to costs. There is also provision for an interest component to be included in the award. Such a provision takes account of commercial reality.

Clause 22 (2) is derived from the rules of the United Nations conference on international commercial arbitration. While Victoria has adopted an English form of words, New South Wales and the present Bill retain the original expression. This is included to ensure that our legislation is consistent with the United Nations conference rules. The provision will enable an arbitrator, where the parties so agree, to decide according to general con-

siderations of equity and good conscience, by way of compromise, or on such other basis as may be agreed.

There will be no jurisdiction in the court to set aside an arbitrator's award on the ground of error of fact or law on the face of the award. The new commercial arbitration system is intended to supplant the jurisdiction of the court where an agreement permits arbitration as a means of dispute resolution. It will encourage the development of a speedy and economical means for resolution of disputes by experts in the field.

To appeal from an arbitrator's award, consent of the parties or the leave of the court will be required. The court will have power to deal with instances of deliberate delay by a party and incompetence on the part of an arbitrator.

The proposed system is specifically intended to encourage arbitration in settlement of disputes arising under international agreements. Parties from countries which are signatories to the United Nations convention on the recognition and enforcement of foreign arbitral awards will be encouraged to arbitrate in Australia, and the court will have the power to enforce overseas awards.

Of particular concern to the standing committee was the question of representation. Clause 20 provides for representation and relies upon the judgment of the arbitrator to determine whether to grant leave for a party to be represented. Where it is likely that representation will have the beneficial effect of lessening the length or cost of proceedings, the granting of leave is mandatory. The provision applies equally to legal or other expert representation.

Schedule 1 contains amendments consequential to the repeal of the Arbitration Act 1895.

Schedule 2 sets out the articles of the United Nations convention on the recognition and enforcement of foreign arbitral awards.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. I. G. Medcalf.

ARTIFICIAL CONCEPTION BILL

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.55 p.m.]: I move—

That the Bill be now read a second time.

In vitro fertilisation (IVF) is the procedure whereby an egg recovered from the ovary by laparoscopy is fertilised by sperm in the laboratory. Artificial insemination by donor (AID) is the procedure whereby the sperm of a donor is

inseminated through the cervical canal of a woman by means other than sexual intercourse.

The need for the law to respond to these technological developments is well established. In particular, the legal status of children born as a result of such procedures is at present uncertain. This is an important legal question which must be attended to by the laws of this State.

The Bill seeks to ensure that a child who is born as a result of a fertilisation procedure using donor gametes will be the child of the couple who have consented to the procedure. The Bill covers fertilisation procedures which involve the donation of ova and/or semen. It is designed to—

recognise that the social father and/or mother of the child should be regarded in law as the legal parents of the child; and

sever any legal relationship between the child and its genetic or biological parent or parents.

The Bill is based on model legislation which is the result of careful deliberation and debate since 1977 by the Standing Committee of Attorneys General. Legislation based on the standing committee's model, although differing in some particular respects, has already been enacted in Victoria, New South Wales, and South Australia.

The New South Wales legislation is silent as to the legal status of children who are born following the use of donor ova. This Bill, however, follows the Victorian and South Australian approach which does provide for the status of children born following the use of donor ova.

The standing committee recommended that artificial conception legislation should apply to married or *de facto* couples in genuine domestic relationships. The Bill reflects this position.

The Bill does not cover fertilisation procedures undertaken by single women. The provisions of the Bill apply only if the woman who undergoes the fertilisation procedure is married or living in a genuine domestic relationship, and her actual or *de facto* husband consents to that fertilisation procedure. The consent of the husband is presumed, but can be rebutted.

To complete the establishment of a legal parent-child relationship within a social family, the Bill dissolves any legal links between the donors of the gametes and the children who are born as a result of the fertilisation procedures.

The inheritance rights of children affected by this Bill are equated with natural children of the social parents by consequential amendments to the Wills Act 1970, the Administration Act 1903, the Property Law Act 1969, and the Adoption of Chil-

dren Act 1896. Consequential amendments have also been made to the Criminal Code Act 1913 and the Evidence Act 1906 in respect of the offence of incest.

I understand that there are two private clinics carrying out in vitro fertilisation procedures in Western Australia. There are also two major sperm banks and many private doctors who use artificial insemination techniques in clinical practice. I understand that approximately 300 children have been born, or are in utero, as a result of the donation of ova or semen.

The Government appreciates the need to keep abreast of new technological developments in the area of in vitro fertilisation and artificial insemination. In this respect, the Minister for Health is awaiting the final report of the in vitro fertilisation ethics committee which is considering social, ethical, and legal issues in this area, including such matters as surrogate motherhood and the freezing of embryos.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

ADJOURNMENT OF THE HOUSE

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.57 p.m.]: I move—

That the House do now adjourn.

Parliament House: Air-conditioning

HON. P. H. LOCKYER (Lower North) [4.58 p.m.]: I briefly place on record my total condemnation of those persons over the last 25 years who made the wonderful saving to the State of not air-conditioning Parliament House, while providing air-conditioning for all the State's public servants but not its representatives in the Parliament.

Government Reports: Availability

HON. P. H. WELLS (North Metropolitan) [4.59 p.m.]: As a matter of urgency I wish to discuss the system the Government has been using for some time in releasing reports, as explained to the Chamber yesterday.

It may go back many years, but it would seem that the system of releasing Government reports is a system based on an endeavour to ensure that the public does not make comment; I suggest it is almost a secret system. I give the example of the gambling report, which I was informed yesterday was available for public opinion for the next two months. I want to explain to members the procedure I went through to obtain information about this report. Immediately I learned of the existence

of the gambling report, I went to the Parliamentary Library and asked for a copy of the report. There was no copy in the Parliamentary Library.

Hon. D. K. Dans: Sack the librarian

Hon. P. H. WELLS: While speaking to a librarian from the circulation section of the State Library, I discovered that the method by which libraries obtain Government reports is that if by chance a librarian sees a report mentioned in a local State newspaper, he or she will ask for it—unless, of course the Government makes available some copies to the circulation section. Because I was told by Mr Dans when I asked whether reports could be circulated through libraries, that most people, if they want a copy of a report could go to their local library, I spoke to the person in charge of the circulation section of the State Library. I asked that person, "Have you received any copies of the gambling report?" The answer was, "No".

Hon. D. K. Dans: You were asking for the wrong report; it is the gaming report.

Hon. P. H. WELLS: The State Government Information and Inquiry Centre said it would be good enough to use the word "gambling", but to correct my statement, I had the correct title of the report when I asked questions of that person. I said to the Parliamentary Librarian, "Would you get me a copy of Mr Dans' Press release so that I can find out the duration of this public comment period?" Some 24 hours later, following that librarian's request to the Minister's office, we were unable to obtain the Press release. We were told the matter was not handled in the form of a Press release, but as a conference.

I then telephoned the State Government Information and Inquiry Centre and requested the correct title of the report and asked until what date public comment was invited. The person on the other end of the telephone said, "If you hold the line, Sir, I will get in touch with the Minister's office and find out". I discovered the next day that 22 March—in other words, one month from tomorrow—was the closure date for public opinion. The Parliamentary Library received a copy of the report only today. The State Reference Library may have a copy, but no copies have been circulated through normal libraries.

That is not to say that Mr Dans is wrong because he told me it had gone through the normal system. In fact, in connection with one report I was told that the Minister had indicated it had been circulated and was available in libraries and that 25 copies were available to the central library for distribution to the 210 libraries in this State.

I suggest that the current system simply serves to keep people in the dark. In fact, after some hours of searching we established that the pro-

cedure adopted in the releasing of the report was that Mr Dans held a Press conference on either 21 or 22 January. Indeed Mr Dans told me in his answer yesterday that there was media coverage of this report. In *The West Australian* of that date there were two articles on this report, and in one of those articles, a paragraph mentioned that for the next two months the Government was waiting on comments from the public.

Furthermore, *The Australian* of that date contained a report, in about the fifth paragraph, in which it happened to mention that the Government was gauging public reaction before deciding whether to accept that suggestion.

So certainly Mr Dans is correct; there was media coverage. The *Daily News* covered the event but omitted to say that the Government was interested in public comment. I happen to have been away at that time, otherwise I would have had this information. For my sins in being away and omitting to check the only other avenue by which this information is available, the *Government Gazette*, I did not know this report was available. I missed the remark two days later by Hon. John Williams who was reported when commenting on this report, and I was jolted yesterday to be reminded that I should obtain a copy of the report because it would be of interest to some people. The Minister indicated at that time that any person who expressed an interest could obtain a copy of the report.

I suggest that the system is incompatible with modern day communications and in fact is designed to keep people in the dark. The system should be improved. Two things could improve the system: One is that every Western Australian library should have a board listing Government reports which are available for public opinion. This would be very easy and would not cost much to implement. When a report is published, the Government Printer could print a series of sticky labels to be circulated to State libraries and the librarians could stick the labels on the boards indicating the existence of the report and details of public comment sought, where that public comment should be directed, and whether a copy of the report could be obtained.

I suggest that practice would immediately bring the report before a greater range of people, and would ensure reports go into the appropriate area; namely, the public library system.

In addition, librarians, rather than being an afterthought in terms of Government reports, should have a high priority on that list and, in fact, should perhaps be among the first to receive copies of reports. The Government should consider

circulating through public libraries large numbers of those reports in relation to which public comment is sought.

Hon. D. K. Dans: Holy mackerel, the cost would be astronomical!

Hon. P. H. WELLS: Let us take up Mr Dans' statement that the cost would be enormous. In connection with the report which I have mentioned—

Hon. D. K. Dans: That is only one.

Hon. P. H. WELLS: In other words, Mr Dans is saying that it does not matter how much is spent on producing a report; we should not distribute too many copies because people are likely to comment on the reports.

Hon. D. K. Dans: That is ridiculous. You would have to double the size of the libraries to hold all Government reports.

Hon. P. H. WELLS: In this case we are talking about a \$1.80 report from the Government Printer. If only 100 copies—which does not represent one for every library—were made available to the central library, every library in the State with, say, 3 000 books or more would receive a copy. There is a back up of 15 to 20 copies on call. That is probably only one suggestion because I am not talking about every library—of the 210 libraries in the State, some would be in public hospitals.

Hon. D. K. Dans: Why don't you write to the Premier and tell him all about this? He is the Treasurer.

Hon. P. H. WELLS: I am drawing to the attention of members of this Parliament, especially members of the Government, that the system that was reported to me as the normal system for obtaining details was found to be cumbersome to a member of Parliament. I suggest that an ordinary citizen would find it almost impossible to obtain information on reports on which there is to be public comment; therefore, that system should be reviewed if we are to ensure that all relevant libraries receive copies of reports.

Hon. D. K. Dans: Mr Wells, the previous Government had a policy of not releasing reports.

Hon. P. H. WELLS: I am not talking about the situation of confidential reports not being released to members of the public; I am talking about reports that were released publicly claiming to seek public input. Either the Government wants public input or it does not. If the Government does not want public input on a report, the report should not be released.

Hon. D. K. Dans: The previous Government never released any reports.

Hon. G. E. Masters: A silly statement to make!

Hon. P. H. WELLS: The Minister is on the defensive. What he is really saying is, "We want to keep the present system; we want to keep the people in the dark while claiming to be a Government which keeps informing the people".

The Government is out of touch with this day and age and it is about time it reviewed the system. It is useless pointing to the previous Government. As a backbench member of this Parliament, I reserve the right to examine the Government. I suggest the Government is not doing its job in keeping the people informed.

This Government makes a great cry about the fact that it wants to take people into its confidence and wishes to have open Government, but I suggest that is a farce. For example, the gambling report indicates that the people in my area have only four weeks to put in a submission. I suggest that the only information they have had about the report was contained in one paragraph in *The West Australian* of 22 January 1985.

Hon. D. K. Dans: You take it up with the newspaper companies. I publicly released the document. If you want to get into a debate on how many reports were received from your Government, I will be happy to accommodate you.

Hon. P. H. WELLS: It is interesting when the Minister tries to put up an argument. He always refers to this Government or that Government. It is about time the Government reviewed this archaic system so that reports are made avail-

able to the public, so that they can be invited to make comment. If the Minister has not enough nous to accept a positive—

Hon. D. K. Dans: You should have been a more diligent member. Mr Williams had the report.

Hon. P. H. WELLS: I checked with Mr Williams before I made this speech and he had information which was not circulated in this House.

If the Government publishes reports and wishes to invite the public to comment on them, members of Parliament should receive copies of those reports so that they can communicate with the electors. That is what we have been elected to do.

Hon. D. K. Dans: It is also a requirement that you do your job.

The PRESIDENT: Order!

Hon. D. K. Dans: I cannot answer that drivel.

Hon. P. H. WELLS: It would not be costly to implement the method I have suggested. The Government may decide that that system can be implemented and the money left over can be spent on other things that have been suggested. If the Government conducted an examination of its Budget it would find that the cost of this procedure would be a small portion of the media budget and that it would be worthwhile to have a wider distribution of these reports.

Question put and passed.

House adjourned at 5.13 p.m.

QUESTIONS ON NOTICE

COMMUNICATIONS: VIDEO TAPES

"ER" Classification: Police

487. Hon. P. G. PENDAL, to the Attorney General representing the Minister for the Arts:

- (1) Is it correct that Federal and State Attorneys General have agreed to a plan for a new "ER" certification on video tapes?
- (2) Is it also correct that this new classification will allow 95 per cent of the banned X-rated videos to be reclassified as suitable for exhibition?
- (3) Is the Minister aware of concern expressed in the *Catholic Record* of 12 December 1984 that these moves, following earlier expressions of concern—".... brands the whole exercise as a piece of political cynicism"?
- (4) Will he consider making a ministerial statement to the House detailing the Government's policy in this matter?

Hon. J. M. BERINSON replied:

- (1) The Federal and State Ministers responsible for censorship have discussed the concept of an 'ER' classification for video tapes.
- (2) No, the statement is incorrect.
- (3) No, but I will endeavour to peruse the article referred to.
- (4) The Government has not considered the proposal concerning an 'ER' classification and will not do so until the Federal Government's committee of inquiry reports. This is expected at the end of March 1985.

GOVERNMENT REGULATIONS: REVIEW COMMITTEE

Report: Recommendations

513. Hon. P. H. WELLS, to the Minister for Employment and Training:

- (1) Is the Minister aware of the report of the Government Regulations Review Committee of February 1983?
- (2) Have any of the recommendations contained in the report been implemented by any of the departments or agencies under his responsibility?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) Not applicable.

GOVERNMENT REGULATIONS: REVIEW COMMITTEE

Report: Recommendations

514. Hon. P. H. WELLS, to the Minister for Industrial Relations:

- (1) Is the Minister aware of the report of the Government Regulations Review Committee of February 1983?
- (2) Have any of the recommendations contained in the report been implemented by any of the departments or agencies under his responsibility?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) In respect to the Factories and Shops Act 1963 the following action has been taken—
 - (a) the inquiry into trading hours has been established;
 - (b) a review of the Act is in progress to remove those sections of the Act which do not relate to occupational health, safety and welfare.

GOVERNMENT REGULATIONS: REVIEW COMMITTEE

Report: Recommendations

515. Hon. P. H. WELLS, to the Minister for Consumer Affairs:

- (1) Is the Minister aware of the report of the Government Regulations Review Committee of February 1983?
- (2) Have any of the recommendations contained in the report been implemented by any of the departments or agencies under his responsibility?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) Yes. With respect to the Consumer Affairs portfolio the creation of the Commercial Tribunal now in progress under the Commercial Tribunal Act 1984 will provide a positive response to the committee's recommendations on licensing matters.

PROBATE: GRANTS

Foreign and Interstate

516. Hon. I. G. MEDCALF, to the Attorney General:

- (1) Has the Attorney General read the report on recognition of interstate and foreign grants of probate and administration (Project No. 34—part IV)?

- (2) If not, has he read the summary of recommendations appearing in part V of the report?
- (3) Does he agree with the substantial recommendations as therein set out?
- (4) If not, which recommendations is he not in agreement with?
- (5) Is he aware that this matter was originally raised by Western Australia at the Standing Committee of Attorneys General as a result of which the Standing Committee approved a reference on this subject to the Law Reform Commission of WA and agreed to consider the commission's proposal as a basis for possible uniformity between the States?
- (6) Has he brought the matter forward at the Standing Committee of Attorneys General since the Law Reform Commission's report was delivered to him in November last year?
- (7) In view of the very great saving in costs which is likely to occur in respect of deceased estates throughout Australia where there are interstate or overseas connections, will the Attorney General undertake to pursue the matter further with the Standing Committee of Attorneys General with a view to attaining some degree of uniformity?
- (8) In view of the possible reluctance of some States to take an active interest in this matter, will the Attorney General undertake to have appropriate State legislation drafted with a view to ensuring that the valuable work of the Law Reform Commission and the very big saving in costs which will result to the public will not be wasted?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Not applicable.
- (3) and (4) The report is under consideration.
- (5) Yes.
- (6) and (7) Officers from each State and the Commonwealth are to prepare a paper on the report which may be available for consideration at the next meeting of the standing committee.
- (8) The report is under consideration and the reactions of the other States and the Commonwealth will be taken into account.

POLICE: TRAFFIC OFFICE

Victoria Park: Closure

517. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Police and Emergency Services:

- (1) Are there any plans, or is there any consideration being given, to closing the Victoria Park Traffic Office?

- (2) If so, what are the details?

Hon. J. M. BERINSON replied:

- (1) and (2) What was previously the Victoria Park Traffic Office has been operating in recent years as an accident inquiry section for that area.

This office is included in a general internal evaluation of operations currently in progress.

POLICE: SPECIAL BRANCH

New South Wales

518. Hon. P. G. PENDAL, to the Attorney General:

- (1) Has he seen the report in *The National Times* of January 25-31 "SPECIAL BRANCH'S GREATEST TRIUMPH" referring to the Special Branch of the NSW Police Department?
- (2) Specifically, did he see the comment that the "NSW Minister for Police, Peter Anderson, has been under considerable pressure from Labor Attorneys-General in Victoria, South Australia and Western Australia . . . to take action in regard to the NSW Special Branch"?
- (3) Is this statement correct insofar as it refers to him?
- (4) If so, what action has he taken in this matter?

Hon. J. M. BERINSON replied:

- (1) and (2) I have not seen the report, but I have been made aware of its general content by others.
- (3) No.
- (4) None.

POLICE: SPECIAL BRANCH

Western Australian: Role

519. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Police and Emergency Services:

- (1) Has the Minister seen the report in *The National Times* of January 25-31 headed "SPECIAL BRANCH'S GREATEST TRIUMPHS"?
- (2) Is the suggestion contained in this article that the Burke Government has

abolished or drastically reformed the State's Special Branch correct?

- (3) If so, what has happened to change the nature or role of the Special Branch since his Government took office?

Hon. J. M. BERINSON replied:

- (1) No.
(2) and (3) The WA Police Special Branch has been disbanded and a new unit formed, known as the Protective Services and Counter Terrorist Intelligence Unit. This unit is responsible for protective services for visiting dignitaries and other important persons, and collates intelligence information for the protection of such visitors, and to counter terrorism. I am assured by the Commissioner of Police that the unit has ceased to collect material of a purely political nature and that such material previously collected by the former Special Branch has been destroyed.

PORTS AND HARBOURS: MARINA

Woodman Point: Government Refusal

520. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Planning:

- (1) Is it correct, as reported in *The West Australian* of 30 November 1984 at page 26, that the Government had refused permission for a \$10 million marina at Woodman Point, on the grounds mentioned?
(2) If so, what makes this public land different to the public land on Burswood Island?

Hon. D. K. DANS replied:

- (1) No, Cabinet rejected the proposal because the land is not available for the use. (See also question 471 and response (1) thereto)
(2) See above.

PORTS AND HARBOURS: MARINA

Woodman Point: Government Refusal

521. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Planning:

- (1) Did the Minister see the page 26 report in *The West Australian* of 30 November 1984 concerning proposals for a marina at Woodman Point?
(2) Is it correct, as attributed to a spokesman for the Premier, that such a proposal could not be supported because "... the MRPA has said that approval would create an undesirable precedent

with public land being sold to private companies"?

- (3) What difference is there between the public land at Woodman Point and that on Burswood Island?

Hon. PETER DOWDING replied:

- (1) Yes.
(2) and (3) See the response to question 520.

LAND: CROWN

Sale: Government Attitude

522. Hon. P. G. PENDAL, to the Minister for Racing and Gaming:

- (1) Does the view, reported in *The West Australian* of 20 November 1984 that the Cabinet "... did not think it was appropriate to sell Crown land" still stand?
(2) If so, on what basis does the Government now intend to sell land on Burswood Island for a casino as distinct from leasing the land?

Hon. D. K. DANS replied:

- (1) No.
(2) On the recommendation of the Casino Control Committee.

ENERGY: ELECTRICITY

Tariff: "K"-rate

523. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Minerals and Energy:

I understand that the State Energy Commission has a "K" rate where a consumer's premises is utilised as a dwelling for both domestic and industrial use.

How is the "K" rate determined for the purposes of rendering accounts?

Hon. PETER DOWDING replied:

The rates of charge under the State Energy Commission's tariffs K1 and K2 are published in the *Government Gazette*. The current rates were published on 29 June 1984 and can be consulted in the Parliamentary Library. I can also arrange for the member to be sent a copy of the Energy Commission's tariff schedule.

The tariff has a domestic supply charge, the first nine units of electricity consumed per day being charged at domestic rates, and consumption thereafter being charged at rates similar to the industrial, commercial and general tariff L1 or L2.

EDUCATION: HIGH SCHOOL*Governor Stirling: Renovation*

524. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Education:

- (1) Is it proposed to undertake major renovation of Governor Stirling High School in the current financial year?
- (2) If "Yes" to (1), when will these works commence?
- (3) If "No" to (1), what major maintenance, if any, is programmed for completion prior to 30 June 1985?

Hon. PETER DOWDING replied:

- (1) to (3) The Building Management Authority is currently investigating matters concerning repair and renovation requirements at Governor Stirling Senior High School. No firm decision is possible until this investigation is complete.

PASTORAL INDUSTRY: LEASE*Mt. James Station: Status*

525. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) What is the situation concerning the Mt James pastoral lease?
- (2) Has part or all of the lease been offered to one or more applicants?
- (3) Who are these applicants?

Hon. D. K. DANS replied:

- (1) and (2) The major part—some 109 000 ha—of the former Mt. James station has been apportioned by the Land Board to adjoining pastoralist applicants. The balance of about 45 000 hectares located in the north-west portion of the former station is to be reserved for the use and benefit of Aborigines.
- (3) The successful applicants before the Land Board were—

Cecil Thomas Woods of Waldburg Station; David Page Steadman of Wooramel Station; and Joseph Anthony de Pledge of Mandora Station.

LAND: NATIONAL PARK*Ningaloo Reef*

526. Hon. P. H. LOCKYER, to the Attorney General representing the Minister for the Environment:

- (1) Has the Ningaloo Reef area been declared a national park?
- (2) If not, when is the area being considered being declared a national park?

Hon. J. M. BERINSON replied:

- (1) No.
- (2) No date has yet been set, as consultation with appropriate groups is still under way.

ROADS: CORAL BAY ROAD*Upgrading*

527. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Have any road funds been allocated to the Shire of Carnarvon to assist in the sealing or upgrading of the Coral Bay road?
- (2) If not, is consideration being given to providing assisting funds?

Hon. PETER DOWDING replied:

- (1) An amount of \$21 000 is included in the 1984-85 programme for improvements to the formation on the Coral Bay Road.
- (2) Answered by (1).

QUESTIONS WITHOUT NOTICE**PROBATE: GRANTS***Foreign and Interstate*

277. Hon. I. G. MEDCALF, to the Attorney General:

I refer the Attorney General to question 516 and as a brief explanation I advise that the question sought information as to whether the Minister had pursued a new law on the recognition of interstate and foreign grants of probate. The Attorney's reply was that the report was under consideration and that the recommendations of other States and the Commonwealth will be taken into account.

Will the Attorney General actively pursue this matter in view of the likelihood that some of the other States may not be particularly interested and because of the prospect that we could have legislation in this State which would be beneficial to our citizens and which may be able to be used independently or in conjunction with some other States which might be prepared to act.

Hon. J. M. BERINSON replied:

Yes.

**EMPLOYMENT AND TRAINING:
UNEMPLOYMENT**

Western Australia: Increase

278. Hon. NEIL OLIVER, to the Minister for Employment and Training:

I refer the Minister to the ABS statistics which were released on Thursday, 14 February 1985. Why has the number of unemployed persons in Western Australia risen over the past three months—November, December, and January?

Hon. PETER DOWDING replied:

The reason is that there was a different number of people unemployed at those times.

**EMPLOYMENT AND TRAINING:
UNEMPLOYMENT**

Western Australia: Increase

279. Hon. NEIL OLIVER, to the Minister for Employment and Training:

I thought the Minister would have kept up to date with the statistics released by the ABS. I ask—

- (1) Why have the Western Australian unemployment figures consistently moved against the Australian average over the last three months while other States in Australia are performing better?
- (2) Is it due to the inefficiency and inability of the Burke Labor Government to come to grips with the unemployment problem in this State?

Hon. PETER DOWDING replied:

- (1) and (2) I am glad that the honourable member asked me that question because he will be pleased to hear that not only is the answer "No", but that also the statistics show that unemployment over the last 12 months has shown a substantial decline of some 9 000 people in Western Australia. The current unemployment rate is 8.9 per cent of the labour force compared with 10.4 per cent at the same time last year.

Perhaps one of the most significant drops in these figures is the drop amongst young people. Whereas a year ago we were looking at some 19 800 young people unemployed we now have 15 100 unemployed. It is a considerable drop and we are taking steps to reduce it even further.

Furthermore, employment in Western Australia grew by 22 500 people, or 3.9 per cent, over the last 12 months which

compared very favourably with 2.8 per cent which is the national average.

On the basis of the longer term trend analysis this represents the creation of 33 600 new jobs since we came to office.

At this time of the year we usually see a lull in construction and other activities, but nevertheless we have seen some very encouraging statistics. I believe these are due, of course, to the macro-economic situation in Australia over which we have little control, but in no small part it is due to the excellent initiatives of this Government in the last Budget.

We have some good statistics in the area of apprentices which show that out-of-trade apprenticeships have declined by 53 per cent. Overall I would venture to suggest that the figures support that this Government is doing a remarkable job in the area of growth employment and in the reduction of unemployment.

**EMPLOYMENT AND TRAINING:
UNEMPLOYMENT**

Western Australia: Increase

280. Hon. NEIL OLIVER, to the Minister for Employment and Training:

- (1) Following the Minister's statement, would he explain the reason that the unemployment rate in Western Australia at 30 November 1984 was 7.9 per cent?
- (2) Would he also explain the reason that on 30 January 1985 the unemployment figure had risen to 8.9 per cent while the Australian average had declined? I do not wish to hear another wishy-washy answer like the last one the Minister gave.

Hon. PETER DOWDING replied:

- (1) and (2) As I said, Hon. Neil Oliver should know that as at January 1985 the Western Australian unemployment rate was 8.9 per cent. There is only one other State — a Labor State — which did better and that was Victoria which currently has an unemployment rate of 7.8 per cent.

We are very favourably off compared with other States with the exception of Victoria. Queensland, under the guiding control of Sir Joh Bjelke-Petersen, has an unemployment rate of 11.1 per cent. The Australian average is 9.3 per cent and all the other States are higher than Western Australia with the exception of Victoria. It is a remarkable feat for the Western Australian Labor Government to have an unemployment rate below the national average. I might

add that unemployment figures show trends, and the important thing is that the trend this Government has been able to demonstrate is the growth in employment which is the underlying and most satisfactory aspect of the figures reported by the ABS.

EMPLOYMENT AND TRAINING: UNEMPLOYMENT

Western Australia: Increase

281. Hon. NEIL OLIVER, to the Minister for Employment and Training:

- (1) The Minister referred to a growth figure of 39 000.

Hon. Peter Dowding: I said 33 000.

Hon. NEIL OLIVER: To continue—

Why are 19 600 of those people employed by the Public Service while a further 6 000, as claimed by the Premier of Western Australia, are part of the CYSS programme?

- (2) What happened to the 14 000 people in the agricultural industry in the past 12 months who have left the industry?

Hon. PETER DOWDING replied:

- (1) and (2) There is no CYSS programme managed by the State. The rest of the statistics of the honourable member are as wonky as his assertions. I cannot answer on the basis of statistics that are incorrect. To the best of my knowledge I have given the member the correct statistics which completely put the cap on any suggestion that the Government is looking at nothing but a growing economy in Western Australia.

EMPLOYMENT AND TRAINING: UNEMPLOYMENT

Western Australia: Increase

282. Hon. NEIL OLIVER, to the Minister for Employment and Training:

It is unfortunate that the Minister has said that my question was false and yet the information was provided by the Premier.

The PRESIDENT: Order! I ask honourable members to remember that question time is a time to seek information. The idea is that the person asking the question should seek information and not give it. Similarly, in answering questions I suggest to the Minister that he is not being as brief as he could be.

Hon. NEIL OLIVER: I refer to the figures provided by the Premier which indicated that there had been an increase of 19 600 people in the areas of public administration and community services. Is that information false?

Hon. PETER DOWDING replied:

I suggest that the member should put any further questions on this matter on notice.