

# Legislative Council

Wednesday, 30 August 1989

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

## BURT, SIR FRANCIS - PRESIDENT OF THE LEGISLATIVE COUNCIL

### *Election - Acknowledgment Letter*

THE PRESIDENT : Honourable members, I advise that yesterday I presented myself to His Excellency the Lieutenant Governor and Administrator. I wish to read the following letter -

The Hon the President of the Legislative Council  
Parliament House  
PERTH

Mr President,

It is with much pleasure I learn that you have been elected by the Members of the Legislative Council to the high and honourable office of President of that House.

I have every confidence that you will fill the office in a worthy and dignified manner.

Francis Burt  
Lieutenant Governor and Administrator

## ADDRESS-IN-REPLY

### *Presentation to Governor - Acknowledgment*

THE PRESIDENT : Honourable members, I desire to announce that in company with several members I awaited on His Excellency the Governor and presented the Address-in-Reply to His Excellency's Speech, and that His Excellency was pleased to make the following reply -

Mr President and honourable members of the Legislative Council:

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen and for your Address-in-Reply to my Speech to Parliament on the occasion of the opening of the First Session of the Thirty-Third Parliament.

Gordon Reid  
Governor

## STATE ENERGY COMMISSION - TABLING OF DOCUMENTS

### *Document Deletion*

THE PRESIDENT : Honourable members, I have received a letter from the Clerk of the Council dated 19 May 1989 which I feel I ought to read to this House. It reads as follows -

Dear Mr President

### SECWA COMMITTEE - TABLING OF DOCUMENTS

On May 9 I was granted leave by the House to

- (a) delete from the documents to be tabled, any material that I, after consultation with the Special Prosecutor, Mr McCusker QC, believe could have a prejudicial effect on the trial of any person named in those documents;
- (b) following compliance with the requirements of (a), make the documents available to members and the public on request where compliance occurs during an adjournment of the House of more than 7 days.

Having completed my discussions with Mr McCusker, I have concluded that what is

left for me to table after deleting potentially prejudicial material is a series of unrelated and disjointed statements devoid of any real use or benefit.

Accordingly, I do not propose to make available in terms of para (b) anything other than administrative documents such as notices of meetings. It is then for the House, when next it meets, to decide what further action (if any) it will take in this matter.

## SWEARING-IN OF MEMBERS

### *Lieutenant Governor and Administrator's Commission*

The Clerk read the commission of the Lieutenant Governor and Administrator (Hon Sir Francis Burt, AC, KCMG) authorising the President (Hon Clive Griffiths) to administer to members the prescribed oath or affirmation.

## CHAIRMAN OF COMMITTEES

### *Election*

**THE PRESIDENT** (Hon Clive Griffiths): Honourable members it is now my responsibility to advise you that the position of Chairman of Committees is now vacant and it is therefore necessary, before we proceed to any further business in this Chamber, to elect a person to act as Chairman of Committees. Are there any nominations?

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [2.37 pm]: I have pleasure in nominating for the position of Chairman of Committees Hon James McMillan Brown. Hon Jim Brown has had experience in both Houses of this Parliament for a total of 13 years in all. Members of this House who have previously served with him and new members also I believe by reputation will be aware of the substantial contribution which he has made to the affairs of this House, both within the Chamber and to the many committees which members have the opportunity of serving on. Hon Jim Brown has the qualifications of ability, energy and impartiality which are required of a Chairman of Committees, and I warmly commend him to the House.

**Hon FRED MCKENZIE**: I second the nomination.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [2.38 pm]: I have the honour of nominating Hon David Wordsworth to be Chairman of Committees in this House. In nominating Hon David Wordsworth, I submit to members that he is a person who by his reputation in this place has earned the high respect of members as Chairman of Committees in this Council. Members would also be aware that he is a former Minister of the Crown, having served in that capacity for a number of years, and there is no question in my mind - and I am sure none in the minds of all members - that he has distinguished himself in his service to the House, not only as a Minister but also as a Chairman of Committees.

I formally propose that he be nominated as Chairman of Committees.

**Hon MARGARET McALEER**: I second the nomination.

**The PRESIDENT**: The procedure, for the benefit of those members who have not participated in an election before, is that the Clerk will ensure that each member is presented with a ballot paper. It is necessary for members to write on that ballot paper the name of the person who they wish to be the Chairman of Committees, and the Clerk and the scrutineer will then count the ballot papers.

[Hon J.M. Brown and Hon D.J. Wordsworth having accepted nomination, a ballot was taken with Hon John Caldwell acting as scrutineer.]

**The PRESIDENT**: It is my pleasure to announce that Hon J.M. Brown has received a majority of the votes. The Chairman of Committees is Hon J.M. Brown.

[Applause.]

**HON J.M. BROWN** (Agricultural) [2.45 pm]: First of all, allow me to congratulate you, Mr President, on being elected to the position of President once again. I know that the Leader of the House, the Leader of the Opposition and the Leader of the National Party have already expressed their congratulations to you, and I would like to take this opportunity to do the same. I do so remembering that the Government is in accord with your election because

of the impartiality you have demonstrated in this Chamber. As the Presiding Officer you have set an example for me to follow. It is usual throughout Australia that the Presiding Officer of a Chamber is elected from the majority party and, indeed, it is usual for him to be elected from the Government party. However, on this occasion, as in 1983, the Chamber has elected you to that position and your continuation in that position has certainly been endorsed by the Government.

I would like to thank my colleagues for their confidence in giving me the opportunity to stand for the position of Chairman of Committees, and I thank members of this House for electing me. I believe that prior to my election as a trustee of the Parliamentary Superannuation Fund, the trustees had never before included a representative of the Labor Party in this Chamber, and I believe that this is only the second occasion on which a member of the Australian Labor Party has been elected as Chairman of Committees in this place. I have always recognised the great responsibilities accepted by Hon David Wordsworth as a Minister of the Crown and as Chairman of Committees in the previous Parliament. Generally, we agreed to disagree. However, we have always been on the same bowling team and I am sure that friendship will continue.

In conclusion, I trust that the impartiality referred to by Hon Joe Berinson is present in the decisions I make as Chairman of Committees. I thank my party for the confidence it has shown in me and I thank all members of this Chamber for their support.

**HON J.M. BERINSON** (North Metropolitan - Leader of the House) [2.52 pm]: With your indulgence, Mr President, on behalf of all Government members I congratulate Hon Jim Brown on his appointment. I am confident that, in the performance of his new duties, he will serve the House well.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [2.53 pm]: On behalf of the members of the Opposition I extend to Hon J.M. Brown our congratulations on his appointment to the position of Chairman of Committees of the Legislative Council. We look forward to working very closely with him. He will enjoy the support of the Opposition, as I am sure he will conduct the proceedings of this Chamber in a firm but fair way.

**HON D.J. WORDSWORTH** (Agricultural) [2.54 pm]: Firstly, I congratulate you, Mr President, on your re-election as President and thank you for the great help you gave to me in my six years as your deputy and as Chairman of Committees. I congratulate also Hon J.M. Brown on his election as Chairman of Committees. I am sure that he will carry out his duties in an impartial manner and with dignity and honour.

**HON E.J. CHARLTON** (Agricultural) [2.55 pm]: I endorse the remarks made by other members in congratulating Hon J.M. Brown on his election as Chairman of Committees of the Legislative Council. The position is a very distinguished one and carries great responsibilities. Hon Jim Brown will receive the cooperation of the staff and members of this Parliament in the carrying out of those responsibilities.

**THE PRESIDENT** (Hon Clive Griffiths): I also offer my congratulations to Hon Jim Brown on his appointment to the position of Chairman of Committees. He will, of course, in my absence from the Chamber, be the Deputy President. Jim and I have had a long association. The House is undoubtedly sick and tired of hearing me say that I went to Fremantle Boys School; now Jim and I have that in common because he went there also. Some of his predecessors as Chairman of Committees have come from his party and I am sure he will emulate them in the carrying out of his responsibilities.

## PETITIONS - PROSTITUTION

### *Liberalisation - Objection*

**HON MAX EVANS** (North Metropolitan) [2.56 pm]: I present a petition from 520 electors and residents of the State of Western Australia objecting to the proposed liberalisation of laws governing prostitution.

[See paper No 342.]

A similar petition was presented by Hon W.N. Stretch (545 persons).

[See paper No 343.]

## LEGISLATIVE COUNCIL - TELEVISION

*Late Arrival*

**THE PRESIDENT** (Hon Clive Griffiths): I remind the people from the television stations that approval to take footage was given on the basis that they would be here between 2.30 and 3.00 pm, and certainly on the stringent understanding that no sound was recorded. I presume that is being honoured. I am prepared to concede that they were caught in a traffic jam and therefore were late in arriving, but it is nearly 3.30 pm. I mention that just in case anybody is recording sound.

[Interruption from the gallery.]

Several members interjected.

**The PRESIDENT:** Order! The hilarity is due to the fact that people are not supposed to speak from the Public Gallery. Questions without notice will be taken at 5.00 pm, by which time I believe the television people will have gone.

## STANDING ORDERS SUSPENSION - LEADER OF THE HOUSE

*Misleading Information - Censure*

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [3.25 pm]: I move, without notice -

That Standing Orders be suspended so far as will enable the following motion to be moved and the debate thereon concluded at this day's sitting without adjournment -

That in the opinion of this House, the Leader of the House, Hon J.M. Berinson, has breached the high standards of integrity, honesty and credibility expected of a Minister of the Crown, by his actions in misleading the House in the provision of certain information in respect to the financial dealings of the Government, and accordingly this House censures him for not upholding the high standards of integrity, honesty and credibility demanded of a Minister of the Crown.

Hon Tom Stephens: What a shameful motion!

**The PRESIDENT:** Order!

**Hon GEORGE CASH:** In moving that Standing Orders be suspended I believe we are faced with a very serious matter that must be dealt with immediately by this House. The motion of which I have given notice, should permission be granted to suspend Standing Orders, will enable the Opposition to put a case which will clearly show that the Leader of the House has in fact misled the House in information that he gave to the House last year.

Hon J.M. Berinson: When last year?

**The PRESIDENT:** Order! Let us just listen to what the Leader of the Opposition has to say and we can debate it in a minute. It happens to be one of the occasions when I have to listen to what is said, so members should let the Leader of the Opposition say it.

**Hon GEORGE CASH:** Mr President, it seems to me that there is a dire need that this matter be dealt with today and that it not be left on the Notice Paper to languish to a date that suits the Government. It is a very serious charge that the Opposition levels at the Leader of the House - one which I believe should be debated without further delay. It is the role of this Parliament to require of its Ministers that they offer a particular standard of honesty, integrity and credibility -

Hon T.G. Butler: And members of the Opposition.

**Hon GEORGE CASH:** - and I do not believe that on the information the Leader of the House gave to this House last year -

Hon J.M. Berinson: When last year?

**Hon GEORGE CASH:** - he demonstrated that credibility.

Hon J.M. Berinson: When last year?

**Hon GEORGE CASH:** The information that the Leader of the House gave to the House last

year involved answers concerning whether or not the Government of Western Australia offered a guarantee in respect of the petrochemical project.

Hon J.M. Berinson: You are joking!

Hon GEORGE CASH: I am not joking at all, Mr President. In fact, I am very serious in what I say. I say -

Hon J.M. Berinson: Go ahead!

Hon GEORGE CASH: - that this Leader of the House -

Hon J.M. Berinson: Go ahead!

The PRESIDENT: Order!

Hon GEORGE CASH: I say that this Leader of the House for too long has tried to slide past the questions that have been put to him in the past.

The PRESIDENT: Order! A couple of things need to be established. First, the argument I am listening to now is an argument as to whether Standing Orders ought to be suspended; not the merits of the proposed motion. Secondly, and more importantly, I have to remind the House that one hour has elapsed since the commencement of business today. Therefore, permission of the House is required for this matter to be proceeded with.

[Resolved, that business be continued.]

Hon GEORGE CASH: I will not debate the motion that I have foreshadowed. The purpose of my speaking at the moment is to encourage the House to support the suspension of Standing Orders to enable this matter to be dealt with forthwith. As I said earlier, this is a serious allegation against the Leader of the House; it has to do with his credibility, or lack of it; his honesty, or lack of it; and his integrity, or lack of it. I believe the Leader of the House and Government members would want this matter to be disposed of without further delay. If the Government does not want to dispose of this matter today, let the motion sit on the Notice Paper and let the people of Western Australia see for themselves that this Government is not prepared to stand and debate this very important and serious matter. The foreshadowed motion deals with the credibility of not only the Government but in particular the Leader of the House.

Hon J.M. Berinson: And yours!

Hon GEORGE CASH: Do not worry about me, my friend. The Leader of the House will get an opportunity in a moment.

Hon J.M. Berinson: I am worried about you; it is a poor start!

Several members interjected.

The PRESIDENT: Order! We have a long session ahead of us. I have said on previous occasions we can do it the easy way or the hard way. Personally, I like to do it the easy way. There is absolutely no provision in the rules of this place for members to carry on in the way they are. I ask members to do what I asked them yesterday when they re-elected me to this position; that is, to respect the right of every member to freedom of speech. I have said on previous occasions that members do not have to agree with what other members say; but in this place all members must be permitted to have a say. Ample opportunity is given to put an alternative point of view subsequently. It seems to me, at a time when we as elected members of Parliament are endeavouring to enhance the standing of members of Parliament in the community, that we ought to be ensuring that we do so at the beginning of this session. I suggest members stop screaming out across the Chamber to each other and allow the member to finish his speech.

Hon GEORGE CASH: Again, in urging the House to support the motion for the suspension of Standing Orders, I make the point that it is the role of the Opposition to carefully question the evidence presented by the Government and in particular Ministers of the Crown, and where it is seen that a Minister of the Crown has apparently misled the House it is important that that matter be debated without delay. If the Leader of the House wants this matter to languish on the Notice Paper, so be it.

Hon J.M. Berinson: You don't know me very well, do you?

Hon GEORGE CASH: Let the people of Western Australia know that the Leader of the House is not prepared to stand up and be counted and answer for the information he gave to this House last year. I urge members to support the motion.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.35 pm]: If this motion were not such a direct, unprincipled and malicious attack on me personally, I would oppose the suspension of Standing Orders. As the Leader of the Opposition well knows, if I did oppose the suspension it would fail because even if it had the support of National Party members - which I sincerely hope it would not have on the grounds of fairness - there would still not be the numbers to provide the Leader of the Opposition with the absolute majority which a motion of this nature requires. Despite all of that, Mr President, I will not oppose the motion to suspend Standing Orders for the purpose which the Leader of the Opposition has outlined; I will not be seen to try to prevent or even delay these accusations against me being promptly heard and determined. On the contrary, I welcome the earliest opportunity to test the credibility of the Leader of the Opposition who has taken this disgraceful tack.

Hon P.G. Pandal: And yours!

Hon J.M. BERINSON: Having said that, I will nonetheless indicate why I deplore the tactics involved in the move to suspend Standing Orders in this way. I start with the terms of Standing Orders themselves. I think I am right in my belief that the Leader of the Opposition is relying on Standing Order No 415 which reads -

In cases which in the opinion of the President are of urgent necessity, a Standing Order of the Council, may be suspended on motion duly made and seconded, without notice, provided that such motion be agreed to by an absolute majority of the whole of the number of Members.

I do not put this point to you, Sir, and I do not invite you to adjudicate on the question whether this is indeed a matter of urgent necessity; but the Leader of the Opposition believes it is a matter of urgent necessity. I asked the Leader of the Opposition what he was talking about, and he said he was talking about something that happened a year ago - yet it is so urgent we have to suspend Standing Orders to dispose of the matter today!

Hon George Cash: Calm down, Joe. It will be all right.

Hon J.M. BERINSON: That is transparent. It is a pitiful, transparent excuse that the Leader of the Opposition provides in order to justify this disgraceful attack. He produces a pitiful, transparent excuse that if he follows the normal procedure of the House the motion will sit on the Notice Paper and languish. The Leader of the Opposition cannot have the faintest idea of the procedures of this House if he believes I could allow a motion of this nature to languish on the Notice Paper even if I wanted to - which I assure you, Mr President, I would not.

Hon George Cash: Sit down and let's get on with it!

Several members interjected.

Hon J.M. BERINSON: Mr President, in the first place, it is simply beyond the bounds of possibility that a Minister whose personal reputation is impugned in the way that Hon George Cash seeks to impugn mine would allow a motion of this kind to sit on the Notice Paper undebated.

It could not be done by anyone with a skerrick of self-respect and I assure you, Mr President, that it would not be done by me. In any event, if the Leader of the Opposition were to take the small trouble to look at the provisions available to members of his House, he would know that not only is it open to members to bring forward matters which they believe should not be left languishing, but also in the last Parliament that was done on a number of occasions by further motions from the floor. Therefore, what passes for his reason, his excuse, for this extraordinarily precipitate action simply has no basis in fact, let alone in the Standing Orders.

I have said that, in other circumstances, if my position were not personally under attack, I would oppose this move to suspend Standing Orders on a number of grounds. I have referred to one. Let me now refer to a second. I would oppose this motion for suspension on the further and, I believe, more important ground of ordinary fairness. I am not talking about principles of natural justice; I am talking about ordinary fair dealing. Surely, if ordinary fair dealing is the objective of any member of this House, he would not be a party to a personal attack of this kind without at least the decency of providing reasonable notice. Even urgency

motions in this House require two hours' notice - inadequate in most cases as that is - to provide some minimum opportunity for preparation and reply. Here, instead, what we got from the Leader of the Opposition on his first appearance in the House is not some recognition of the principles of natural justice and an interest in ordinary fair dealings, but the tactics of ambush. In my view that is deplorable.

Hon George Cash: Let's get on with it, Joe.

Hon J.M. BERINSON: As I am personally involved I will leave it to other members to make their own and perhaps more objective judgment.

The action by the Leader of the Opposition having been taken in the disgraceful form which it has, I now prefer the matter to be dealt with at once and in full. In spite of the objections in principle which I have expressed, I indicate that Government members will support the motion.

Question put and passed with an absolute majority.

## LEADER OF THE HOUSE - MISLEADING INFORMATION

### *Censure Motion*

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.43 pm]: I move -

That in the opinion of this House, the Leader of the House, Hon J.M. Berinson, has breached the high standards of integrity, honesty and credibility expected of a Minister of the Crown, by his actions in misleading the House in the provision of certain information in respect to the financial dealings of the Government, and accordingly, this House censures him for not upholding the high standards of integrity, honesty and credibility demanded of a Minister of the Crown.

In moving that motion, I have taken some notice of the comments made by the Leader of the House. He claimed that he was not given adequate notice. In answering that I say that the Opposition has been giving notice to this Government for more than two years that it wants the Government to be accountable.

Hon J.M. Berinson: What a brilliant argument!

The PRESIDENT: Order!

Hon GEORGE CASH: If the Leader of the House is in need of a glass of water I will ask the Clerks to provide him with one. He should take it easy.

Hon J.M. Berinson: What is the relevance of a glass of water? What about keeping to the subject?

Hon GEORGE CASH: It is quite clear that Hon Joe Berinson is nearly jumping out of his seat.

Hon J.M. Berinson: It is clear you are pitiful.

The PRESIDENT: Order!

*Sitting suspended from 3.45 to 4.00 pm*

Hon GEORGE CASH: It is clear that in the past few years this Government has not been accountable to the people of Western Australia for the actions it has taken in respect of various financial dealings it has been involved in. Time and time again in the Parliament questions have been asked of Ministers and time and time again those Ministers have sought to avoid answering those questions in the absolute terms expected of them. There is clearly a distinction between an illegal situation and an unethical situation; but here the Ministers of the Crown in this Government seem to think that it is quite okay so long as they do not commit an illegal act to answer questions without regard to ethics at all, and that they can be answered in an unethical way. I instance that in relation to a question asked in the other place some time ago when the Leader of the Opposition asked whether or not a Minister had taken part in a particular meeting on a particular day. As I recall, he was one day out in his calculations and the Minister stood and said, "No." Technically the Minister was correct, but in ethical terms the Minister was asked for information about the financial dealings of the

Government and he could have advised the member in the general terms that the question was asked in. As I recall, the question related to meetings with members of the Rothwells group of companies. The involvement of the Leader of the House in the Rothwells saga - as it is now known - has never been explained fully. He has not volunteered much information. When answering questions in this place he has always tried as hard as he could to be as technical as possible in his answers. He has tried to avoid any link with any legal act and has had very little regard at all for the ethics of the answer that he was giving.

On numerous occasions in this House the Government has been challenged on its financial dealings in respect of Rothwells and the Petrochemical Industries Ltd project and on its dealings with the Bond Corporation generally. Again, there was without question a definite move on the part of the Leader of the House to avoid answering questions as best he could. He never sought to provide information to the Opposition; that is, any more information than was absolutely required to get away with his answer to a question. In fact, on numerous occasions he prefaced his remarks with the words, "I believe that" or, "I am advised that" or, "To the best of my knowledge."

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

Hon GEORGE CASH: I will tell Hon Tom Butler what was wrong with that; the Leader of the House attempted to not take responsibility for the comments he was making.

Hon T.G. Butler: You are wrong.

Hon GEORGE CASH: I am not wrong at all. Is Hon Tom Butler saying that in every case where the Leader of the House has prefaced one of his answers with the words, "I believe" or, "I am informed" or, "I was advised", the Leader of the House should not accept responsibility for those answers?

Hon T.G. Butler: No; I am asking what is wrong with him giving an answer like that.

The PRESIDENT: Order!

Hon GEORGE CASH: I suggest to Hon Tom Butler that the very purpose of prefacing an answer to a question with any of those phrases was to give the Leader of the House an out if he required it. He would have shifted the blame in relation to that matter to a Government servant or to the officer who provided the information.

Hon T.G. Butler: I can only repeat that Hon George Cash is completely out of control.

The PRESIDENT: Order!

Hon GEORGE CASH: I do not expect Hon Tom Butler to understand the discussions that will occur in this Chamber today. Like most Labor Party backbenchers he has been kept in the dark.

Hon Kay Hallahan: Oh, the arrogance of that remark!

Hon GEORGE CASH: Perhaps Hon Kay Hallahan is better informed than are the backbenchers in relation to this Government's dealings. That is something we will find out in due course. There is no question in my mind that this Government has gone out of its way to try to conceal information, not only from the Opposition and the public but also from its own members. There is no question that if the backbenchers of the Labor Party understood fully the dealings in which this Government has been involved there would be a revolt in their ranks.

Hon Tom Helm: What do you want to know?

Hon GEORGE CASH: We want all the facts with respect to the Government's financial dealings, not selective facts that it suits the Government to put out from time to time, but all the facts so that the Government can be judged on full information.

Hon Tom Helm: Can you read?

Hon GEORGE CASH: I can read, my friend, and I ask Hon Tom Helm whether or not he has taken the opportunity to read the document that was tabled in another place yesterday which is in fact the deed of undertaking entered into by the Premier of this State and which commits the Government to certain actions with respect to the petrochemical industry?

Hon Tom Helm: I do not need to read it.



Hon GEORGE CASH: Does Hon Tom Helm know all about it?

The PRESIDENT: Order!

Hon Tom Helm: That is why I asked what Hon George Cash knows.

The PRESIDENT: Order! The rules have not changed in the past six months and the rule involved here is a very simple one: When the person in the Chair calls "Order" everybody else keeps quiet so that that person can give members a rough idea of why he is calling for order. The reason I am calling "Order" now is to advise members that interjections are out of order. Although the Chair allows interjections to pass from time to time without calling interjecting members to order, on the occasions the Chair does call for order it is still important for all members to remember that all comments are addressed to the Chair. I will not allow discussions between members across the Chamber. What happens somewhere else is of no consequence so far as I am concerned. In this place comments are directed to the Chair and if somebody interjects the interjection is answered through the Chair. I prefer that there be no interjections. However, all comments should be directed to the Chair so that private conversations do not start between members.

I return to the matter of accountability, accountability which this Government clearly has not recognised, even though it has given lip service to that word over a period of months. If we consider the report of the Burt Commission and read the speeches of the Leader of the House in this Parliament, we see that lip service has been offered to the concept of accountability, but it has never been carried through. The Leader of the House does not understand the definition of accountability. He seeks to avoid answering questions and providing information to the Opposition. I put it to the House that no Opposition in a democratic Parliament is able to function efficiently or effectively if the information provided by the Government cannot be relied on. The information which the Leader of the House has given cannot be relied on. In fact I put it to the House that the Leader of the House has misled the House in respect of the information that he has given.

Hon Fred McKenzie: Give us evidence.

Hon GEORGE CASH: I will give members all the evidence they want in a moment. All I ask is for a few moments to point out some of the statements the Leader of the House has made in recent times. In a question on notice published in *Hansard* a Minister was asked about an article which quoted Mr Carr as saying that as a member of the Cabinet he gave the go-ahead for the Rothwells rescue and other controversial ventures. He was asked about his position in respect of that matter, and he replied that he maintained personal responsibility.

Hon J.M. Berinson: Mr Carr replied?

Hon Fred McKenzie: You are not making it very clear.

Hon J.M. Berinson: What was the question number?

Hon GEORGE CASH: I refer to question 399 in which Hon Gordon Masters asked the Attorney General whether he had seen an article in *The West Australian* -

#### *Point of Order*

Hon J.M. BERINSON: I do not want to interrupt Mr Cash, but may I ask that references of this kind be detailed to enable them to be checked?

Hon P.G. Pandal: That is not a point of order.

The PRESIDENT: When referring to any document it is a requirement to identify in the it by giving a page number or something else.

#### *Debate Resumed*

Hon GEORGE CASH: I am more than happy to identify the question in *Hansard*. It appears on Tuesday, 29 November 1988, at page 6043. The then Leader of the Opposition, Hon Gordon Masters, asked the Attorney General -

I refer to an article in *The West Australian* which includes reference to an article in *The Geraldton Guardian* quoting certain remarks of the Minister for Local Government, Jeff Carr. The article states -

The article quotes Mr Carr as saying that as a member of Cabinet he gave the

go-ahead for the Rothwells rescue and other controversial ventures.

But he maintained personal responsibility must lie with the ministers who first brought the proposal to cabinet, including the Premier, Mr Dowding, the Deputy Premier, Mr Parker, the Minister for Agriculture, Mr Grill, and the Attorney General, Mr Berinson.

Does the Minister accept the responsibility referred to by Mr Carr?

Hon J.M. Berinson replied -

As a member of Cabinet, I accept responsibility for all Cabinet decisions. There is collective responsibility in that respect and I am part of that process. As I have previously indicated more particularly to the House, I was also among the group of Ministers who were present at the meeting where the original State guarantee to Rothwells was agreed, but that is not a matter which cuts across the general principle to which I have referred.

So Hon Joe Berinson has said in the Parliament that he accepts responsibility as a member of Cabinet.

Hon J.M. Berinson: For all Cabinet decisions.

Hon GEORGE CASH: I thank Mr Berinson for reconfirming that.

Hon J.M. Berinson: And you will be fair enough to acknowledge that my own statement refers to the collective responsibility of Cabinet which includes all 17 Ministers.

Hon GEORGE CASH: I thank Hon J.M. Berinson for acknowledging that he accepts responsibility for all Cabinet decisions. I pose the question as to whether he accepts responsibility for the guarantee which the Government gave in respect of the petrochemical industry which is detailed in the deed of undertaking dated 17 October 1988, a copy of which I hope he tabled this afternoon.

Hon Fred McKenzie: You still have not told us how he misled the House.

Hon. J.M. Berinson: What was the date?

Hon GEORGE CASH: I can see now that Hon Joe Berinson will adopt his usual style and hedge around trying to find out whether he can divert the question by asking about irrelevant matters.

Hon Kay Hallahan: That is rubbish; he asked for the date.

Hon GEORGE CASH: He well knows that the document is dated 17 October 1988.

Hon J.M. Berinson: I do not know it; that is why I asked.

Hon GEORGE CASH: Is the Leader of the House saying that he is not aware of the document dated 17 October 1988?

Hon J.M. Berinson: I certainly do not keep dates in my mind.

Hon GEORGE CASH: That is what the Leader of the House always relies on: The fact that he does not keep dates in his mind.

Hon J.M. Berinson: I rely on the facts.

Hon GEORGE CASH: Hon J.M. Berinson does know of the document I am referring to, and I would not be surprised if he tabled that document this afternoon. It is important that we establish whether Mr Berinson is aware of that document because it impinges on whether he was aware of the guarantee the Government gave in respect of Petrochemical Industries Co Ltd which formed part of that document. I ask whether the Leader of the House was aware of that document and its attachments. As I expected, he will not answer the question, which is typical of the way he operates in this House.

Hon J.M. Berinson: You must be joking!

Hon GEORGE CASH: He could argue it is against Standing Orders to address himself to the question I asked. However, this Leader of the House chooses when he wants to respond to a question and he is selective about the manner in which he answers those questions.

Hon Kay Hallahan: What a terrible sin! Goodness me!

Hon GEORGE CASH: It is quite clearly a document which very few Labor members have any understanding of. It contains a guarantee.

Hon B.L. Jones: Do not go by your back bench.

Hon T.G. Butler: Or your front bench.

Hon GEORGE CASH: Does Hon Beryl Jones claim to have knowledge of this document, and if so does she support all the commitments given in it?

Hon E.J. Charlton: The answer is yes.

The PRESIDENT: Order! I ask honourable members to cease interjecting, and certainly to cease interjecting with other members.

Hon GEORGE CASH: The point I make is that I doubt very much whether members of the Government back bench have any understanding at all of the agreements and contracts that this Government has entered into in respect of the petrochemical industry.

Hon John Halden: Are you speaking for us now?

Hon GEORGE CASH: No, but is Hon John Halden saying he knows what the contents of that document were? Of course he does not know, because he was not told about the document.

I put it to the House that annexure (c) is in fact a guarantee between Hon Peter M'Callum Dowding, the Treasurer of the State of Western Australia, on behalf of the said State, to be known as the guarantor in favour of the Petrochemical Industries Co Ltd of Fifth Floor, 40, The Esplanade, Perth, to be known as the project owner. I put it to the House that this guarantee was a guarantee advanced on behalf of the Government contrary to statements that the Premier and other Ministers have made and contrary to an answer given in this House by Hon J.M. Berinson when he was asked a question -

Hon Mark Nevill: What date was it?

Hon GEORGE CASH: It is part of the document dated 17 October 1988; Hon Mark Nevill will have to get the whole document and he will see it is one of the annexures.

I put it to the House that that guarantee clearly indicates that when Hon Max Evans addressed a question to the Leader of the House in his capacity as the Minister representing the Deputy Premier -

Hon J.M. Berinson: I was not asked directly, in other words.

Hon GEORGE CASH: Again that is a clear indication of how the Leader of the House is going to try to slide out -

Hon J.M. Berinson: That is not sliding out. You are sliding out.

Hon GEORGE CASH: Mr President, in due course I will seek your ruling, if necessary, to have it made clear whether statements of a Minister in this House, whether they represent the various portfolios which have been allocated to them by the Premier in this House or whether they represent other Ministers in this House, are to be held as coming from that Minister, or whether all the responsibility lies with some other party.

Hon T.G. Butler: You're getting upset.

Hon J.M. Berinson: That is a fair question.

Hon GEORGE CASH: I am glad it is a fair question because it impinges on whether the Leader of the House takes responsibility for things he utters in this House.

Hon J.M. Berinson: Are you talking about questions on notice?

Hon GEORGE CASH: Hon Max Evans asked the Leader of the House, in his capacity as the Minister representing the Deputy Premier, a question which reads as follows -

- (1) Will he announce publicly immediately any guarantee or any like arrangement on behalf of the petrochemical project?
- (2) Will he undertake to have Parliament recalled to give its approval to what would be a \$1 100 million liability?
- (3) When will the issue be decided?

It concerned the petrochemical project. On 15 December 1988, in answer to question 614, recorded in *Hansard* on page 6428, Hon J.M. Berinson replied as follows -

- (1) A Government guarantee has not been given in relation to the petrochemical project.

That was on 15 December last year and, ever since, the Opposition has sought further advice from the Government on whether a guarantee was issued. Day after day the Government denied that a guarantee was issued until only recently when, as a result of a dispute with one of the parties - the Bond Corporation and others - the Government petitioned the Supreme Court and indicated that a guarantee formed part of an agreement between the various parties to the petrochemical project. I put it to the House that the Leader of the House misled the House when he gave the answer I have just quoted.

Hon Mark Nevill: Was it a question without notice or was it a question asked of him acting on behalf of another Minister?

Hon GEORGE CASH: In another question, on the same day, Hon Max Evans asked the Leader of the House representing the Deputy Premier an 18 part question on the interim finance arranged by WA Government Holdings Ltd for the petrochemical project. It was question 588 of 15 December, to be found on page 6421 of *Hansard*.

Hon N.F. Moore: Perhaps we had better give it to the boys in the back room.

Hon J.M. Berinson: Do you really believe it is reasonable for me to be able to get those notes myself without assistance in the way they are now being quoted?

Hon GEORGE CASH: I expect Hon Joe Berinson will need all the help in the world to try to get out of the fact he has been misleading this House.

Hon J.M. Berinson: Not to match you.

Hon GEORGE CASH: The Leader of the House will use every excuse in the book to try to slide past making a true and accurate answer to the questions put to him. He prefaced his answer to that question by saying, "I am advised that", and he then went on to make various statements -

Hon J.M. Berinson: What did I say? Did I say, "I know," or, "I can tell you," or did I say, "I am advised"?

Hon GEORGE CASH: The question I am about to ask the Leader of the House is personal: Is he deaf or is he just being stupid? I do not really think that I could make myself much clearer in this House.

Hon Kay Hallahan: You are not very clear at all, quite frankly.

The PRESIDENT: Order!

Hon GEORGE CASH: Part of the answer the Leader of the House gave was as follows -

No guarantees have been given and no recourse has been made to powers contained in the Northern Mining Corporation (Acquisition) Act in relation to the construction and operation of the Kwinana petrochemical project.

In respect of that comment alone I again refer members to the guarantee annexed to the deed of undertaking document dated 17 October 1988 where in paragraph (b) it reads -

Pursuant to section 5(1) of the Northern Mining Corporation (Acquisition) Act 1983, with the prior approval of the Governor, the Treasurer may, on such terms and conditions as he thinks fit, guarantee on behalf of the State of Western Australia the discharge by WAGH of any financial obligation incurred by WAGH, whether in the State of Western Australia or elsewhere, by way of or in relation to the borrowing of moneys, the provision of credit or financial accommodation or otherwise.

Clearly reference was being made to an approval in October 1988. If any evidence is required, let me quote from an undated letter, which carries the letterhead of the Premier of Western Australia and which has been tabled in the Supreme Court as evidence in an action that will proceed. It is addressed to the directors of the Petrochemical Industries Co Ltd, Fifth Floor, 1 Mill Street, Perth, and it reads as follows -

Dear Sirs,

**WESTERN AUSTRALIAN GOVERNMENT HOLDINGS LTD**

I refer to the deed of undertaking, the agreed draft of which is annexed, proposed to be executed by WAGH and your company in connection with the financing, construction and operation of the proposed Kwinana Petrochemical Project.

I confirm that WAGH is to undertake its obligations under that deed with my knowledge and approval, both as the beneficial holder of all the issued shares of WAGH, and as the proposed guarantor of WAGH's financial obligations under the deed - in both cases in my capacity as Treasurer for and on behalf of the State of Western Australia.

The form of guarantee attached to the draft deed will be executed by me as soon as practicable after execution of the deed itself, and subject only to the approval of the Governor which is required in terms of the Northern Mining Corporation (Acquisition) Act 1983. I will be recommending that the Governor approve the issue of the guarantee.

It is signed by Peter Dowding, Premier and Treasurer. That was in October 1988 when a guarantee had been agreed to by the Government - a guarantee of which Mr Berinson is claiming in this House he had no knowledge, and a guarantee which he should have acknowledged in questions put to him last December in this House. But more than that, Mr President, if evidence is required as to the sort of dealings that are being undertaken by this Government, this is it: I also have a copy of a letter hand written by David Parker, the Deputy Premier, on Monday, 17 October 1988, which reads in the following terms -

Dear Peter,

As I understand it, that refers to Peter Beckwith of the Bond Corporation.

Hon J.M. Berinson: Are you referring to one of the papers tabled in the Assembly yesterday?

Hon GEORGE CASH: I will give the Minister a copy in a moment.

Hon T.G. Butler interjected.

Hon GEORGE CASH: I say to Hon Tom Butler that I wanted to give the Leader of the House a copy, but I will not if that does not suit him.

Hon T.G. Butler: You do get upset, George.

Hon GEORGE CASH: I have a heap of them here, but I might offend the member by giving the Leader of the House a copy. We could go on forever and ever debating this with the Labor backbenchers, but clearly they do not have any knowledge of the contents of this letter; also, I would be surprised if they have any knowledge of the guarantees that the Government gave to various parties.

Hon J.M. Berinson: What is your allegation against me? Are you saying that I knew about that letter when it was sent?

Hon GEORGE CASH: Well, if Hon J.M. Berinson has not read the motion, God help him. I am saying that I have a letter from the Deputy Premier which confirms the sort of dealings that were going on with the Government, of which the Leader of the House was a party.

Hon J.M. Berinson: Are you saying that I knew about the letter when it was sent?

Hon GEORGE CASH: I have not said that at all.

Hon J.M. Berinson: So, what is the connection with your motion against me?

Hon GEORGE CASH: Patience, Mr Berinson.

Several members interjected.

The PRESIDENT: Order! Members know that this type of behaviour is totally unacceptable as far as I am concerned. Now, if we want to carry on in an undignified manner, I am afraid that we will be in for a very, very unhappy and eventful session. I will say one more time that members do not have to like what other members say. They do not have to agree with what they say. However, they must allow them to say it in the absolute knowledge that equal

time will be allocated to them in order to argue the other point of view.

Now, I can understand the Leader of the Opposition referring to me as Mr Speaker as perhaps he does not understand the quiet manner in which we normally do things here because of his background. Also, I can understand the Leader of the House becoming rather irate at the suggestions that are being made because he is the one against whom the accusations are being made; but it is none of my doing. My task is to ensure that the debate proceeds in the best possible manner. I ask Hon George Cash to confine his remarks to the motion he has moved and to direct them to me. I ask the Leader of the House to contain himself because I happen to know as well as anybody that when the appropriate time comes he is very competent at putting his point of view across, and I suggest that he wait until then to do so.

Hon GEORGE CASH: I read for the benefit of the House a letter that was written by David Parker, the Deputy Premier of the State, on Monday, 17 October 1988 which states -

Dear Peter,

I understand that the Peter referred to is Peter Beckwith from the Bond Corporation. The letter reads as follows -

I refer to our telephone conversation on the weekend concerning the Treasurer's guarantees to the WAGH to back up the funding for PICL in the "credit enhancement".

The Government has not in any way backed away from its willingness to put this in place and will do so at the first opportunity - certainly well before the facility needs to be put in place - and I envisage before Christmas this year.

If at a stage ahead of this the lack of a Treasury guarantee becomes an issue (which I cannot envisage given the capitalisation of WAGH and the cross guarantee between it and SECWA) then please let me know.

I look forward to working with you and to do all that is necessary to materialise this very important project.

With Best Wishes

Yours Sincerely

The letter is signed by David Parker. I bring that letter to the attention of the House because it clearly indicates that the Government, contrary to the comments that it has been making for weeks - in fact for months - had, in fact, been secretly dealing with parties connected with the petrochemical project and the Government had given certain guarantees in respect of that project. The Government will no doubt argue that those guarantees only extended as far as Western Australian Government Holdings, but if one reads the deeds of undertaking and the other documents to which the Government was a party in respect of that project, one will see very clearly that WAGH's guaranteed obligations extended far further than the percentage share that it enjoyed. It is interesting that the Leader of the House should, by way of interjection, continue to deny that the Government entered into a guarantee in respect of the petrochemical project; that is the line that was taken on 15 December 1988.

I refer to *The West Australian* of 24 August 1989 wherein it is suggested that the undated letter which I read to the House was in fact part of the dealings that occurred on or around 17 October 1988. The *Daily News* on 24 August of this year under a banner headline stated "Premier admits he gave the PIL guarantee". This again confirms that he signed a letter and that letter formed part of the guarantee offered by the Government. It seems to me that unless Hon J.M. Berinson, as the Leader of the House, is suggesting that his own Premier is misleading him and the public again, we are to believe that the guarantee was given during or around October 1988. He denied that a guarantee had been given.

Hon J.M. Berinson: That is not true. I was asked questions on notice which were directed to Ministers and I gave those answers on their behalf.

Hon GEORGE CASH: Is the Leader of the House saying that he does not take any responsibility for the answers given to him by other Ministers whom he represents in this House?

Hon J.M. Berinson: I am saying that the procedure in relation to information from other Ministers is well understood in this House.

Hon GEORGE CASH: In the other place yesterday the Premier was described as a slippery seal in a sewer. It seems to me that the Leader of the House is his mate.

Several members interjected.

Hon GEORGE CASH: What an absolute joke. I said earlier that I expected the Leader of the House, because he lacks credibility and integrity and because he has misled this House, to try to find some diversion in order not to answer questions, and he did that only a few minutes ago.

Hon Kay Hallahan: He did not.

Hon GEORGE CASH: My motion speaks about the need for the Leader of the House to demonstrate integrity, honesty, and credibility. The definition in the dictionary for "honesty" is: "fair" and "not lying or cheating". The definition for "integrity" is: "wholeness, soundness, and honesty".

Hon J.M. Berinson: It is interesting you should need to go to a dictionary to find out the meaning of those words.

Hon GEORGE CASH: I went to the dictionary so that I could tell members what were the definitions of these words. It is quite clear from the actions of the Leader of the House that he does not know the meaning of these words. The definition of the word "trusting" is: "not given to suspicion or apprehension". The definition of "truth" is: "being true, loyal, and accurate", and "with integrity". I put it to the House that on all those points the Leader of the House fails miserably in relation to not only the answers he gave in December last year to questions on the petrochemical industry, but also to general answers given by him in this House. For confirmation, one has only to read a speech made earlier this year by Hon Sandy Lewis - who has now retired - in which he raised the matters I have touched on today; they are, that the Leader of the House attempts, where possible, not to answer questions as one would think proper, given an ethical basis for answering questions.

The motion I have moved is serious and there is clear evidence to show that the Leader of the House has misled the House. He has been part of a Government conspiracy to mislead the people of Western Australia about the Government's financial dealings over a number of months. Therefore, he deserves the censure of this House for his actions.

HON E.J. CHARLTON (Agricultural) [4.44 pm]: The motion before the House today is a result of the Government's walking away from its responsibility to come clean and to give the public of Western Australia and members of Parliament a few straight answers. Many statements, aligned with this motion, have been made claiming that the Leader of the House has not answered specific questions. The people of Western Australia look upon the Leader of the House as a man who should demonstrate credibility and honesty in the Cabinet room and who should be able to be relied upon to give proper answers to questions. All members of the Ministry should be relied upon to give straight answers.

I recall the exchanges that have taken place during questions without notice when the Leader of the House was asked a series of questions relating to the Government's financial commitments to the petrochemical project. The Leader of the House was asked whether the State would be called upon to meet the debt which would be incurred under a Government guarantee. On each occasion we were told the matters were outside his area of responsibility. He sidestepped the questions to try to get his Government off the hook. He took the easy way out.

It is very sad that at the beginning of this session we have been forced to debate a motion such as this because the Leader of the House has not been acting responsibly. It is a shame that on past occasions the Leader of the House has not acted with integrity and did not take the honourable move and lay on the Table of the House documents relating to the guarantees and to the other financial dealings in which this Government has been involved. These matters have been referred to by the Leader of the Opposition, who outlined the various financial dealings in which the Government has been involved.

Hon J.M. Berinson: Are you suggesting I respond to matters not within my knowledge?

Hon E.J. CHARLTON: Nobody expects any Minister to be responsible for matters outside his portfolio. It seems inconceivable that he, as the Leader of the House, and with his knowledge and attributes, should have chosen not to answer these questions. He led us to believe that he did not know what was going on in the various situations that were developing day by day and month by month in Western Australia.

Hon J.M. Berinson: I will respond to that.

Hon E.J. CHARLTON: Fair enough.

The time has come when everyone in Western Australia realises that the Parliament has been misled by this Government. It is an indictment not only of the Leader of the House, but also of the Government of this State, particularly the Premier and a couple of his offsidars. The answers to questions which have been given by the Leader of the House, in this place and another place, reinforce what has been going on. We have now seen the Premier move away from the question of where the money is and he is now talking about somebody else having forced the Government's hand. The people of Western Australia are being denied that information.

We have seen the media continue to report a whole host of red herrings about the facts of what has been going on. Last year during the time to which the Leader of the Opposition referred day after day in this place a series of questions were asked as we tried to get to the bottom of some of the financial manoeuvres by this Government. The Leader of the House said that as the Minister for Budget Management, or as the Attorney General, they were areas outside his responsibility. The day must come when the Leader of the House will be labelled along with everybody else involved as a person of low esteem. This will apply to those people who were part and parcel of the series of events which took place at that time involving a whole lot of activities which bring disrepute on every member of Parliament. We all seem to be held in the lowest esteem. Every time the Press has an opportunity to dabble in anything to do with the parliamentary system or with politics we are the scapegoats and people are left with the feeling that we have no credibility or honesty and have done a series of backdoor deals, or that every party is in politics for what it can get out of it.

We have seen what has occurred in the past year or two in this State in relation to the irresponsible actions of this Government. It is little wonder that it will be a long time before we can regain any respectability, and this because of the actions that have taken place in this State as a consequence of those misleading statements. There will be other occasions on which I will have an opportunity to raise in this Chamber a number of specific actions with which the Government has been involved and about which I have had an opportunity to see at first hand what has happened and which are related to the motion before us today. It goes without saying that as a consequence of the deliberate side stepping of these questions by the Leader of the House - and I reiterate that he is a person to whom both the Opposition and the Government look as the guiding light, if one likes, in relation to responsibility and integrity in the Government - there will be certain repercussions. We hoped that we would get straight answers to questions in this Chamber. Had the Attorney General responded correctly when he had an opportunity to do so the State would not be in the mess it is in today. The people of Western Australia would not have to put their hands in their pockets, which they will obviously have to do over a period of time to make up this deficit.

There were occasions when I asked the Attorney General - although I cannot quote day or time - what would be the consequences of these losses to the economic position of the State and would there be an increase in taxes and charges. His answer was no. Does that mean that there must have been a large credit in hand as a consequence of other charges that were in place and the Government would be able to use that to make up the shortfall that would occur? The Attorney General's answer to that question was no, as well. That failure to answer questions went on for so long that on one occasion questions without notice had to be terminated because we ran out of time. That is a typical example of the sort of sidestepping and misleading information that seemed to occur to keep everybody in the dark about the series of financial transactions and moves which were taken by this Government and which will involve everybody in this State.

The year 1988 came to an end with a series of involvements with SGIC, with Select Committees and a whole host of other activities undertaken in an attempt to get to the bottom of these matters. We were called upon by the Attorney General to respect the workings of



the committee system and of this Parliament and asked not to use our numbers on this side of the Chamber to take unfair advantage of the Government. There were obviously many times when members on this side of the House could have used their numbers, but had they done that they would have been criticised for being undemocratic and the Leader of the House would have run off with other Government members saying how this unfair House had directed the Government outside its jurisdiction, and so on. I have referred to that point on many occasions. I have always tried to act in a way in this place that would protect us from being accused of being irrational or acting irresponsibly so that the Government had the opportunity to govern, put forward its legislation, and to carry out its role as the fairly elected Government.

How long do we have to put up with the sort of situation that has developed since the recent State election when the people of this State were absolutely hoodwinked when they were not given the facts? We saw that smooth, honest -

Hon P.G. Pental: Smooth Pierre.

Hon E.J. CHARLTON: Yes, smooth Pierre was being supported by his party on this new wave of accountability and that this was a party that people could believe in. However, everyone would have to agree - not only the people in this place but people right across the nation no matter what their politics - that that was one of the most deceitful campaigns ever to take place because Government members all knew what had taken place in the months preceding the election but they kept the people of Western Australia totally in the dark so that they could not make a fair judgment; there is no doubt about that. People outside this Parliament, particularly those who had the opportunity to be informed - and I am talking about some sections of the media - and who had the opportunity to state a few facts to let the people be the judges of what had happened did not do that. As a consequence of that we are now back into a new session of Parliament and in the deplorable position of the Government saying that it has been blackmailed and pushed around by the Bond Corporation. It makes no comment at all about how the Government made the decision to become involved in these matters. No-one in the Bond Corporation forced the issue.

Let us hear about the things that took place on 17 October 1988 and in the few months before that. The Leader of this House had the opportunity on numerous occasions when he was asked a series of questions - and not only those referred to by the Leader of the Opposition but many others - to demonstrate his perceived credibility. Obviously it is a sad situation that, not only in this House, but also around the State, a man who has been looked upon as one with high ideals is now suffering as a consequence of being associated with other people in his Government who have led this State up the garden path.

[Questions without notice taken.]

## BUSINESS OF THE HOUSE - RESUMPTION

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.35 pm]: I ask that business be brought on.

The PRESIDENT: Order! I did not hear what the Leader of the House said.

Hon P.G. Pental: He wasted time and now wants to gag question time.

Hon J.M. Berinson: I have not wasted time, as you well know!

Hon P.G. Pental: When did you get that document?

The PRESIDENT: Order! If I hear an outburst like that again, I will take some very serious action. I did not hear what the Leader of the House said, so would he mind repeating it?

Hon J.M. BERINSON: I act accordingly, Mr President, and as I have gone beyond the half an hour time limit which I previously suggested, and as I did not want to use the half hour for the opinion I delivered, I ask that the business of the House be brought on.

Hon N.F. Moore: What a disgrace!

Hon Graham Edwards: It's your motion; don't you want to debate it?

The PRESIDENT: Order! Honourable members know that under Standing Order No 141C the Leader of the House is perfectly entitled to do what he has done, albeit it is

unprecedented.

Hon J.M. Berinson: We did it in the last session.

The PRESIDENT: I am sorry; it is not a point of criticism. I am simply saying that a Minister is perfectly entitled to do it and I will not countenance any arguing about it.

## LEADER OF THE HOUSE - MISLEADING INFORMATION

### *Censure Motion*

Debate resumed from an earlier stage.

Hon E.J. CHARLTON: I conclude my remarks by simply saying that the National Party supports this motion. It has been proved that the Leader of the House, in his capacity as the Leader of the Government in this place, has taken a position whereby he has decided to remain loyal to his other Cabinet colleagues by keeping under wraps the financial facts of what has taken place with the petrochemical deal. He did so by not replying to specific questions in this House. He has given priority to remaining loyal rather than answering specific questions, which, in our opinion, would have only done him credit as well as the Government and given the people of Western Australia the facts that are still unanswered in respect of everything that has taken place. I am sure that at some time in the future we will get the answers, whatever time it takes.

HON MAX EVANS (North Metropolitan) [5.38 pm]: I hope in future new members will get a better hearing than that given to the new member, Hon George Cash.

Government members interjected.

Hon MAX EVANS: Usually during a maiden speech there are no interruptions, and I do hope that that courtesy will be extended to other members.

Hon J.M. Berinson: Now I know what he was so upset about.

Hon MAX EVANS: This is a very, very serious matter and firstly I would like to comment on the very important decision made by the National Party in the last days of the previous session in not agreeing to the Western Australian Petrochemical Industries Authority Bill. It has really come out in the last few weeks how important that decision was. We were told then that no guarantee was offered and that it would not cost the Government any money. Thank goodness the National Party voted with us as that Bill would have allowed the Government to have an open cheque in that deal. As one Minister said, we had not given a guarantee but the Government could only hope the Bill would go through. It would still have been a State guarantee, and would have been at terrific cost to Western Australia. The amount involved would have been a lot higher than \$68 million had the Government not been stopped.

In the debate I said I held the Leader of the House personally responsible for any losses to this State from the petrochemical project because the Opposition warned the Government about the guarantees, with no capital up front by the other partner, and said that a lot of money would be lost. The Opposition did not create that loss by not allowing the Western Australian Petrochemical Industries Authority Bill to be passed. It was a bad deal from the start and it was constantly changed. I hold the Leader of the House personally responsible because the Opposition believes that he, as a reputable man, should have used his influence in Cabinet and not allowed this project to proceed.

I ask the Leader of the House to advise whether the documents tabled in another place concerning the guarantees and undertakings were approved by Cabinet. I am not certain what the procedure is. Are such documents approved by Cabinet or can a Minister send a handwritten letter, or the Premier make a statement, which is binding on the Government? After all, the Premier set up the Commission on Accountability. The chairman of that commission stated in his report that a guarantee should be considered an appropriation of money. The Government may have been innocent of that in October 1987 when it gave a guarantee to Rothwells, and many Government members in this House said it would never be called upon. Statements made by the Deputy Premier were quoted in this House to the effect that he took full responsibility for the guarantee, which was safe and good. Surely the Government should have learnt its lesson from that situation, where \$150 million was

involved. The Government was aware of the difficulty which arose with that earlier guarantee and how it cost the State Government Insurance Commission and WA Government Holdings Ltd \$175 million to extricate themselves from this situation.

Within days, from 13 October to 17 October, the Government gave another unlimited, open ended guarantee which we knew would involve approximately \$1 billion. The Leader of the House said that the Government did not think there would be a problem. But life in the business world is not conducted on that basis; if a guarantee is given, the guarantor is locked into it. I ask the Leader of the House whether Cabinet was advised about the undertaking documents and the guarantee. I believe that Hon Joe Berinson, as Minister for Budget Management, should have been advised; as Attorney General he certainly should have been advised. Many of his Cabinet colleagues do not have legal or business backgrounds and, therefore, one would expect them to ask Hon Joe Berinson whether the Government would be making the right decision by agreeing to a guarantee. If the guarantee proposal was not referred to Cabinet, the situation is even more serious in that the Government of this State is able to provide an open ended guarantee worth \$1 billion on the basis that a petrochemical project may be established. The question of whether Cabinet's approval was sought should be addressed. If Cabinet approved the guarantee proposal then the Leader of the House must have suffered from a bad memory at some stage. Surely a Minister cannot reply to a question by prefacing his answer with, "I am advised that" and hide behind that phrase on the basis that someone else said it even though he knew it was wrong. Ministers must have some integrity; they should not read an answer provided by a Minister in another place indicating that no guarantee has been given if they know that such a guarantee was given. If Cabinet had approved the guarantee, obviously all Ministers would have been aware of that decision. If the Leader of the House did not know of the guarantee, why did he not know?

Hon J.M. Berinson: Will you accept that, if the answer is that I did not know, there is no possibility of my having misled the Parliament, and therefore this motion should be rejected?

Hon MAX EVANS: That is far worse.

Hon J.M. Berinson: This motion is about misleading the House and not about other matters.

Hon MAX EVANS: I want to know how Cabinet works, and to understand why the Leader of the House did not know of this decision.

Hon J.M. Berinson: Why not reword it to say that I should have known about the decision rather than that I misled the Parliament?

Hon MAX EVANS: During the debates in this Parliament in April and May on the Western Australian Petrochemical Industries Authority Bill the Opposition asked many questions about a guarantee. The Opposition had been led to believe that no guarantee had been given. The Parliament was told that this project would not cost the State anything.

Hon J.M. Berinson: How is it that you have not quoted my having said things like that? You are putting words into my mouth. Let us hear the quote. At least Hon George Cash quoted me.

Hon MAX EVANS: I come back to the comment that I hold the Leader of the House personally responsible. The public of Western Australia should be informed about those deeds of undertaking, whether they were approved by Cabinet and, if not, whether that is the normal way for the Government to conduct its business. We know that the Budget committee met one Sunday night to discuss the Rothwells situation. The Leader of the House has indicated that he was not at that meeting and I accept that statement. We know that the Budget committee must have looked at any guarantee proposals because that would affect the business of this State. This guarantee should have been referred at least to the Attorney General, or he should have been aware of it. If debate in this House is to continue, we expect the Attorney General to know what is going on. If the Leader of the House, as Attorney General, has not been informed about Cabinet decisions, that would explain why many of the questions we asked in this House last session were not answered.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.46 pm]: I suggest that it might be convenient for you, Mr President, to leave the Chair a little earlier than usual. I make no secret of the fact that I would prefer to check some of the references which contributors to this debate have made, and it would accommodate my ability to do so if the House agreed to your leaving the Chair now. I seek that leave of the House. If that

agreement is not forthcoming, I will proceed with my reply at this stage.

The PRESIDENT: The House would normally rise at 6.00 pm, and leave of the House will be required to rise early on this occasion because of the condition made by the Leader of the House. He could quite properly have moved a motion that would require only a simple majority to be passed. However, he seeks leave of the House.

Hon E.J. Charlton: Is it intended that the House will resume 15 minutes earlier?

The PRESIDENT: Not if I have anything to do with it! That was not part of the request. I advise honourable members - although this has nothing to do with me - that the Leader of the House may move without notice that the House rise early, and I would accept such a motion. He has asked us to proceed in another way and I recommend that we do so. It is the members' decision. If I hear one dissenting voice the leave will not be granted.

Leave granted.

*Sitting suspended from 5.48 to 7.30 pm*

Hon J.M. BERINSON: In spite of the length of this debate so far, I think my reply can be relatively brief and to the point. I noted in the article by Peter Kennedy in last Saturday's issue of *The West Australian* that he expressed the view that the Leader of the Opposition in this House would be out to make his mark. I think it became reasonably apparent early in the proceedings that Hon George Cash has decided to make his mark by being tough. Well, gee whizz, was he tough! However, there is an important difference between being tough and being unreasonable. I will not get into a slanging match about this, but I believe the approach taken in this matter by the Leader of the Opposition was unreasonable in two respects: First, he accused me of misleading the House but he produced no evidence of that, other than his own assertion; second, he was unreasonable also in adopting ambush tactics in raising such serious and highly complex issues in a motion without notice. That can only be a reflection of his view that the matter is not nearly as serious as he would have us believe. No-one could argue that a matter requiring innumerable references to the record, and involving a mound of documents, not to mention the accusations that went with them, could properly be disposed of by the ambush procedures which the Leader of the Opposition decided to adopt.

I should say at this point that I appreciate the courtesy of the House - and I include in this the Leader of the Opposition - in allowing me the extra 10 minutes prior to the dinner suspension. Having said that, I must add at once that while that was helpful, it could not possibly allow me to adequately check on all the references and issues which were raised. I therefore restrict myself to what I perceive to be the major matters requiring to be addressed.

The line of attack used by the Leader of the Opposition had, as I perceived it, two main branches. First, he complained - as, I think, did other members - of my use during the course of debate, or in answers to questions, of phrases like, "I believe" or "I am advised". My use of phrases like that as a preface to or as part of my comments is not intended to allow me thereby to "slide out" of situations, as Mr Cash alleges; it is to make it clear in such cases that I cannot provide the information of my own knowledge. I am not the only person in that position. It is a constant feature of the affairs of this House that an inability by Ministers to respond of their own knowledge to the huge range of questions to which they are subject is inevitable. I suppose the best example which we have of that is in those cases where we come to the Committee stage of a Bill which we are handling on behalf of Ministers in the other House. I have never been shy about the need on some occasions to refer to advisers or to ask for the understanding of the Chairman of Committees to allow me several moments in order for consultation to occur; and following that consultation it has been my frequent practice to preface my answer with a phrase like, "I am advised". I do not believe there is a single member of this House who, on occasions like that, is in any doubt as to the reasons for my using that phrase. I do not believe any member of this House would agree that it is unreasonable for me to do so. Certainly it has been accepted, by the Opposition and the Government, that while Ministers can be looked upon to respond directly on matters coming within their authority and responsibility - or at least to do that in the great majority of cases, because one cannot always do that, even in relation to one's own portfolio - where it is a matter of dealing with another Minister's portfolio, the Minister representing him in this place has to take advice, and there is nothing wrong with that Minister making it clear in the

course of the response that that is the way such advice to the House is being approached.

I come now to a specific example raised by Hon George Cash this afternoon. I preface my remarks by repeating his reference to my answer to question 339. I said then that I accept the collective responsibility which attaches to all members of Cabinet, and that applies to all decisions of Cabinet. I do not resile from that position, but Mr Cash jumped from there to the document of 17 October and the form of guarantee in annexure C, and he attempted to argue that I was not only responsible in the collective sense, to which I have referred, but that I knew all about the deed of agreement; I knew all about its detail; and I therefore knew that the answer to question 339 was wrong. He raised a similar argument in respect of question 588. In spite of the expressions of disbelief, could I point out in respect of the details of that document that the fact is that I was not involved in its preparation or detail and so far as I know I have not seen that document except in the box in which it was delivered to the Council today.

Hon E.J. Charlton: You are washing your hands of the matter.

Hon J.M. BERINSON: It is not a matter of washing my hands, Mr Charlton; I am simply stating a fact. Do not get too excited because in a moment I will tell the member it does not matter. As on all Cabinet matters, I accept collective responsibility for Cabinet decisions, but the detailed implications of those decisions are for the responsible Minister or Ministers of whom, in the case of this project, I was not one. As I said a moment ago to Mr Charlton, all that, however, is largely beside the point because having said it I now think I should add that I took the opportunity during the dinner recess to consult with the Deputy Premier. He confirms that the answers provided in his name - and both of the questions to which I have referred were in his name - were correct. The Deputy Premier made a lengthy statement on the question of guarantees last night and I refer members to that without attempting to go in this House into the detail of matters which he canvassed. They are available in the *Hansard* of the Assembly.

Hon George Cash: You are pushing him out of the bed.

Hon J.M. BERINSON: The Leader of the Opposition is hopeless.

Hon George Cash: Your own Premier is trying to get rid of him.

Hon J.M. BERINSON: Mr President, accepting your strictures before the suspension, I suggest to you if Mr Cash cannot do better than that he had better not look forward with great anticipation to what Peter Kennedy says about him next Saturday.

Hon George Cash: Are you writing the article?

Hon J.M. BERINSON: I have made the point that I have checked with the Deputy Premier as responsible Minister for both questions referred to, and he confirms that the answers provided were correct. I repeat that he made a lengthy statement regarding the matter which is recorded in yesterday's *Hansard* of the Assembly and I commend members of this House to that statement. If any further elaboration of these matters is required questions can be put on notice and they will be answered and responded to in the ordinary way.

Mr President, having made that point, I think it is essential for our future sensible discussion, whether on this or other serious matters, to get some clear understanding of where we all stand on the question of the representative function by Ministers in this House of Ministers in the other House. This is specially important, if I may say so, in relation to questions without notice. You have ruled consistently, Mr President, that questions without notice cannot be asked of a Minister in this House in relation to a matter which is the primary responsibility of a Minister in the other House. There are excellent reasons for that ruling which go to the impossibility of any one of the three Ministers in this House being able to have a substantial grasp not only of the several portfolios which we each undertake but of the portfolios of the three or four other Ministers whom we represent in the Legislative Council. An attempt was made earlier in this debate to say that when the answers to questions on notice to Ministers in the Assembly appear on our papers they are the responsibility of the Ministers in this Chamber. This is not a matter of sliding out or slithering or jettisoning or doing anything else to any Minister in the Assembly. The same applies in the Assembly to questions which come under the primary responsibility of Ministers in this Chamber. The fact is that when those questions appear as answers in our documents here, they are not the answers of the Minister here, they are the answers of the responsible Minister.

Hon George Cash: Rubbish, and you know it!

Hon J.M. BERINSON: The Leader of the Opposition is just indicating his ignorance to argue that. Certainly, Mr President, Hon George Cash is indicating his total ignorance of the practice in this House. It is true nothing in the Standing Orders specifies that. I have been interested to note in referring to some of the authorities, May and others, that there is no reference to this matter in those either. There is excellent reason for that, because it simply stands to reason. The truth of the matter is that Ministers in this House, in most cases, do not even see the replies that are provided by Ministers in the other House whom they represent here; they go directly into the daily *Hansard* without reference to the Ministers here. There would be no point to referring them to us because we cannot be put in a position of undertaking to understand and to know all about the matters coming within perhaps another dozen portfolios.

Hon E.J. Charlton: Don't you know anything about the petrochemical project?

Hon J.M. BERINSON: Of course I am not saying I do not. I am referring members to a general principle which was raised by this attack; an attempt was made to say that I - I will not talk about Ministers in the third person - misled the House if an answer to a question coming from the Minister in the other House was incorrect. I do not concede for a moment that any such answer has been incorrect. In fact, I have indicated that I have checked on that position and am satisfied by the advice -

Hon P.G. Pendl: By Mr Parker.

Hon J.M. BERINSON: Precisely, by the responsible Minister -

Several members interjected.

The PRESIDENT: Order! The minute I stop calling for order members assume that order is not required. I do not know whether after every sentence uttered I should call "Order" as a matter of course, but if that is what members want I will set up some sort of tape recorder. I should say "Order" once and that should be the finish.

Hon J.M. BERINSON: For the reasons given, the accuracy of the answers to the questions is not the problem which I am addressing now. I am making the general point that if the House is to proceed to such a serious decision as to find that a Minister in the House has misled it, and that can only mean deliberately misled it, it is not entitled to do that on any basis except some finding that, first, an answer was wrong and, second, that the Minister here knew it was wrong. The point I am making is that I do not concede for a moment that this answer was wrong. The additional point to be made is that the onus remains on members wishing to vote for this proposition to show how, in some way, I not only presented a wrong answer on behalf of another Minister, but also I knew it was wrong. I have no reason to doubt that those two answers are correct. I am assured by Mr Parker that they are correct and I am assuring the House that I have no knowledge of my own to doubt they are correct.

Hon George Cash: Have you made investigations on your own behalf?

Hon J.M. BERINSON: Yes, I have. I carried out those investigations between 10 minutes to six and six o'clock tonight! I did so in the 10 extra minutes the Leader of the Opposition was gracious enough to allow me after having engaged in a disgraceful exhibition of ambush tactics.

Hon E.J. Charlton: He must have learnt it in another place.

Hon J.M. BERINSON: He certainly did not learn it from me.

I refer again to my introductory comments about the difference of being tough and of being unreasonable. This is not a run of the mill motion. Frankly, I am surprised at some of the levity this debate has generated among members on the other side of the House. There are very few propositions which could be as serious as one of accusing a Minister of misleading the House in which he sits.

Since almost the entire argument has been based on the two questions to which I have referred, I am putting this proposition to members: If members in this House - putting aside their party interests - are to conscientiously vote in support of this proposition, they have to be satisfied that the answers were wrong and, as well as that, that I knew they were wrong. I am telling members that the Deputy Premier, as late as the dinner adjournment tonight, has

assured me they were correct.

Hon George Cash: The evidence does not support that. You have a problem.

Hon J.M. BERINSON: I am putting to the House that I have nothing to suggest anything to the contrary. Those are the two matters I am putting to the House and it is on that basis that members are required to exercise some conscientious decision.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [7.53 pm]: Before I moved this motion I spent some time considering it. One of the reasons I spent time considering it was that I realised the seriousness of the words used. Further, I have, in the past, had some regard for the integrity and credibility of the Leader of the House. However, given the research I have done into his comments made in this House and given the revelations that have come to the surface after much digging over recent weeks, it is clear that the Leader of the House, in answers to a number of questions in the House, has misled it by providing incorrect information. The Leader of the House tries to remove himself from the stake on which he finds himself by arguing that there are too many questions addressed to him in his capacity as a Minister representing a Minister in another place. He went as far as to say that he did not, at times, even bother to read the answers that came forward as a result of questions on notice, and yet those answers were published.

Hon J.M. Berinson: I will go further and say that I almost never do.

Hon GEORGE CASH: I hope that comment will be recorded in *Hansard* because it goes to the question of irresponsibility shown by the Leader of the House. It goes to the heart of the question of accountability -

Hon J.M. Berinson: It goes to the question of the incapacity to deal with the limitless range of issues.

Hon GEORGE CASH: - which the Leader of the House claimed that he would stand by when he introduced a Bill earlier this year in respect of accountability. We now hear from him that none of those comments means anything. In other words, he has decided to absolve himself of any responsibility at all for questions addressed to him in his position as a Minister representing Ministers in the other House. If this is the way in which the Leader of the House operates, then we might as well tear up the answers to questions on notice we are handed by him and by his ministerial colleagues.

Hon J.M. Berinson: Why?

Hon GEORGE CASH: Because the Leader of the House is telling us that he cannot accept any responsibility at all for the content of those answers. Worse than that, the Leader of the House has said tonight that he does not even carry out investigations of the answers tendered in his name.

Hon J.M. Berinson: Of course I do.

Hon GEORGE CASH: It is absolutely incredible.

Hon J.M. Berinson: Only to you, Mr Cash.

Hon GEORGE CASH: It clearly indicates that we have a Government that is all over the place when it comes to answering questions. Clearly, one Minister does not know what the next Minister is doing, and as long as that Minister hands over a piece of paper and says, "I tell you that the information is correct -

Hon E.J. Charlton: Unless it has a \$300 million price tag on it. They accept the little things, but when they are talking about \$300 million or \$400 million it is another question.

Several members interjected.

The PRESIDENT: Order!

Hon GEORGE CASH: I am absolutely astounded that the Leader of the House should try to defend his position in respect of this extremely important motion by saying that he does not accept any responsibility at all for the answers to questions tendered to him by Ministers in another place whom he represents in this House. If we have reached that position, then this Parliament is in a very sorry state. More than that, in relation to those questions which are addressed to the Leader of the House in his capacity as Minister for Budget Management, a subject which one would assume covers the petrochemical industry in part, one would

expect, given the huge amount of money involved, that he would have gained some expertise from the dealings in which the Government engaged. I put it to members that we have a situation where the Leader of the House is telling members that just because he claims he does not have knowledge of the content of the document, which has been signed and sealed as a deed, the Government is not responsible for the content, or agreements, or contractual responsibilities. That is what the Leader of the House is saying. Is he saying that the Government is responsible for the contents of that document?

Hon J.M. Berinson: The Government accepts responsibility for any document to which it has committed itself.

Hon GEORGE CASH: I thank the Leader of the House; that is a very important statement.

Several members interjected.

Hon GEORGE CASH: Members opposite may jeer, but quite clearly the back bench of the Labor Party has no idea at all about the contractual obligations the Government entered into, which are contained in this document.

Several members interjected.

The PRESIDENT: Order!

Hon Fred McKenzie: Do you know?

Hon GEORGE CASH: To Hon Fred McKenzie I say that I have read the document.

The PRESIDENT: Order! I will not tolerate the type of behaviour that members have been indulging in this afternoon. We have normally been able to conduct the debates in this place with at least a reasonable amount of dignity and decorum. If honourable members want me to start taking some action, they had better make it plain so that I can take the action. I do not want to do so because I am a great believer in our system; I am a great believer in the integrity and the decency of every one of the 33 other members in this House, and I will defend members' rights to the last drop of blood. But it gets awfully hard to justify that stance when members refuse to come to order and carry on in a way that is unbecoming for elected members of Parliament. I ask members to stop it. Members will get an opportunity to vote on the question in a moment and to express their views on what the honourable member is saying. I do not want to keep saying it, but we have some visitors in this place and I wonder what they think. It is quite sad that they have to be confronted with the sort of behaviour that is being displayed tonight by members on both sides of the House.

Hon GEORGE CASH: Mr President, I shall endeavour to wind up my comments by suggesting to the House that the Leader of the House has failed to display the credibility, integrity and honesty that one is entitled to expect of a Minister. He has quite clearly misled the House in his answers to certain questions and is deserving of the censure of this House because of the information he has tendered which has been shown to be incorrect.

Hon J.M. Berinson: It has not been shown to be incorrect!

Hon GEORGE CASH: It is information which quite clearly shows that the Government entered into contractual obligations, a guarantee, late last year; it was an agreement that the Minister should have had knowledge of.

Hon J.M. Berinson: That is not true.

Hon GEORGE CASH: In the Leader of the House's own words, he did not bother investigating it. I say that he has misled the House and is deserving of the censure of the House. I urge members to support the motion.

Question put and a division taken with the following result -

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Ayes (16)

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

Hon Barry House  
Hon P.H. Lockyer  
Hon M.S. Montgomery  
Hon N.F. Moore  
Hon Muriel Patterson  
Hon P.G. Pandal

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



## Noes (15)

Hon J.M. Berinson  
 Hon J.M. Brown  
 Hon T.G. Butler  
 Hon Graham Edwards  
 Hon John Halden  
 Hon Kay Hallahan

Hon Tom Helm  
 Hon B.L. Jones  
 Hon Garry Kelly  
 Hon Mark Nevill  
 Hon Sam Piantadosi  
 Hon Tom Stephens

Hon Bob Thomas  
 Hon Doug Wenn  
 Hon Fred McKenzie  
*(Teller)*

## Pair

## Aye

Hon W.N. Stretch

## No

Hon Cheryl Davenport

Question thus passed.

**CRIMINAL CODE AMENDMENT BILL***Order Discharged*

HON J.M. BERINSON (North Metropolitan - Leader of the House) [8.07 pm]: I move -

That Order of the Day No 1 be discharged from the Notice Paper.

This item was the privileges motion and moved for formal purposes earlier this year. As it happens, there will be a Criminal Code Amendment Bill introduced in this session, but I expect that it will have a different title.

Question put and passed.

Order discharged.

**FISHERIES AMENDMENT BILL***Second Reading*

Debate resumed from 6 April.

HON TOM HELM (Mining and Pastoral) [8.09 pm]: Before I address the Bill itself, I congratulate you, Mr President, on being elected to your position and in having the confidence of the House to be re-elected to the job you have been doing so well and for so long. I also congratulate Hon Jim Brown on being elected Chairman of Committees, again with the confidence of the House; I am sure he will do a good job. I also congratulate the new members who have been elected to this House. Two of them were elected to this side of the House; the rest to the other side - and may they stay there. I trust they will all enjoy their stay in this House.

I congratulate Hon Eric Charlton for presenting this Bill to the House because it shows that our National Party colleagues have their ears to the ground or out to sea on this matter and are addressing some of the problems that the fishing industry has faced in the past. It draws the Minister's attention to this type of problem. This issue has been addressed by the Minister in the way the Bill suggests. That has been dealt with because I understand the Minister is not only proposing a Bill that will address that issue but also will address other issues relevant to the industry in broad terms.

This Bill has been introduced to prevent foreign ownership of fish processing works and exploitation of an industry in Western Australia which I believe could be, and should be, a major industry but which has not been taken up by anyone but foreign owners. This is something that needs to be addressed and is being addressed by the proposals in this Bill. One of the reasons I am speaking on this Bill is that I am a member of the Minister's Caucus committee and he keeps us informed about the fishing industry and its problems. The Minister for Fisheries is also aware of other problems facing the industry that are causing the fishing out of our fish stocks. He is aware of the decimation of fish stocks on the North American coast. I think it was in 1940 that it was found that the North American renewable resource was being diminished by irresponsible fishing and destruction of the fish breeding grounds. No time had been given to the study of fish and their habits and as a consequence the North Americans realised too late that they were destroying a natural and renewable resource that was ozone-friendly, which is important in these days of environmental

problems and questions of what is environmentally acceptable. The Government is moving to address those problems.

I understand that damage has been done to the fishing grounds in the south west of our State and that we are now looking in serious terms at the fish stock in the north west of the State so that we understand the breeding habits of our fish stocks. This will ensure that resource remains for the economic benefit of the State not only at present but in the future. In 1987 I was invited to address the Northern Australian Development Council in Bundaberg in Queensland. Members of the House may be aware that the Queensland Government has set up a college in Bundaberg to study the fishing industry and to teach fishermen the basic skills of fishing, navigation, fish habits and so on. Lecturers there, recognising the importance of the fishing industry in Queensland and how important the fishing industry can be to our State, were quite surprised that we had not gone down that track.

There are moves afoot by responsible Ministers to set up facilities for potential fishermen where they can study their trade and such things as navigation, fish handling and fish stocks to the benefit of the industry and the State. Having come from the Pilbara, I am aware of the attraction of megabuck developments, the big flashy things like the Liberal Party's proposal to have a petrochemical industry as long as it is in the Pilbara. That is an irresponsible thing to say. In the Pilbara there is an attraction for multi-tonne mines, the North West Shelf gas project, Barrow Island and all those things that employ a lot of people in construction but not so many people in the actual production of the gas, iron ore, gold or whatever the product is. In capital terms and capital costs we do not promote the use of our renewable resources such as fish, horticulture or the use of our land in a way that does not damage it. We are beginning slowly to understand that if we are to leave this State in a decent condition for future generations we must get away from digging holes in the land and look at renewable resources which will bring economic gains to the State now and in the foreseeable future. We are aware of these matters now and the Fisheries Department is paying attention to netting in creeks and riverbeds and across rivers. It is about to get another fishing inspector so that those areas can be monitored more closely as they are places where fish breeding stock comes from and where the fishing resources are renewed.

We are encouraging people not to think big but to think in smaller terms where there is no multimillion dollar turnover where people can go and do a day's work and instead of being able, as in the past, to possibly pay off their mortgage on their house in Perth they are being encouraged to settle and raise their families in the north of the State. That is one of the thrusts of this Government that is to be applauded. The resource we do not have a lot of is people. We can identify areas where people with limited capital can go and make an investment and start up family concerns, if you like, that will keep them and their families going over a period of time and provide the future population for the north of the State. That is what we need. We do not want to leave a moonscape, a series of holes in the ground. We want people to go there and make their homes and not think of that area as a place to go to pay off their mortgage on their home in Perth or Rockingham. That is slowly changing.

Hon N.F. Moore: That is why we need things like the petrochemical plant in the Pilbara.

Hon TOM HELM: Hon Norman Moore says, "Do not kill people in Kwinana, kill them in the Pilbara."

Hon N.F. Moore: Is Hon Tom Helm saying that the petrochemical plant will kill people?

Hon TOM HELM: That is what Hon Norman Moore is saying; that it is environmentally dangerous so let us put it in the Pilbara. The people in the Pilbara would rather not have it at all. We do not want to kill people in Kwinana; and we do not want the project moved to the Pilbara because it is a threat to the people in Kwinana.

Hon N.F. Moore: It would not be put there for environmental reasons but for economic reasons.

The PRESIDENT: Order!

Hon TOM HELM: Let us not have another Wittenoom; we can do without that. This is a timely proposal from Hon Eric Charlton because we are close to developing a fishing industry in Port Hedland where I live. We have been trying for a long time to attract a member of the small business community to the area and the Chamber of Commerce and the local shire have been active in promoting the exploitation of the fish off the coast of Hedland and a fish processing factory. We are close to having a person invest \$300 000 in a fish

processing factory in Hedland which will bring people in. It will employ about 15 people. Boats that go off the North West Shelf 70 kilometres out to sea where there is an abundance of fish will be able to come into Port Hedland, unload and have their fish processed. We will then be able to get local fish. At present if one goes to the supermarket one sees fish from Peru, Taiwan, South Africa and from all over the place except Western Australia.

One of the few ways we in Port Hedland can buy local fish is on the black market. That situation must change so that we have the ability to buy local fish, rather than its going to Melbourne, Sydney or Brisbane. It is time that we in this House became aware of what the Government and the Minister for Fisheries have on the cards. The Minister will be introducing into the Parliament a Bill to address some of the issues that we will need to consider in the future if we are to develop a fishing industry in Western Australia. I congratulate Hon Eric Charlton for bringing this matter to the attention of the House, and I ask members to wait for just a short time until the Minister can consult his advisers and present to us a Bill which will address the problem of foreign ownership of the fish processing industry.

Concerns have been raised with me on a number of occasions about foreign fishing fleets being allowed to fish in the waters off our coast, and having the exclusive right to many of our fishing zones. I, like everybody else, am obviously a bit parochial, and have questioned why we do not have our own fishing fleets. I have been given two reasons: First, fishermen do not like to fish off the north west coast in the summer, not necessarily because of the risk of cyclones but because it is pretty hot, and they would rather stay down south. Secondly, there are 14 Chinese fishing boats operating out of Broome. They have a licence from the Government to fish in those waters, and in exchange the State is being given preferential treatment when it comes to making deals with the Chinese Government. For example, in the case of the Pilbara, the Chinese Government will play the role of a joint venture partner in our iron ore mines, or will receive our iron ore exports. They are the reasons why we do not at this time have exclusive rights to fish our own stocks.

Hon D.J. Wordsworth: Do you agree with that principle?

Hon TOM HELM: Yes, I do. I understand that we are exporting more to China than we are importing, so that goes some of the way towards looking after their interests.

No-one has told me that fishing in the southern waters is more economical than fishing in the northern waters, or that the fishermen there are able to catch more fish. I understand that a number of fishing licences are on the market because the fishing industry is now not doing as well as it has in the past. I do not know whether that is because of the influx of foreign-owned fishing boats, but people are certainly finding it more difficult now to make a living from fishing. The Minister for Fisheries is asking for time to present the Bill which will achieve those things which Hon Eric Charlton drew to our attention. There are other matters which also require attention.

It took a lot of effort on the part of the Chamber of Commerce in Port Hedland, which received a \$40 000 grant from the Government, to provide a facilitator who would look after the needs of small business people, and advise them about how to get around the red tape, how to exploit the markets, how to advertise, and so on. That facilitator helped to bring in a person to look at the possibility of setting up a fish processing plant. We must get away from the multimillion dollar exploitation of our State's fisheries resources, and look at providing a living for the people of the State.

Members should know that the Government is establishing an aquiculture centre in Broome - and there is a strong possibility that Port Hedland will also have such a centre - which will examine how we can best use the fisheries resources for the benefit of everybody over a long period of time. I am trying to explain to the House the reason why we are asking Hon Eric Charlton to wait until the Minister's Bill is presented, because the whole issue must be addressed, and in terms of attracting Bond or Robert Holmes a Court, or the people who have vast sums of money, it will not do that -

Hon E.J. Charlton: Do not have a go at your mates like that!

Hon TOM HELM: He used to be a mate. He is not now, we have been told.

The PRESIDENT: Order!

Hon TOM HELM: I am trying to say that it is the ordinary people who must be encouraged to put money into that sort of investment. We must look at the fishing industry and adopt the concepts I have been trying to explain. We all know that shire employees do not necessarily get a high wage, even in the north, and the people employed in the Ord River area in Kununurra, who are on relatively low wages or on fixed incomes, can sometimes supplement their incomes by working in the fruit processing industry. I am suggesting that could happen here: The professional fishermen could make the substantial portion of their income from fishing, but other people could then work on a seasonal basis in the fish processing factories. That would allow them to supplement their incomes by doing such part time work as well as working a 35 hour or 40 hour week for relatively low rates of pay. Each part of this is wrapped up with the other, so that is another thing we have to consider.

If we are to be successful in the push to populate the more remote parts of our State, we have to get away from the concept we had during the boom years, which was the ability to make a fast buck in the north and then leave - in other words, exploiting that part of the State while having no commitment to it. It is necessary that people stay there for the long term and raise their families there. We must get away from the major wages concept, which was that people had to be paid to work in the north and that was part of the on-costs involved in employing people there. As we are all aware, and as the world's best Treasurer has explained to us on a number of occasions, our wage rises are responsible for the cost of living increases. That is important throughout the nation but it is particularly important for the north because people there still work on the concept that by working in the north they need to earn a lot more money - not necessarily to pay for their increased cost of living but rather to pay off a mortgage in another place where they are eventually going to live. We are slowly getting away from that and away from the itinerant workers, the people who do not stay very long in the north, and we are developing the idea that people can live and work in the north on lower pay while making a commitment to stay there.

If one looks at it, the north is one of the major unexploited and untapped regions of this State. It is a myth that it is impossible to live in the Pilbara during the summer. It is difficult to cope with the heat and there are people who probably cannot live in the Pilbara during summer for various health reasons; however I suggest there are many people who think they cannot live there during the summer who actually can. If they gave it a go, they would do very well. If Hon Ernie Bridge's Ord River pipeline comes into being, it will be great because the Department of Agriculture has already determined that the soil content in the Pilbara is perfectly adequate to grow all sorts of things, such as bananas and mangoes.

Hon D.J. Wordsworth: How about raising fish?

Hon TOM HELM: Hon D.J. Wordsworth did not listen to what I said. We are already going to set up an aquiculture centre.

Hon P.H. Lockyer: We will send him a copy.

Hon TOM HELM: Hon Philip Lockyer is right. We have to push the story about the north. It is not a barren desert; in fact it is like a rain forest. Hon Philip Lockyer would agree with me there. We have had two seasons of unseasonable rain and the poor old sheep do not know what to do because the grass is up to their bellies. They have never had it so good before. The cattle are sleek and fat. We should encourage the Government to take on Hon Eric Charlton's idea and present us with a Bill that would enable research to be done on the stocks of fish and to give us an idea of how best to nurture that stock. That is the reason we are setting up the aquiculture centre in Broome; there is also going to be one set up in Port Hedland. These places have different types of water and therefore different stocks of fish. If we can research this, we will avoid the decimation that took place on the American coast and we can avoid the damage that has been done to this part of the Western Australian coast.

Hon P.G. Pental: I think you have been missing out on your protein. Is that not what one gets from fish?

Hon TOM HELM: Yes, but there was no fish on the menu today.

Hon E.J. Charlton: You get it from yeast too.

Hon TOM HELM: If we can develop that industry along with all those other things, people will come and populate the north. People should look at what we have there and should get advice from the Department of Agriculture, and think about settling in the north on a long

term basis. It is marvellous; it is one of nature's renewable gifts and we really do not do a lot with it. As a result of the Chinese fishing fleet, we now have some trade deals with China and that has put some people in work, which is good. However, the mining companies, for example, now understand the environmental damage they caused and are getting together to do what they can to repair that damage. Good luck to them, but one cannot do much with a hole in the ground. It reminds me of a greenie tourist who went to Goldsworthy. As members would be aware, Goldsworthy has been mined out; it started off as a mountain and is now a big hole in the ground. The greenie tourist spoke to the mine manager there and said, "I think you should be compelled to fill in that hole," and the mine manager promptly said, "It took us 25 years to dig it out, let alone put it all back again." Obviously that type of damage cannot be repaired.

Hon E.J. Charlton: It would be under water.

Hon TOM HELM: It is. It is nearly as big as the Ord River dam. One cannot expect the mining companies to repair the sort of damage which has gone on over a fair bit of time. It is a phenomenal amount of damage. However, here we have something we can use as a resource; it will not damage the environment - although it does not do the fish one catches much good - and it will not be an eyesore; nor is it something we will take away today which will be gone for ever. The iron ore, for example, will eventually run out; it may take a hundred years, but it will eventually disappear. Unless we use the resource and the money generated from it wisely - I am not too sure whether we have or whether we are - and if we do not get some downstream industries going with the iron ore being processed into the steel and some value added products from that process, we will lose something which will never return. We must have some idea of what is there, what we are doing to damage it and what we need to do to preserve it, and we must employ people to look after that resource. In a number of instances the State Government has moved towards promoting the idea of fishing not only as a renewable resource but also as a sport. I understand that fishing is the biggest participatory sport in Australia and possibly the world. There are more people taking part in fishing than in any other sport.

Hon Doug Wenn: All avenues of it.

Hon TOM HELM: Yes. That also is a useful thing. We are moving towards a leisure society and towards being able to exploit our State for tourism. I understand that during the FeNaCIng Festival in Dampier and Karratha this year, some record catches of fishes were recorded. I understand that the Game Fishing Centre made it the record centre for catches. I understand that used to be Exmouth, which may lose that title; it may go to Dampier. I am not too sure of the figures, but I have been led to believe that some of the game fish caught off Dampier -

Hon P.H. Lockyer: You had better be careful. Better not send a copy of this to Exmouth.

Hon TOM HELM: Okay. It is important that this Bill be recognised; it is important that it be connected to something the Minister will present us with in the future. We should look after that resource, not just for its economic value but also for its value in terms of the tourist dollar; that is from people coming to the State to fish for the game fish that are so abundant in Western Australian waters. The Queenslanders were quite surprised; they know how big our stocks are and how important they are; they cannot understand why we, as Western Australians, do not have, as they do, a college to promote the study of this matter.

Hon D.J. Wordsworth: Just more government.

Hon TOM HELM: Hon D.J. Wordsworth could say that but at least it is doing something good. The previous Government did not even know it was there and just went round digging holes in the ground. The potential for tourist dollars must be recognised. Again there are instances of fishing stocks being totally destroyed by tourists fishing them out. They will eventually fish out the stocks that are there.

We are working towards having the Minister introduce a Bill that will help this State to address all these problems. I am not saying that all of the things I have mentioned will be addressed by the Bill; however, most of them will be. Of course, other Ministers will have responsibility under the legislation, including the Minister assisting the Minister for Education with TAFE, who will have to consider making courses available at the independent colleges in Karratha and Hedland for study to take place into the related parts of

the fishing industry. All of those matters will be addressed by the Bill.

The Minister for Fisheries issued a media statement emphasising the things I have been saying. A State Government fishing chemist will be going to Japan next month to study advanced techniques in monitoring fish populations. We have to learn from other nations how to preserve our resources and, in fact, how to improve them. We have to learn about fish farms and aquaculture techniques, and about fish populations and their mating and migration habits. As a result of that the Minister will be better able to put together legislation to meet all of the industry's needs.

I urge the House to support the Bill and remind members that the Government will introduce legislation shortly to address the matters that have been drawn to our attention by the fishing industry.

**HON P.H. LOCKYER** (Mining and Pastoral) [8.43 pm]: I congratulate Hon Eric Charlton for introducing this legislation. I have always had an interest in the fishing industry. I have been concerned about what has been going on in the rock lobster industry and about a Japanese company's attempt to take over Planet Fisheries Pty Ltd.

I listened carefully to the remarks made by Hon Tom Helm but wish to go further than he did. I am sorry that Hon Eric Charlton did not see fit to extend this Bill to take into account the arrangements by the Commonwealth to allow 14 Chinese fishing trawlers to operate off Broome. I know that arrangements have been made which allow Australia to sell iron ore and other things to China as a result of this fishing agreement. However, the fishing industry objects strongly to what is going on in that trawling operation. The amount and type of fish these trawlers are taking is horrendous. I understand that on one occasion approximately 14 000 kilograms of red emperor below 500 grams were taken and marketed.

Hon Graham Edwards: Where from?

**Hon P.H. LOCKYER**: From Broome, by these Chinese trawlers. The professional fishing industry was outraged. I believe that the Director of Fisheries, Mr Bowen, is the best person in Australia or perhaps the world to control this fishing industry. Almost single-handedly he has turned Western Australia into one of the leading wet fish and shellfish operators in the world. If it were not for him and his department and his tough stands with an industry that breeds tough people, the industry would be in trouble. Anyone who has had to deal with an angry fisherman knows it is not a pleasant experience. I have seen Bernard Bowen not give in to them under pressure. Though I have questioned his stand on aspects of the fishing industry at times, I have learned to respect him deeply and, on reflection, every decision that I have seen him make has been right. Nonetheless, it is very important that the State Minister for Fisheries and the Commonwealth Government reconsider the arrangement with these Chinese fishing trawlers operating off the Kimberley coast because there is a very strong feeling in the industry that all is not well.

I agree with Hon Eric Charlton that the rock lobster industry should not be sold to foreign interests. We cannot allow the end user to control the market. It would be disastrous and would set precedents that would be bad for this State. I believe strongly that we need to tighten fishing controls in this State. I believe that the tourist and the amateur fishermen have to play their parts in this tightening up operation. As Hon Tom Helm said, there are an enormous number of amateur fishermen in this State and the renewable product will not withstand the type of fishing that is going on.

I enjoy fishing. I think the bag limit is 12 fish per person per day.

Hon Graham Edwards: From what I have heard from George King, you don't come anywhere near the bag limit.

**Hon P.H. LOCKYER**: By the time the bag limit approaches, I usually get seasick, as the Minister knows. I catch a couple of fish and then spend the rest of the day with my head in a bucket, and that is probably a good fishing day for me.

While I respect the rights of amateur fishermen to get a feed of fish, I believe that we have to watch them carefully. Unfortunately, not everyone takes the bag limit. I know of people who go north every year and take a large portable freezer which they fill over two or three weeks. They may keep within the law but I wonder whether they are keeping within the spirit of good fishing practices. There is no doubt that the fishery that I know best, Shark

Bay, is experiencing a severe depletion of stocks. Scientific evidence given to the Fisheries Department points out that the size of pink snapper and the nor-west snapper, the popular fish that tourists take in the winter season - the catching season - have reduced markedly. The Fisheries Department made a decision to restrict fishing and limited entry to the fishery and that saved it. When Mr Bowen announced his decision, the professional fishermen wanted to lynch him. However, he has turned the industry into a viable one again and made the licences a valuable asset along the same lines as the taxi industry plates, the price of which was pushed up during the America's Cup. Nonetheless, the Government will have to address the unlimited taking of fish stocks in Western Australia. The number of fish in Australian waters cannot be sustained if what is allowed to happen at the moment continues.

I have travelled extensively in South East Asia and have paid attention to the aquiculture industry because I believe we will have to look at the breeding of fish stocks.

Hon Tom Stephens interjected.

Hon P.H. LOCKYER: I did not hear Hon Tom Stephens.

Hon Tom Stephens: I was warned not to say anything.

Hon P.H. LOCKYER: I hope so, because Hon Tom Stephens would be breaking an agreement that we would not trade insults during this session. Since he has been married and become a father he has become much more easy to handle. I do not know to whom I should give the credit, to Hon Tom Stephens' wife or the priest who married them. Someone needs to be congratulated on the change to which I can testify, having spent a pleasant week with the member in the Kimberley. In fact, I even got him to buy a drink.

The aquiculture industry should be encouraged by the Government. If consideration is being given to providing grants for people to study this industry, so be it. Such grants should be given to encourage people to develop the industry further. South East Asia is light years ahead of Australia in this area and, even though people tell me that this work cannot be done in Australia because labour costs are too high, I think it should still be investigated and as quickly as possible. I support the Bill introduced by Hon Eric Charlton. I am pleased that Hon Tom Helm has informed the House that the Government is to initiate a Bill in this connection. I understand the Government tried to persuade Eric Charlton not to proceed with his Bill but to wait for the Government's. The Government should take on board the comments I made about the fishing industry, and particularly about amateur fishermen. The Government needs to carefully examine the situation so that the true amateur is protected and the greedy people who flout the laws are pursued and dealt with. Fishermen have to abide by many rules and regulations, and contend with high costs. They also face the challenge of making the industry much more efficient in a variety of ways. Their boats and their methods, including trap fishing, are much more efficient. I abhor trap fishing but I am persuaded by the scientific people in the industry that it does no damage to fishing stocks and the fishing floor. It took some while to convince me but I understand that it could even improve certain areas. The Shark Bay snapper industry is an indication that that could be correct.

When the Government presents its Bill it should make sure that it has wide coverage and protects the industry. I shall look at any proposed legislation very carefully. In my view Port Hedland will be the next town in the north west to develop an efficient fishing industry. The shire and the port authority are anxious for the fishing industry to be taken up in the area, and research into prawns and wet fish may be the beginning of a much more productive fishery. I advise the prawning industry that it should avoid the waters of Broome in order not to interfere with the lucrative pearling industry in that area. These are the problems facing the fishing industry, and when the Government issues licences for fishing in certain areas it needs to take these points into consideration.

HON DOUG WENN (South West) [8.53 pm]: I support the Bill but before proceeding any further on this subject, I congratulate you, Mr President, on your reappointment for the next term of office. I wish you well in the four years ahead. I congratulate my very good friend, Hon Jim Brown, on his appointment as Chairman of Committees. Jim has worked hard throughout the years in this Chamber and he deserves this recognition. My commiserations to Hon David Wordsworth, but that is the way of the ballot box - one wins and one loses. I am sure Hon David Wordsworth will accept the result in the right spirit. I congratulate new members who were sworn in yesterday and welcome them to the Chamber. I wish them well

and hope that they have a good future in this place. In a couple of months I may feel differently, but at the moment I wish them well.

I listened with great interest to the speech made by Hon Philip Lockyer. It was truly a very well thought out speech. He covered a number of points which I intended to raise. However, I will still raise them because I look at them in a different light. I congratulate Hon Eric Charlton on introducing this Bill. I have a lot of contact with the fishing industry; in fact, a member of my family has come to the end of his fishing career and he is very disappointed, because it has been his life. A number of changes have been introduced in the fishing industry over the years; some have been good and some very good. In the early days anyone could get into this industry and at one stage a person did not need a skipper's licence before taking control of a boat. Over a period those types of people have discovered that the industry does not have the glamour they expected and after experiencing some wild storms they realised that it was not the industry for them. The previous two speakers having covered the north west of the State, I will refer to the real world of the south west and will educate members about that area.

Hon J.M. Berinson: I believe it is a fast growing area.

Hon DOUG WENN: It is fantastic and we of the south west are proud to represent that area. As I proceed I will point out some of the industries of the area. When Julian Grill was Minister for Fisheries he implemented many changes and they have been picked up by Gordon Hill, the present Minister. Before the Minister makes a decision he has a policy of speaking to the people involved. He recently spent a number of days over a period of two or three weeks in Albany meeting with pilchard fishermen. This is a big industry around the coast worth about \$2.5 million. The Minister recently announced a management plan to protect the Western Australian pilchard industry. Until recently no plan had been formulated, and the present plan aims to protect the stocks. In the past pilchard were caught in any amounts and no limits were enforced. It is necessary to introduce safeguards to protect the interests of the fishermen. During the Minister's discussions with the fishermen they put forward their views, and the Minister, in conjunction with the fishermen, has implemented new rules. He has also agreed to consider new zone boundaries. The Government has taken the initiative and will look into this matter. For the benefit of members who do not know much about the pilchard industry, I advise that pilchards are mostly sold as angling bait or pet foods. I did not know until recently that pilchards for human consumption are imported. The merit of the proposed change is that it is not a change for the sake of change; the follow up will be research into this area. I went with a number of colleagues to the research station at Waterman last week. If any members wish to know what is happening in the industry, I suggest a visit to that research station would be worth their while because a lot of work has been carried out there. I had some work to do there on a personal basis as the chairman of the amateur marron fishing committee.

Hon Tom Helm raised the subject of the aquiculture industry in Western Australia. It is a very big industry and we must be careful to protect it. If we do not look after this industry we will lose it to overseas interests. That is happening already in some areas. The Minister has recognised the changes needed in this area and has spoken to the people who require expert help. In South East Asia prawn fishing and pearl fishing are becoming substantial industries with obvious implications for Australia. Hon Phil Lockyer will be aware of the problems that will arise if another nation picks up the pearl farming industry and the technology to produce beautiful pearls. The Broome area would suffer badly if that happened. The pearling industry is an export industry which is part of our economy and we must protect it. If we are not careful the industry will slip away from this State without our knowing what has happened.

Hon Tom Stephens: The pearls from Broome are the most beautiful pearls in the world.

Hon DOUG WENN: The beauty is in the eye of the beholder.

Hon P.H. Lockyer: For once in his life, Hon Tom Stephens is right.

Hon DOUG WENN: I suppose it could be said that he is a little parochial. The State Government has looked at this matter very seriously and has developed a strategy to promote and encourage the development of the aquiculture industry. The initiatives taken include the commissioning of a concept plan on the establishment of a tropical research facility in



Broome to develop pearl hatcheries. I will visit that area one day and look at these things for myself.

Hon P.H. Lockyer: Be my guest.

Hon DOUG WENN: The Government is expanding the Pemberton trout hatchery to allow large scale fish farming research to be undertaken. It is experimenting at the moment training trout to breath in salt water as well as fresh water, and putting them into salt lakes for sport fishing. It will be an interesting concept and I believe it is working well. The process for approving aquiculture development proposals is also being streamlined. As Hon Tom Helm pointed out, the Government is establishing an aquiculture training course at the Fremantle College of TAFE. With regard to the Bill before the House, I point out that the Government is very serious about the future of the industry and is aware of the importance of taking the right steps in the first instance.

During the past year the Government has carried out research into the recreational fishing of marron in Western Australia. Western Australia is unique in that this is the only part of the world where this crustacean is found. I was fortunate to be the chairman of a committee investigating this matter. I will name some of the members of the committee to give members an idea of the composition of this very good committee, which was also very interesting. I was the chairman and the members included Mr Peter Rogers from the Fisheries Department - whom many members will know - and also Ernie Little of the same department. There was Mr Len Harbord from the West Australian Recreational and Sport Fishing Council. There was Clive Hamilton from Perth, Bill Smith from Collie, and Russell Dawson from Bunbury, also representing the South West Recreational Diving and Fishing Association. There was Mr Ernie Love from Pemberton, and Mr Simon Bennison, a marron farmer. So we covered the whole context of the marron industry as best we could, and having all those people was of great benefit to us all.

In the end we produced a public paper for anyone to comment on. We had 82 public submissions, and some of them were very thorough. They came from people saying they had been marron fishing for between 15 and 30 years, so they knew what they were about. Some of the interesting comments included those from people who wanted to see places closed for another five years, some who wanted them closed for 10 years, and others who wanted them closed for only three years. Some wanted no drop nets and others no scoop nets, so we had to sit down and go through them all.

I shall read out a few of the recommendations we made. We stuck basically with the situation obtaining. The fishery had been closed for two years, and we thought that it was time to give them a go. We reduced the season by well over a month and a half. We looked more at the family side of things than at the mug who wants to go out and catch his illegal number, eat them on the side of the bank and take home the allowed maximum number so that if he is pulled up he is legal and above board. The fact that he has just finished a great feed of marron on the side of the river has nothing to do with it in his mind. These people unfortunately get away with it.

We recommended increasing the fees from \$6 to \$10 to match lobsters caught by amateurs. We feel that the rock lobster fisherman has to go to a lot more trouble and expense to get hold of rock lobsters, and he is allowed only eight per person or 16 per boat. We felt there was no real problem; a large percentage of people accepted our recommendations.

The minimum size has stayed the same. The carapace is 76 millimetres, and the daily bag limit remains at 20 legal size marron. The use of drop nets, hand scoop nets and snares remain the only legal means of capturing marron. Testing through the Fisheries Department, we found that very few marron escaped from with wire mesh net which people used.

The PRESIDENT: Order! There is far too much audible conversation going on. The honourable member is trying to address us on the fishing industry.

Hon DOUG WENN: We found the average pot was the old crab pot with the wire chook mesh in the base, or nylon mesh. We found that by using 80 mm by 32 mm mesh the drag of water held the marron, but 75 per cent of the undersized marron escaped through the mesh. We did some costing, and to buy the rig it works out to an average of \$4 to \$5 per pot. When one is allowed only six pots it does not cost a lot extra to keep the marron fishing going in our State.

We have done away with the witch's hat type of scoop net. That is the one with the narrow

point. We found that anyone using this sort of net normally destroys the marron anyway. It gets in and flips around, breaking its shell. It is then not worth anything, so the person puts it back in the water. All that does is feed the trout and perch, and other marron.

We have gone for what we call the average crab net, which is a basket style. Again it has that mesh standard which allows the undersize marron to escape. We have also implemented in some areas for a trial period of two years the use of snares in some of the national parks. We will see how that goes.

We are happy with the number of people who have applied for licences. Some 25 000 people applied for a marron licence every season when the season was open, but only 60 per cent went out marroning. The others merely wanted the option.

We have reduced the season. It previously started in December, and we have now changed it from 1 January to the end of February. That allows holiday people going down south to catch marron, to have a feed on the side of the river, and to go home happy without problems of breaking the law. We have also added another two weeks over the Easter period. That is obviously able to move around, as does Easter, and it is at the discretion of the Minister. That has been well received also.

Many people lack education in the fishing area. They are very naïve about what they can do when they are pulled over by inspectors; they do not know what their rights are. Our recommendation was that the extra money raised as a result of increased licence fees should go back into the industry and implement a large education program. That can be done through the production of a pamphlet outlining the recreational marron fishing rules, the issue of a plastic gauge with each recreational licence, and a public campaign focused upon the recreational marron fishery and the need to conserve stock. We are not putting that out in one language only; we intend to put it out in a number of languages. Many problems involve those who do not understand the English language; those who have problems with it. It will be put out in all the Asian languages as well as Italian, Greek and Australian. It will well and truly reduce the number of excuses.

I want to turn to the situation Hon Phil Lockyer pointed out about amateurs. We are very lucky in the south west that we have an abundance and variety of fish which we can still allow the amateur to catch, as he has been doing for many years. I too dislike the type of person who would go out and catch 15 dozen herring, eat one dozen of them, and bury the rest in the garden. That sort of person should be spoken to severely. California has a bag limit on the number of fish of all varieties that people can catch; it does not matter whether it is whiting or herring, only a certain bag limit is allowed. I think we will in time be forced to adopt that approach.

I am a keen amateur fisherman, and I particularly enjoy diving. I do a lot of diving when the weather is right. When we dive for crayfish at the beginning of the year, we are restricted to eight crays per person, or 16 per boat, regardless of how many people are on the boat. I agree with Hon Phil Lockyer that we will in time be pushed into that situation, whether we like it or not. It is unfortunate that there is at present a mini-war going on between the amateur and professional fishermen, not just in Geographe Bay, but up and down the coast. I believe that will not continue to be just a mini-war; repercussions will flow through both sides which will have a very bad effect, because if there is one thing we have to do in this world it is to work together if we really want to get anywhere.

I believe the fishing industry in Western Australia has a bright future. We have not gone as far as we can in relation to it, but if we can get the right companies together, with the right equipment, we will be able to touch that huge industry which is situated off our coast. We are now allowing fishermen from other countries to fish in our waters and to take that fish back to their countries. There is a deep-sea crab industry in our waters which we are not touching at all. Admittedly we have to drop nets into 100 fathoms of water, which is a long haul, but crab is a delicacy overseas and was selling for about \$16 a kilo the minute it hits the market.

My final point is one that I come back to just about every time I make a speech in this place; that is, the environment and what we are doing in relation to our polluted oceans. I noticed the other day a Press release from the Minister asking fishermen to use the new type of plastic bags which have come onto the market, so that when those bags hit the water they will over a period of time break down and dissolve. I consider that to be only a bandaid

solution because there is no reason why any fisherman should throw anything overboard at any time. We are finding now that persons fishing off the southern coast are throwing overboard the plastic bands which hold together their bags of bait. The dolphins and sharks are swimming through those waters, and the sharks in particular are not able to feed properly and grow to a degree where the band is cutting into them so that they will grab anything and everything in order to feed. I have been shown photos of sharks who were so hungry that they were eating tin cans because they could not feed properly. There is no reason for anyone to throw anything in the water. There is no reason why rubbish cannot be put in the bottom of the boat and put into the rubbish bin when one gets home. We need to get that across to all the people in Western Australia who use our waters.

I congratulate Hon Eric Charlton for introducing this Bill. We will have to go a lot further with it in the future, but it is at least a start, and maybe we will be able to set the ball rolling.

Debate adjourned, on motion by Hon Graham Edwards (Minister for Racing and Gaming).

### ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.14 pm]: I move -

That the House do now adjourn.

#### *Adjournment Debate - Questions without Notice - Time Restriction*

HON N.F. MOORE (Mining and Pastoral) [9.15 pm]: I want to express my disappointment at the decision by the Leader of the House to restrict to 30 minutes the time for questions without notice. I have been in this place for 12 years - I have spent six years on this side of the House, and six years on the other side of the House - and I do not think that during that time I have ever seen question time being abused by any member on either side. I can recall only one or two occasions when the Leader of the House has terminated question time before it finished, and that was justified because we had gone for more than an hour, or thereabouts.

The decision to have an arbitrary limit of 30 minutes is against the spirit of this House. Question time has not been abused in the past, and I do not think that the Leader of the House's suggestion that it will be abused in the future is a valid argument. Today, for the first time during my time here, I missed the opportunity to ask a question without notice. It was a question which I had telephoned through to the Minister's office because I urgently needed to get an answer. This facility has been available to members in order for them to obtain information, and there has never in the past been a problem about it. It is most regrettable that the Minister has decided upon this arbitrary limit, and I sincerely ask him to reconsider his decision, bearing in mind that in the past there has not been an abuse of question time, and that on many occasions we do not ask any questions at all. We certainly might go for five or 10 minutes, but to say we cannot go beyond 30 minutes is against the spirit of the House.

HON D.J. WORDSWORTH (Agricultural) [9.16 pm]: I support Hon Norman Moore's comments on questions without notice, and particularly in relation to questions on notice. Two hundred questions have been asked publicly of this Government, yet we have received only one reply. One answer was all that the Government was capable of giving us.

Hon J.M. Berinson: When were the questions asked? Some were asked yesterday and some were asked today.

Hon D.J. WORDSWORTH: A direct answer was given to only one question; the other 23 responses were that the members had been advised in writing. However, to do that completely rules out the opportunity for the questions and the answers to be included in *Hansard*; and the whole point of asking questions is so that the public can be aware of what are the answers. If we had wanted to know the answer to a question, we could have written to the Minister to get a reply, but the point of question time is that it takes place in a public forum, and that is why we have asked so many questions orally today so that the Government might be shamed into answering them.

#### *Adjournment Debate - Wool - Transport*

The second point I raise concerns the Government's administration of the Transport

portfolio; and I refer in particular to the carting of wool out of Esperance. I would like to give members some background about this situation. Members would probably be aware that the transport of wool was regulated to rail 50 years ago, and Esperance was no exception, except that because Albany was the nearest wool selling centre, Brambles was allowed a contract to cart wool by road to that port. However, if one wished to send one's wool to Fremantle, it had to be loaded into an enclosed rail wagon, and those people who have tried to do this would know there is about an eight foot clearance in the wagons.

It is very hard indeed to get two bales of wool high into them; it takes a lot of work and it is a slow task. Fortunately in Esperance we had a South African wool classer who arrived looking for a job. He saw an opportunity to set up a wool handling centre, which he developed as the South West Wool Handling Centre. He not only reclassified wool and interlotted it, but with the use of a front end loader he found a way of filling wagons with wool. Even if wool growers did not consign their wool to be handled within his processing works, they usually gave him the job of loading the wool on board the enclosed railway wagons. He negotiated a rate with Westrail to cart the wool to Perth, but recently Westrail announced it would double the cost of carting that wool to Perth by rail. Needless to say, this caused great anxiety not only to the man who had built up the industry but also to the wool growers of the Esperance region. They went to the road transport people in Esperance - those people who owned lorries - and sought a quote; they received a quote of \$8.50 per bale of wool if they could cart in a single deck. They found that if they could get a road train the quote could go down to \$7.50 a bale. Westrail was going to charge \$10.85 a bale, while private enterprise was going to get the price down to \$7.50. I might add that road trains are already used in Esperance. Truck drivers have permission to have road trains and they cart vegetables, bricks and so on to Esperance. For example, when they cart bricks to Esperance, they carry 30 tonnes on each pan - in other words, on the trailer and on the truck itself. They have been prevented from getting a permit to cart wool in this manner. If they want to cart wool to Perth they must cart it on the truck and drag the empty trailer behind them; they are unable to use it. It is utterly ridiculous; it is a resource which is being utterly wasted.

One cannot argue that carting wool would damage the roads because when the truckies cart bricks they do so in 30 tonne loads, and one cannot get more than 20 tonnes of wool onto the truck or trailer. There is no way it can be argued that carting wool in this way would damage the roads. However, the Minister has refused to allow the carriers to do so. The carriers have requested permission to cart wool in road trains between 22 August and 22 March, which period corresponds to the time when most wool is being shorn in Esperance. There is no way in which all the wool could be stored in the town at that time, so it is sensible for them to be allowed to cart the wool by road. However, it is interesting that the Minister, having agreed to the justification of Westrail charging \$10.85 per bale of wool transported from Esperance to Fremantle, then received letters from the road transport people requesting that they be given a permit to use road trains and informing him that they could cart wool for \$7.50 per bale. The Minister then, believe it or not, made Westrail reduce its charges to \$7.50 per bale. In other words, knowing that it cost \$10.85 - because it had to be justified before the Minister would agree to it - they then agreed to it being dropped to \$7.50. It is not as though that would allow fair competition between road and rail because they still refused to give a permit to the road transport people. This just shows what this Government is doing in the administration of road transport. It is an utter disgrace. Anyone who knows anything about the transport situation would realise that in 1975 the SWATS report was presented by the Director General of Transport, as he was known then. This was an thorough and very lengthy document which went into the cartage of every commodity; papers were produced on each one - for example, on the agricultural products, the dairy industry, the timber industry, the meat industry and, of course, the wool industry. In 1975 it was appreciated that finally there would be increased competition between road and rail transport. Of course traditionally rail prices for wool have been very high, just as they were for beer. I think it was considered to be a commodity for which one could afford to pay a high price. It was realised that sooner or later the railway would not be able to charge that high price; it would either meet the market or lose it. It is quite obvious that Westrail, when it decided that \$10.85 was to be the price charged, realised it would lose a lot of traffic. Instead the Government made Westrail go back into carting wool. I draw the House's attention to a document of 1984 headed "A Competitive Westrail", which was put out by Mr McCullough, who was the Commissioner for Railways at the time and who outlined what was agreed to in

SWATS. The document detailed that a subsidy to be given under certain condition where there was a need for a particular town or district to be serviced. There is no need for it in Esperance. It has been shown that the road transporters can cart the article just as well. I believe the Government is breaking away completely from the agreement which was made between road and rail -

Hon Fred McKenzie: Don't you want a railway at Esperance? That line was highly uneconomical.

Hon D.J. WORDSWORTH: That has nothing to do with it. At this stage of the transport system development it is meant to be the user's choice and free competition between road and rail.

*Adjournment Debate - Questions without Notice - Time Restriction*

HON R.G. PIKE (North Metropolitan) [9.26 pm]: I do not think the House should adjourn before it takes note of two quick points I would like to make.

Dealing with the point raised by Hon David Wordsworth, I point out that Standing Order No 140 - and (b) in particular - dealing with replies to questions reads as follows -

- (b) Each reply shall be published in a supplementary notice paper immediately following the question to which it relates.
- (c) Replies shall be concise, relevant, and free from argument or controversial matter.

I suggest, Sir, that replies to questions 143 to 179, numbering 36 in total, are improperly presented in the terms of the Standing Orders, and that the words "The member has been advised in writing" at the foot of each answer are not appropriate, are not competent, are not complete and ought not to happen again. The fact of the matter is that the undoubted rights and privileges of this House must always be manifestly preserved, and part of that is that replies shall be in the written Notice Paper and shall not merely read "The member has been notified."

I also associate myself very strongly with the comments made by Hon Norman Moore in respect of Standing Order No 141(c), which allows the Leader of the House to terminate questions. I say to the Leader of the House that while it is the undoubted right, under that Standing Order, of the Leader of the House to so exercise that prerogative, the accountability of this House is so very important that, should a repetition of that abuse occur, I would ask the House to reconsider the Standing Order.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [9.28 pm]: If I could refer briefly in the first place to the transport matters raised by Hon D.J. Wordsworth, I can advise him that Hon Graham Edwards, as the Minister representing the Minister for Transport, will ensure that his comments have the Minister's consideration.

Most of the discussion in the adjournment debate tonight has been taken up with the question of questions. In relation to that, I agree with Hon Norman Moore that there has been no abuse of questions without notice in the past, but nor has there been any pattern of questions going beyond about half an hour as he himself would confirm. In by far the majority of cases question time has been very much shorter than that and on some occasions there have been no questions asked at all. I am sorry if Hon Norman Moore got the impression from what I said earlier today that questions going beyond 30 minutes would represent an abuse of the House. I am not saying that question time of any particular length would constitute an abuse of the Standing Orders. I was pointing to the need to put questions without notice into some regular and orderly form so that members would be aware of what might be expected in a situation where we seem to be facing longer question times than we have in the past.

Having reached that point, the next question is, what represents a reasonable period for the purpose? I put it to the House that a period of half an hour - that is, a period allowing questions to three Ministers in this House equal to the time available for questions to the 14 Ministers in the other House - is a reasonable period to arrive at. When we come to a decision of that sort, of course the time is arbitrary - one member might argue for 20 minutes, another for 45 minutes. We have the existing and long standing pattern based on 30 minutes of question time in the Legislative Assembly. I repeat, that appears to me to be a reasonable basis upon which we can proceed as well.

Hon David Wordsworth took the Government to task for leaving 200 questions on the Notice Paper. I think that, upon consideration, even Mr Wordsworth will acknowledge that that was not a reasonable point to take. Of the questions on the Notice Paper, 141 were lodged only yesterday and 43 were lodged today. The sheer avalanche of this early enthusiasm will indicate the difficulties of immediate response, but I assure all members that every effort will be made in this session, as in past sessions, to ensure that replies are provided as completely and as expeditiously as possible.

Question put and passed.

*House adjourned at 9.32 pm*

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## QUESTIONS ON NOTICE

## EDUCATION - KARRATHA COLLEGE

*Transportable, Demountable Classrooms*

145. Hon N.F. MOORE to the Minister for Local Government representing the Minister for Education:

- (1) How many transportable/demountable classrooms are located at Karratha College?
- (2) What was the purpose for siting the classrooms at Karratha College?
- (3) Is it intended that the classrooms remain at Karratha College and, if so, what will they be used for?
- (4) If the classrooms are to be removed, where will they be shifted to and when?

Hon KAY HALLAHAN replied:

- (1) Five.
- (2) St Luke's College could operate only by sharing the resources of Karratha College. The demountables were sited on Karratha College campus pending construction of stages 1 and 2 of St Luke's campus. The demountables were also used for Karratha College evening classes.
- (3) Yes, until 1991. Demountables are presently used for mathematics, communications/English, Associate Diploma of Arts (Childrens Studies) WACAE, prevocational and preapprenticeship trades, and computing.
- (4) Destination dependant on area of need as determined by the Education Ministry. One demountable to be removed by 31 December 1990; remaining demountables to be removed by 31 December 1991.

AUSTRALIAN SHIPBUILDING INDUSTRIES (WA) PTY LTD - CONTAINER  
SHIPS

*Construction - Routes*

158. Hon G.E. MASTERS to the Leader of the House representing the Minister for Economic Development and Trade:

Further to his answer to question 156 on 18 April 1989 -

- (1) Which routes are envisaged for the three ships currently under construction at Australian Shipbuilding Industries (WA) Pty Ltd?
- (2) Who financed the three vessels and who are the parties to the contract for the construction of the vessels with Australian Shipbuilding Industries (WA) Pty Ltd?
- (3) Was the contract written in -
  - (a) Australian dollars; or
  - (b) US dollars; and
  - (c) what was the rate of exchange between Australian dollars and US dollars on the date of the contract?
- (4) What were the total losses/deficits incurred by Stateships for the financial years ended -
  - (a) 1982;
  - (b) 1983;
  - (c) 1984;
  - (d) 1985;
  - (e) 1986;
  - (f) 1987;

- (g) 1988; and
- (h) 1989 estimated to date?

Hon J.M. BERINSON replied:

The member has been advised in writing.

# **AUSTRALIAN SHIPBUILDING INDUSTRIES (WA) PTY LTD - CONTAINER SHIPS**

## *Construction - Completion Date*

159. Hon G.E. MASTERS to the Leader of the House representing the Minister for Economic Development and Trade:

Further to his answer to question 156 on 18 April 1989 -

- (1) When are each of the three vessels to be constructed by Australian Shipbuilding Industries (WA) Pty Ltd due for completion?
- (2) Is the State Government chartering, purchasing or leasing the vessels and who is the other party to the contract with the Government and Australian Shipbuilding Industries (WA) Pty Ltd?
- (3) Is it intended to dispose of any of the current vessels used by Stateships and, if so, which vessels and when?

Hon J.M. BERINSON replied:

The member has been advised in writing.

# **ABORIGINAL AFFAIRS - ABORIGINAL CULTURAL MATERIAL COMMITTEE**

## *Members*

160. Hon G.E. MASTERS to the Minister for Local Government representing the Minister for Aboriginal Affairs:

- (1) Who are the members of the Aboriginal Cultural Material Committee, when were they appointed and when do their current terms expire?
- (2) What is the purpose of the Aboriginal Cultural Material Committee and does it make recommendations to the Minister as well as the WA Museum Trustees on Aboriginal sites and their management?
- (3) Which, if any, member of the committee is an archaeologist?
- (4) Which, if any, member of the committee has private interests in an archaeological consultancy?
- (5) What action is taken to ensure that there is no conflict of interest involving members of the committee when reports relating to areas in which they have private interests are considered?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

# **KANGAROOS - WOODVALE, KINGSLEY FREEWAY RESERVE AREA**

## *Numbers - Deaths*

161. Hon G.E. MASTERS to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) Can the Minister provide an estimate of the number of kangaroos in the Woodvale/Kingsley area freeway reserve?
- (2) Is he aware that a number of kangaroos have been killed by motor vehicles in the past few months and that this is causing some distress to residents of the area?
- (3) What action is the Department of Conservation and Land Management taking to prevent unnecessary kangaroo deaths in this area?

Hon GRAHAM EDWARDS replied:

The member has been advised in writing.



**STATESHIPS - ACCOUNTS 1987-88**

*Auditor General - Qualification*

162. Hon G.E. MASTERS to the Leader of the House representing the Minister for Economic Development and Trade:

- (1) Were the 1987-88 accounts of the Western Australian Coastal Shipping Commission qualified by the Auditor General?
- (2) When did the Auditor General sign his statutory report in respect of the Western Australian Coastal Shipping Commission?
- (3) When were the accounts tabled in the Parliament?
- (4) Were the accounts tabled within the required period provided by the Financial Administration and Audit Act?
- (5) If not, why not?

Hon J.M. BERINSON replied:

The member has been advised in writing.

**HEALTH - HOSPITAL LINEN AND LAUNDRY SERVICE**

*Private Sector - Business Solicitation*

163. Hon G.E. MASTERS to the Minister for Local Government representing the Minister for Health:

- (1) Does the Hospital Linen and Laundry Service have a policy of soliciting business currently handled by the private sector?
- (2) If so, what is the rationale for soliciting this work?
- (3) How many persons are employed at the Hospital Linen and Laundry Service?
- (4) Did the Hospital Linen and Laundry Service enjoy a surplus of revenue in excess of expenditure last year?
- (5) If yes, how much was the surplus?
- (6) If not, how much was the deficit?
- (7) Does the Hospital Linen and Laundry Service have an amount of obsolete or redundant capital equipment which it no longer uses?
- (8) If yes, what method of disposal is intended to be used for this obsolete or redundant equipment?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**TEACHERS UNION - FACILITIES**

*Renovations - Funding*

164. Hon G.E. MASTERS to the Minister for Local Government representing the Minister for Works and Services:

- (1) Have any funds been expended for the refurbishing of facilities used by the WA Teachers Union?
- (2) Have any funds been expended on the supply of furniture or fittings for the WA Teachers Union?
- (3) If yes, will the Minister provide particulars?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**TEACHERS UNION - FACILITIES***Renovations - Funding*

165. Hon G.E. MASTERS to the Minister for Local Government representing the Minister for Education:

- (1) Have any funds been expended for the refurbishing of facilities used by the WA Teachers Union?
- (2) Have any funds been expended on the supply of furniture or fittings for the WA Teachers Union?
- (3) If yes, will the Minister provide particulars?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**HEALTH - BUNBURY REGIONAL HOSPITAL***Laundry and Linen Services - Local Contract*

166. Hon G.E. MASTERS to the Minister for Local Government representing the Minister for Health:

- (1) Does the Bunbury Regional Hospital currently utilise the services of a local laundry and linen contractor?
- (2) If yes -
  - (a) when does the current contract expire;
  - (b) what was the period of the current contract; and
  - (c) who is the current contractor?
- (3) Will the Minister give an assurance that, at the expiration of the current contract, provision of this service will not be transferred away from the Bunbury region to the metropolitan area given that the Bunbury region continues to require employment opportunities for local residents?
- (4) If not, why not?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**STATESHIPS - ACCOUNTS 1987-88***Auditor General - Qualification*

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

- (1) Did the Auditor General qualify the accounts of the Western Australian Coastal Shipping Commission for the year ended 30 June 1988?
- (2) Did the Auditor General indicate that the objectives of the Western Australian Coastal Shipping Commission required a further refinement?

Hon J.M. BERINSON replied:

The member has been advised in writing.

**WATERSIDE WORKERS - WYNDHAM PORT***Employment Statistics - Weekly Working Hours*

168. Hon G.E. MASTERS to the Minister for Racing and Gaming representing the Minister for Transport:

Can the Minister advise the number of waterside workers employed at the port of Wyndham and the average weekly hours recorded as being worked for guaranteed wage purposes for the 12 months ended 30 March 1989?

Hon GRAHAM EDWARDS replied:

The member has been advised in writing.

**POLICE - LOCKUPS**

*Sentence, 24 Hour - Minimum Serving Period*

169. Hon G.E. MASTERS to the Attorney General:

- (1) What is the minimum time that a person could be required to serve a 24-hour sentence at a police lockup?
- (2) Is there any specific hour of the day that a person is discharged after serving a 24-hour sentence?
- (3) Is it possible for a person to be taken into custody at 11.00 am to serve a 24-hour sentence and be discharged soon after 12.00 pm on the same day?

Hon J.M. BERINSON replied:

The member has been advised in writing.

**HEALTH - BONE MARROW REGISTER**

*Western Australia*

170. Hon MAX EVANS to the Minister for Local Government representing the Minister for Health:

- (1) Is there a bone marrow register in Western Australia?
- (2) Is consideration being given to its establishment?
- (3) Is such a register considered to be necessary in relation to the treatment of persons requiring bone marrow transplants?
- (4) What are seen to be the obstacles to the establishment of such a register?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**STRIKES - HOSPITAL**

*Settlement Terms*

171. Hon MAX EVANS to the Minister for Local Government representing the Minister for Health:

What were the terms of the settlement of the recent hospitals strike?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**FAMILY FOUNDATION - GRANTS**

172. Hon MAX EVANS to the Minister for The Family:

- (1) What grants have been made by the Family Foundation to what organisations?
- (2) How many applications for grants from the Family Foundation have been refused?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**INFRINGEMENT NOTICES - REMINDERS**

*Further Fee - Statutory Authority*

173. Hon MAX EVANS to the Attorney General:

With reference to the media statement made by the Attorney General on 16 February 1989 in which he says that infringement notices will be subject to computer control, and that an offender will be allowed 28 days to pay the fine, and then says, "If there is no response a reminder will automatically be issued, which will attract a further fee", what is the statutory authority for the imposition of the further fee?

Hon J.M. BERINSON replied:

The member has been advised in writing.

**ALCOHOL AND DRUG AUTHORITY - ALCOHOLICS**  
*Controlled Drinking Treatment*

174. Hon MAX EVANS to the Minister for Local Government representing the Minister for Health:

- (1) Is the Alcohol and Drug Authority promoting the "treatment" known as controlled drinking to deal with alcoholics?
- (2) To what extent is this approach being used?
- (3) On what basis has the Alcohol and Drug Authority satisfied itself that controlled drinking is an effective method of treatment?
- (4) Is the Minister concerned that controlled drinking has been severely questioned, if not discredited, in the United States?
- (5) What studies have been carried out on the relative effectiveness of the traditional method of "treating" alcoholism - total withdrawal from drinking alcohol - and the controlled drinking method?

Hon KAY HALLAHAN replied:

The member has been advised in writing.

**POLICE - DRINK DRIVING CONVICTIONS**  
*Diversion and Training Courses*

175. Hon MAX EVANS to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) What special diversion and training courses are available and applied through the courts for convicted drink drivers?
- (2) Does the applicable legislation indicate that such arrangements should apply?

Hon GRAHAM EDWARDS replied:

The member has been advised in writing.

**POLICE - BENTLEY CRIMINAL INVESTIGATIONS BRANCH**  
*Bentley Crime Prevention Unit - Officers and Motor Vehicle Allocation*

176. Hon G.E. MASTERS to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) How many police officers are attached to the Bentley CIB and how many motor vehicles are allocated to this CIB office?
- (2) How many police officers are attached to the crime prevention unit at Bentley and how many motor vehicles are allocated to this office?

Hon GRAHAM EDWARDS replied:

The member has been advised in writing.

**POLICE - MERIT BASED PROMOTIONS**

177. Hon G.E. MASTERS to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) What is the current position in respect of the development and implementation of merit based promotions?
- (2) Does the Western Australian Police Union support the Government's position on merit based promotions and, if not, in which areas is there disagreement?
- (3) Will the Minister table papers outlining the proposed merit based promotions and, if not, why not?

Hon GRAHAM EDWARDS replied:

The member has been advised in writing.

**POLICE - COLLIE STATION**

*Posted Roster Strength - January 3-May 3 1989*

178. Hon G.E. MASTERS to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) What was the posted roster strength of the Collie Police Station on each of the following days -
  - (a) 3 January 1989;
  - (b) 3 February 1989;
  - (c) 3 March 1989;
  - (d) 3 April 1989; and
  - (e) 3 May 1989?
- (2) How many police officers reported for and were on duty on each of the shifts on each of the above days?
- (3) How many police officers were on leave, or not available for duty, on each of the above days and what were the reasons for their not being available for duty if it was other than for annual leave?
- (4) How many police officers were on relief duty at the Collie Police Station on each of the above days?
- (5) Was the Collie Police Station operating at less than posted roster strength on any of the above days and, if so, for what reason?

Hon GRAHAM EDWARDS replied:

The member has been advised in writing.

**FIRES - ORANGE GROVE INDUSTRIAL WASTE**

*Fire Brigade Attendance*

179. Hon G.E. MASTERS to the Minister for Racing and Gaming representing the Minister for Police Emergency Services:

- (1) Was a fire which erupted at Orange Grove Industrial Waste, Lot 10 Bickley Road, Maddington on Sunday, 7 May 1989, reported to either the Volunteer Fire Brigade or the WA Fire Brigade?
- (2) Can he advise which brigade attended and the result of that attendance?
- (3) When was the WA Fire Brigade requested to attend the fire and what was the outcome of such attendance?
- (4) Did the owner of the business request urgent assistance to protect a substantial amount of firewood and was this request responded to and, if not, why not?

Hon GRAHAM EDWARDS replied:

The member has been advised in writing.

**QUESTIONS WITHOUT NOTICE**

**ATTORNEY GENERAL - DEED OF UNDERTAKING**

*October 17 1988 - Discussion Participation*

136. Hon GEORGE CASH to the Attorney General:

- (1) Did the Attorney General participate in any discussions with the parties, the subject of the deed of undertaking dated 17 October 1988 between the Government and others, on the content of that document?
- (2) If so, will he advise the extent of those discussions?

Hon J.M. BERINSON replied:

- (1) No.

- (2) Not applicable.

**BOND CORPORATION - SUPPLY THREAT**  
*Premier's Claims - Attorney General's Endorsement*

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

Does the Attorney General endorse the Premier's comments in claiming the Bond Corporation had threatened the Government with the blocking of Supply and with other action to bring down the Government?

Hon J.M. BERINSON replied:

I have no reason to doubt the account which the Premier has given on those matters. If Hon Eric Charlton is asking me to endorse the account by suggesting that perhaps I was there and can confirm it, I have to say I was not there and I cannot confirm it in that sense. Nonetheless the Premier has made a very clear statement on the position of which he is personally aware, and that stands.

**BOND CORPORATION - SUPPLY THREAT**  
*Premier's Claims - Attorney General*

138. Hon GEORGE CASH to the Attorney General:

- (1) Following the answer that the Attorney General has just given, what action has he taken to refer the allegations made by the Premier to either the Crown Law Department or the Police Department?
- (2) If no action has been taken, why not?

Hon J.M. BERINSON replied:

Before I respond directly to the question regarding what action I have taken, I think it would be reasonable to have a suggestion from the Leader of the Opposition as to the basis on which such action should be taken. I must say that I was appalled when listening on the loudspeaker yesterday to hear Mr Hassell jump from the Premier's statement to an immediate allegation of criminal conduct by certain people. Mr Hassell is a lawyer and he is entitled to develop his opinions as he wishes. However I must say that that conclusion, "shot from the hip" so to speak, especially involving allegations as serious as he was making, really required some explanation and some indication of its basis.

(1)-(2)

I believe that while the question in the form put by the Leader of the Opposition is reasonable enough as an introduction to this whole question, there is really an onus on him and on anyone else in the Opposition who believes that this is a matter requiring police investigation to at least provide some basis.

Hon George Cash: Well, don't you believe that the matter should be investigated?

**LAND - RESIDENTIAL**  
*Exmouth - Shortage*

139. Hon TOM STEPHENS to the Minister for Lands:

Is the Minister aware of the current shortage of residential land in Exmouth for further imminent releases?

Hon George Cash: Good on you, Dorothy!

Hon KAY HALLAHAN replied:

I thank the honourable member for some notice of this question. I am aware that residential land is currently in short supply in Exmouth. An agreement has recently been reached with the Commonwealth Government for the State Government to buy 35 hectares of land which will be serviced and released this financial year. Alternative State Government land could be developed but this is affected by cap rock, and servicing costs would raise reserve prices

quite considerably. In the longer term a variety of residential land types for Exmouth will be available with the development of the marina.

# **BOND CORPORATION - SUPPLY THREAT**

## *Premier's Claims - Relevancy*

140. Hon E.J. CHARLTON to the Leader of the House:

Does he agree that the accusations by the Premier about the Bond Corporation's pressure on the Government has absolutely nothing to do with the question of the financial involvement and the unanswered particulars about the Rothwells Ltd and the petrochemical sagas?

The PRESIDENT: Order! I remind honourable members that the rules for asking questions in this place are very clear and very distinct. One cannot ask for an opinion. I suggest that the member preface his question by asking whether the Leader of the House agrees with something or other. The point is he cannot ask for an opinion. If honourable members will just leave it to me I will sort out the rules. If the member wants to rephrase his question I will give him the call again bearing in mind it is the first day after a break.

Hon E.J. CHARLTON: With reference to the statement made by the Premier in another place yesterday, does the Leader of the House concur that that statement that the actions by the Government are as a result of pressure brought about by the Bond Corporation is not associated with the financial questions that are currently being asked - he knows what I mean - and does he acknowledge that that has nothing to do with the real question of financial dealings that the Government was involved in at the time?

Hon J.M. BERINSON replied:

The Hon Eric Charlton was good enough to change his question from "do I agree" to "do I concur". I find it a bit hard to draw a substantial distinction between the two, but I am sure Mr Charlton knows what he means, and he is quite right when he says that I know what he means. What I understand him to mean is that he would like me to express an opinion. That is not a matter which can properly be raised as a question without notice. In spite of that, and because it is Mr Charlton and not simply because it is the first day, let me say that the Premier's statement stands on its own merit. He did not suggest that certain questions which he raised concerning threats about Supply and so on related to all the matters in which Mr Charlton is interested. On the other hand, I would suggest to the House that anyone giving careful attention to the Premier's statement would find it impossible to argue that the matters which he brought to the attention of the Parliament yesterday were irrelevant to that.

# **CRIMINAL CODE - BREACH**

## *Bond, Mr Alan - Premier, Report Request*

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

- (1) Is he aware that section 54 of the Criminal Code describes the criminal offence of any action calculated to interfere with the free exercise of a Cabinet Minister's duty?
- (2) Will he therefore request the Premier of this State to report this apparent breach of the Criminal Code in relation to Mr Alan Bond to the Commissioner of Police for investigation?
- (3) If not, does this mean that, as the first law officer of Western Australia, he condones the apparent breach involving section 54 of the Criminal Code?

The PRESIDENT: Order! The last part of that question is out of order.

Hon J.M. BERINSON replied:

(1)-(3)

In a way I appreciate the line of questioning which Mr Pendal has adopted. Certainly it is a more responsible line than that taken by Hon George Cash.

Hon George Cash: Just because I questioned your integrity there is no need for you to be nasty!

Hon Kay Hallahan: Can't take it, eh?

Hon George Cash: I can take it - I am referring to Mr Berinson's integrity.

Hon J.M. BERINSON: Hon George Cash is remarkably sensitive considering that he is supposed to be the one on the attack. I was not talking about his substantive motion, but rather about his earlier buckshot approach to the question of attempting to relate matters raised in the Premier's statement to possible breaches of the law. Mr President, you will recall that in my response to Mr Cash I indicated that it really was not a responsible approach to take to simply allege criminal conduct, as Mr Hassell did yesterday and as presumably Mr Cash today endorses.

Hon George Cash: Don't presume anything!

Hon J.M. BERINSON: Well then, I take it that he definitely endorses it.

Hon George Cash: Don't presume anything in this place.

Hon J.M. BERINSON: So he does not endorse it?

Hon P.G. Pental: Can we just clarify one thing? The allegation of criminality -

The PRESIDENT: Order! As I have said many times before, the purpose of question time is to seek information on the one hand and to give it on the other, and on each occasion to be as brief as possible. It certainly is not an occasion to start a conversation. There is another rule which seems to be being contravened with reckless abandon this afternoon; that is, members cannot refer to comments and statements made in the other place. I suggest to the Attorney that he answer the question and we get on to the next one.

Hon J.M. BERINSON: The point I am trying to reach is that before questions are too easily asked alleging criminal conduct or the possibility of it, or the need to investigate the possibility, there ought to be some substantiation. As it happens, I have had occasion to consider section 54 of the Criminal Code to some extent, and I have to say that I would very much doubt whether on that basis alone there would be a case for seeking further advice. For the moment could I just say that in respect of the earlier questions and answers on this matter I would appreciate any further elaboration by members opposite which might justify the course of inquiry which they are apparently urging should be taken.

#### QUESTIONS WITHOUT NOTICE - REASONABLE TIME

142. Hon FRED McKENZIE to the Leader of the House:

I seem to recall that during the last session - the autumn session of the Parliament - after a reasonable period of question time the Leader of the House moved on to other business of the House.

Hon P.G. Pental: Especially if things got too hot!

Hon FRED McKENZIE: Could the Leader of the House tell us now whether he has any general policy on this issue so that we can be informed of the position?

Hon P.G. Pental: You don't look anything like Dorothy!

The PRESIDENT: Order!

Hon J.M. BERINSON replied:

I am well known for direct answers and my answer is yes, I have considered that policy and I thank the honourable member for the opportunity which his question gives for me to explain the position to all members. As members will know, the historical situation in this House was that questions without notice went for quite limited periods of time. I would say that on average it did not last longer than five or 10 minutes a day.



Hon Max Evans: We were just being kind then.

Hon J.M. BERINSON: There were many days on which no questions at all were asked. It became clear to me towards the end of the autumn session that a continuation of that practice was not altogether certain, and there was some slight question raised in my mind that a different practice might develop. It is important in those circumstances that all of us have some understanding of reasonable guidelines. I propose to take as my guideline the very longstanding practice in the Legislative Assembly of allowing half an hour for questions without notice. Particularly in view of the fact that in this House we have only three Ministers, compared to 14 Ministers in the other place, I hope that will be accepted as a reasonable approach to take.

**SPORTS AND RECREATION - CRICKET**  
*Achievements Recognition - Reception Request*

143. Hon J.N. CALDWELL to the Minister for Sport and Recreation:

Because of the outstanding success of our cricketers in England and in particular our very own Western Australian, Terry Alderman, in being named player of the series, does Western Australia - and in particular the Government - envisage any recognition of this, perhaps by way of an event to be staged when the cricketers return?

Hon GRAHAM EDWARDS replied:

It is appropriate that we discuss the very important matters that concern Australia, and there is no more important matter than that which was decided in England very early this morning with the conclusion of an historic Test series. What is even more significant about that series is that Terry Alderman, a Western Australian, was named player of the series. In view of the tremendous controversies and injuries that he has had to overcome, it is appropriate for him to have attained that success. I will certainly take note of the question the member has raised. I have personally sent a telegram to Terry Alderman and I hope we can arrange some kind of reception to recognise the achievements of the cricketers, particularly the Western Australians who were part of that notable success, even though in some instances they did not contribute on the playing field.

**CRIMINAL CODE - BREACH**  
*Bond, Mr Alan - Premier, Report Request*

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

This question is supplementary to the question I asked a few moments ago in relation to section 54 of the Criminal Code. Since the Attorney General has just reassured us of his intention at all times to be the epitome of clarity in this place, did he say in his answer to my previous question that he would not request the Premier to report an apparent breach of section 54 of the Criminal Code involving Mr Alan Bond to the Commissioner of Police for investigation?

Hon J.M. BERINSON replied:

No, I did not say that.

Hon P.G. Pendal: Because no-one knows what you did say.

Hon J.M. BERINSON: What I said was that I did not perceive a breach of the code there. I hesitated to get into that field because we are getting into legal opinion. That is not a matter for question time. It is not a matter for anything other than proper and comprehensive consideration.

At that time, I invited members opposite to provide any other basis which they might have in their minds as a justification for the sort of consideration that they are calling for. I do that deliberately because I believe that many of the calls which have so far been made have been irresponsible.

Hon P.G. Pental: Your Premier made the allegation. Do you deny the allegation?

Hon J.M. BERINSON: There is a difference between a political criticism and an allegation of criminal conduct or even an allegation of a likelihood of criminal conduct. All I am attempting to do at the moment is to draw out from the Opposition whether those members believe those allegations might be substantiated. I would be happy on the basis of anything further - indeed, on what has been said so far, if there is nothing further to add - to respond substantially to the earlier proposition.

# **BROOME SHIRE COUNCIL - WESTERN AUSTRALIAN SENATOR**

## *Sacking Call*

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

- (1) Is the Minister aware that a Federal Senator for Western Australia, Jo Valentine, is calling for the sacking of the Broome Shire Council?
- (2) If so, is it true that the Minister has met with the shire council?
- (3) Can she inform the House whether the shire council has the Government's support?

Hon KAY HALLAHAN replied:

(1)-(3)

I am aware that a statement has been made by a Western Australian Senator in Federal Parliament relating to the Broome Shire Council. I met with the council last week, or the week before. It appeared to me there was no evidence to suggest that the sacking of the council should be considered. The Broome Shire Council is presiding over an area which is experiencing an extraordinary amount of growth and development that causes a certain amount of tension within a community. The task of managing such an area can be difficult. On the basis of the discussions I had, it seems that matters are being managed in a satisfactory way.

# **CONNELL, MR LAURIE - CHARGES**

## *Attorney General - Investigation*

146. Hon W.N. STRETCH to the Attorney General:

Did the Attorney General or his department instigate the laying of charges against Mr Connell?

Hon J.M. BERINSON replied:

I certainly did not instigate any charges. Those have followed from the appointment of the special investigator, Mr McCusker, QC, by the National Companies and Securities Commission. The formalities of laying charges were in the hands of officers of the Corporate Affairs Department in their capacity as delegates of the NCSC.

Hon W.N. Stretch: Not your own department, the Crown Law Department?

Hon J.M. BERINSON: The Corporate Affairs Department is my department, so whether it was literally by Crown Law legal officers or Corporate Affairs Department legal officers, we are dealing with the endeavours of a department for which I have responsibility. The point I make is that the justification for laying of charges was taken by the special investigator in consultation with the Corporate Affairs Department. My understanding is that it was actually the legal officers of the Corporate Affairs Department, rather than of the Crown Law Department, who attended to this. I cannot be certain if the honourable member has a particular interest in the distinction between the two, but I am prepared to get that information.

Hon W.N. Stretch: Would the Attorney General find out whether it was an officer from Corporate Affairs or an officer from Crown Law and advise the House?

**CONNELL, MR LAURIE - CHARGES**  
*Attorney General - Advise*

147. Hon W.N. STRETCH to the Attorney General:

Was the Attorney General advised that the charges were about to be laid against Mr Laurie Connell?

Hon J.M. BERINSON replied:

I was not advised that they were about to be laid. My first knowledge that they had been laid came at about 5.00 pm or 6.00 pm on Saturday whereas the charges were laid on Saturday morning. In this respect, I refer members to a media statement issued by the Commissioner for Corporate Affairs in which he indicated that the charges were made without reference to, or prior knowledge of, the Government.

**PASTORAL TENURE BILL - NEW LEGISLATION**

148. Hon P.H. LOCKYER to the Minister for Lands:

- (1) Does the Government intend to introduce a pastoral tenure Bill in this session?
- (2) If so, can the Minister indicate whether she has been persuaded to alter the terms of the original pastoral tenure Bill?
- (3) Can the Minister give a brief verbal sketch of the alterations?

Hon KAY HALLAHAN replied:

(1)-(3)

I have met with members of the pastoral industry and I have considered their comments. The outcome of deliberations by Cabinet would be the next step. At that stage, I will be happy to discuss the changes with the honourable member.

**BOND CORPORATION - SUPPLY THREAT**  
*Premier's Claims - Attorney General's Action*

149 Hon TOM STEPHENS to the Attorney General:

In spite of the absence of justification by Opposition members for their call to consider the possibility of offences arising from the content of the Premier's statement yesterday, can the Attorney General indicate any action he has taken?

Hon J.M. BERINSON replied:

Again the answer is yes. I make no apology for delaying the elaboration of earlier answers which I have given on this matter. It has been done to stress the importance of members' - particularly under the privilege of the Parliament - not being too free in their allegations of criminal conduct, and to stress that allegations of that kind, made in the absence of any substantiation at all being produced today, have to be regarded by us as not simply disappointing but also as a caution against being too free with the use of parliamentary privilege for that purpose at any time.

Hon P.G. Pendal: Are you talking about the Premier? He made the allegations! Perhaps we need two resignations.

Hon J.M. BERINSON: To my knowledge the Premier has not gone beyond stating certain facts. Unlike members of the Opposition - whether in this House or another place - the Premier has not specifically alleged or implied that the matters raised in his statement actually constitute criminal conduct. Having said that, in view of the seriousness of the allegations made yesterday, I referred the Premier's statement to the Solicitor General, and his opinion has been provided in the following terms today -

**PREMIER'S STATEMENT IN PARLIAMENT -  
BOND CORPORATION**

I am asked to consider whether offences by Bond Corporation executives are revealed by the matters set out in the statement made by the Premier in Parliament yesterday.

I have been provided with a copy of the statement. The relevant conduct is set out under the heading "The Supply Threat". From the statement the conduct in question appears to have occurred during negotiations between senior Bond executives and the Premier and his advisers arising from differences concerning the petrochemical project in which the State, through WAGH, and the Bond Corporation and companies of that group had significant commercial interests. Litigation concerning these interests was and is on foot. The negotiations appear to have been directed to a further agreement.

**Parliamentary Privileges Act**

No provision of this Act applies to the conduct set out in the statement. In this connection I have considered specifically sections 8, 14 and 15.

**Section 8** (the third listed contempt menaces to influence vote on a proposition before either House). This is not applicable because the threat, even if correctly described as a menace, was directed to influencing the Premier and government to reach an agreement. This is executive conduct not directed to how members would vote. The fact that the content of the "menace" related to voting on Supply does not bring the matter within this provision.

**Section 14.** The words attributed in the statement to Mr. Beckwith on 22 August are capable, on one possible construction, of the influence that the Bond Group could influence without good cause the votes of members of the non-government parties to the extent either of ensuring that Supply was blocked, or not. That interference, which I assume to be false, would touch the conduct of at least some members of the non-government parties as members of the Parliament.

However, the words are capable of other inferences. Nor do they identify any particular member or members, and the numbers are such that it cannot be said they must apply to all members of the non-government parties.

Further, because of the word "libel", the section does not extend to merely oral defamatory statements.

**Section 15** merely refers us to the ordinary body of criminal law.

**Criminal Code**

Charges would not be justified under the Code. In this connection I have considered particularly sections 361, 54(2), 55 and 397.

**Section 361** is very similar in effect to section 14 of the Parliamentary Privileges Act. The comments made above apply to it, except that the definition of "publication" in s.349 of the Code and the use of the word "defamatory" extends the operation of this provision to oral statements.

**Section 54(2).** While this provision is arguably applicable, there are serious difficulties with applying the concepts of "interfere with the free exercise" and "authority of his office . . . as a Minister of State" to the matters set out in the statement. In particular the provision has never been construed as precluding negotiating inducements, persuasions or pressures on Ministers to reach agreement on particular terms. Nor has it been seen as precluding threats by an opposition to

vote in a particular way or to block Supply unless the government acts in a particular way.

It is difficult to justify the extension of the provision to such limits. If they were it would be almost impossible to conduct commercial negotiations with Ministers and much conduct by members, lobbyists, pressure groups, and those seeking to persuade a Minister or a government to a particular course of action, which is accepted as normal, would be precluded. Pressure, persuasion and influence are normal in politics. There is no authority for the proposition and I am not able to advise that a threat about voting in Parliament is within this provision.

Section 55. Concerns the free exercise by either House or members of their authority. That is not raised by the matters in the statement.

Section 397. This is the offence of extortion. It is arguably applicable, but sits awkwardly with the facts. A critical difficulty arises from the element of the offence "without reasonable cause". This gives rise to a question of fact for determination by the jury whether, given the defendant's position, would a reasonable man have seen the demand and the threat made as reasonable. Given the context and the nature and identity of the negotiating parties, it is difficult to see that a jury could be satisfied beyond reasonable doubt that there was no reasonable cause for the Bond Directors to "demand" the terms they sought, or to "threaten" in the terms set out in the Premier's statement. Some of the comments above relating to s.54(2) are applicable to the reasonableness of the threat. In this regard the threat is that supply will or may be blocked. Whatever may be thought of such a threat from a commercial or political viewpoint, in the context of the criminal law it would be strange that a threat to a Premier or a government to block Supply would be unlawful or, in the context of s.397, "without reasonable cause".

That opinion was provided and signed by the Solicitor General.

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