

## Legislative Council

Thursday, 16 May 1991

**THE DEPUTY PRESIDENT** (Hon J.M. Brown) took the Chair at 2.30 pm, and read prayers.

### PETITION - DUCK SHOOTING

#### *Prohibition Legislation Support*

Hon Fred McKenzie presented a petition bearing the signatures of 1 101 citizens of Western Australia urging Parliament not to declare duck shooting seasons and to legislate for the prohibition of any future duck shooting in this State.

[See paper No 384.]

### NOTICE OF MOTION - SWAN BREWERY SITE

#### *Buildings Removal*

**HON R.G. PIKE** (North Metropolitan) [2.33 pm]: I give notice that at the next day's sitting of the House I will move that this House, having regard to the defeat of the Government on the old Swan Brewery issue now calls upon the Government to forthwith remove all buildings on the site and return the area to parkland under the control of the Kings Park Board.

A Government member: Vandal!

Hon P.G. Pandal: You are always knocking something. I am so shocked. Whingers!

Several members interjected.

The **DEPUTY PRESIDENT** (Hon J.M. Brown): Order! I warn members that I will undertake some knocking myself. I call for a little more decorum. We have been sitting for only a few moments, so surely we can handle a Notice of Motion without any unruly behaviour from members on either side of the House. Do we have any motions without notice?

Several members interjected.

The **DEPUTY PRESIDENT**: Members insist on testing me to the full. When I am attempting to call Orders of the Day, members should not interject across the Chamber. I do not consider this behaviour a reflection on me; it is reflection on the Chair of the House. I will not ask any member to apologise; however, I want members to understand that I do not appreciate that type of activity while I am filling this position - if only temporarily.

### MOTION - HEPBURN HEIGHTS

#### *Housing Development Cessation - 6WF Transmitter Station Relocation*

Resumed from 15 May.

**HON SAM PIANTADOSI** (North Metropolitan) [2.38 pm]: Since yesterday, I have taken the opportunity to check on a couple of issues, and to give further consideration to the motion. I said that Hon Reg Davies was playing politics in moving this motion; that is obvious when one considers the motion carefully. The first paragraph of the motion refers to the Hepburn Heights issue; the second and third paragraphs refer to the 6WF transmission station. It is obvious what is the main concern of Hon Reg Davies.

The 53 hectares which comprise the Hepburn Heights area were set aside in 1975 for the purpose of a tertiary education facility. That was done by a conservative Government. In 1978, it was proposed that the area be put aside for land use in the north east corridor. The member in this place who represented the area at that time was Hon R.G. Pike.

Hon John Halden: He is just about to leave the Chamber.

Hon **SAM PIANTADOSI**: I remind Hon R.G. Pike that he was the elected member for the North Metropolitan Region at that time, and that he supported the land use proposal.

Hon R.G. Pike: I was wrong then, and I am right now.

Hon SAM PIANTADOSI: I have some more information to relay to Hon R.G. Pike later on. He has been the representative for the area on and off since 1977. He was in a position to be able to influence the lawmakers long before inroads were made into the Hepburn Heights area, the bushland which Hon Reg Davies is so concerned about now; not to mention the other born again greenie, Hon P.G. Pental.

Hon P.G. Pental: Don't provoke me.

Hon SAM PIANTADOSI: Hon Reg Davies in his speech last year indicated that there were no established areas dedicated to flora and fauna in that huge locality of Wanneroo. During his speech in this debate he again missed the point. I remind Mr Davies and members opposite that that area has a 1 500 hectare regional park.

Hon Reg Davies: If the member had read my response to the second reading speech he would have seen that I corrected that point.

Hon SAM PIANTADOSI: I am glad that the member learnt something from his first speech.

Hon Reg Davies: Some people never learn.

Hon SAM PIANTADOSI: If the member listens he will learn a bit more. Mr Davies stated that he had taken up the issue seven years ago. Since I have known Mr Davies, the only interest he has taken in his locality related to the City of Stirling until 1989.

Hon Reg Davies: At least I live in my electorate.

Hon SAM PIANTADOSI: The member for Kingsley, Mrs Cheryl Edwardes, who is present in the Chamber, has been involved in this issue over a number of years. Other members are trying to steal the limelight after her hard work.

Mr Thomas: Does that make her elitist?

Hon SAM PIANTADOSI: She is the envy of members opposite.

Hon Reg Davies: We are working as a team.

Hon SAM PIANTADOSI: That is not what I hear about the member's party in the northern suburbs. The Liberal Party is trying very hard to demonstrate that it is attempting to go green. Two years ago it even held a branch meeting on one of the lawns in the northern suburbs. Mr Davies concedes what I have said, because he is laughing.

Hon Reg Davies: I am amused at how silly you can get.

Hon SAM PIANTADOSI: Mr Davies was one of the people who was left on the lawn.

Hon Reg Davies: We can't afford lawns out our way.

Hon T.G. Butler: Have you got it all brick paved?

Hon SAM PIANTADOSI: Mr Davies said that both the State and the Federal Governments were attempting to buy votes and that initiatives toward the environment over the last few years were just a scam to buy the green vote. I seek leave to table a plan which clearly demonstrates the size and area of the park that has been established within the northern suburbs. This regional park covers some 1 500 hectares.

[The material in appendix A was incorporated by leave of the House.]

[See page 2019.]

Hon T.G. Butler: I draw members' attention to the new Opposition front bench.

Hon SAM PIANTADOSI: Yes, today's news has spread like wildfire and moves have already started.

Hon Reg Davies: That is really terrible.

Hon SAM PIANTADOSI: I heard yesterday that Mr Foss and Mr Pental had bright futures - but certainly not in this place.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order!

Hon SAM PIANTADOSI: I will remind members of the position taken by one member for the region who has represented that area for a period of time. My information is taken from the *Parliamentary Handbook* and it refers to Mr Robert Gerald Pike. It says that he was

appointed Chief Secretary, and Minister for Cultural Affairs, and Recreation in January 1982. This is the man who is not interested enough in this debate to sit in the Chamber. He has probably gone to check a few notes -

The DEPUTY PRESIDENT: Order! It is not right to reflect upon members in this House in such a way that could contravene Standing Orders. I ask the member to return to the debate.

Hon SAM PIANTADOSI: Mr Pike was the Minister for Recreation in January 1982 and was in a position to have had an influence on the development of the northern suburbs, because, as I stated earlier, as far back as 1978 he supported the decision for the demolition and devastation of the bushland for the freeway system and for the sewerage depot at Hepburn Heights. Hepburn Heights is not subject to the System 6 report, as it was omitted from that in 1975.

Hon Reg Davies: Because of its previous use; it was designated as a site for a tertiary institution.

Hon SAM PIANTADOSI: Hon Reg Davies is misinformed again - that occurred in 1978. The decision on the System 6 report was made in 1975, and the decision concerning the tertiary institution site was made in 1978. That is when the member's colleagues made that decision. Members opposite have described the area's conservation value as common and typical of the coastal plain, and not unique to Hepburn Heights.

Hon John Halden: It is not pristine.

Hon SAM PIANTADOSI: Not after the damage members opposite did years ago. For political expediency members opposite have been choosy in the nature of the reports and information that they have presented to the House. I believe they want to mislead us, but I will not delve into that.

Hon Tom Helm: Is it as pristine as Mt Lesueur?

Hon SAM PIANTADOSI: I am not in a position to make that comparison. Hon Tom Helm should ask members opposite about that, but I doubt whether they are qualified to give an opinion.

Hon Reg Davies equates 53 hectares of land at Hepburn Heights with the 44 hectares at the 6WF Hamersley transmitter station, which Mr Davies wants to turn into a housing estate. I fully agree with Mr Davies about moving the transmitter station. However, part of his argument is that the people in Hepburn Heights will have roughly 45 hectares of natural bushland near their premises. But they want more. What is wrong with providing the poor people in Hamersley and Balga with some bushland while there is still some left? It may not be up to the quality of the Hepburn Heights bushland, but at least it is natural bushland. They could have up to 44 hectares of natural bushland rather than its being used for housing. Hon Reg Davies would probably agree that there is enough of it in the inner suburbs and that the people around Hepburn Heights have more of it available to them than the others. I think he should tell the truth about the situation.

Hon Reg Davies: Are you suggesting that I am a liar?

Hon SAM PIANTADOSI: Obviously, I have struck a raw nerve. He is not sure whether he told the truth.

Hon Reg Davies: I would never attempt to mislead this House.

Hon SAM PIANTADOSI: By his own admission, he has changed his mind since speaking on this matter last year. If he believes that he is misleading the House or was not well informed, that is his problem; he made the statements previously, not I.

Hon Reg Davies: It is called changing with community attitudes. You will ignore them at your peril.

Hon SAM PIANTADOSI: He has admitted that he has changed with community attitudes. If we rented a crowd that supported the development of Hepburn Heights, Mr Davies would support it!

Hon Derrick Tomlinson: Are you not here as an electorate representative?

Hon SAM PIANTADOSI: Yes, I am. I represented community attitudes before members of the Opposition even thought about it and even before there was an environmental problem.

Unfortunately, the member was too busy with his piece of chalk confusing kids in the classroom to know what was going on outside. He should not talk to me about the environment, wetlands or the northern suburbs because I have been referring to those issues for 12 years. Hon Derrick Tomlinson's record on this issue cannot be compared with mine.

Hon Derrick Tomlinson: I will compare it any time you like.

Hon SAM PIANTADOSI: The only environment issue about which the member has shown some concern was the development in Bayswater. He now believes that that qualifies him as an expert on all environmental matters. I have not heard him speak on this issue.

Hon T.G. Butler: The Bayswater issue was a political one.

Hon SAM PIANTADOSI: Of course it was. Yesterday, reference was made to services available to the people of Kingsley.

Hon Reg Davies: I keep telling you that I was referring to the electorate of Kingsley, not the suburb.

Hon SAM PIANTADOSI: How far does it extend?

Hon Reg Davies: To the south of Hepburn Heights.

Hon SAM PIANTADOSI: Does it include Hepburn Heights?

Hon Reg Davies: No.

Hon SAM PIANTADOSI: That is the credibility of the man. He has tried to tell us that an area which was cut off by a road should have been included in Hepburn Heights. He will probably try to tell us that a bush track does the same thing to another area. The member is not aware of the original area that Hepburn Heights covered. I was walking in those areas to see constituents before the member lived in the State.

Hon Reg Davies: Have you been up there lately and seen the devastation caused by the bulldozers?

Hon SAM PIANTADOSI: I have not been up there lately, not since the bulldozers went in.

Hon Reg Davies: It would probably make you cry.

Hon SAM PIANTADOSI: Hon Reg Davies is very selective about the area of Hepburn Heights to which he refers, and the damage. I spoke of the devastation in the northern section of Hepburn Heights when the area was sewered 13 years ago. The member is now referring to what has happened on the southern boundary. I am talking about the whole of Hepburn Heights, not the north or the south. I am not being selective.

We need to be concerned about our environment. I know that there are some problems in the northern suburbs with which we should deal. It is reassuring that the Opposition is beginning to take some interest in these matters, because the actions of some members opposite have caused much of the destruction and the problems that we face today. The Opposition's change of mind about the environment and its protection is heartening. However, it has been ill-advised about the consequences of actions that have been taken in that area.

Hon T.G. Butler interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! If members want to comment, the comment should be loud enough to be heard by the Hansard reporter and me.

Hon SAM PIANTADOSI: I did not hear it myself.

I welcome any support for the environment from members opposite. I fully support any genuine attempt to rectify the problem because it is one of major concern. We can have as much bushland and as many small parks as we like; however, unless the wetlands and the support structures for those gardens are protected, pollution will destroy them. Lately, we have been told about the pollution in the Swan River. Some members opposite have been involved with local authorities and pollution problems in their areas. Hon Reg Davies and Hon George Cash were members of the Stirling City Council. If Hon Phillip Pandal, the born again greenie, visited the Gwelup area he would see that the pollution there -

Hon P.G. Pandal: You put the cockroaches in the sewers!

Hon SAM PIANTADOSI: That was to clean out people like the member opposite.

Much of that pollution was caused by some members opposite. Water Authority bores in the Gwelup catchment area were shut down because the water drawn from the ground was polluted. One of the greatest pollutants of all is the drainage system from roadways. The water from the roadways runs into the wetlands and the rivers. Pollutants are picked up during heavy downpours.

Hon Reg Davies: Do you support the Mindarie regional tip as it stands and the pollution there?

Hon SAM PIANTADOSI: I made a public statement about the Mindarie tip and gave my opinion about what should happen in the short term. I wrote to the councillor who was chairing the relevant committee at the time stating that before any decisions were made to relocate the tip, it should be lined.

Hon Reg Davies: Do you agree that it should go?

Hon SAM PIANTADOSI: Yes, other alternatives are available. During my speech in the Address-in-Reply debate I pointed out some of the alternatives. I am happy to advise that I conveyed my opinion to Mr Fardon, who is now heading that committee, and it was gratifying to learn that he was examining a similar method. It seems we are starting to head in the right direction, although it will take some years. In the interim a problem exists and, to overcome that problem, the tip should be lined to give some protection to the aquifers.

Hon Reg Davies: They should be protected at all costs.

Hon SAM PIANTADOSI: Of course they should. I am glad Hon Reg Davies agrees with me on that issue, but I have heard nothing from him on the council's latest proposal to build a housing estate on the Gngara pine plantation.

Hon Reg Davies: I certainly oppose it.

Hon SAM PIANTADOSI: The member should say so publicly.

Hon P.G. Pental: He has embarrassed you with this motion.

Hon SAM PIANTADOSI: No, he has not; the only embarrassed person in this House is Hon Phillip Pental. He has jumped on the band wagon. The only person who took up this issue of Hepburn Heights from the beginning was Cheryl Edwardes, a member in another place. Members opposite are trying to steal the limelight from her.

Hon Reg Davies: Mrs Beggs will not listen to her, so we have boosted our forces.

Hon SAM PIANTADOSI: I also outlined yesterday a proposal by the Wanneroo City Council to build three or four golf courses in the area. It is proposed to build those golf courses in the middle of a 1 500 hectare park, within catchment areas and wetlands. Where does Hon Reg Davies stand on this issue?

Hon Reg Davies: I cannot be everywhere.

Hon SAM PIANTADOSI: It is part of his electorate and part of my electorate also.

Hon Reg Davies: So is Peppermint Grove.

Hon SAM PIANTADOSI: Hon Reg Davies is very selective about the issues he takes up. It is a major proposal to build three golf courses which will be privately owned and one which will be owned and run by the Wanneroo City Council. However, Hon Reg Davies does not want to know about it. Hon George Cash and Hon Max Evans do not want to know about it either. Hon Bob Pike is not in the Chamber at the moment. Members opposite have said in the past that the Leader of the House did not know where Hepburn Heights is. I point out now that Hon Reg Davies is not aware of this proposal; Hon Bob Pike is not in the Chamber; Hon George Cash is too busy talking to Hon Phil Pental about his interests; and Hon Max Evans has shown a lack of interest in this subject. We have been talking about the environment and this is an important proposal which will have the effect of devastating bushland and the natural flora and fauna in the northern suburbs. Yet, we hear nothing from Hon Reg Davies and his colleagues.

Hon Reg Davies: You will be looking after that area.

Hon SAM PIANTADOSI: Where is the credibility of members of the Opposition? Their lack of interest denotes a certain hypocrisy in their attitude. I make it quite clear that from

the very beginning this motion has been a blatant political exercise on the part of Opposition members. They could not care less about Hepburn Heights or any other area; it is a political game for them. The only member of the Liberal Party with any genuine interest in this matter, Cheryl Edwardes, is not a member of this House. The members of the Opposition in this House have no interest in the conservation of flora and fauna in the northern suburbs.

Hon P.G. Pendal: Utter rubbish!

Hon SAM PIANTADOSI: I hear our little friend, the born again greenie, trying to convince himself that he has an interest in the green movement and conservation. He is even starting to wear green ties so that when he looks in the mirror he can convince himself of his interest in that issue. He will be trying to crunch the numbers for South Perth soon and that is all he is interested in at the moment. The only occasion on which he got close to taking an interest in the northern suburbs was when he helped Mr Brazier at a branch meeting to lock out other members when they were stacking a branch.

Hon P.G. Pendal: You have the wrong bloke again.

Hon SAM PIANTADOSI: That is the closest involvement Hon Phil Pendal has had with the northern suburbs.

Hon P.G. Pendal: Have you been drinking Kirup syrup?

Hon SAM PIANTADOSI: No.

Hon P.G. Pendal: It sounds as though you have.

Hon SAM PIANTADOSI: The last member of the Opposition who tackled the environment and water supplies in the northern suburbs is no longer a member of this House; after he tackled me he lost his position as Leader of the House and as a shadow Minister in this place. I am glad that he saw fit to mention me in his farewell speech in this place, which indicates I must have had some effect on him. I ask Hon Phil Pendal, Hon Reg Davies and other members who represent the North Metropolitan Region to clarify where they stand on the development of a housing estate at Gnangara pine plantation - which members of the Opposition support - and the proposal by the Wanneroo City Council to develop golf courses in the wetlands area, demolishing flora and fauna in doing so. I ask for the opinions of the conservative greenies. They do not even want to interject. They are stunned into silence. I hope that Hon Bob Pike is carrying out some research so that he can come back into the Chamber and make a statement on this issue. If Hon Reg Davies and Hon Phil Pendal were genuine, they would consider all the proposals that could affect flora and fauna in the northern suburbs. They should be aware of what is happening and when it is happening.

Hon Reg Davies: It is your Government that is raping Hepburn Heights.

Hon SAM PIANTADOSI: The past Liberal Government bulldozed the area.

Hon Reg Davies: We are trying to prevent the Government from destroying the area.

Hon SAM PIANTADOSI: Members opposite are very selective. I remind them that in 1979 a Liberal Party Government, not a Labor Party Government, supported the clearing of that site. If members opposite read *Hansard* they will learn something about the decisions made at the time. They should consult one of their colleagues, who is not here now but was present at the time and was a member of that Liberal Government, and ask him what was his opinion and how he voted at the time. They should not point a finger and say this Government is doing this or that, because the action to develop that site was initiated by the Government of members opposite. That Government split up that area, and proposed to establish the Beenyp sewage treatment plant, and a cemetery. Members opposite now want to point the finger at us because they feel guilty about their inaction in the past; and some of the problems we are confronting today were caused by their former colleagues. If members opposite were to say to members on this side that we should work together to ensure that this area is protected, I would give them 100 per cent support, but they are not genuine with this exercise. It is just a political stunt. Members opposite must get dinkum about the environment and put forward some proposals to protect this area. Unless we take action to protect the wetlands, we can forget about protecting any bushland, about having any gardens within those areas, and in fact about the northern suburbs at all. I urge members opposite to get their priorities in order. Before any bushland is to be protected, we must salvage what can be salvaged out of the wetlands so that we can give the people of the northern suburbs a future. Rather than continuing with the legacy of past inaction, we must take action so that

people in the future will be grateful that people worked together through the 1990s to ensure that there would be a future not only for the northern suburbs but also for Western Australia.

**HON JOHN HALDEN** (South Metropolitan - Parliamentary Secretary) [3.12 pm]: I rise on this second occasion to refer to the matter of Hepburn Heights, and, as Hon Reg Davies will obviously interject during my speech, I will state now what electorate I represent. I no longer represent this area, but I once took a keen interest in the proposed development of Hepburn Heights.

Hon Bob Thomas: A continuing interest.

Hon JOHN HALDEN: Yes; I can assure members I have a continuing interest.

Hon George Cash: Someone once said to me that you were the rare and endangered species in the area.

Hon JOHN HALDEN: Someone actually said that to me, and I know one thing about that: I will be higher on the ticket than Hon Reg Davies, and that is all that will affect me in regard to that matter. I suggest to members that they have a long, hard look at what Hon Sam Piantadosi said about the born again greenies opposite. They are shams and political opportunists of the highest order. This area was never going to be used for anything other than educational or community purposes, or housing. However, all of a sudden, because it suited their political ends, and because one day about four years ago the Government announced it was considering building a mosque on that site, it became a green issue. It had nothing whatever to do with the flora and fauna in that area; it had to do with bringing in people to live in the area, low cost housing, and a mosque. This motion is one of the most drivellish efforts I have ever seen by a defunct, shameful Opposition which, time and time again, comes in here and tries to put on a facade of concern. The facade is over. People know what this Opposition is doing and what it has been doing.

Hon Reg Davies has said that the Hepburn Heights area is a pristine area with natural flora and fauna which has to be protected. He quoted from one report, but of course he was selective in doing that. A number of reports have been written by the Environmental Protection Authority, the Water Authority, and what is now the City of Wanneroo. Dr Martinick, a well known expert in this area, stated in a report -

The vegetation of Reserve 33286 was examined for its conservation and aesthetic values. The vegetation was mapped into eight units. All of these are common and typical of widespread dune systems on the coastal plain, and are conserved in various reserves.

The vegetation is in good condition but has no unique conservation values. Its main conservation value derives from its urban location. The bushland has high aesthetic value by any criteria. . .

The vegetation has been affected by excessive burning, timber cutting, track making, rubbish dumping, rabbits, and particularly the burying of large pipes.

Hon Murray Montgomery: That was due to your Government's management of it.

Hon JOHN HALDEN: Come into the debate and do not be silly; make a constructive comment, not a silly one. That is what we are told is pristine bushland.

Hon Sam Piantadosi: Mr Davies paid for his report.

Hon JOHN HALDEN: I do not know about that, but I cannot accept as reasonable someone who comes into this House and says an area is pristine when an array of reports suggests the contrary. It is not acceptable in terms of fair debate to come in here and make those sorts of allegations. However, it makes my task of defending the Government's position on this matter particularly easy; but it is always particularly easy to compete with Hon Reg Davies because he quotes selectively. That is a problem he will have to learn he cannot get away with.

Hon Reg Davies: Are you prepared to quote from the report of the Kings Park Board?

Hon JOHN HALDEN: I will not quote from that report because I do not have it. I will make my speech. The reports state also that the area has exotic plants, and that these exotic plant species are common. So it is not natural bushland at all that we are talking about. We are talking about an area that has been raped, to use the emotive term used by Hon Reg Davies.

It has been raped by the presence of exotic plants. It has no pristine or natural qualities. It probably has not had them for the last 30 years. What it does have is political value and opportunism, and members opposite come into this House at every opportunity and want to demand that value. The sorcerer's apprentice came in here, peddling these sorts of stories and rumours because it suits his purposes.

Hon P.H. Lockyer: You are becoming environmental vandals.

Hon JOHN HALDEN: Let us not go into that. We will stand up to members opposite any day. Hon Reg Davies talked about the member for Whitford and said - not implied - that she had a vested interest for political purposes in turning this area into low cost housing so she could increase her vote.

Hon Reg Davies: She wants to use it for a sausage sizzle!

Hon JOHN HALDEN: The member can take that line if he wishes. He can be that cynical, or that silly. We believe that an area which is not pristine, which has been contaminated for 30 years, ought to be made available for low cost housing. We have always thought, along with the Opposition, that this area had no conservation value and ought to be reserved for public purposes of one sort or another. That is the road we intend to go down. It is important that those people who want to buy their first house, those who want to get into lower cost accommodation, those who want accommodation at the lower end of the market or those who are aged should have an opportunity to live in an environment that has always been designated for that purpose. It is not political opportunism that motivates us, and Hon Reg Davies should not imply that the member for Whitford, the Minister for Transport, is motivated by political opportunism. We on this side of the House know where the political opportunism lies - it lies at the feet of the member opposite. He is a farce. He has never come into this place and done anything original. It was the member for Kingsley who started this matter and who has had a commitment. Whether Hon Reg Davies agrees with it or not, it has been her commitment from day one.

Hon P.G. Pental: Excuse me. Aren't you the bloke who caused three people to defect from the Labor Party?

Hon JOHN HALDEN: Is that relevant to this debate?

Hon P.G. Pental: The great strategist!

Hon JOHN HALDEN: Let us talk about what Hon Phillip Pental's South Metropolitan Region colleague thinks about his letter.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order!

Hon JOHN HALDEN: If Hon Phillip Pental wants to talk about letters to the Press -

The DEPUTY PRESIDENT: Order! I think we had best talk about Hepburn Heights.

Hon JOHN HALDEN: I am only too willing to do that, Mr Deputy President, but Hon Phil Pental now wants me to close my mouth.

I like reading these reports about Hepburn Heights. One of them talks about 94 hectares at Hepburn Heights, and do members know what it says? It says that the total area of vegetation is small -

Hon Reg Davies: Compared with Kings Park it is small.

Hon JOHN HALDEN: It says it is small, and that if there were one significant fire through that area of 94 hectares that would basically be the end of the park. It could not sustain one fire.

Hon Reg Davies: It had a fire in 1989. After the sausage sizzle the whole area burnt down.

Hon John Halden: Hon Reg Davies is so funny. If he wants to bring motions to this House and debate the issues, I will do it with him on any day of the week.

Hon T.G. Butler: Tell us about the mosque.

Hon JOHN HALDEN: The issue of the mosque is one I do not wish to go into because it is one of the shabbiest little political stunts I have seen in my life.

Hon Sam Piantadosi: Tell us more about the green movement in the South Metropolitan Region.



Hon JOHN HALDEN: He must move somebody else ahead of him off the ticket and move people into South Perth.

Returning to the issue at hand, it is important that Hepburn Heights and its housing value for people be considered. It has always been that way. It has always been the policy of members for the northern suburbs on this side of the House to make the hard decision on this matter. We could have run away from the issue.

Hon Sam Piantadosi: They had their chance in 1978 and did not take it.

Hon Reg Davies: Like the Swan Brewery decision, I guess.

Hon JOHN HALDEN: I can tell Hon Reg Davies about that, and I am glad he mentioned it. That is another example of the member's political opportunism, and now heritage vandalism. He will not stop at conservation.

Hon P.H. Lockyer: You are the northern suburbs heritage vandals.

Hon JOHN HALDEN: The member should make his own speech. There are now two matters on which we can say members opposite are simply shams.

I refer again to the speech of Hon Reg Davies, which is really interesting. During that speech I asked him how he got his hands dirty and what he had done for these people. The people tell me that, having been the absent member for two and a half years, Hon Reg Davies is really useless. He is a frontrunner - he wants to come into this House, make speeches and present petitions but not do anything else.

Hon Reg Davies: Name the people.

Hon JOHN HALDEN: I will not name them. The member should talk to me privately and I will tell him. Let me compare the efforts of Hon Reg Davies with those of a member in the other place, whose involvement Hon Reg Davies said was questionable. I refer to the member for Balcatta. Hon Reg Davies said that that member's only interest was in obtaining lists for political purposes. However, the member for Balcatta's contribution to this matter is that he has had two public meetings, has written to everyone in the surrounding areas and has brought the Federal member and the Federal Minister there. What has the mover of this motion done? Nothing. He comes in here and makes speeches and tries to make the cheap point, because basically this motion is a cheap little stunt.

Hon Murray Montgomery: And what are you doing?

Hon JOHN HALDEN: I am having a nice little go at him, and I am enjoying every minute of it, mark my words!

More than that, Hon Reg Davies tries to combine two contentious issues. He put them together, wrapped them up and is trying to make as much political mileage out of them as he can. Of course, it is corrupt to even attempt to do that; it is illogical -

Hon P.G. Pental: Don't you talk about corruption!

Hon JOHN HALDEN: I will indeed, and I will get to Hon Phil Pental, if he likes.

Hon P.G. Pental: Your medication is wearing off.

Hon JOHN HALDEN: I will lend it to the member and he can have some too.

Hon P.G. Pental: It is epilepsy Thursday.

Hon P.H. Lockyer: Hon Joe Berinson is safe, mate. We have had a good look at you.

Hon JOHN HALDEN: He was always safe, Hon Phil Lockyer should not worry.

In Hon Reg Davies' attempt to intertwine two separate issues concerning the electorate he represents, he actually said things like, "Nobody wants the ABC tower park to remain that way." Unfortunately he has not done the work that the member for Balcatta in another place has done. The member for Balcatta's survey - and of course Hon Reg Davies would not understand this because it would have meant actually talking to his constituents - found that something like 25 per cent of the people in the Balcatta-Hamersley-Girrawheen area want the tower to stay; not none, as Hon Reg Davies said, but 25 per cent. He should talk to his constituents. Instead, he comes into this House and makes another generalised statement. He cannot do that. He must research the topic, as the member for Balcatta has done, and talk to his constituents.

Hon Murray Montgomery: Do I take it that you never make general statements in this House?

Hon JOHN HALDEN: Hon Murray Montgomery will have to catch me at it!

Hon P.H. Lockyer: You hardly speak.

Hon JOHN HALDEN: I speak more than Hon Phil Lockyer does.

I will go through some of the results of the survey initiated by the member for Balcatta.

Hon Reg Davies: How many people are in the Balcatta electorate? About 30 000?

Hon JOHN HALDEN: About 20 000 I would think, or 21 000.

Hon Reg Davies: Very well, 21 000; and how many people replied to this survey?

Hon JOHN HALDEN: Three hundred and forty-eight people replied.

Hon Barry House: A few more than Westpoll.

Hon JOHN HALDEN: Yes, that is right. I thank Hon Barry House for that. Of the people who were asked the question by the member for Balcatta, 76 wanted the radio tower to stay and 272 wanted it to be removed.

Hon T.G. Butler: Why do you think Hon Reg Davies' motion contains a reference to Hepburn Heights and to the radio tower?

Hon JOHN HALDEN: That is a very interesting point, because I understand that the member for Marmion in another place actually suggested that there be this swap from one area to the other. Of course, it is typical of Liberal Party thinking to try to find a quick, cheap fix. It is not a quick, cheap fix because those people must be consulted. Members opposite talk about consultation but, as the Opposition, they never do it. That is the easy road of being the Opposition.

Hon Reg Davies: So 1.4 per cent of the population has replied to this survey. That is how the ALP would expect to get support nowadays.

Hon JOHN HALDEN: The interesting thing is that the sample of 348 people to whom I have referred were residents of only Hamersley and Balga, the areas affected. One would not think it necessary to go to Osborne Park and ask people there what they thought of this, as it did not affect them. One must be sensible about these matters.

Hon Reg Davies interjected.

Hon JOHN HALDEN: I will make this speech and go through the issues one by one, whether Hon Reg Davies likes it or not. It has been well documented over the years that the ABC facility on Wanneroo Road has caused problems. The member for Balcatta in another place has been able to determine that of the 348 people surveyed, some 278 were having problems with their televisions and telephones, so it is causing considerable problems. The matter has been taken to the Federal Minister and we are awaiting a decision on it. It is now a Government decision whether the facility should be moved if it is affecting the lifestyle of residents in the area. The cost of moving the facility would be between \$6 million and \$10 million.

[Debate adjourned, pursuant to Standing Order No 195.]

## **MOTION - ROTTNEST ISLAND AUTHORITY**

### *Disallowance of Regulation*

Order of the Day read for the resumption of debate from 15 May.

Debate adjourned, on motion by Hon Fred McKenzie.

## **MOTION - SHARK BAY MARINE PARK**

### *Disallowance of Order*

Order of the Day read for the resumption of debate from 15 May.

Debate adjourned, on motion by Hon Fred McKenzie.

**ADDRESS-IN-REPLY - FOURTEENTH DAY***Motion*

Order of the Day read for the resumption of debate from 15 May.

Debate adjourned, on motion by Hon Garry Kelly.

**DIRECTOR OF PUBLIC PROSECUTIONS BILL***Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

**CHILDREN'S COURT OF WESTERN AUSTRALIA AMENDMENT BILL (No 2)***Report*

Report of Committee adopted.

**CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL***Second Reading*

Debate resumed from 2 May.

**HON P.G. PENDAL** (South Metropolitan) [3.34 pm]: The Opposition has pleasure in supporting this Bill. At a later stage I shall seek to move some appropriate amendments, but this Bill is to be applauded. As far as I can tell, following the comprehensive review of the principle Act considered by this Parliament in 1984, in many respects the Conservation and Land Management Act is perhaps one of the most important of all the Statutes with which we deal in this Parliament. It combines many different competing land use interests, including timber production, the alienation of certain parts of the State into national parks and other forms of reserves, and the creation of marine reserves. It gives the Government the power to control forests, including the eradication of disease, not the least of which is dieback. The Act has a very strong component designed to protect the flora and fauna of Western Australia. For that reason the Opposition believes that in the main it has served us very well in the past seven years. Equally, the amendments we shall move will strengthen the provisions of the Act. I was pleased to read in the second reading speech that -

This Government is committed to continuing to build up this State's conservation estate; in the past two financial years more than 1 000 000 hectares were added, including four new national parks and four new marine reserves.

That gives me the opportunity to remind members of a subject I have raised on not a few occasions lately: If members compare the record of the last Liberal-National and Country Party Government in this State with that of the current Government regarding the creation of national parks they will see no comparison at all. Between 1974 and 1983, as you would well know, Mr Deputy President (Hon J.M. Brown), the conservative Governments increased the areas deemed to be national parks from about 2 million hectares to about 4.5 million hectares. In the eight years that the three Labor Governments have been in office the figure of 4.5 million hectares has been added to marginally to reach the current figure of 4.8 million hectares, so I welcome the statement of commitment to continue to build up our conservation estate.

This leads me to perhaps the most innovate and important part of the provisions of this Bill; that is, the intention to create a new category of conservation reserve to be known as a "conservation park". That is a category we have not used in Western Australia previously, and the Opposition congratulates the Government on moving in this direction. The second reading speech referred to this matter in these terms -

Conservation parks will have the same functions as national parks but will be areas which do not have the same national significance; some will be areas which are smaller in size or have suffered some previous disturbance. A prime example is the conservation area of the Lane Poole Reserve near Dwellingup.

The Opposition certainly supports this initiative. However, I am a little unclear how one can create a new class of conservation reserve such as this and afford to it the same status as a national park without its actually being a national park. I would be interested to hear the Minister's response to that during this debate.

In dealing with the new category of a conservation park, I am provided with an opportunity to raise again the difficult question of exploration and mining in our national park system. Unless we do something fairly drastic in Western Australia, we will continue to have a repeat of the decades of conflict over mining in these places. Perhaps the time has come, following the debate on the Mt Lesueur area, to put in train a fresh start to break the impasse. It is no secret that we are confronted now with a Mexican stand off in this area, and this will result in having fewer new mines in fewer national parks if we do not come to grips with the situation. I could not understand a State going down either of those paths. Many people value having the best of both worlds. I have said previously in this House, publicly and in my electorate that it is possible to increase substantially the areas classified as national and conservation parks. I would favour a 25 per cent increase in the areas classified as reserves. That would take the number of hectares of land covered by conservation parks to seven million hectares and would build on to the areas which were classified by the Court Government. It would be possible to add to the total estate, but at the same time mineral exports must be increased. In 1987 mineral exports were worth about \$6.3 billion. Therefore, any member who tries to persuade me that mining industries should be scaled down and downstream processing should magically occur is not living in the real world. That would be possible only if we were prepared to work hard. Also both mining companies and conservationists would need to re-examine their basic objections. That could possibly end the Mexican standoff that exists at the moment.

About 32 per cent of land in Western Australia is currently classified as vacant Crown land. That is a huge area of land. Nearly 333 000 square miles of vacant Crown land could be set aside and added to our conservation estate. Of course, Governments of both political colours are reluctant to do that while the almost certain fate of new mining ventures is sealed once a national or conservation park is established. People on both sides of politics would be prepared to argue for substantial portions of that 32 per cent of Crown land to be turned into national or conservation parks. However, they would not agree for the new reserves to be then proclaimed off limits or locked up to exploration and mining. The Liberal Party's policy has never permitted or sanctioned an open slather approach to mining in national parks. We have said, as late as the time of the 1989 election, that exploration and mining of the kind that I have mentioned can commence only in places where minimal damage is likely to occur and environmental rehabilitation is guaranteed. That is a limited charter for an incoming Liberal Party and National Party Government to adopt, but the Liberal Party does not have an open slather policy to mining.

The essence of the impasse is that on the one hand the environmentalists, quite properly, mourn the loss of 80 per cent of the original vegetation in the south west land division - very little of that loss of vegetation was as a result of mining activities; rather it was lost to agriculture - and, on the other hand, the miners understandably fear the exhaustion of some companies' ore reserves and they want replacement deposits. That policy is evident in the requirements of iron ore companies needing to gain access to minerals in what would otherwise have been national parks. Without those extra ore deposits companies and towns would have closed down. The Opposition supported the Government's decision to ensure that did not occur.

*Sitting suspended from 3.45 to 4.00 pm*

**[Questions without notice taken.]**

Hon P.G. PENDAL: I have made the point that it ought to be possible to come to some accommodation between the mining sector and the conservation movement to allow us to enjoy the best of both worlds; that is, an increase in the conservation estate and, at the same time, to have that conservation estate open to exploration and mining where that can be shown to be of minimal damage to the environment. Methods are available to the community by which we can achieve that end. I will outline some of them today because it will mean that, as with any compromise, both parties to a dispute will need to be flexible. First, we should convince the mining sector that it should agree to an expansion of the conservation estate. Second, the conservation movement should be required to accept the principle of exploration and possible subsequent mining in national parks.

Consistent with Liberal Party policy, the mining sector should acknowledge that some parts of national parks are so important in an ecological sense that they would remain permanently

off limits to exploration and mining. The mining sector could undertake in a formal sense to do what it already does on a case by case basis; that is, to assist in the process of rehabilitation. For example, the way is open to the mining sector to assist in the purchase of high conservation value land that is privately owned. That would then have the effect of adding to the stock of national parks and that would be based on land parcels at least equal in size to the area of land that is being resumed for mining.

It is also possible in return that the conservation movement would acknowledge that high quality rehabilitation as an acceptable goal in less ecologically important areas of national parks, and that absolute restoration, which it currently demands, may be unnecessary. The conservation movement could commit itself to working with the mining sector to implement realistic and workable mediation mechanisms, that would ensure that the interests of both groups were achieved. It is possible that the mining sector would negotiate with the Government of the day to help fund the purchase and the management of some parts of the conservation estate. If one needs positive proof that solutions are already available, one only has to look at what has been achieved in the farming sector. This would be something with which the rural members of the House would be more familiar than I am, but there is no doubt that the heat has gone out of the farming versus environmental debate with the agreement on land degradation which has been reached, on the one hand, with the Australian Conservation Foundation and, on the other hand, with the National Farmers Federation. In the ultimate both the economy and the environment can benefit from an agreement of that kind.

Hon Reg Davies: That is a positive move.

Hon P.G. PENDAL: It is. It is something that has been achieved in the agricultural sector which has resulted in the heat being taken out of similar issues, and one can only hope that something like that might be tried in the mining sector as well.

Hon Peter Foss: That is an example of the environmental balance sheet.

Hon Sam Piantadosi: And salinity.

Hon P.G. PENDAL: There is some hope for the future. I do not believe the average Western Australian says to himself or herself, "We don't want any more mining." Most sensible, fair minded and balanced individuals take the view that the mining sector will always be very important to Western Australia's economy, and if anyone doubts that, I will repeat the figure I used earlier: In 1987 mineral exports out of Western Australia were worth in the region of \$6.5 billion. It would be absurd to think that that should be put into reverse. Whether as a society we move into downstream processing of a more sophisticated nature than we have now, will not alter that fact and it will put greater pressure on the need to extract more from the natural resources that are beneath the ground. We would certainly look to facilitate some form of agreement or conference between those two traditionally warring partners, because it is not an insuperable problem, and solutions have been found in other parts of the world. Some time ago it was pointed out to me that in the 160-odd years since European settlement in Western Australia mining has disturbed a total of 0.6 per cent of Western Australia's land surface. That is minuscule by anyone's reckoning. That figure gives a different perspective to the argument which says that miners leave a lot of destruction in their wake. That is absurd in the light of that statistic. I had the opportunity of visiting the United States and of seeing techniques that are used in Illinois, the home of coal. Land which had been mined three months earlier had been rehabilitated in an agricultural sense and was then carrying crop. Land which was intended to be mined in the strip mining process in three months, would be back into agricultural production in six months. Clearly that does not mean land that has some unique or high value conservation inherent in it. That is the difficulty with which society must come to grips in matters such as Mt Lesueur. It is a question of our making the request to all parties to that debate that they keep a perspective about it.

I will repeat what I have said on many occasions here in the last few months: National parks are under a greater threat from dieback than they ever have been from mining. That is not to say that there needs to be any relaxation of vigilance in the matter of mining. It simply says that we have the wrong enemy in our sights and unless we try to break that deadlock we will continue to impede the mining sector; we will continue to restrict job growth at a time when we are desperate to create jobs; and we will continue to prevent Governments of the day from creating new national parks when they could be created at a much greater rate than has

occurred in the past eight years. We are told in the second reading speech that with the approval of the Minister and the National Parks and Nature Conservation Authority exotic trees that grow on conservation reserves will be able to be removed and sold - that is the key point - under a licence to be issued by the department under proposed new section 99A. That has to do with the removal of unwanted forest produce. I should think that that would have raised some difficulties among Labor members, who have tended to be somewhat hysterical in the past when it comes to logging in national parks.

Hon B.L. Jones: We have never been hysterical.

Hon P.G. PENDAL: The member is probably the only one not in that category.

It goes further than that: Five or six years ago the Government was actually planting exotics in the Shannon River National Park; it was developing pine plantations, and I would have thought that pine trees would be in the exotic species category. That is curious when the Bill claims to clean up and delineate between native flora and introduced species. We are also told that the Bill will request that the Parliament increase the maximum period of leases granted on conservation reserves from 20 years to 40 years. We have been given the explanation that this is necessary to allow the lessees to recover the cost of the investment they make. This is one of the few arguments in the Bill which the Opposition does not accept, and we shall seek to amend it. We are told that the lease period will apply predominantly to national parks, particularly places like Yanchep where "significant investment is required to lift the standard of the leased facilities". We are not convinced by that argument.

It was only two years ago in this place that I moved to strike out a similar provision in the Kings Park lease. At that time the Government wanted to ensure that the new lease to be offered for a redeveloped restaurant in Kings Park would be for a similar 40 year period. A 40 year lease is tantamount to something having a life long freehold status. At that time I made inquiries among some business acquaintances to ask what would be a reasonable period for a lease if one had to invest \$3 million, \$4 million or \$5 million. In those discussions no-one said that he or she would want to be sticking around for 40 years for a return on such an investment. On the occasion of dealing with the Kings Park restaurant, we introduced a sensible compromise; that was, that the person was to have a 21 year lease with an option for a further 21 years when that was appropriate. We went a step further: A statutory requirement was included whereby, once the lease was executed, the document had to be laid on the Table of both Houses of Parliament. This was because it would be a Government agency entering into a contract with a commercial operator. Members would be aware that that is now part of the Parks and Reserves Act, and that should be seen as a benchmark for the legislation before the House.

At the appropriate time we will move an amendment which will eliminate the 40 year lease period. This will give the best of both worlds with a 21 year plus 21 year option, with a requirement for the lease documents to be returned to the Parliament so it may suggest alterations to them. The lease should be the responsibility of the Executive arm of Government, but this would allow the public to understand, if they have the mind to do so, the conditions entered into in the lease. For those people who do not see the need for this and believe that it is intrusive, were it not for people like the Auditor General and members on this side of the House, we would never have got to the bottom of the part sale of the Westralia Square site involving Packer and Anderson. Were it not for some mechanism by which the Parliament and the people could be informed about contracts entered into, this information would not have been revealed.

We were told in another part of the Bill that the definition of a "marine nature reserve" would be expanded. This has some relevance to another matter before the House; that is, the creation of a marine park in Shark Bay. Superior protection is to be provided for the future of areas with archaeological, historical and scientific interest. Members would be aware of stromatolites at Shark Bay, but some may not be aware that they have been identified in other parts of the State such as Lake Clifton in the south west. Stromatolites are something about which we should be awe inspired because, as I understand it, they are among the oldest, if not the oldest, living thing on this planet. They are an entity which is alive; they are not fossils. Their pedigree goes back literally hundreds of millions of years, and we are fortunate to have them in Western Australia at Shark Bay and Lake Clifton. This matter has

received some publicity in recent times and I commend the Minister and his department for providing other protections in this regard.

Also, we welcome the provisions in the Bill to alter the composition of the Forest Products Council, and in particular the inclusion of an Opposition's suggestion to have a representative of small timber mills on the council. That is something of a comfort to us because many large mills operate in this State, and they play an important role, but they often overshadow the smaller mills. It is good to know that at last the small mills will have some clear input into the operation of the council.

Another area which will be the subject of an amendment, which I hope will be supported with enthusiasm by the Government, is the matter of the creation of the new Nature Conservation Trust of Western Australia. The second reading speech indicates -

The Nature Conservation Trust of Western Australia will be established to seek donations and funds to allow the acquisition of conservation lands.

We have been told that the suitable lands acquired will be vested in the National Parks and Nature Conservation Authority. The Opposition enthusiastically supports the concept of that new trust. The opportunity is available to us to more urgently address a problem that is perhaps slightly underrated by the amending Bill. During the Committee stage I propose to move amendments which will change the name of that trust and add to the trust's proposed charter in such a way that this House makes a statement about the urgency of the problem of rare and endangered species. The amendment will involve the renaming of the trust as the "Rare and Endangered Species Trust of Western Australia", and it will also give it an emphasis which it does not have under this Bill. There is plenty of argument for one of the charters of the trust to be to find all lawful methods of protecting, preserving, and raising public awareness of indigenous flora and fauna, particularly those that are under some threat of extinction. I do not think the Government will have a lot of trouble accepting that. The Opposition acknowledges the general thrust of the trust that is to be created, but this Bill presents the opportunity - we may not get another chance for four or five years - to add a level of urgency about rare and endangered plants and animals that is not present in the Bill.

The Bill seeks to upgrade the penalties in the parent Act. For example, the unlawful removal of any forest product can bring under this proposal a fine of up to \$10 000 or a year in gaol. The unlawful burning or injuring of a forest product can attract a similar fine or a year in the pokey. I wonder about the harshness of those penalties, given the sorts of penalties that are meted out in today's society to, for example, juvenile car thieves. This subject is something that has been on the minds of members and the public for a long time now and I doubt whether there is any juvenile car thief who has been subjected to a \$10 000 fine or a year in gaol, given the value of the product that he is removing from its rightful owner. I know it is not always possible to relate the level of criminality in one area of the law with an unrelated area of the law. I guess there is a world of difference between a kid pinching a car and a person who unlawfully removes some forest product. It seems to me that when some relationship exists in the way I have described with juvenile crimes, the penalties being suggested in this House are unduly harsh. I presume we are talking about penalties of up to that amount, which means that a court would have the chance to impose a penalty of, I guess, \$100 on someone who unlawfully removed anything from a forest. I suggest it needs some restatement by the Government.

One of the weaknesses of the Bill is that it will produce an administrative nightmare for the department. Setting fire to bush or grass without notice being given to a forest officer will attract the wrath of the authorities. For example, setting fire to bush or grass contiguous to a State forest without giving notice to an officer to allow him to be present will attract a fine of \$4 000 or six months in gaol. I can understand immediately the need to be very careful when setting fire to an area that is contiguous to a State forest, but the issue at stake is not that, but rather that that cannot be done without giving notice to an officer in such a way as to allow him to be present for the burn. I can well imagine that that provision will overtax the limited resources of the department. It may well be a time of the year when many property owners and farmers want to be setting fire, in a limited way, and they will be prevented from doing so if an officer is not capable of being present simply because the department does not have the manpower. While the Opposition does not intend to amend that provision, the department is making a rod for its own back.

The Opposition will seek to amend another clause of the Bill dealing with unbranded cattle found on Crown land. It was raised in another place and it is something to which my colleague, Hon Bill Stretch, will pay close attention both in the second reading and Committee stages.

All in all I repeat that this is a Bill that the Opposition is able to support enthusiastically. It seeks to upgrade the principal Act that has been with us for seven years and which, in the main, has done a very good job. The Opposition is of the opinion that parts of it need amendment of the kind I have signalled. Above all, I genuinely hope we might find in this society a better way to address the question of exploring and mining in national parks and, in this case, the conservation parks that will be created. It does not make any sense at all for us to be having more and more confrontation which means less mineral activity, fewer jobs, and conversely fewer national parks created. There are ways to break that impasse and I have canvassed some of those ways. The Opposition is certainly prepared, as it prepares for Government, to put itself in a position where it might reach that sort of accommodation between those two warring parties.

**HON W.N. STRETCH** (South West) [4.58 pm]: My remarks will be brief because my colleague, Hon Phillip Pental, has covered this legislation capably and fully.

The Department of Conservation and Land Management Act of 1984 was a significant piece of legislation. I was in this House when it was debated and those debates seemed endless. It was steered through this House very capably by my colleague, Hon Sandy Lewis, and it has achieved its objectives reasonably well. I did not agree with some of the objectives then, and I do not agree with them now. The original legislation was significant not only because of its size, but also because it was a serious attempt to bring the management of public lands under one body. As members will be aware the area of land administered by the department is approximately 18 million hectares. It is a large estate to manage and the department had its share of growing pains in administering it. It is not just that it is a mere 18 million hectares but also, bearing in mind it stretches from the Kimberley almost to the South Australian border, it can be seen how thinly the staff must be spread if they are to make a genuine attempt to manage that estate. Of course, the simple fact is that they cannot fully manage the estate. It is beyond the scope of any one department to employ enough staff to play an effective role in managing this extensive area. Therefore, it is not surprising that the Act was amended twice in 1985, twice in 1987 and twice in 1988. It has been almost three years since the Act was last amended, which is perhaps an indication that it is gradually getting into a good shape. Significant amendments have been introduced by the Government because it has recognised areas where fine tuning of the original Act is required, and it has also expanded its powers for the future.

The amalgamation concept originally came from the Labor Party conference in 1982, and it is interesting to note that the move for amalgamation was driven by two pressures in 1984. The first pressure was a desire to curtail some of the commercial activities in the forests; there was great distrust of the millers and of the management plans in those days. Many people felt too much emphasis was placed on production forestry. The second pressure came from those who wanted the royalties earned from the forest, and also the budget allocations to the former Forests Department, spread over more of the conservation type activities. There was legitimate concern that insufficient funds were getting through to manage the conservation and national parks side of the public estate. At the time I disagreed that the way to do this was by enforcing cuts on the production forestry people, because it is always necessary to look after the goose that lays the golden egg. In effect, the same level of revenue has been spread more thinly over a larger estate and, from the record of wildfires in the national estate since the Conservation and Land Management Act was proclaimed, no major improvement has been apparent in fire management of the estate as a result of that amalgamation. The effectiveness of the control measures has decreased.

That brings me to a theme I have referred to previously in this House; that is, unless the people whose properties surround national parks and public land are closely involved in the management of those lands, no number of departmental staff will achieve the level of care required for them. They are not necessarily required to be part of executive bodies but they must be involved as advisory bodies to the national parks. I often quote the big parks east of Esperance, the D'Entrecasteaux and some of the parks in the north. The people living close to those parks - particularly those whose properties adjoin them - know very well the



problems of local land management; they know exactly what is required for fire breaks, fire regimes and vermin control. They are all simple matters, and the people living close to those areas have the knowledge at their fingertips. If a departmental officer tries to take over the management of those areas he must start from scratch. In fact, most of the officers posted to those areas consult very closely with local landowners, and that is fine. However, Governments - of whatever colour - will do themselves a great favour if they set up a much closer advisory process in connection with isolated parks to get the goodwill and cooperation of the people who live in the area and who know the land best. They may not necessarily know the scientific things to do, but they certainly know the land well, the surrounding pressures and land uses, and what is needed to achieve a better level of management, particularly for fire and vermin control.

That leads me to a point addressed by Hon Phil Pandal; that is, the question of fire control. When the Minister sums up I ask her to clarify one aspect of lighting fires in close proximity to CALM land. At present, a person intending to light a fire within five kilometres of CALM land must give notice of that intention to the department. That is all very well for the person undertaking a controlled burn. However, I ask the Minister what the powers are of the local volunteer fire brigade officers or members of the public who may be caught in an emergency situation in which they must back-burn on private land which is within the five kilometre limit. I ask the Minister to indicate clearly, for the benefit of members of the public, whether officers in that situation are covered for any public liability under the Act if they have acted in the best interests of the community, even though they may be contravening the provisions of this legislation. It is an obscure question but you, Mr Deputy President (Hon J.M. Brown), will appreciate that back-burning is often an essential operation carried out to control a fire that is threatening other land or even the national park or forest itself. I understand this is provided for in other Acts, but I want there to be no misunderstanding by members of the public when they are required to take action that could save the State a great deal of money in the final analysis.

Reference is made on page 29 of the Bill to "Unbranded cattle the property of the Crown". This provision has caused some concern. It applies to all cattle within the State and it could involve a loss of revenue to cattle owners. I have no argument with the provision if the owner is aware that his cattle are running on CALM land. If he is prepared to take that chance and is caught, he is obviously liable. However, other Statutes cover this offence, such as the Local Government Act and the Stock (Brands and Movement) Act. It seems heavy handed to allow for a declaration to be made that all cattle running on Crown land will become the property of the Crown. If those cattle are running on that land without the knowledge of the owner and they are then destroyed by the department, that may cause unnecessary loss to the landowner. As in the case of landowners whose properties adjoin national parks, the key lies in cooperation between local landowners, whether pastoralists or farmers in the agricultural regions. Assuming that the Government accepts this sensible amendment, which restricts the power of the Crown to confiscating these cattle, if it were restricted to the pastoral area it would remove the problem from the agricultural area. In other words, those in the agricultural area who allow their stock to stray will face the consequences and penalties set out in other Acts. In the pastoral region the problem still arises of unbranded cattle under the age of 12 months which could be of some value.

The key to the success of this legislation will be cooperation. It is not unreasonable to expect the department to send notices to adjoining landowners, within 21 days or 28 days of the operation, that they intend to clear any cattle from the reserve. If they do so, I believe that will give the station owner time to get out and assess the cattle and, if there are valuable ones, take steps to remove them. If seasonal conditions are such that he cannot do that then he can liaise with the department and arrange for it to shoot elsewhere until the valuable stock can be cleared from the area. As Hon Phillip Pandal said, the amendments were moved in the other place and debated. However, we need to have another look at the matter in this place as the amendments were refused in the other House. We must now look at the matter with a view to conserving the value of these cattle for landowners, particularly in pastoral areas where they are having a tough time. If we can get valuable cattle out of the ranges and reserves where they are at present and to market, that must benefit not only pastoralists but also the State because it will avoid the cost of shooting those animals while at the same time helping pastoralists a little financially, which they sure need now.

Hon J.N. Caldwell: Especially where the big trees in the south west fall on fences, flattening them, and the cattle get out.

Hon W.N. STRETCH: Hon John Caldwell has described graphically what I call "unknowing straying of stock into the public estate". It is easy for a tree to fall on a fence or for a kangaroo or emu to flatten a fence and so allow cattle to escape and run in the public domain without the owner knowing that is happening. There needs to be knowing intention of grazing stock on public land before this sort of Crown confiscation of valuable cattle occurs. I will go into more detail on those amendments relating to unbranded stock during the Committee stage.

It is worth looking at some of the problems. Generally speaking, cattle under 12 months of age are in slightly better condition than older cattle; as usual, it is the poor old mums that suffer. Cattle have some chance of being salvaged and fattened if they are removed from these areas earlier. Also, they are less likely to be infected by diseases at an early stage, which provides a chance for their being salvaged and brought up to value for the State and the pastoralist. The question of identifying the age of cattle from a helicopter used for shooting has been raised. That is a legitimate concern. It is a matter of judgment. No-one should be taken to court because a calf was 11 months old and someone thought it was 13 months old and shot it. The important thing about this legislation is to state the intention of the Bill, which I understand is to clear straying stock from reserves to aid in both the management of those reserves and the eradication of brucellosis, particularly in pastoral areas. I do not think anybody queries the general intent of what the Government has put in its amendments. What it has done is fair enough, but the amendments need tidying up so that people will have the option to salvage stock of value from these areas before the stock are shot.

The question was raised as to what one does with stock identifiably under the age of 12 months. For instance, if a small calf is running with its mother it must be destroyed if the mother has to be destroyed. That is a hard fact of life. Under the brucellosis program, if the adult animal is suspected of being infected it must be shot, and if the calf must be shot for humane reasons that must be accepted. It is unfortunate, but farmers have to do that sort of thing every day.

The other amendment I support strongly relates to the move to change the title of the Nature Conservation Trust to the Rare and Endangered Species Trust. That taps into a strong feeling in the community to preserve not only land reserves and flora but also fauna. I suppose it is not so surprising but it always amazes me how many more species come to life when a concentrated study of any area takes place. Recently a symposium of zoologists and botanists met on Rottnest Island and it is interesting that in their leisure hours, while strolling around the island, they apparently uncovered a large number of previously unknown species. That is an indication of what is there when one takes the time to look. The public are switched on to this fact of life now and a lot of private money and public company money is available for investment in preservation of our native heritage, including our flora and fauna. If taxation incentives are put in place to attract that money I believe it will flow. That would be of extraordinarily great benefit to the State. Public bodies are always strapped for cash for such economically unproductive areas and if we can attract capital into those areas to assist it has to be of benefit to us all and a general saving to the public purse.

Hon Phillip Pandal covered some concerns related to the powers of the executive director and what he may do by way of direction and the general granting of conditions and business parameters for people actually operating on public lands. That area requires a lot of tidying up and close scrutiny. It would be more appropriate if I commented on those matters during the Committee stage. With those general remarks I indicate my support for this amending Bill while retaining the right to have certain problems with the parent Act discussed. As time passes, no doubt that will be knocked into shape further.

HON PETER FOSS (East Metropolitan) [5.17 pm]: I take up, first, the point made by Hon Phillip Pandal today about 40 year leases. People often fail to appreciate that it is possible to sell an interest in land without necessarily transferring fee simple to the purchaser. It is a bit more obvious when talking about money - the difference between handing over the principal and the interest on money is a quite well understood concept. When dealing with land it is possible to give not just the use of the land, one could say the

income of the land, but to give some lesser interest in that land than the full fee simple. I suppose the classic recognition of this is the 999 year lease, which has been a traditional way of making grants to charitable institutions of something less than fee simple. It would not take a great deal of imagination on the part of members to work out that a 999 year lease is as near as could be to giving clear ownership of land.

Another type of lease which is frequently used - which is again very close to giving a real interest in what I would call the capital of the land as opposed to merely the use of the land - is the 99 year lease. Somewhere in between a 99 year lease and a 20 year lease lies a 40 year lease. I believe the farthest point we can take in giving what is merely the use or the income of land is about 20 years; when we grant a 40 year lease we are really giving away some part of the capital of the land. If a person cannot recover in 20 years what he has put into the land, he is really recovering by taking some part of the capital of that land. We on this side of the House do not believe it is appropriate in the case of this kind of reserve to have a 40 year lease because that would convey to the person who is granted that lease not merely that he has the use of that land, but an interest - albeit a determinable interest - in the actual land itself. For that reason, I support the remark of Hon Phillip Pental that this is an unacceptable proposition.

I also support Hon Phillip Pental's proposition about how we can improve the extension of national parks in Western Australia. He has highlighted one of the difficulties that has arisen with the creation of national parks and one of the reasons that Governments have been a bit reluctant to create national parks. A person who is too eager to grab benefits for himself quite often has exactly the effect of warning or frightening people off. The question we should ask is: When one creates a national park, what difference does one make to the merit of that place as a conservation area? The answer must be that one would make absolutely no difference to that place. The declaration of a place as a national park does not make it any different from what it was before it was declared a national park. By declaring a place a national park we do not in any way make it any more suitable for conservation than it was prior to its being declared a national park. If it were a proper question before a place was declared a national park to ask whether the national interest was best preserved by conserving it or by making the whole place or some part of it available for mining, it remains a proper question afterwards. For people to take the attitude that that question is put beyond doubt is really to say that somehow, as a result of declaring an area a national park, it has become different in terms of its conservation value; and of course it has to be said that the area has not changed.

The important thing about declaring a place a national park is that some legal, political and social consequences flow from that declaration. We support those legal consequences. The political consequences are that even though we maintain that exploration and mining in national parks must always remain matters which are capable of consideration, it is quite clear that by declaring a place a national park, politically it becomes more difficult to arrange for it to be mined. That is quite proper and usual. The Government recognised this difficulty recently when there was public reaction to its statement that mining could take place in three national parks. The Government's action was perfectly proper because it recognised the fact that that land was part of Western Australia. It is part of the whole balance sheet of the State. That balance sheet must include not only economic factors, such as the amount that we could earn from mining, but also social and environmental factors. It is a task for Government all the time to consider this balance sheet and to say, "If we mine this area, we will get the following financial benefits for the State, but we must take off the balance sheet the cost to us in environmental and conservation terms." However, that balance sheet has not changed by the declaration of a place as a national park. It is always there and should always be capable of consideration. To close our minds to the fact that the balance sheet is always there and has not been changed by the declaration is to take an attitude to the legislation which declares a place to be a national park which I believe in the end will be self-defeating. Most of the people who support conservation measures would accept the proposition that we must take a holistic attitude to our environment. One cannot do anything without affecting some other part of our environment. If we preserve minerals from being mined, we have an effect on our society; and we as human beings are part of that society. All too often people forget that human beings are not just part, but a very important part, of the environment. It is not as if we are visitors from another planet who are not part of the entire environment. We

are an intimate part of the environment. We must take into account that if we deprive human beings of the ability to mine, that will in some way affect their well-being. We may by affecting their well-being improve it in another manner, but all the time we must take a holistic attitude to ensure that we are not reducing the balance sheet of the world, of Australia or of the State. By refusing to mine we may reduce the quality of life of Western Australians.

I believe Hon Phillip Pental's proposition is good because we must be more willing to look around and give the legal protection that we are able to give by way of declaring a place a national park, without the concern that by doing so we will lock up or immutably freeze our balance sheet so that we can say for all time that the question of what is the proper balance between people, development and the environment has been decided and we will never reconsider it. That is a shortsighted and non-environmental attitude. It is not adopting a holistic approach. People who genuinely believe in preserving our environment must adopt a holistic approach. They must appreciate that we as human beings are part of our environment and that our social and economic well-being is part of our environment. A very good statement was made that mining has really been the basis for our civilisation. If it were not for mining, we would not have a civilisation. We need only look around this Chamber and see what would disappear from this Chamber if we did not have mining. We would be left with very little indeed. For a start, we would not even have this building. Similarly, if we did not have agriculture we would all be naked and would not have anything to eat. We cannot ignore the fact that the two basic necessities of our life and civilisation are agriculture and mining. If we deny that, we deny our civilisation completely.

Hon Tom Helm interjected.

Hon PETER FOSS: There would be no civilisation. Can the member show me one civilisation which has existed which did not have mining? I did not say life without mining, I said civilisation without mining.

Hon B.L. Jones interjected.

Hon P.G. Pental: Mrs Jones' earrings would disappear without mining.

Hon PETER FOSS: If honourable members think it through, they will inevitably come to the conclusion that without mining there would be no civilisation.

Hon John Halden: What about the Indians in America in the past?

Hon PETER FOSS: There was no civilisation. In fact I think members will find they had some mining. One of the reasons the Aztec Indians were stamped out was that they did too good a job at mining gold and the conquistadors decided that they would like to take it over.

Hon John Halden interjected.

Hon PETER FOSS: Under the terms of the Western Australian Mining Act, panning is mining. If I might come back to the point of Hon Phil Pental's proposition, our society seems to think that arguments must necessarily be seen as two opposing interests. When one looks closely at disputes there are frequently three interests to be balanced. It is shortsighted always to see any problem in our society as having only two sides. If we look at things more carefully we will frequently find there are three sides to an argument. It often becomes much easier to solve a problem when we realise there are three factors to be balanced.

One of the important things Hon Phil Pental has sought to do - and it is a very important point - is to say that there are common interests in both the conservation movement and in mining, and that common interest is to see that we always balance the ecological balance sheet. If we follow that approach, it will be sensible always to consider whether mining should be permitted in a national park. That will always be a possible question. We should always assess that question. If the argument is that a particular national park should not be mined, that will remain valid. If situations change, it is silly to continue to say that they have not changed. If we are prepared to take this approach, we will not have the current resistance to the declaration of national parks.

One of the benefits of the declaration of a national park is the positive things one can do once the place has been recognised as a national park and we allow the protections provided for a national park to come into effect. The result of adopting the attitude of no mining in national parks means that there will be no national parks, or very few of them. I do not think that is in

the interests of the people of Western Australia. We must always strike the balance and not close off mining from national parks. There will be many more national parks in Western Australia, and the mining industry would be far more relaxed about the question of those national parks being made. At the moment, as Hon Phil Pental said, there is a stand off and neither party is getting what it wants. The mining companies feel constantly threatened by the suggestion of proclaiming a national park, and the conservation people feel constantly threatened by the fact that a place has not been declared a national park. That is not in the interests of our community.

Both those things are important for the State. Hon Phil Pental's suggestion has managed to reconcile those two points of view. A third point of view has now come in, and as a result we can avoid that stand off which always occurs when there are two points of view. For that reason I have great pleasure in supporting Hon Phil Pental's suggestion. I think it is an excellent one. It echoes much of what I was trying to say the other day, and if it were taken up it would lead to a similar increase in the area of national parks under a Labor Government as happened last time we had a Liberal Government.

Debate adjourned, on motion by Hon J.N. Caldwell.

## **SUPREME AND DISTRICT COURTS (MISCELLANEOUS AMENDMENTS) BILL**

### *Second Reading*

Debate resumed from 27 March.

**HON DERRICK TOMLINSON** (East Metropolitan) [5.36 pm]: This Bill does three things. Firstly, it amends an anomaly in the operation of section 32 of the Supreme Court Act by extending the power of the court to order prejudgment interest when that court is exercising Federal jurisdiction, or operating under the jurisdiction of other States and Northern Territory courts under cross-vesting arrangements. Secondly, it amends section 167 of the Supreme Court Act to enable the proclamation of rules of court relevant to expedited hearings. Thirdly, it amends section 90 of the District Court Act to enable the District Court, like the Supreme Court, to make rules which will extend expedited hearings to the District Court.

The Liberal Party supports each of the amendments. The first amendment, which deals with the power of the Supreme Court to order prejudgment interest when exercising Federal jurisdiction and so on, was a power which was assumed to exist, but when challenged was demonstrated not to be so. The amendment merely establishes in law what had been assumed to be the case. As for the other two amendments, as the Attorney General pointed out in his second reading speech, expedited hearings in the Supreme Court have operated with considerable success in the past few months. It is appropriate that the capacity to have expedited hearings should be extended to the District Court. The Liberal Party in the Opposition applauds the extension of expedited hearings, or the opportunity to extend that facility to the District Court. We commend the Bill to the House.

**HON J.N. CALDWELL** (Agricultural) [5.38 pm]: This Bill has been explained by Hon Derrick Tomlinson. Its purpose is to allow State courts which exercise Federal jurisdiction to expedite Supreme Court and District Court hearings when awarding interest and damages. The National Party generally supports more informal and less costly ways of removing legal disputes, and consequently supports this Bill.

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [5.39 pm]: I thank members who have spoken in support of the Bill and I welcome their support. Following the introduction of the Bill, one matter has come to attention as a result of a meeting of Solicitors General of the Commonwealth and States which led me to distribute an amendment. I believe that can be dealt with expeditiously during the Committee stage. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

### *Committee*

The Deputy Chairman of Committees (Hon J.N. Caldwell) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

**Clauses 1 to 3 put and passed.**

**Clause 4: Section 32 amended and transitional -**

**Hon J.M. BERINSON: I move -**

Page 2, lines 7 to 24 - To delete the clause and substitute the following -

**Section 4A inserted and consequential amendments**

4. (1) After section 4 of the principal Act the following section is inserted -

**Application**

"4A. The provisions of this Act, including those conferring powers on the Court or a Judge, apply in respect of any jurisdiction conferred on or vested in the Court, whether under a law of the State or otherwise."

(2) The provisions of the principal Act referred to in Column 1 of the table to this subsection are amended in the manner set out opposite them in column 2.

**TABLE**

<u>Column 1</u>	<u>Column 2</u>
s. 16(2)	Insert after "subsequent statute" the following - "or otherwise".
s. 21(3)	Delete "or a Judge by, under, or by virtue of any statute passed" and substitute the following - "or a Judge,".

Insert after "commencement of this Act" the following -  
"(whether by statute or otherwise)".

This amendment, which has been circulated, proposes to delete the existing clause 4 and insert a new clause 4. The existing clause 4 would amend section 32 of the Supreme Court Act to expressly empower the Supreme Court to award interest on judgments for the recovery of money when exercising non-Western Australian jurisdiction. This amendment refers expressly to Federal jurisdiction and to cross-vested jurisdiction.

Recently, the Committee of State and Commonwealth Solicitors General examined this Bill and formed the view that it would be preferable to draft clause 4 in more general terms. There are two reasons for this: Firstly, because a more general provision will pick up any other jurisdiction the Supreme Court comes to exercise; and secondly, because the State Parliament thereby avoids expressly legislating concerning the exercise of Federal jurisdiction which could give rise to questions of constitutional power. Instead of the proposed new section 32(1a) of the Supreme Court Act, the amendment therefore proposes to insert a new section 4A in that Act which refers to the court's powers when exercising any jurisdiction, whether arising under the law of the State or otherwise. Members will note that this new section 4A is not confined to the power to award interest. This is because it has been suggested by the Solicitor General that if Mr Justice French's reasoning in *Pavic v Bobra Nominees* is correct, the problem may be wider than merely the power of the court to award interest and could affect all general provisions.

**Hon DERRICK TOMLINSON:** I am a little disappointed that the Attorney General did not follow the practice of yesterday and provide me with that explanation he just read.

**Hon J.M. Berinson:** I did not expect us to reach this point.

**Hon DERRICK TOMLINSON:** I am sure it was merely an oversight on the Attorney General's part. I had a little difficulty following the full content of the argument that he presented, mainly because of my advancing age - I have difficulty hearing people who do not read distinctly. However, there was one point upon which I want the Attorney General to elaborate; that is, at the meeting of the Solicitors General they offered the opinion that if the State Parliament legislated specifically with respect to courts of a Federal jurisdiction it might lead to some challenge or disputation as to the constitutionality of it, yet a more general statement or a more general drafting of the same intention would avoid that. I am

more than a little puzzled, because if a specific intention is legislated it might be subjected to a challenge; however, a more general statement which covers the same purpose would not be subject to challenge. What is the Attorney General's explanation for that?

Hon J.M. BERINSON: The explanation for that is that the Solicitors General collectively believe so.

Hon Derrick Tomlinson: I hope the High Court judges take that sort of argument.

Hon J.M. BERINSON: I am not prepared to put myself in their place and pursue this question as far as Hon Derrick Tomlinson has, although I must say it has occurred to me. The reason I have not pursued it is that, either way, it does not take the aim of the legislation beyond the aim as originally expressed. I think we can safely take their advice on this matter. If, indeed, Hon Derrick Tomlinson would like a more detailed indication of the reasons for the opinion of the Solicitors General I would be happy to get some elaboration directly to him.

Hon DERRICK TOMLINSON: I would not hold up the passage of this very important legislation for that reason. However, I make the observation that I am not quite convinced that the opinion of the Solicitors General is one of which the courts would take a great deal of notice. They would certainly test it. One of the reasons I was disappointed that I had not received the Attorney General's explanation earlier is that I was fooled, because when I received and read the notice of the Attorney General's amendment I thought that what I had received was a tidying up of the drafting and the amendment as redrafted.

Hon J.M. Berinson: In future I will leave it at that.

Hon DERRICK TOMLINSON: Perhaps Hon Joe Berinson should have done. The amendment as drafted is much more accessible; but, like all laws which are accessible to the lay person, there are hidden traps, and one of the traps is that possibility to which the Solicitors General have alerted us, but in so alerting us I suspect they have not resolved it by generalising the specific.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 5 to 8 put and passed.**

**Title put and passed.**

**Bill reported, with an amendment.**

### **ADJOURNMENT OF THE HOUSE - SPECIAL**

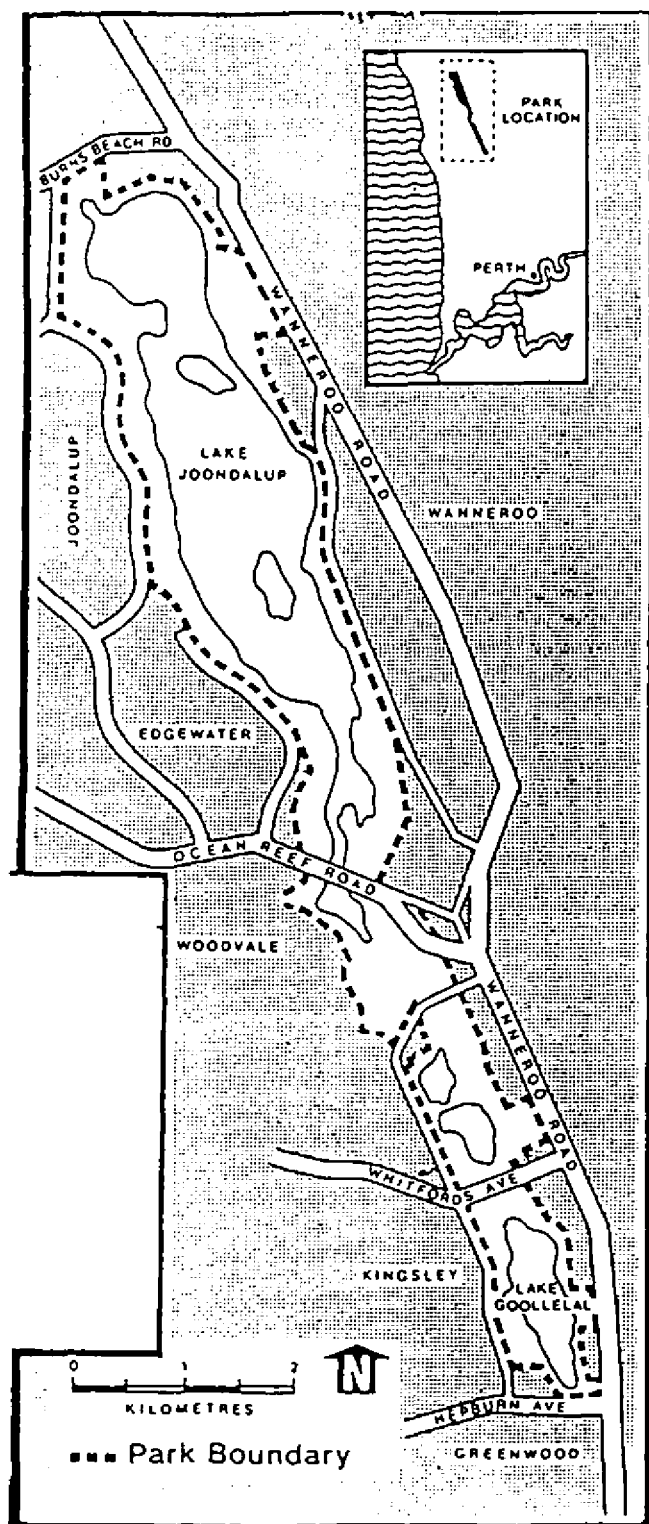
On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising do adjourn until Tuesday, 28 May.

*House adjourned at 5.50 pm*

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APPENDIX A





## QUESTIONS ON NOTICE

MOTOR VEHICLES - GOVERNMENT  
*Personalised Number Plates*

128. Hon BARRY HOUSE to the Leader of the House representing the Premier:

- (1) Which Government departments and statutory authorities have personalised number plates on their vehicles?
- (2) What is the cost of these number plates to each department?
- (3) What is the purpose of Government vehicles carrying personalised number plates?

Hon J.M. BERINSON replied:

The Premier has provided the following response -

- (1) State Government Insurance Office  
Keep Australia Beautiful Council  
Workers' Compensation and Rehabilitation Commission  
WA Meat Commission
- (2) Each authority paid the personalised plate fee applicable to the date of issue. These fees range from \$60 in 1985 to \$75 in 1991 per set of plates.
- (3) The question should be referred to the individual authority or department.

## POLICE - IN-SERVICE TRAINING EXPENDITURE

154. Hon GEORGE CASH to the Minister for Police:

- (1) What amount of funds were expended on in-service training in the Police Force for the twelve months ended 30 June, 1988, 1989 and 1990?
- (2) What is the anticipated amount to be expended on in-service training for the twelve months ending 30 June 1991?

Hon GRAHAM EDWARDS replied:

- (1) Financial year 1987-88 - \$2.277 million  
Financial year 1988-89 - \$2.795 million  
Financial year 1989-90 - \$2.765 million
- (2) Financial year 1990-91 - \$2.987 million

POLICE OFFICERS - RECRUITMENT  
*One Thousand Additional Officers*

155. Hon GEORGE CASH to the Minister for Police:

Following the Government's commitment to recruit one thousand additional police officers into the Police Force in the three year period following the last State election in February, 1989 -

- (1) How many of these one thousand additional officers have been recruited to date?
- (2) How many have -
  - (a) been inducted; or
  - (b) graduated from the Police Academy during the 12 month period ending 30 June 1991?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The Government's commitment is to recruit 1 000 additional police officers over a period of four years. Progress to date is 606. However, this figure is dependent upon actual attrition to the date of the next intake scheduled for

June 1991. For the 12 month period ending 30 June 1991 recruit inductions will be 363 with 183 of this number graduating. The actual net increase component of these intakes again will depend upon actual attrition; however, it is estimated the target of 730 to 750 will be achieved in this financial year.

To assist the member to contrast the achievement of the present Government with that of the last Liberal led Government with respect to police recruitment, the following information is provided for the last four years of that Government -

1979	68
1980	85
1981	13
1982	31

#### FIRE BRIGADE - EXCHEQUER CONSULTANTS' REPORT *Recommendations*

208. Hon GEORGE CASH to the Minister for Emergency Services:

I refer to the report prepared by Exchequer Consultants into the fire brigade and ask which recommendations of the report have been -

- (a) accepted by the Government;
- (b) rejected by the Government; and
- (c) actioned by the Fire Brigades Board?

Hon GRAHAM EDWARDS replied:

(a)-(b)

All recommendations were considered by the WA Government Functional Review Committee and referred to the WA Fire Brigade Board for action.

(c) As a result of the Exchequer Consultants' report the WA Fire Brigade Board has implemented the following recommendations -

The development of strategic and operational plans.

The development of policy for determining fire protection for small town communities.

Improved relationships between other emergency service agencies.

Proposed draft documentation for revised Fire Brigades Act.

Introduced metropolitan regionalisation.

Appointed a uniformed officer as executive chairman.

Improved public relations.

Restructured its human resources department.

Implemented a new corporate structure.

Introduced promotion on merit and a new assessment system.

Introduced an annual planning cycle.

Improved industrial relations.

#### HOSPITALS - BUNBURY REGIONAL HOSPITAL

##### *Budget*

255. Hon BARRY HOUSE to the Minister for Education representing the Minister for Health:

- (1) Is the Bunbury Regional Hospital operating within its 1990-91 budget?
- (2) If not, will there be further cutbacks of the type experienced in 1990, to overcome budgetary problems?
- (3) Is the Bunbury Regional Hospital operating to its capacity?
- (4) If not, which facilities are not being used?

Hon KAY HALLAHAN replied:

The Minister for Health has supplied the following answer -

- (1) Yes.
- (2) Not applicable.
- (3) The Bunbury Regional Hospital is currently operating at a level below its capacity.
- (4) All facilities are currently being used; however, some are not operating at full capacity.

#### HILLARYS BOAT HARBOUR - BOAT PENS

326. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

- (1) How many boat pens currently exist at Hillarys Boat Harbour?
- (2) How many of these boat pens are currently leased?
- (3) What was the gross revenue from the boat pens and other mooring and berthing facilities at the Hillarys Boat Harbour?
- (4) What were the operating expenses in respect of boat pens and other mooring and berthing facilities at Hillarys Boat Harbour for each of the five financial years ever since the boat harbour has been operating, including the current actual and anticipated revenue for the 1990-91 financial year?
- (5) How many persons are employed by the Department of Marine and Harbours at the Hillarys Boat Harbour?
- (6) What are the classifications and responsibilities?
- (7) What was the capital cost incurred for the construction of the Hillarys Boat Harbour and what was the capital cost attributed to the boat pens and other berthing and mooring facilities in the Hillarys Boat Harbour?
- (8) What maintenance has been incurred on the boat pens and other berthing and mooring facilities at Hillarys Boat Harbour for each of the five financial years since it was commissioned and the anticipated expenditure for the 1990-91 financial year?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The boat pens existing at Hillarys Boat Harbour are -

Department of Marine and Harbours pens -

Stage I floating	323	
Stage II	58	
Fixed commercial	<u>6</u>	387

Other pens -

Hillarys Yacht Club	112
Victoria Company	<u>23</u>
<b>TOTAL</b>	<b>522</b>

- (2) Boat pens leased are -

Department of Marine and Harbours	197
Hillarys Yacht Club	72
Victoria Company	not available

- (3) Gross revenue from the department's boat pens and other mooring and berthing facilities is -

	1987-88	1988-89	1989-90	1990-91 (projected)
Revenue	\$217 087	\$596 504	\$615 218	\$489 000

- (4) Estimated operating/maintenance expenses in respect of the department's boat pens and other mooring and berthing facilities are -

	1987-88	1988-89	1989-90	1990-91 (projected)
Operating/ Maintenance	\$125 000	\$240 000	\$269 000	\$239 000

- (5) Seven.

- (6) Manager Level 5  
 Senior port officer Level 3  
 Assistant port officer Level 2  
 Administrative assistant Level 2  
 Marine officer (part time) Level 2  
 Maintenance worker Construction worker Grade 3  
 Office Clerk Level 1

- (7) (a) Capital cost of boat harbour \$22 654 000

- (b) Boat pens, berthing and other mooring costs -

Item	Construction \$	Overheads \$	Total \$
Stage I pens			
Floating (323)	1 980 265	158 421	2 138 686
Stage II pens			
Floating (58)	559 339	60 118	619 457
Commercial pens			
Fixed (6)	279 552	22 364	301 916
Land backed berths	456 830	36 347	493 177
North side services	212 924	20 594	233 518
TOTAL	3 488 910	297 844	3 786 754

- (8) Maintenance figures are included in the answer to (4).

In responding I am reminded of a similar question - 611 in August 1990 - from the member in which the following information was requested -

How many boat pens have been constructed, to date, at the Hillarys Boat Harbour?

What is the estimated cost of the construction of these pens?

At that time, the answers given to me by the Department of Marine and Harbours, and which I supplied to the House, were 381 and \$1 980 265 respectively. The costing of \$1 980 265, which did not include overheads, referred only to the construction costs of 323 stage one recreation pens, not 381 indicated in the response to question 611.

#### MULTANOVA - INFRINGEMENT NOTICES

#### 327. Hon DERRICK TOMLINSON to the Minister for Police:

How many infringement notices were issued in January, February and March 1991 respectively, on the basis of Multanova detection of vehicles speeding above the following speed limits and within each of the following ranges of speed -

- (a) 60 kph speed limit, vehicle speeds 61-65 kph, 66-70 kph, 71-75 kph, 76-80 kph, 81 kph and above;
- (b) 80 kph speed limit, vehicle speeds 81-85 kph, 86-90 kph, 91-95 kph, 96-100 kph, 101 kph and above;
- (c) 90 kph speed limit, vehicle speeds 91-95 kph, 96-100 kph, 101-105 kph, 106-110 kph, 111 kph and above; and
- (d) 110 kph speed limit, vehicle speeds 111-115 kph, 116-120 kph, 121-125 kph, 126-130 kph, 131 kph and above?

Hon GRAHAM EDWARDS replied:

The information is not available in the form the member requests. However, the total number of infringements issued in January, February and March 1991 were 5 353, 6 516 and 6 257 respectively.

**HOSPITALS - KALGOORLIE REGIONAL HOSPITAL**  
*"B" Ward Capacity*

337. Hon N.F. MOORE to the Minister for Education representing the Minister for Health:

- (1) What is the capacity of "B" ward at the Kalgoorlie Regional Hospital?
- (2) How many beds are currently in use in "B" ward?
- (3) Is it correct that there is a shortage of beds for patients seeking elective surgery at the Kalgoorlie Regional Hospital?
- (4) On how many occasions have elective surgery operations been cancelled in the past month?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) 33 beds.
- (2) 16 beds are staffed.
- (3) No. The availability of beds is not a significant factor in determining the level of elective surgery undertaken at the Kalgoorlie Regional Hospital.
- (4) Of 25 elective procedures cancelled last month, only three were cancelled owing to a temporary lack of staffed beds.

**HEALTH - HEALTH CENTRE, NEWMAN**  
*Alterations*

345. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Health:

- (1) What alterations are being made to the health centre in Newman?
- (2) Have these alterations been discussed with all parties affected by the alterations?
- (3) Has agreement been reached with regard to the layout of the alterations?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Physical alterations are being made to the health centre to provide accommodation for an additional private general medical practitioner to service Newman and to accommodate additional community health staff.
- (2) Yes.
- (3) I am advised that following discussions between the regional director of the Health Department and the parties concerned the new layout has been accepted.

**MULTANOVA - PHOTOGRAPHS**

357. Hon DERRICK TOMLINSON to the Minister for Police:

- (1) Do Multanova cameras on station photograph all vehicles or only those travelling in excess of predetermined speeds?
- (2) Are photographs of vehicles and their drivers/passengers for which no infringement notices are issued, destroyed?
- (3) For how long are photographs taken by Multanova cameras kept by police?

Hon GRAHAM EDWARDS replied:

- (1) The Multanova camera photographs only those vehicles exceeding a predetermined speed.
- (2) Yes, after eight years. Individual photographs are not printed. The evidence of speed is contained in a reel of film which cannot be cut because of evidence value.
- (3) Eight years. The records retention and disposal schedule approved by the Library Board of Western Australia under the Library Board of Western Australia Act 1951-74 section 30(2)(a) permits infringement notices to be destroyed after eight years. It is considered appropriate that the film from the Multanova camera be retained for the same period as the infringement notice.

### CRIME - HOUSEBREAKING

#### *Penalties Review*

378. Hon P.G. PENDAL to the Minister for Police:

- (1) Can the Minister advise when penalties for housebreaking were last reviewed?
- (2) Given his statistic given in Parliament yesterday to my question that South Perth is now experiencing 1.3 house break-ins per day, will he have his department report to him on the adequacy of penalties for house breaking?
- (3) Will the Minister report to the House on the average prison term given to each house breaker?

Hon GRAHAM EDWARDS replied:

- (1)-(2) Review of penalties is a matter which comes under the jurisdiction of the Crown Law Department.
- (3) Statistics are not collated by the Police Department.

### ROADS - ROE HIGHWAY EXTENSIONS, CANNINGTON

#### *Wetlands Protection*

385. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Has the Minister or his department or agencies taken an interest in the Roe Highway extensions through Cannington by which an adjacent wetlands is endangered?
- (2) If so, what action has he taken to protect those wetlands?
- (3) If no action has been taken, how does this accord with his recent commitment to protect the diminishing wetlands of the metropolitan area?
- (4) Will the Minister use his powers to intervene in this urgent matter?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The matter is in the process of being referred to the Environmental Protection Authority.
- (3) As no firm proposal has been referred to the authority the impact to wetlands cannot be substantiated at this time.
- (4) It is appropriate that the statutory environmental assessment process be followed.

**ENVIRONMENTAL PROTECTION (OZONE DEPLETING SUBSTANCES)  
POLICY - GOVERNMENT ENFORCEMENT  
*Car Air-conditioner Inspections***

386. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Has the Government enforced the Environmental Protection (Ozone Depleting Substances) Policy which has now been operative since 1 January 1990?
- (2) If not, why not?
- (3) Is it correct that only a small number of automotive businesses fitting, servicing or repairing car air conditioners have been inspected by the Environmental Protection Authority?
- (4) What has transpired since the Minister's 13 December 1990 meeting with the Motor Traders Association in respect of two specific assurances he gave at that meeting?
- (5) Why has the Minister sought to have the MTA provide the names of operators not complying with the law, rather than have his own officers enforce the law?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) Not applicable.
- (3) A random sample of about 80 establishments was surveyed soon after gazettal of the policy. Since then inspectors have visited numerous premises as the opportunity arises or when a suspicion of non-compliance is raised.
- (4) (a) As to the provision of data on quantities of CFCs being used - the data has not been presented in a computer compatible format and consequently has required manual processing. This is programmed for completion by the end of this month.
- (b) As to the publicity program - this was to be based on a potential prosecution proceeding. Since a hearing is yet to be set for the prosecution, consideration is being given to other means of ensuring adequate Press coverage.
- (5) As with any other law, enforcement of the policy relies on a combination of random inspection and action on information provided. Since the MTA asserted that operators are not complying with the law, the Minister offered to act on any information provided by them.

**BUSH FIRES BOARD - FOUR WHEEL DRIVE FIRE FIGHTING UNITS**

388. Hon GEORGE CASH to the Minister for Emergency Services:

- (1) How many custom carrier four wheel drive fire fighting units are owned by the Western Australian Bush Fires Board?
- (2) When the custom carrier four wheel drive vehicle is purchased does it require fitting out with pumps and other fire fighting appliances?
- (3) If so, is this work advertised for public tender?
- (4) What is the approximate cost of fitting out a custom carrier four wheel drive fire fighting unit?
- (5) How many custom carrier four wheel drive fire fighting units were purchased during 1989 and during 1990?
- (6) What was the average cost of the fitting out of these vehicles?
- (7) How many persons or companies tendered for the fitting out work for the fire fighting units in 1989 and in 1990?

Hon GRAHAM EDWARDS replied:

- (1) None. However, two are owned by individual shires.
- (2) Yes.
- (3) No. By written quotation to the Tender Board.
- (4) Approximately \$30 000 - 1991-92 estimate.
- (5) 1989 - 1; 1990 - 1.
- (6) \$25 000 average each.
- (7) 1989 - three companies; 1990 - three companies.

**"QUOBBA" REPORT - BLOWHOLES AREA, NORTH OF CARNARVON**  
*Environmental Impact Study*

389. Hon P.H. LOCKYER to the Minister for Education representing the Minister for the Environment:

- (1) Was an environmental impact study put in place before the Environmental Protection Authority considered the "Quobba Report" with regard to the blowholes area north of Carnarvon?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

As the proposal has a complicated history, I intend to respond to the member in writing to this question.

**NATIONAL PARKS - WEST AUSTRALIAN CATTLE CO PROPERTY**  
*Kimberley Inquiry*

395. Hon P.H. LOCKYER to the Minister for Education representing the Minister for the Environment:

- (1) Does the Government support the call by the Wilderness Society for a portion of properties owned by WA Cattle Co, now in receivership, to be turned into national parks?
- (2) Is the Government examining increasing national parks in the Kimberley?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Government departments have held discussions with the receiver and identified areas of interest. The receiver is presently considering this approach.
- (2) Yes; proposals are outlined in the Kimberley region plan study report, which was recently released for public comment.

**NULLARBOR - WORLD HERITAGE LISTING**

396. Hon P.H. LOCKYER to the Minister for Education representing the Minister for the Environment:

- (1) Does the Government support the proposal by the Federal Government to recommend areas of the Nullarbor for world heritage listing?
- (2) What discussions have taken place with residents of the Nullarbor?
- (3) What is the position of residents of the Nullarbor?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(3)

The Government has agreed with the Commonwealth and South Australian Governments that the World Heritage values of the



Nullarbor will be jointly assessed. A study area is presently being considered by the Governments and undertakings have already been made to fully consult with all interest groups when the assessment process commences.

**LAND ADMINISTRATION DEPARTMENT - MIDLAND RELOCATION**  
*Staff Opposition*

423. Hon P.G. PENDAL to the Minister for Education representing the Minister for Lands:

I refer to the Minister's answer given on 7 May 1991 to question on notice 374 and ask -

- (1) Does the Minister acknowledge there is strong opposition to the proposed move to Midland from employees of his department?
- (2) If so, will the Minister reconsider his decision in light of this opposition?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

- (1) There are some staff who are opposed to the move to varying degrees.
- (2) No. There are a number of reasons for relocating the department to Midland, including its contribution to decentralisation of services and the significant savings from lower rental. The concerns of some staff and some clients are acknowledged. However, the department has established a staff transfers working party to assist staff wishing to transfer to and from other departments prior to the relocation in late 1993. It also has regular meetings with major client groups at which action to address concerns of clients is discussed and will continue to be discussed.

**PRISONS - PRISON OFFICERS**  
*Physical Force and Restraint Training Measures Review*

431. Hon DERRICK TOMLINSON to the Minister for Corrective Services:

In view of Commissioner Wyvill's conclusion that underlying the mechanical and pathological causes of the death of Robert Walker were the poor training, lack of leadership and misguided use of force by prison officers, can the Minister advise what measures are being taken to ensure that prison officers are well trained, disciplined, and properly informed about the use of force in restraining prisoners?

Hon J.M. BERINSON replied:

It is important to note that, based on a review of current procedures, pages 115-116, the commissioner concluded in the Walker case that the revised procedures - that is, those already in place at the time of the inquiry - effectively remedy the deficiencies in the methods and procedures which applied at the time of Walker's death. All trainee prison officers undergo one week's intensive training at the department's metropolitan security unit in the application of restraints and, more importantly, procedures for the resolution of conflict to avoid the escalation of potentially dangerous situations. In addition, all serving officers receive update restraint training on a yearly basis wherever possible. This training again covers the application of restraints and re-emphasises the importance of negotiation and conflict resolution as primary strategies.

Finally, the circumstances in which the use of physical force is necessary to restrain a prisoner are clearly set out in legislation and executive director rules including rule 2K (the use of physical force and restraint), rule 3F (use of chemical agents), and rule 3K (use of mechanical restraints). The importance of strict adherence to the legislative provisions is stressed in training.

**CORRECTIVE SERVICES DEPARTMENT - DEATHS IN CUSTODY**  
*Inquiry Improvements*

432. Hon DERRICK TOMLINSON to the Minister for Corrective Services:

Given that there was no internal Department of Corrective Services inquiry into the death of Robert Walker and, as a possible consequence, the Coroner was not presented with the evidence that Walker's death may have been caused by the brutal application of force rather than by the compression of his neck, will the Minister advise what procedures have been implemented since 1984, to improve Department of Corrective Services' investigations of cell deaths?

Hon J.M. BERINSON replied:

Procedures for reporting the death of a prisoner in custody are contained in section 34 of the Prisons Act 1991 and in regulations 74 and 75. Executive director's rule 2M, "Procedure to be followed upon the death of a prisoner", further provides -

- staff involved will submit reports;
- where practicable, photographs will be taken of the body;
- the body will not be moved until the police investigating the death authorise the removal;
- after the removal of the body, if the death occurred in a cell, that cell should be kept secured.

A full departmental inquiry is now held into all deaths in custody. The investigation is carried out by the department's investigation officer and his assistants. This process ensures -

- an investigation by an impartial person with a sound knowledge of the prison system;
- a view of prisons as a system rather than as isolated institutions;
- a speedy check that laid down procedures are followed and adequate.

The investigation takes the form of interviews with staff, prisoners, family members, the Aboriginal visitors scheme - where applicable, examination of procedures and any other factor relevant to the death. The investigation is done in conjunction with, but separate from, the police investigation and is reported directly to the executive director and Minister for Corrective Services. A copy of the report is also made available to the Coroner.

**SWAN BREWERY SITE - HIGH COURT DECISION**  
*Appeal*

434. Hon REG DAVIES to the Minister for Education representing the Minister for Planning:

- (1) In view of the fact that the Government has dismantled further payment arrangements to developers of the Swan Brewery, does this mean that it is intended to go ahead with the High Court challenge scheduled for 15 May 1991?
- (2) If the answer is yes, how much will the legal challenge cost?

Hon KAY HALLAHAN replied:

The Minister for Planning has provided the following reply -

- (1) The appeal against Justice Rowland's decision of 19 December 1990 was being heard in the Full Court on Wednesday, 15 May 1991.
- (2) The question of cost is dependent on the outcome of the appeal. I am prepared to advise of the actual cost after the appeal is determined and costs taxed.

## DUNG BEETLES - WESTERN AUSTRALIA

*Program Funding*

440. Hon BARRY HOUSE to the Minister for Police representing the Minister for Agriculture:

- (1) Is funding provided for any program to encourage the dung beetle in Western Australia?
- (2) If so, how much has been provided in recent years, and currently?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) Yes.
- (2) The dung beetle program was managed in Western Australia from 1974 to 1985 by CSIRO. In 1989 the Western Australian State Government jointly with CSIRO reinitiated the program in this State for a three year period. The cost of this program over the three years is \$838 337 with CSIRO contributing \$324 620 and the State Government \$513 717.

## KALLI STATION - SALE

*Land Forfeiture*

441. Hon BARRY HOUSE to the Attorney General:

Given that the Crown Law Department is prepared to let the banks sell Kalli Station, why is forfeiture still being pursued through the courts, thus exposing the lessee to further costs?

Hon J.M. BERINSON replied:

The Crown Law Department has no control over the actions of any bank or financial institution which may have a registered encumbrance in respect of Kalli Station. Forfeiture of the land is being pursued by the department under the Crimes (Confiscation of Profits) Act in relation to this land which was allegedly purchased for the purpose of growing commercial quantities of cannabis.

## KALLI STATION - PETROL BOWSER REMOVAL INQUIRY

*Police Officer Charges*

442. Hon BARRY HOUSE to the Minister for Police:

Following the internal investigation of a complaint relating to the unlawful removal of a petrol bowser from Kalli Station, via Cue, why were charges not laid against the offending police officer?

Hon GRAHAM EDWARDS replied:

The police investigations resulted in preparation of departmental charges being preferred against the police officer involved. The Commissioner of Police exercised his powers and dismissed the officer involved from the Western Australia Police Force prior to the charges being heard. There was insufficient evidence to support criminal charges.

## WATER AUTHORITY OF WESTERN AUSTRALIA - KALGOORLIE OFFICE

*Water Bill Complaints*

446. Hon N.F. MOORE to the Minister for Police representing the Minister for Water Resources:

- (1) Has the Water Authority office in Kalgoorlie received an unusually high number of complaints over water bills in recent times?
- (2) If so, what are the reasons for the complaints and are they justified?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response -

- (1) Yes.
- (2) (a) There has been an extensive meter replacement program undertaken in the goldfields region. Over 6 000 meters were replaced. The new meters give a true reading, whereas old meters tended to under record - some of these meters were very old and recorded 50-60 per cent slow.
- (b) Long, hot, dry summer. This has been one of the driest summers for several years - greater use of evaporative air-conditioners has been a contributing factor.
- (c) Some complaints were associated with installation of automatic sprinkler systems.
- (d) Regional staff have tested many of these meters in response to customer complaints and general disbelief with their large bills. With very few exceptions these meters tested accurately; that is, within the allowable tolerance of plus or minus five per cent.

#### TAIWAN - SUGAR INDUSTRY, ORD RIVER

447. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) Is the Government negotiating with interests from Taiwan with regard to a sugar industry in the Ord Valley?
- (2) If so, what stage are these negotiations at?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) Preliminary discussions have taken place with interests from Taiwan.
- (2) Not applicable.

#### KANGAROOS - PERMITTED KILL

449. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) What is the permitted kill for kangaroos in Western Australia for 1991?
- (2) What was the actual kill in 1990?
- (3) What was the permitted culling figure in 1990?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- |     |  |         |
|-----|--|---------|
| (1) | Red kangaroos                            | 290 000 |
|     | Western Grey kangaroos                   | 45 000  |
|     | Euros                                    | 10 000  |
| (2) | Red kangaroos                            | 220 000 |
|     | Western Grey kangaroos                   | 36 000  |
|     | Euros                                    | 5 000   |
| (3) | The same as the permitted kill for 1991. |         |

#### POLICE - EUCLA INQUIRY

452. Hon P.H. LOCKYER to the Minister for Police:

- (1) Is the police internal inquiry into former Eucla police still being carried out?
- (2) If so, when is the inquiry expected to be concluded?
- (3) Will the findings be made public?

(4) If not, why not?

Hon GRAHAM EDWARDS replied:

(1)-(4)

Matters concerning the Eucla inquiry are currently before the Crown Law Department and an appeal is being made to the Court of Criminal Appeal. It would be improper to make further comment on this matter before the finding of the appeal is known.

#### SHARK BAY - MARINE PARK PROPOSAL

##### *Fishing Bodies' Concern*

454. Hon P.H. LOCKYER to the Minister for Education representing the Minister for Environment:

- (1) Is the Minister aware that there is still concern being expressed by the Shark Bay Shire Council and the Denham Fishermen's Association as well as the fishing industry in Carnarvon, with regard to the proposals for the Shark Bay Marine Park?
- (2) If so, what steps are being taken to overcome the concerns held by these bodies?
- (3) Is the Minister aware that the marine park is acceptable in principle but there are outstanding matters to be solved before it is accepted?
- (4) If so, will the Minister agree to a meeting between affected parties as a matter of priority?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(4)

A number of issues have been raised by the bodies mentioned as a result of their consideration of a preliminary draft management plan. It was always the intention of the Government that full consultation with all interest groups would occur during the statutory management planning process, and this remains the case. I anticipate that the Department of Conservation and Land Management will be able to resolve issues of concern during the planning process, but I am always prepared to assist with consultations if required.

#### TWO-UP - ANZAC DAY

##### *Race Clubs*

457. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Does the Government agree with the Burswood Casino's decision to oppose licences to operate two-up to benefit Returned Services League clubs on Anzac Day?
- (2) If not, what steps are being taken to make arrangements for it to be legal for two-up on Anzac Day?
- (3) What steps are being taken to allow race clubs within 200 kilometres of the metropolitan area to conduct two-up after race meetings?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

(1)-(2)

I have publicly stated that I am seeking to amend the Casino (Burswood Island) Agreement to allow Returned Services League clubs to play two-up on Anzac Day. I have written to the chairman of Burswood Resort Management Limited, who is the manager of the Burswood Property Trust seeking the trust's agreement to the amendment and am awaiting a reply.

- (3) I have previously requested the manager of the Burswood Property Trust to agree to an amendment to the Casino (Burswood Island) Agreement to enable provincial race clubs to conduct two-up after race meetings. The manager has declined to agree to an amendment which neither I nor Parliament can effect without the manager's express agreement.

**WESTERN AUSTRALIAN TURF CLUB - PROBLEMS ASSISTANCE**

458. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Racing and Gaming:

- (1) What steps are being taken to assist the Western Australian Turf Club overcome the serious problems it is experiencing at the present moment?
- (2) Has the Government considered reducing tax from six per cent to five per cent?
- (3) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

(1)-(3)

In late 1990 the three racing codes lodged a joint submission seeking financial relief for the racing industry. The Government announced a relief package, totalling approximately \$3.6 million, which specifically targeted measures to help the industry through its current financial difficulties and provide a blueprint for the future. Part of the package was the instigation of an independent financial analysis of the Western Australian Turf Club to highlight possible inefficiencies and enable the future needs of the industry to be properly assessed. The option of further reducing TAB turnover tax was examined; however, the measures adopted were felt to be more appropriate.

**EUCLA - JETTY PROPOSAL**

462. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Has the Government at any time investigated the possibility of providing a jetty for fishermen and tourists at Eucla?
- (2) If so, why was the proposal not proceeded with?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) Yes. A limited investigation was undertaken.
- (2) This investigation indicated that such a facility could not be economically justified.

**AIRLINES - AUSTRALIA NORTH WEST AIRLINES LTD**

*Commencement Date*

463. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) Has the company North West Airlines indicated to the Government that it would commence operations into the north of the State in the second half of 1991?
- (2) Has the Minister met with a Mr Richard Goldsmith who represents the proposed airline?
- (3) What undertakings have been given to this proposed airline?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

- (1) The member has previously been advised that several parties have

continued to show an interest in operating air services on the jet network. Discussions have been held, in confidence, and therefore it is not appropriate to disclose the parties involved or the nature of their proposals. However, I understand that there have been public comments made on behalf of Australia North West Airlines that it is the intention to commence intrastate operations towards the end of the year.

- (2) The Minister for Transport has previously met with Mr Richard Goldsmith, representing Australia North West Airlines Ltd.
- (3) None.

**AIRPORTS - BROOME AIRPORT**  
*General Aviation Aircraft Landing Fees*

464. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

- (1) What changes are being made to general aviation by the new owners of the Broome airport for landing fees?
- (2) What will it cost for a Cessna 172 aircraft to land in Broome?
- (3) Is the Government satisfied with these changes?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

Under previous Commonwealth Government ownership general aviation aircraft were not charged a landing fee at Broome. Under current ownership the following charges apply -

- (1)
  - (a) All fixed wing and rotary wing aircraft \$22 per tonne of certified maximum take off weight.
  - (b) Joy rides: Less than 30 minutes - 70 per cent rebate made subject to payment within 30 days of invoice; less than one hour - 50 per cent rebate subject to payment within 30 days of invoice.
  - (c) Single engine fixed wing aircraft less than 2 000 kilograms: 50 per cent rebate subject to payment within 30 days of invoice. Private single engine frequent user - three or more flights per week: 70 per cent rebate subject to payment within 30 days of invoice.
- (2)
  - (a) Itinerant aircraft \$12.72 per landing.
  - (b) Frequent user aircraft \$7.63 per landing.
- (3) Setting of airport landing charges is a matter for the airport owner at Broome. However, overall the Government is satisfied with the arrangements effected with the new owners concerning future development proposals for Broome airport.

**PEARLING INDUSTRY - KIMBERLEY**  
*Prawn Trawling Concern*

466. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Fisheries:

- (1) Is the Government aware of the objections of the pearling industry to the Federal Government's decision to allow prawn trawling in waters adjacent to waters important to the pearling industry in the Kimberley?
- (2) Have these concerns been conveyed to the Minister for Primary Industry, Mr Kerin?
- (3) If so, is the Government aware of why the Federal Government has pressed

ahead with arrangements that potentially could effect the valuable pearling industry?

(4) If the answer is yes, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following response -

(1)-(2)

Yes.

(3)-(4)

A final decision by the Federal Government has not yet been determined.

**ROYAL COMMISSION INTO COMMERCIAL ACTIVITIES OF GOVERNMENT  
AND OTHER MATTERS - LEADER'S ACCOUNT DONATIONS**

*Donors' Names Suppression Order*

468. Hon PETER FOSS to the Attorney General:

In view of the recent attention in the national Parliament and Press to Mr Burke's work in Romania whilst an ambassador, and the suggestion that it may be connected to a donation to the leader's account, and in view of the fact that these suggestions can be understood by Australians outside Western Australia because the order of the Royal Commission suppressing the names of such donors has no effect outside the State whereas they cannot be understood by Western Australians because of that order, will the Attorney General instruct counsel on behalf of the State to seek leave of the Royal Commission to apply to set that order aside so that West Australians are able to understand national political events in common with other fellow Australians?

Hon J.M. BERINSON replied:

The Royal Commission is well able to make its own judgment on such matters.

**QUESTIONS WITHOUT NOTICE**

**CONNELL, MR LAURIE - CONFIDENTIAL DOCUMENTS, PRESS REPORTS  
*Information Source Inquiries***

234. Hon GEORGE CASH to the Attorney General:

I refer the Attorney General to question without notice 157 of Tuesday, 7 May 1991 when I asked whether he was aware of the source of an article which had appeared in both the *Sunday Times* and *The West Australian* of Monday that week. In view of his answer in which he said in part, "after I have made the inquiries I will respond to any further questions", will he say whether he has been able to make those inquiries and, if he has, what they ascertained?

Hon J.M. BERINSON replied:

I made inquiries of the Crown Solicitor, who advised me that he is confident that the information to the Press did not come from his office.

**CONNELL, MR LAURIE - CONFIDENTIAL DOCUMENTS, PRESS REPORTS  
*Information Source Inquiries***

235. Hon GEORGE CASH to the Attorney General:

Supplementary to his answer to my previous question, will the Attorney General confirm that that information did not come from him or any member of his office?

Hon J.M. BERINSON replied:



If I remember correctly - and I do not have before me all the material, including the Press statement referred to - I am fairly confident that I was not even aware of the detail which appeared in that report. Whether I was or was not aware of that detail, I can certainly say that nothing of that nature came from me. I am quite certain it would not have come from other people in my office. My office certainly would not have engaged in discussions of this kind without reference to me. Apart from anything else, I think that the simple position is that the documents referred to would not have been available to people in my office.

#### ABORIGINAL LEGAL SERVICE - EQUAL OPPORTUNITY ACT BREACHES

##### *White Employees' Complaints*

236. Hon GEORGE CASH to the Minister for Education representing the Minister for Aboriginal Affairs:

Some notice has been given of this question.

- (1) Has the Aboriginal Legal Service been the subject of complaints from one or more white employees of breaches of the Equal Opportunity Act?
- (2) Did those complaints involve accusations of racism by Aboriginal persons against white persons employed by the ALS?
- (3) If so, will the Minister advise the circumstances of each complaint?
- (4) How many complaints involving accusations of breaches of the Equal Opportunity Act have been lodged against the ALS?

Hon KAY HALLAHAN replied:

(1)-(4)

The information sought from me by the Leader of the Opposition he sought earlier from the Attorney General. On that occasion the Attorney General advised the House that the information could not be released because of confidentiality provisions of the Equal Opportunity Act.

#### ABORIGINAL LEGAL SERVICE - EQUAL OPPORTUNITY ACT BREACHES

##### *White Employees' Complaints*

237. Hon GEORGE CASH to the Minister for Education:

By way of supplementary question, is the Minister saying that a complaint has been lodged and she cannot provide information giving the nature of that complaint because of the provisions of the Act, or is she saying that no complaint has been lodged?

Hon KAY HALLAHAN replied:

The honourable member put his question on notice and then for some reason directed it to both the Attorney General and to me. When he asked the question of the Attorney General the other day a reply was given to which I can refer the member; it is in *Hansard*. The response I would have given is the same. I do not have that before me, but I can quickly look it up.

Hon George Cash: You basically did that in your first answer.

Hon KAY HALLAHAN: That is all I have to say in response to the question.

Hon George Cash: Is the Minister saying that complaints have been lodged?

Hon KAY HALLAHAN: As the Leader of the Opposition knows, I am the Minister representing a Minister in the other place and cannot give additional information in this way. If he has a further question, the way to elicit the information he wants is to put that question on notice.

Hon George Cash: You have already confirmed that complaints have been lodged.

Hon KAY HALLAHAN: I am unaware of that.

MULTANOVA - PHOTOGRAPHS

238. Hon DERRICK TOMLINSON to the Minister for Police:

I refer to question on notice 357 in relation to the Multanova camera in which I asked whether photographs of vehicles and passengers for whom no infringement notice is issued are destroyed and the reply was that they were after eight years. I was also informed that individual photographs are not printed.

- (1) Where are the photographs kept?
- (2) How are they kept?
- (3) Are they secure?

Hon GRAHAM EDWARDS replied:

(1)-(3)

My understanding is that the evidence of speeding is contained in a reel of film which cannot be cut. My assumption is that the photographs are included with that reel of film. I will have that checked. As the member is aware, we have arranged a full briefing on the Multanova to which the member will be taken and shown in situ all the workings. If at the time the member has questions he wishes answered or additional information he wants supplied I will be more than happy to have it provided. If there is any urgency to his question I am more than happy to chase up this information in the interim. If the member curbs his eagerness all will unfold. I am sure the member takes a nice photograph.

UNEMPLOYMENT - EASTERN STATES TRANSFER

*Figures Evidence*

239. Hon P.H. LOCKYER to the Minister for Employment and Training:

I refer to the Minister's statement last week concerning unemployment figures in Western Australia, which are the worst in Australia at 11.3 per cent. The Minister told the Press that one of the reasons the percentage was so high was that a large number of people were coming here from the Eastern States and inflating our unemployment figures. What concrete evidence can the Minister give the House that that is an absolute fact?

Hon KAY HALLAHAN replied:

It is a fact that there have been numbers of people coming to Western Australia over a period. Certainly I am hoping that figure can be reduced.

Hon P.H. Lockyer: What is your source for saying that?

Hon KAY HALLAHAN: Australian Bureau of Statistics figures. At present the rate of people coming to Western Australia is compounding our unemployment problem. It is a fact that Queensland and Western Australia are attracting numbers of people in the internal emigration movement. The people going to Queensland tend to be retirees while those coming to Western Australia tend to be young families. That has a quite significant impact on Western Australia. When I was Minister for Planning there was pressure to get suitable housing land; now I am Minister for Education I face the fact that Western Australia is the only State - and I emphasis that point - with an increasing enrolment in its school system.

Hon P.G. Pental: You cannot get a job.

Hon KAY HALLAHAN: That is the only reason. We have a young population. Other States have declining school populations. If the honourable member wants to put his question on notice I should be happy to get that information for him, but these are the trends which would be shown from any study of the statistics.

## UNEMPLOYMENT - EASTERN STATES TRANSFER

*Unemployment Benefits, Federal Discussions*

240. Hon P.H. LOCKYER to the Minister for Employment and Training:

Has the Minister had precise discussions with the Commonwealth Employment Service and the Department of Social Security with a view to ascertaining whether unemployed people are transferring their requirements for unemployment benefits from the Eastern States to Western Australia?

Hon KAY HALLAHAN replied:

I shall respond to the honourable member's question; but first I should say that the people who are transferring here may be coming to employment. It is not just one thing or the other; they may have other family members. Members must remember that there is still growth in our economy. Independent bureaus have assessed that in the next financial year we will have a 2.2 per cent growth in our economy. That gives people some hope of getting a job. If a partner loses a job the other partner may think there is still hope for him or her. Despite the gloomy situation, there is still some buoyancy. Despite the fact that some firms are restructuring or closing down, Western Australia created more new jobs than any other State in Australia. It is a very complex situation. I do not need to discuss the position directly with the Department of Social Security; my State department has the capacity to draw those facts together and give me the information I need to act upon.

## SPORTS INSTANT LOTTERY FUND - LOTTERIES COMMISSION

*Government Instrumentality*

241. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation representing the Minister for Racing and Gaming:

I have given some notice of this question.

- (1) Which Government introduced the Sports Instant Lottery Fund?
- (2) Who was the Minister at the time?
- (3) Is the Lotteries Commission a WA Government instrumentality?

Hon GRAHAM EDWARDS replied:

I thank the member for some notice of the question and I have been advised -

(1)-(3)

Amendment No 72 to the then Lotteries (Control) Act 1954 created a Sports Lotteries Account and an Arts Lotteries Account which provided for a maximum of \$3 million per annum to be paid into each account. The amendment received assent on 29 October 1982 during the term of the O'Connor Government.

Hon P.G. Pental: Hear, hear!

Hon GRAHAM EDWARDS: I congratulate members opposite; it was a good move. At that time I assume the Lotteries Commission was under the portfolio of the Chief Secretary, who was then Hon R.G. Pike, MLC.

Hon P.G. Pental: Hear, hear!

Hon GRAHAM EDWARDS: We could not mistake that because there was always that photograph to remind us.

Several members interjected.

Hon GRAHAM EDWARDS: The commission is an agent of the Crown in right of the State and enjoys the status, immunities and privileges of the Crown. That is defined in the Lotteries Commission Act 1990, section 4(3). Members will be aware that the Lotteries Commission Act 1990 repealed the 1954 legislation and provided for a substantial increase in funds available to the

sports and arts accounts. The two accounts are now to receive an amount not exceeding two per cent of proceeds of all products other than soccer pools, which is expected to give \$5.9 million to each account in the current financial year.

**SCHOOLS - DENMARK SCHOOL**  
*Toilets Funding*

242. Hon MURIEL PATTERSON to the Minister for Education:

I refer to the inadequate toilet facilities at Denmark school.

- (1) Are funds available to build extra school toilets?
- (2) If so, when?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

I thank the member for some notice of this question.

(1)-(3)

The number of toilets complies with the health regulations. Although the parents and citizens association is aware of this fact, it is seeking to have the configuration and the location of the toilet block altered.

**WA INSTITUTE OF SPORT INC - GOVERNMENT INSTRUMENTALITY**  
**FUNDING**  
*Answer Clarification*

243. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

I draw the Minister's attention to a question asked on Tuesday.

Hon Graham Edwards: I knew this would be the next question.

Hon MURRAY MONTGOMERY: I wonder how! I asked the Minister a question on notice and he indicated that he was proud of the funding that his Government had given to the WA Institute of Sport. In reply to a question on notice 170, the reply was, "WAIS has not received any funding from any State Government instrumentality." The Minister's answer now says that the WA Lotteries Commission is a Government instrumentality. Can the Minister clarify the situation?

Hon GRAHAM EDWARDS replied:

The member will find that there is no definition of what an instrumentality is in the answer. I queried that at the time when I was given the advice for the answer by the Minister in the other place. I do not see the member's difficulty. Is he accusing me of misleading the House?

Hon Murray Montgomery: I would like to know.

Hon GRAHAM EDWARDS: Why does the member not ask that question instead of going about it in the way he has? If he does, I shall be more than happy to provide him with the information because I accept that there is a contradiction. By the same token there is absolutely no intention to give a wrong answer. What I said in my most recent answer a few minutes ago is that the commission is an agent of the Crown in right of the State, and it enjoys the status, immunities and privileges of the Crown. There is, however, no definition of what an instrumentality is. It is as simple as that.

Several members interjected.

Hon GRAHAM EDWARDS: What do members suggest?

Hon P.G. Pandal: Talk about slithering out!

Hon GRAHAM EDWARDS: I am not slithering out.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! Members will come to order. We understand what questions on notice are and what questions

without notice are. Because of the continual discussion which takes place, as well as argument, honourable members should remember that Ministers are limited to supplying the information asked for by the questions. The questioner is asking for information. I ask the Ministers responsible to respond to those questions and to ignore any interjections. There is another way in which I can control members who interject.

Hon GRAHAM EDWARDS: To conclude, there is a contradiction, and I am happy to pursue it; but there is absolutely no intention to slither out or to be tricky. There is a genuine contradiction and I shall pursue it. I pay particular attention to details, and I have great faith in the answers provided to me. That applies to the answer I gave the other day. If the member puts his question in the detail he wants I shall have it pursued.

#### QUESTIONS - POSTPONED

*Questions 108, 110, 115*

244. Hon P.H. LOCKYER to the Leader of the House:

I draw to the attention of the Leader of the House the fact that three questions I have on notice, questions 108, 110 and 115, have been on the Notice Paper since 19 March 1991. Will he give an undertaking to shake up the Ministers concerned, because they may have forgotten?

The DEPUTY PRESIDENT (Hon J.M. Brown): Before the Attorney General responds to that question, members may remember that the President has stated that a Standing Committee of the Legislative Council will make some investigations into delays in questions and what responses there should be. That matter will be attended to on the President's return.

Hon J.M. BERINSON replied:

I shall be happy to undertake the inquiry so that the answers to the questions can be expedited.

#### CROWN LAW DEPARTMENT - APPOINTMENTS, 73

*Public Service Notices, 8 May 1991*

245. Hon GEORGE CASH to the Attorney General:

I refer to the Public Service Notices dated Wednesday, 8 May 1991, pages 165 to 167. The Attorney General will probably be aware that those pages contain the appointments of 73 persons at the Crown Law Department. As the Department of Corrective Services, for which the Attorney General is also responsible, has only one appointment, and other departments less than five appointments, can he indicate the reason for the additional 73 appointments to the Crown Law Department?

Hon J.M. BERINSON replied:

No doubt, members will be surprised to learn that I am not aware of pages 165 to 167 of the Public Service Notices. It is not on my regular reading list. But I accept the details that the Leader of the Opposition has offered. I cannot account for the mysteries of the Public Service but I suspect that if there is a number of that magnitude -

Hon George Cash: Seventy three!

Hon J.M. BERINSON: That is a significant number. I cannot, without reference to the department, provide any definitive answer. I can make a tentative guess at the answer: A great many of those new names, if not all, may arise from the transfer of what remains of the former Corporate Affairs Department to the Crown Law Department. I do not believe 73 persons would be involved but a significant number would be involved. A second factor which I suspect will emerge from further inquiry is that these appointments will be in the nature of substantive appointments of persons already employed within the department. I have no knowledge of new employment within the department but I will inquire about the extent.

Hon George Cash: Will the Attorney General endeavour to check and become better informed as the Attorney General, and advise the House accordingly?

Hon J.M. BERINSON: One thing I can say is that with or without numbers, the Crown Law Department - as with all departments - operates within the limits of its Budget allocation, and associated with that its FTE allocation. If the member wants further details, I am happy to pursue the matter but I doubt very much he will find anything interesting in the course of that inquiry.

**QUESTIONS ON NOTICE - DATES FOR ANSWERS**

246. Hon BARRY HOUSE to the Leader of the House:

I draw the Leader's attention to the fact that questions on notice contain the date on which notice was given, but they do not contain the date on which the answer was given. Would the Leader refer that matter to the committee investigating questions without notice?

Hon J.M. BERINSON replied:

I do not think it is a matter for me to refer to that committee. I suspect that one of our other Standing Committees responsible for the publication and distribution of *Hansard* would be appropriate. Either way, whether by my office or by bringing the matter to the attention of the Clerk, I will ask that the matter be pursued.

**ABORIGINAL LEGAL SERVICE - FIELD OFFICERS**

247. Hon GEORGE CASH to the Minister for Education representing the Minister for Aboriginal Affairs:

Some notice has been given of the question.

- (1) What are the criteria and qualifications required for the appointment as field officer with the Aboriginal Legal Service?
- (2) How many field officers are currently employed by the ALS?
- (3) What salary and conditions are applicable to the position of field officer with the ALS?

Hon KAY HALLAHAN replied:

That information is not to hand. I suggest the question be put on notice.

**SCHOOLS - BUSSELTON SENIOR HIGH SCHOOL**  
*Recreational Centre Lights Maintenance*

248. Hon BARRY HOUSE to the Minister for Education:

The indoor lights at the Busselton Senior High School recreation centre are not being replaced. Can the Minister outline the Ministry's policy on the maintenance of such facilities?

Hon KAY HALLAHAN replied:

I am not aware that the globes are not being replaced. As I understand policy, when a number of items need replacement that work is undertaken. We do not have a policy to not replace them.

Hon Barry House: The high school has been told that no money is available to replace them.

Hon KAY HALLAHAN: I cannot help what the high school has been told. Globes and fluorescent tubes are being replaced. I take this as an indication from the member that attention needs to be given to the lights in the gymnasium at the Busselton Senior High School. I will have the matter looked at.